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Monday
December 29, 1986

Briefings on How To Use the Federal Register—
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THE FEDERAL REGISTER
WHAT IT IS AND HOW TO USE IT

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

WHO: The Office of the Federal Register.

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

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

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

WASHINGTON, DC

WHEN: January 29; at 9 am.

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

RESERVATIONS: Mildred Isler 202-523-3517

PORTLAND, OR

WHEN: February 17; at 9 am.

WHERE: Bonneville Power Administration Auditorium, 1002 N.E. Holladay Street, Portland, OR.

RESERVATIONS: Call the Portland Federal Information Center on the following local numbers:

Portland	503-221-2222
Seattle	206-442-0570
Tacoma	206-383-5230

LOS ANGELES, CA

WHEN: February 18; at 1:30 pm.

WHERE: Room 8544, Federal Building, 300 N. Los Angeles Street, Los Angeles, CA.

RESERVATIONS: Call the Los Angeles Federal Information Center, 213-894-3800

SAN DIEGO, CA

WHEN: February 20; at 9 am.

WHERE: Room 2S31, Federal Building, 880 Front Street, San Diego, CA.

RESERVATIONS: Call the San Diego Federal Information Center, 619-293-6030

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CFR PARTS AFFECTED IN THIS ISSUE

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

Federal Register
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Presidential Documents

Title 3—

The President

Notice of December 23, 1986

Continuation of Libyan Emergency

On January 7, 1986, by Executive Order No. 12543, I declared a national emergency to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States constituted by the actions and policies of the Government of Libya. On January 8, 1986, by Executive Order No. 12544, I took additional measures to block Libyan assets in the United States. Because the Government of Libya has continued its actions and policies in support of international terrorism, the national emergency declared on January 7, 1986, and the measures adopted on January 7 and January 8, 1986, to deal with that emergency, must continue in effect beyond January 7, 1987. Therefore, in accordance with Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing the national emergency with respect to Libya. This notice shall be published in the **Federal Register** and transmitted to the Congress.

Ronald Reagan

THE WHITE HOUSE,
December 23, 1986.

[FR Doc. 86-29169
Filed 12-23-86; 3:06 pm]
Billing code 3195-01-M

Rules and Regulations

Federal Register
Vol. 51, No. 248
Monday, December 29, 1986

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 907

[Navel Orange Regulation 640]

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

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: Regulation 640 establishes the quantity of California-Arizona navel oranges that may be shipped to market during the period December 26, 1986, through January 1, 1987. Such action is needed to balance the supply of fresh navel oranges with the demand for such period, due to the marketing situation confronting the orange industry.

DATE: Regulation 640 (§ 907.940) is effective for the period December 26, 1986, through January 1, 1987.

FOR FURTHER INFORMATION CONTACT: James M. Scanlon, Acting Chief, Marketing Order Administration Branch, F&V, AMS, USDA, Washington, DC 20250, telephone: 202-475-3914.

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

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

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

This rule is issued under Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). This action is based upon the recommendation and information submitted by the Navel Orange Administrative Committee and upon other available information. It is found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1986-87 adopted by the Navel Orange Administrative Committee. The committee met publicly on December 22, 1986, in Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended, by a vote of 8 to 6, a quantity of navel oranges deemed advisable to be handled during the specified week. The committee reports that the market for navel oranges has improved.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the act. To effectuate the declared purposes of the act, it is necessary to make this regulatory provision effective as specified, and handlers have been apprised of such provision and the effective time.

List of Subjects in 7 CFR Part 907

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

PART 907—[AMENDED]

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

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

2. Section 907.940 Navel Orange Regulation 640 is added to read as follows:

§ 907.940 Navel Orange Regulation 640.

The quantities of navel oranges grown in California and Arizona which may be handled during the period December 26, 1986, through January 1, 1987, are established as follows:

(a) District 1: 553,000 cartons;
(b) District 2: 97,000 cartons;
(c) District 3: Unlimited cartons;
(d) District 4: Unlimited cartons;

Dated: December 23, 1986.

Thomas R. Clark,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 86-29202 Filed 12-24-86; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Parts 370, 372, 373, 375, and 386

[Docket No. 60966-6166]

Qualified General License; Abolishment

AGENCY: Export Administration, International Trade Administration, Commerce.

ACTION: Final rule.

SUMMARY: Sections 4(a)(2) and (5)(e) of the Export Administration Act of 1979, as amended, no longer contain provisions regarding the authorization and use of the Qualified General License (QGL). A QGL authorizes multiple exports of certain commodities for certain end uses to approved consignees who are located in Country Groups Q, W, and Y. Since its establishment in 1980, only seven applications for a QGL have been received, only four licenses issued, and only one license used. The QGL has not been used since 1984. Therefore, due to the removal of the statutory provisions endorsing the QGL and its nonutilization, Export Administration has decided to abolish the Qualified General License. Accordingly, provisions regarding the license are being removed from the

Export Administration Regulations (15 CFR Parts 368–399).

EFFECTIVE DATE: December 29, 1986.

FOR FURTHER INFORMATION CONTACT: John Black or Patricia Muldonian, Regulations Branch, Export Administration, Department of Commerce, Washington, DC 20230 (Telephone: (202) 377–2440).

SUPPLEMENTARY INFORMATION:

Rulemaking Requirements

1. Because this rule concerns a foreign and military affairs function of the United States, it is not a rule or regulation within the meaning of section 1(a) of Executive Order 12291, and it is not subject to the requirements of that Order. Accordingly, no preliminary or final Regulatory Impact Analysis has to be or will be prepared.

2. Section 13(a) of the Export Administration Act of 1979, as amended (50 U.S.C. App. 2412(a)), exempts this rule from all requirements of section 553 of the Administrative Procedure Act (APA) (5 U.S.C. 553), including those requiring publication of a notice of proposed rulemaking, an opportunity for public comment, and a delay in effective date. This rule is also exempt from these APA requirements because it involves a foreign and military affairs function of the United States. Further, no other law requires that notice of proposed rulemaking and an opportunity for public comment be given for this rule. Accordingly, it is being issued in final form. However, as with other Department of Commerece rules, comments from the public are always welcome. Written comments (six copies) should be submitted to: Joan Maguire, Regulations Branch, Export Administration, U.S. Department of Commerce, P.O. Box 273, Washington, DC 20044.

3. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule by section 553 of the Administrative Procedure Act (5 U.S.C. 553), or by any other law, under sections 603(a) and 604(a) of the Regulatory Flexibility Act (5 U.S.C. 603(a) and 604(a)) no initial or final Regulatory Flexibility Analysis has to be or will be prepared.

4. This rule does not contain a collection of information subject to the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

List of Subjects

15 CFR Part 370

Administrative practice and procedure, Exports.

15 CFR Parts 372, 373, 375, and 386

Exports, Reporting and recordkeeping requirements.

Accordingly, Parts 370, 372, 373, 375, and 386 of the Export Administrative Regulations are amended as follows:

1. The authority citations for 15 CFR Parts 370, 372, and 375 continue to read as follows:

Authority: Pub. L. 96–72, 93 Stat. 503, 50 U.S.C. App. 2401 *et seq.*, as amended by Pub. L. 97–145 of December 29, 1981, and by Pub. L. 99–64 of July 12, 1985; E.O. 12525 of July 12, 1985 (50 FR 28757, July 16, 1985).

2. The authority citations for 15 CFR Parts 373 and 386 continue to read as follows:

Authority: Pub. L. 96–72, 93 Stat. 503, 50 U.S.C. App. 2401 *et seq.*, as amended by Pub. L. 97–145 of December 29, 1981, and by Pub. L. 99–64 of July 12, 1985; E.O. 12525 of July 12, 1985 (50 FR 28757, July 16, 1985); Pub. L. 95–223, 50 U.S.C. 1701 *et seq.*; E.O. 12532 of September 9, 1985 (50 FR 36861, September 10, 1985), as affected by notice of September 4, 1986 (51 FR 31925, September 8, 1986).

§ 370.2 [Amended]

3. In § 370.2, the definition for "Qualified General License" is removed.

4. In § 372.2, paragraph (b)(4) is removed and reserved.

§ 372.11 [Amended]

5. In § 372.11, in paragraph (e)(2)(ii), the words "Project License, Distribution License, or Qualified General License; or" are revised to read "Project License or Distribution License; or"; and the references in paragraph (e)(7) to "a Qualified General License (see § 373.4(g));" and in paragraph (g)(3)(iii) to "Qualified General License," are removed.

§ 373.4 [Amended]

6. Section 373.4 is removed.

§ 375.3 [Amended]

7. In § 375.3, in paragraph (d)(7), the reference to "Qualified General License (§ 373.4)," is removed.

§ 386.2 [Amended]

8. In § 386.2, in footnote 3 to paragraph (d) heading, the reference to "a Qualified General License (§ 373.4)," is removed.

Dated: December 22, 1986.

Vincent F. DeCain,

Deputy Assistant Secretary for Export Administration

[FR Doc. 86–29021 Filed 12–24–86; 8:45 am]

BILLING CODE 3510-DT-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 74

[Docket No. 86N-0282]

Confirmation of Effective Date for [Phthalocyaninato(2-)] Copper; Migration From Nonabsorbable Sutures

AGENCY: Food and Drug Administration.

ACTION: Final rule; confirmation of effective date.

SUMMARY: The Food and Drug Administration (FDA) is confirming the effective date of September 15, 1986, for the final rule that amended the color additive regulations by removing the provision that prohibits the migration of [phthalocyaninato(2-)] copper from nonabsorbable sutures to the surrounding tissues.

EFFECTIVE DATE: Effective date confirmed: September 15, 1986.

FOR FURTHER INFORMATION CONTACT: Marvin D. Mack, Center for Food Safety and Applied Nutrition (HFF–335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of August 13, 1986 (51 FR 28929), FDA amended 21 CFR Part 74 of the color additive regulations in 21 CFR 74.3045 by removing paragraph (c)(1)(iii), which contained the provision that prohibited migration of [phthalocyaninato(2-)] copper from nonabsorbable sutures to the surrounding tissues.

FDA gave interested persons until September 12, 1986, to file objections or requests for a hearing. The agency recevied no objections or requests for a hearing on the final rule. Therefore, FDA had concluded that the final rule published in the **Federal Register** of August 13, 1986, should be confirmed.

List of Subjects in 21 CFR Part 74

Color additives, Cosmetics, Drugs, Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 701, 706, 52 Stat. 1055–1056 as amended, 74 Stat. 399–407 as amended (21 U.S.C. 371, 376)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), notice is given that no objections or requests for a hearing were filed in response to the August 13, 1986, final rule. Accordingly, the amendments promulgated thereby became effective September 15, 1986.

Dated: December 18, 1986.

John M. Taylor,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 86-28965 Filed 12-24-86; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Part 203

Treasury Tax and Loan Depositaries

AGENCY: Financial Management Service, Treasury.

ACTION: Final rule.

SUMMARY: This rule establishes an additional class of securities eligible as collateral for use by Treasury Tax and Loan depositaries. The action is necessitated by the introduction of the Treasury issued zero-coupon security STRIPS. This will allow depositaries to pledge STRIPS at a predetermined value, which will differ from face value.

EFFECTIVE DATE: March 1, 1987.

FOR FURTHER INFORMATION CONTACT: Faith McCray, (202) 634-5506.

SUPPLEMENTARY INFORMATION:

List of Subjects in 31 CFR Part 203

Administration of Treasury tax and loan arrangements, Collateral security, Compensation, Obligations, Options, Termination.

For the reasons set forth in the preamble, Title 31, Part 203, Subpart D of the Code of Federal Regulations, is amended as follows:

PART 203—TREASURY TAX AND LOAN DEPOSITARIES

1. The authority citation for Part 203 continues to read as follows:

Authority: Sec. 8, Act of Sept. 24, 1917, Chapter 56, 40 Stat. 291, as amended (31 U.S.C. 771); Sec. 6302(c), Internal Revenue Code of 1954; and Secs. 1, 2, and 3, Pub. D. 95-147, 91 Stat. 1227 (31 U.S.C. 1038).

2. Section 203.15 is amended by adding paragraph (d)(10) to read as follows:

§ 203.15 Collateral security requirements.

* * * * *

(d) * * *

(10) Zero-coupon obligations of the U.S. Government marketed as "Treasury STRIPS": At value assigned by the Secretary of the Treasury, and adjusted as required.

* * * * *

Dated: December 18, 1986.

Russell D. Morris,

Assistant Commissioner, Federal Finance.

[FR Doc. 86-28909 Filed 12-24-86; 8:45 am]

BILLING CODE 4810-35-M

Office of Foreign Assets Control

31 CFR Part 545

South African Transactions Regulations

AGENCY: Department of the Treasury.

ACTION: Final rule.

SUMMARY: This rule amends the South African Transactions Regulations, 31 CFR Part 545 (the "Regulations"), to implement sections 308 and 310 of the Comprehensive Anti-Apartheid Act of 1986, Pub. L. 99-440, 100 Stat. 1086, as amended by H.J. Res. 756, Pub. L. 99-631, 100 Stat. 3515 ("the Act"). Section 308 prohibits United States depository institutions from accepting, receiving, or holding deposit accounts from the South African Government or its controlled entities, except for diplomatic or consular accounts authorized by the President (Regulations, § 545.209). Section 310 prohibits U.S. nationals from making any new investment in South Africa (Regulations, § 545.210). These sections became effective on November 16, 1986. The Treasury Department is also amending the Regulations to reflect approval by the Office of Management and Budget of the information collection provision contained in § 545.807 of the Regulations.

EFFECTIVE DATE: All sections except § 545.423 are effective at 12:01 a.m. Eastern Standard Time, November 16, 1986. Section 545.423 is effective at 12:01 a.m., Eastern Daylight Time, October 2, 1986.

FOR FURTHER INFORMATION CONTACT: Marilyn L. Muench, Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, 1331 G Street, NW., Washington, DC 20220 (telephone: 202/376-0408).

SUPPLEMENTARY INFORMATION: The initial set of amendments to the Regulations, implementing the immediately effective provisions of the Act, was published on November 19, 1986 (51 FR 41906). The amendments published today implement §§ 308 and 310 of the Act, effective November 16, 1986. Section 309 of the Act, banning importation of South African uranium ore, uranium oxide, coal, and textiles into the United States, will become effective on December 31, 1986. Regulations implementing this provision will be issued at a later date.

Section 545.209 prohibits depository institutions located in the United States from accepting, receiving, or holding deposit accounts of the South African Government or its controlled entities, with the exception of diplomatic and consular accounts authorized by the Office of Foreign Assets Control by specific license.

Section 545.210 prohibits U.S. nationals from making new investments in South Africa, unless the new investment is in a firm owned by South African victims of apartheid. Section 545.319 defines "new investment" to include a commitment or contribution of funds or other assets, and a loan or other extension of credit. Exceptions are made for reinvestment of profits earned by a U.S.-controlled South African entity in that or another South African entity; contributions required to enable a U.S.-controlled South African entity to operate in an economically sound manner, without expanding its operations; and for the ownership or control of an interest in a South African entity, or of securities of the South African Government or a South African entity issued prior to October 2, 1986, and the transfer or acquisition of such a pre-October 2 interest or security, where no payment, contribution of funds or assets, or credit to the entity or issuer results. Trading in South African securities issued on or after October 2, 1986 is prohibited, whether by direct purchase, purchase of American Depository Receipts evidencing such securities, mutual fund investment or reinvestment, or otherwise (§§ 545.415).

New investment does not include expenses to comply with the Code of Conduct (Sullivan principles) in § 208 of the Act (§ 545.417); market-rate sales of goods, services or technology (§ 545.418); purchase of a residence for personal use by the purchasing U.S. national (§ 545.419); opening and holding personal bank accounts in South Africa by U.S. nationals permanently resident in that country, or corporate bank accounts for U.S. businesses doing business through permanent establishments in South Africa (§ 545.420); opening and holding bank accounts in South Africa used strictly to pay for and clear transactions (§ 545.420); or charitable contributions (§ 545.421).

Since these regulations involve a foreign affairs function, the provisions of the Administrative Procedure Act, 5 U.S.C. 553, requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective

date, are inapplicable. Because no notice of proposed rulemaking is required for this rule, the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, does not apply. Because these regulations are issued with respect to a foreign affairs function of the United States, they are not subject to Executive Order 12291 of February 17, 1981, dealing with Federal regulations. The information collection requests contained in this document are being submitted to the Office of Management and Budget (OMB) under the Paperwork Reductions Act of 1980, 44 U.S.C. 3501 *et seq.* Notice of OMB action on this request will be published in the **Federal Register**.

List of Subjects in 31 CFR Part 545

Banks, Investments, Loans, Namibia, Reporting and recordkeeping requirements, and South Africa.

PART 545—SOUTH AFRICAN TRANSACTIONS REGULATIONS

31 CFR Chapter V, Part 545, is amended as set forth below:

1. The "Authority" citation for Part 545 is revised to read as follows:

Authority: 50 U.S.C. 1701 et seq.; E.O. 12532, 50 FR 36861, Sept. 10, 1985; E.O. 12535, 50 FR 40325, Oct. 3, 1985; Pub. L. No. 99-440, 100 Stat. 1086; H.J. Res. 756, Pub. L. 99-631, 100 Stat. 3515; E.O. 12571, 51 FR 39505, Oct. 29, 1986.

2. Section 545.203 is amended by adding a new paragraph (e) to read as follows:

§ 545.203 Effective dates.

* * * * *

(e) The effective date of the prohibitions in §§ 545.209 and 545.210 is 12:01 a.m. Eastern Standard Time, November 16, 1986.

3. Section 545.209 is added to read as follows:

§ 545.209 Prohibition on South African Government bank accounts.

A United States depository institution may not accept, receive, or hold a deposit account from the Government of South Africa or from any agency or entity owned or controlled by the Government of South Africa, except for such accounts which may be authorized pursuant to specific license for diplomatic or consular purposes.

4. Section 545.210 is added to read as follows:

§ 545.210 Prohibition on new investment in South Africa.

(a) No national of the United States may, directly or through another person, make any new investment in South Africa.

(b) The prohibition contained in this section shall not apply to a firm owned by black South Africans, provided that prior registration of new investment in such a firm is filed pursuant to § 545.603.

5. Section 545.304 is revised to read as follows:

§ 545.304 Loan.

(a) The term "loan" means any transfer or extension of funds or credit on the basis of an obligation to repay, or any assumption or guarantee of the obligation of another to repay an extension of funds or credit, including, but not limited to, overdrafts; currency swaps; the purchase by a financial institution in the United States of debt securities issued by the Government of South Africa after November 11, 1985; the purchase of debt or equity securities issued by the Government of South Africa or a South African entity on or after October 2, 1986; the purchase of a loan made by another person; the sale of financial assets, including precious metals, subject to an agreement to repurchase; a renewal or refinancing whereby new funds or credits are transferred or extended to a prohibited borrower or recipient; or the issuance of a standby letter of credit.

(b) The term "loan" does not include normal short-term trade financing for goods or services having a maturity not exceeding one year, as by commercial letters of credit, bankers' acceptances eligible for discount by a Federal Reserve Bank pursuant to para. 7 of section 13 of the Federal Reserve Act (12 U.S.C. 372), or similar trade credits; sales on open account in cases where such sales are normal business practice; or the rescheduling of existing loans, if no new funds or credits are thereby transferred or extended to a prohibited borrower or recipient.

§ 545.306 Government of South Africa; South African Government.

6. Section 545.306 is revised to delete therefrom the final phrase: ", as defined in § 545.307."

§ 545.307 [Removed]

7. Section 545.307 is removed.

8. Section 545.311 is revised to read as follows:

§ 545.311 Prohibited borrower.

The term "prohibited borrower" means a person, including the Government of South Africa, to whom the making of a loan or other extension of credit is prohibited by the terms of § 545.202(a) or 545.210(a).

9. Paragraph (c) of § 545.313 is revised to read as follows:

§ 545.313 National of the United States; U.S. national.

* * * * *

(c) For purposes of §§ 545.206, 545.208, and 545.210 of this part, the terms "national of the United States" and "U.S. national" also mean a person located in the United States.

10. Section 545.317 is added to read as follows:

§ 545.317 Code of Conduct.

The term "Code of Conduct" means the Code of Conduct set forth in § 208(a) of the Act, as well as the additional actions stated in, or adopted pursuant to, that section which are intended to promote the end of the apartheid system.

11. Section 545.318 is added to read as follows:

§ 545.318 Controlled South African entity.

The term "controlled South African entity" means—

(a) A corporation, partnership, or other business association or entity organized in South Africa and owned or controlled, directly or indirectly, by a national of the United States; or

(b) A branch, office, agency, or sole proprietorship in South Africa of a national of the United States.

12. Section 545.319 is added to read as follows:

§ 545.319 New investment.

For purposes of § 545.210, the term "new investment" means—

(a) A commitment or contribution of funds or other assets; and

(b) A loan or other extension of credit, as defined in § 545.304; but

(c) Does not include—

(1) The reinvestment of profits generated by a controlled South African entity into that same controlled South African entity or the investment of such profits in a South African entity;

(2) Contributions of money or other assets where such contributions are necessary to enable a controlled South African entity to operate in an economically sound manner, without expanding its operations; or

(3)(i) The ownership or control of a share or interest in a South African entity, or a controlled South African entity, or a debt or equity security issued by the Government of South Africa or a South African entity before October 2, 1986, or

(ii) The transfer or acquisition of such a share, interest, or debt or equity security, if any such transfer or acquisition does not result in a payment, contribution of funds or assets, or credit to a South African entity, a controlled

South African entity, or the Government of South Africa.

13. Section 545.320 is added to read as follows:

§ 545.320 Prohibited recipient.

The term "prohibited recipient" means a person in whom the making of a new investment is prohibited pursuant to § 545.210.

14. Section 545.321 is added to read as follows:

§ 545.321 United States depository institution.

(a) For purposes of § 545.209, the term "United States depository institution" means a depository institution located in the United States, but does not include the foreign branches of a depository institution organized in the United States, or the parents, subsidiaries, branches or offices located outside the United States of a depository institution organized under foreign law.

(b) For purposes of this section, the term "depository institution" means a depository institution as defined in section 19(b)(1) of the Federal Reserve Act, 12 U.S.C. 461(b)(1).

15. Section 545.404 is revised to read as follows:

§ 545.404 Rescheduling existing loans.

Provided that no new funds or credits are thereby transferred or extended to a prohibited borrower or a prohibited recipient, §§ 545.202 and 545.210 do not prohibit a national of the United States or a financial institution in the United States from rescheduling loans or otherwise extending the maturities of existing loans, or from charging fees, or interest at commercially reasonable rates, in connection therewith.

16. Section 545.406 is revised to read as follows:

§ 545.406 Loans through intermediaries.

Sections 545.202 and 545.210 prohibit a national of the United States or a financial institution in the United States from making a loan to any person in the United States or a foreign country, where the U.S. national or financial institution has reason to believe that the loan is being obtained for, or on behalf of, a prohibited borrower or recipient, and that the relevant funds or credit will be made available to a prohibited borrower or recipient.

17. Section 545.408 is revised to read as follows:

§ 545.408 Approval of loans by foreign affiliates.

Sections 545.202 and 545.210 prohibit nationals of the United States or financial institutions in the United States from approving loans by their foreign affiliates to prohibited borrowers or recipients.

18. Section 545.409 is revised to read as follows:

§ 545.409 Loan participations.

Sections 545.202 and 545.210 prohibit a national of the United States or a financial institution in the United States from purchasing, or otherwise acquiring a participation in, all or part of any loan made by any other person or persons to a prohibited borrower or recipient, regardless of the date of the original loan. However, the prohibition of § 545.202 does not apply if, in the case of a financial institution, it is obligated to make the purchase under an agreement entered into before September 9, 1985, or, in the case of a national of the United States that is not a financial institution in the United States, it is obligated to make the purchase under an agreement entered into before October 2, 1986. The prohibitions of §§ 545.202 and 545.210 do not apply to the acquisition of all or part of a loan made by any other person or persons to a prohibited borrower or recipient if such acquisition is incidental to the purchase or acquisition of an entity or all or substantially all of the assets of an entity that has previously made, or acquired a participation in, such a loan.

19. Section 545.410 is revised to read as follows:

§ 545.410 South African law.

If, under applicable laws of South Africa, a national of the United States or a financial institution in the United States cannot obtain enough information from a person in South Africa to enable it reasonably to conclude that a loan is not being obtained for, or on behalf of, a prohibited borrower or recipient, or that a new investment is not being made in, or with respect to, a prohibited recipient, §§ 545.202 or 545.210 prohibits the loan or new investment.

20. Section 545.415 is added to read as follows:

§ 545.415 Trading in South African securities; American Depositary Receipts; recapitalizations.

(a) For purposes of the prohibition on new investment in § 545.210, the ownership, control, transfer or acquisition of (1) a debt or equity security issued by the Government of South Africa or a South African entity, or (2) an American Depositary Receipt (ADR) evidencing an interest in such a security, is authorized provided that no interest represented by the security or ADR was issued on or after October 2, 1986.

(b) Shares issued by a South African entity on or after October 2, 1986 in a stock split or similar recapitalization transaction, in a merger or other reorganization, or as a stock dividend, with respect to its shares issued on or prior to that date, will be deemed issued on the date of issuance of the underlying shares for the purposes of § 545.210, provided that, except as permitted in § 545.319(c)(1), such split, recapitalization, reorganization, or dividend does not result in a payment, contribution of funds or assets, or credit to, or for the benefit of, the South African issuer from, or on behalf of, the security holder. This treatment is not available for shares acquired on or after October 2, 1986 through the exercise of warrants or preemptive rights. Rights or warrants received on or after October 2, 1986 with respect to shares issued prior to that date may, however, be sold by the security holder, or on an ADR holder's behalf by the depositary.

21. Section 545.416 is added to read as follows:

§ 545.416 Trading in commodities.

Trading in commodities futures or options thereon with respect to South African commodities will be treated as the purchase or sale of the underlying goods. However, no such commodities subject to import prohibitions may be imported into the United States on or after the effective date of a relevant import prohibition.

22. Section 545.417 is added to read as follows:

§ 545.417 Expenses to comply with Code of Conduct.

Expenses incurred by U.S. nationals to comply with the Code of Conduct will not be treated as prohibited new investment in South Africa.

23. Section 545.418 is added to read as follows:

§ 545.418 Sales of goods, services, and technology.

Purchases and sales of goods, services, and technology in arms' length transactions on normal commercial terms will generally not be treated as new investment in South Africa for purposes of the prohibition in § 545.210.

24. Section 545.419 is added to read as follows:

§ 545.419 Real estate acquisition.

The purchase of real estate in South Africa for use as a residence by the purchasing individual U.S. national will not be treated as new investment in South Africa for purposes of § 545.210,

provided that no commercial or rental use is made of such real estate.

25. Section 545.420 is added to read as follows:

§ 545.420 Bank accounts in South Africa.

(a) The opening and holding of personal bank accounts in South Africa by an individual resident in South Africa, or of corporate or similar accounts by an entity that is a U.S. national doing business through a permanent establishment in South Africa, will not be treated as a "loan" or "new investment" for purposes of § 545.202 or 545.210.

(b) The opening and holding of non-interest-bearing demand deposit or call accounts in South Africa by a U.S. national located outside South Africa will not be treated as a "loan" or "new investment" for purposes of § 545.202 or 545.210, where such accounts are used exclusively to pay for and clear transactions with South African entities.

26. Section 545.421 is added to read as follows:

§ 545.421 Charitable contributions.

Contributions to charitable organizations engaged in social welfare, public health, religious, educational, and emergency relief activities in South Africa will not be treated as "new investments" for purposes of § 545.210.

27. Section 545.422 is added to read as follows:

§ 545.422 Foreign exchange transactions.

A foreign exchange transaction executed at current market prices, for immediate or future delivery but without an extension of credit, will not be deemed a "loan" as defined in § 545.304.

28. Section 545.423 is added to read as follows:

§ 545.423 Confirmation of short-term trade credits.

The confirmation of short-term trade financing instruments, such as commercial letters of credit, is authorized, provided that the instrument being confirmed is not within the definition of "loan" in § 545.304.

29. Section 545.424 is added to read as follows:

§ 545.424 Firm owned by black South Africans.

For purposes of § 545.210, the term "firm owned by black South Africans" means an entity owned by South African victims of apartheid.

30. Section 545.603 is added to read as follows:

§ 545.603 Registration of new investment in firms owned by black South Africans.

Every person making a new investment in a firm owned by black South Africans pursuant to the exception to the prohibition on new investment in § 545.210(b) shall, prior to making such new investment, file with the Office of Foreign Assets Control a report with respect to such investment, including: (a) The name and address of the U.S. national making the investment; (b) the name of the black-owned firms, (c) full information on the black-owned firm's ownership, sufficient to demonstrate its eligibility under § 545.210(b); and (d) the amount and nature of the U.S. national's new investment.

31. Section 545.604 is added to read as follows:

§ 545.604 Registration of contributions necessary to enable a controlled South African entity to operate in an economically sound manner.

Every person making a contribution necessary to enable a controlled South African entity to operate in an economically sound manner, pursuant to the exception to the prohibition on new investment in § 545.317(c)(2), shall, prior to making such contribution, file with the Office of Foreign Assets Control a report with respect to such contribution, including: (a) the name and address of the U.S. national making the contribution; (b) the name and address of the controlled South African entity; (c) full information on the circumstances requiring the contribution, sufficient to demonstrate its eligibility under § 545.319(c)(2); and (d) the amount and nature of the U.S. national's contribution.

32. Section 545.901 is revised to read as follows:

§ 545.901 Paperwork Reduction Act notice.

The information collection requirements in §§ 545.503, 545.504, 545.601, and 545.602 have been approved by the Office of Management and Budget (OMB) and have been assigned control number 1505–0091. The information collection requirements of § 545.807 have been approved by OMB and have been assigned control number 1505–0097.

Dated: December 12, 1986.

Dennis M. O'Connell,

Director, Office of Foreign Assets Control.

Approved: December 19, 1986.

Francis A. Keating II,

Assistant Secretary (Enforcement).

[FR Doc. 86–29172 Filed 12–23–86; 4:42 pm]

BILLING CODE 4810–25–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 60 and 61

[Docket No. A-4-FRL-3134-3]

Standards of Performance for New Stationary Sources; National Emission Standards for Hazardous Air Pollutants; State Authority Delegations; Tennessee; Mississippi; and Kentucky:

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of delegation.

SUMMARY: On April 11, 1986, Knox County, Tennessee requested that EPA delegate authority for implementation and enforcement of certain standards in 40 CFR Part 60 (Standards of Performance for Stationary Sources) and 40 CFR Part 61 (National Emissions Standards for Hazardous Air Pollutants) (listed under "SUPPLEMENTARY INFORMATION").

On July 30, 1986, the State of Mississippi requested delegation of authority for the implementation and enforcement of all NSPS and NESHAP that had been promulgated since June 25, 1986. The Commonwealth of Kentucky requested delegation for five NSPS categories on September 19, 1986.

EPA's review of pertinent state and local laws, rules and regulations showed them to be adequate for the implementation and enforcement of these federal standards. For the reasons described below, however, EPA did not delegate any of the NESHAP regulations. The NSPS regulations were delegated as requested.

DATES: The effective dates of the delegations are: Knox County, Tennessee, July 1, 1986; Mississippi, September 22, 1986; and Kentucky, November 10, 1986.

ADDRESSES: Copies of the requests for delegation of authority and EPA's letters of delegation of authority may be examined during normal business hours at the following locations:

Environmental Protection Agency, Region IV—Air Programs Branch, 345 Courtland Street, N.E., Atlanta, Georgia 30365

Knox County Department of Air Pollution, City/County Building, Suite L222, 400 Main Street, Knoxville, Tennessee 37902

Bureau of Pollution Control, Mississippi Department of Natural Resources, P.O. Box 10385, Jackson, Mississippi 39209

Kentucky Division of Air Pollution Control, Fort Boone Plaza, 18 Reilly Road, Building #2, Frankfort, Kentucky 40601

FOR FURTHER INFORMATION CONTACT: Rosalyn D. Hughes of the EPA Region IV Air Programs Branch, at the above address and telephone number (404) 347-2864 or FTS 257-2864.

SUPPLEMENTARY INFORMATION: Sections 101, 111(c)(1) and 112(d)(1) of the Clean Air Act authorize EPA to delegate authority to implement and enforce the standards set out in 40 CFR Part 60, Standards of Performance for New Stationary Sources (NSPS) and CFR Part 61, National Emission Standards for Hazardous Air Pollutants (NESHAP).

On April 11, 1986, Knox County, Tennessee requested delegation of authority of NSPS for Subparts Na (Secondary Emissions from Basic Oxygen Process Steelmaking Facilities) and AAa (Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed after Auguest 17, 1986), and NESHAP for Subpart B (Radon-222 Emissions from Underground Uranium Mines).

After a thorough review of the request, the Regional Administrator determined that such a delegation was appropriate for some of these source categories with all the conditions set forth in the delegation letter of December 13, 1985. Knox County sources subject to the requirements of Subparts Na and AAa of 40 CFR Part 60 will now be under the jurisdiction of Knox County, Tennessee. Subpart B of 40 CFR Part 61 was not delegated to Knox County because the proper technical guidance had not yet developed by EPA. Also, since there are no existing or anticipated uranium mines in Knox County, EPA preferred not to delegate authority for this NESHAP.

On July 30, 1986, the State of Mississippi requested delegation of authority of NSPS for Subparts Na (Secondary Emissions from Basic Oxygen Process Steelmaking Facilities), LLL (Onshore Natural Gas Processing: SO_2 Emissions), and OOO (Nonmetallic Mineral Processing Plants) and NESHAP for Subparts B (Radon-222 Emissions from Underground Uranium Mines), H (Radionuclide Emissions from Department of Energy Facilities), I (Radionuclide Emissions from Facilites Licensed by the Nuclear Regulatory Commission and Federal Facilities not Covered by Subpart H), and K (Radionuclide Emission from Elemental Phosphorous Plants).

After a thorough review of the request, the Regional Administrator determined that such a delegation was appropriate for some of these source categories with all the conditions set forth in the delegation letter of November 20, 1981.

Mississippi sources subject to the requirements of Subparts Na, LLL and OOO of 40 CFR Part 60 will now be under the jurisdiction of Mississippi. Subparts B, H, I and K of 40 CFR Part 61 were not delegated to Mississippi because EPA has not developed the proper technical guidance. However, once the guidance is developed, EPA will review each request on a case-by-case basis.

The Commonwealth of Kentucky requested delegation of authority for NSPS Subparts BB (Kraft Pulp Mills), EE (Surface Coating of Metal Furniture), FFF (Flexible Vinyl and Urethane Coating and Printing), JJJ (Petroleum Dry Cleaners), and PPP (Wool Fiberglass Insulation and Manufacturing Plants) on September 19, 1986.

After a thorough review of the request the Regional Administrator determined that such a delegation was appropriate for these source categories with all the conditions set forth in the delegation letter of March 18, 1977. Kentucky sources subject to the requirements of Subparts BB, EE, FF, JJJ and PPP of 40 CFR Part 60 will now be under the jurisdiction of Kentucky.

I certify, pursuant to 5 U.S.C. section 605(b), that this delegation will not have a significant economic impact on a substantial number of small entities.

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

Authority: Section 111 of the Clean Air Act (42 U.S.C. 7411).

Dated: December 16, 1986.

Lee A. DeHihns, III,

Deputy Regional Administrator.

[FR Doc. 86-29015 Filed 12-24-86; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 180

[OPP-300154A; FRL 3135-2]

Raw Agricultural Commodities; Definitions and Interpretations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule amends 40 CFR 180.1 by adding a definition for the term "tolerance with regional registration." This Agency-initiated regulation applies only to tolerances supported by residue data from specific growing regions on specific raw agricultural commodities.

EFFECTIVE DATE: Effective on December 29, 1986.

ADDRESS: Written objections, identified by the document control number [OPP-300154A], may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT:

By mail: Donald R. Stubbs, Emergency Response and Minor Use Section (TS-767C), Registration Division, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Office location and telephone number: Rm. 716B, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-1806).

SUPPLEMENTARY INFORMATION: EPA issued a proposed rule, published in the **Federal Register** of November 12, 1986 (51 FR 40988), which proposed adding a definition in 40 CFR 180.1 for "tolerance with regional registration".

Since regional registrations are geographically restricted, as determined by the residue data submitted in support of the pesticide tolerance, the Agency concludes that it will be useful to distinguish a tolerance for regional registration in a separate subsection of the appropriate tolerance regulations under 40 CFR 180.101 through 180.999.

There were not comments or requests for referral to an advisory committee received in response to the proposed rule.

Any person adversely affected by this regulation may, within 30 days after publication of this document in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

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

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: December 17, 1986.

Douglas D. Campt,

Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR Part 180 is amended as follows:

1. The authority citation for Part 180 continues to read as follows:

Authority: 21 U.S.C. 346a.

2. Section 180.1 is amended by adding paragraph (n) to read as follows:

§ 180.1 Definitions and interpretations

* * * * *

(n) The term "tolerance with regional registration" means any tolerance which is established for pesticide residues resulting from the use of the pesticide pursuant to a regional registration. Such a tolerance is supported by residue data from specific growing regions for a raw agricultural commodity. Individual tolerances with regional registration are designated in separate subsections in 40 CFR 189.101 through 180.999, as appropriate. Additional residue data which are representative of the proposed use area are required to expand the geographical area of usage of a pesticide on a raw agriculatural commodity having an established "tolerance with regional registration." Persons seeking geographically broader registration of a crop having a "tolerance with regional registration" should contact the appropriate EPA product manager concerning additional residue data required to expand the use area.

[FR Doc. 86-29018 Filed 12-24-86; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 180

[PP 6E3347/R858; FRL-3135-1]

Pesticide Tolerance for O,O-Diethyl O-(2-Isopropyl-6-Methyl-4-Pyrimidinyl) Phosphorothioate

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule

SUMMARY: This rule establishes a tolerance for residues of the insecticide *O,O*-Diethyl *O*-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate (hereafter referred to as "diazinon") in or on the raw agricultural commodity ginseng. The regulation to establish a maximum permissible level for residues of diazinon in or on ginseng was requested in a petition submitted by the Interregional Research Project No. 4 (IR-4).

EFFECTIVE DATE: Effective on December 29, 1987.

ADDRESS: Written objections, identified by the document control number [PP 6E3347/R858], may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: By mail:

Donald R. Stubbs, Emergency Response and Minor Use Section (TS-767C), Registration Division, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Office location and telephone number: Rm. 716B, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-1806).

SUPPLEMENTARY INFORMATION: EPA issued a proposed rule, published in the **Federal Register** of November 12, 1986 (51 FR 40987), which announced that the Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, submitted pesticide petition 6E3347 to EPA on behalf of Dr. Robert H. Kupelian, National Director, IR-4 Project and the Agricultural Experiment Stations of Kentucky and Wisconsin proposing the establishment of a tolerance for residues of the insecticide diazinon in or on the raw agricultural commodity ginseng at 0.75 part per million (ppm).

There were no comments or requests for referral to an advisory committee received in response to the proposed rule.

The data submitted and other relevant information have been evaluated and discussed in the proposed rulemaking. Based on the data and information considered, the Agency concludes that the tolerance will protect the public health. Therefore the tolerance is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

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

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: December 17, 1986.

Douglas D. Campt,

Director, Office of Pesticide Programs.

Therefore, 40 CFR Part 180 is amended as follows:

PART 180—[AMENDED]

1. The authority citation for Part 180 continues to read as follows:

Authority: 21 U.S.C. 346a.

2. Section 180.153 is amended by adding and alphabetically inserting the raw agricultural commodity ginseng to read as follows:

§ 180.153 O,O-Diethyl O-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate; tolerances for residues.

* * * * *

Commodities	Parts per million
* * * * *	
Ginseng	0.75
* * * * *	

[FR Doc. 86-29019 Filed 12-24-86; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

National Flood Insurance Administration

44 CFR Part 64

[Docket No. FEMA 6742]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If FEMA receives documentation that the community has adopted the required floodplain

management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the **Federal Register.**

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

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

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

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

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

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

List of Subjects in 44 CFR Part 64

Flood insurance—floodplains

PART 64—[Amended]

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

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

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

§ 64.6 List of Eligible Communities.

State	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard areas identified	Date [1]
Region I					
Maine	Belgrade, town of, Kennebec County.	203232B	Dec. 10, 1975, Emerg. Jan. 16, 1987, Reg. Jan. 16, 1987, Susp.	Jan. 31 1975, May 14, 1976 & Jan 16, 87.	Jan. 16, 1987
Vermont	Burlington, city of, Chittenden County.	500032C	Apr. 5, 1973, Emerg. Nov. 15, 1978, Reg. Jan. 16, 1987, Susp.	July 19, 1984, Nov. 15, 1978 & Jan 16, 1987.	Do.
Region II					
New York	Delaware, town of, Sullivan County.	360818E	Apr. 4, 1975, Emerg. Nov. 18, 1983, Reg. Jan. 16, 1987, Susp.	June 28, 1974, Jan. 3, 1975, June 25, 1976, Jan. 21, 1977, Nov. 18, 1983 & Jan. 16, 1987.	
Region III					
Virginia	Buchanan County, unincorporated areas.	510024B	Nov. 8, 1974, Emerg. Jan. 16, 1987, Reg. Jan. 16, 1987 Susp.	July 17, 1978 & Jan. 16, 1987	Do.
Do	Iron Gate, town of, Alleghany County,.	510220	May 13, 1975, Emerg. Jan 16, 1987, Reg. Jan. 16, 1987 Susp.	Aug. 30, 1974, Mar. 19, 1976 & Jan. 16, 1987.	Do.
Do	Lebanon, town of,. Russell County,.	510222B	Jan. 24, 1975, Emerg. Jan. 16, 1987, Reg. Jan. 16, 1987, Susp.	May 10, 1974, June 25, 1976 & Jan. 16, 1987.	Do.
Region IV					
Florida	Lafayette County, unincorporated areas.	120131B	Sept. 17, 1975, Emerg. Jan. 16, 1987, Reg. Jan. 16, 1987, Susp.	May 27, 1977 & Jan. 16, 1987	Do
Do	Branford, town of, Suwannee County.	120301B	Sept. 12, 1975, Emerg. Jan. 16, 1987, Reg. Jan. 16, 1987, Susp.	Jan. 9, 74, Nov. 7, 1975 & Jan. 16, 1987.	Do.

State	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard areas identified	Date [1]
Kentucky	Stanton, city of,, Powell County	210196B	July 7, 1975, Emerg. Jan. 16, 1987, Reg. Jan. 16, 1987, Susp.	May 24, 1974, Mar. 5, 1976 & Jan. 16, 1987.	Do.
Tennessee	Pulaski, city of, Giles County	470067C	Apr. 14, 1975, Emerg. Jan. 16, 1987, Reg. Jan. 16, 1987, Susp.	May 24, 1974, Jan. 30, 1976, Aug. 29, 1980 & Jan. 16, 1987.	Do.
Do	Waynesboro, city of,, Wayne County.	470201	Feb. 13, 1976, Emerg. Jan. 16, 1987, Reg. Jan. 16, 1987, Susp.	June 14, 1974, Dec. 24, 1976 & Jan. 16, 1987.	Do.
Region V					
Minnesota	Winona County, unincorporated areas.	270525C	May 16, 1974, Emerg. Jan. 18, 1984, Reg. Jan. 16, 1987, Susp.	Oct. 26, 1976, Apr. 21, 1978, Oct. 18, 1974 & Jan. 18, 1984.	Do.
Region VI					
Arkansas	Clinton, city of,, Van Buren County.	050211C	Aug. 15, 1975, Emerg. Jan. 16, 1987, Reg. Jan. 16, 1987, Susp.	June 21, 1974, June 4, 1976, July 17, 1979 & Jan. 16, 1987.	Do.
Minimal conversions					
Region VII					
Pennsylvania	Burrell, township of, Armstrong County.	421303B	Oct. 25, 1977, Emerg. Nov. 1, 1986, Reg. Jan. 16, 1987, Susp.	Sept. 20, 1974, June 11, 1976 & Nov. 1, 1986.	Nov. 1, 1986.
Region VIII		*			
Utah	Junction, town of,, Puite County	490096B	Jan. 7, 1975, Emerg. Jan. 16, 1987, Reg. Jan. 16, 1987, Susp.	Aug 8, 1975 & Jan. 16, 1987	Jan. 16, 1987.

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

Harold T. Duryee,

Administrator, Federal Insurance Administration.

[FR Doc. 86-29024 Filed 12-24-86; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 64

[Docket No. FEMA 6741]

List of Communities Eligible for the Sale of Flood Insurance

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain floodplain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The dates listed in the fifth column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 457, Lanham, Maryland 20706, Phone: (800) 638-7418.

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

SUPPLEMENTARY INFORMATION:

The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Director of the Federal Emergency Management Agency has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood may, if one has been published, is indicated in the sixth column of the table. In the communities listed where a flood map has been published, section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

The Director finds that the delayed effective dates would be contrary to the public interest. The Director also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance."

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, Federal Insurance Administration, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice stating the community's status in the NFIP and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 64

Flood insurance—floodplains.

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

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

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

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

§ 64.6 List of Eligible Communities.

State and County	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard areas identified
Michigan:				
Grand Traverse	Blair, township of	260780—New	Nov. 13, 1986, emergency	
St. Joseph	Fabius, township of	260781—New	do	
Shiawassee	New Haven, township of	260521	do	July 25, 1975
Chippewa	Soo, township of	260378	do	Nov. 26, 1976
Mississippi: Jackson	Gautier, city of	280332—New	do	
Montana: Hill	Hingham, town of	300095	do	July 11, 1975
Ohio: Williams	Edgerton, village of	390826A	do	Sept. 29, 1978
Tennessee: Union	Luttrell, city of	470209	do	Sept. 3, 1976
Iowa: Chickasaw	Lawler, city of	190067B	July 25, 1975, emergency; Aug. 1, 1986, regular; Aug. 1, 1986, suspended; Nov. 3, 1986 Reinstated.	June 28, 1974, Jan. 2, 1976 and, Aug. 1, 1986
Ohio: Athens	Jacksonville, village of [1]	390019B	March 21, 1977, emergency; June 3, 1986, Regular; June 3, 1986, Suspended; Nov. 13, 1986, reinstated.	July 17, 1974, Apr. 16, 1976 and, June 3, 1986
Michigan:				
Chippewa	Bruce, township of	260375	Nov. 25, 1986, emergency	
Livingston	Hartland, township of	260784—New	do	
Grand Traverse	Long Lake, township of	260782—New	do	
Cheboygan Emmet Counties	Mackinaw City, village of	260675	do	
Chippewa	Superior, township of	260380	do	
Wayne	Taylor, city of	260728	do	
South Dakota: Davison	Ethan, city of	460111	do	
Vermont: Addison	Bristol, town of	500001B	May 30, 1975, emergency; Aug. 5, 1986, Regular; Aug. 5, 1986, suspended; Nov. 14, 1986, reinstated.	Aug. 9, 1974, Sept. 24, 1976 and, Aug. 5, 1986
Massachusetts: Dukes	Gosnold, town of	250071A	Sept. 29, 1977, emergency; June 4, 1980, regular; June 4, 1980, suspended; Nov. 18, 1986, reinstatted.	Dec. 20, 1974
Missouri: Moniteau [2]	Unincorporated areas	290237	June 20, 1983, emergency; Oct. 17, 1986, regular; Oct. 17, 1986, suspended; Nov. 20, 1986, reinstated.	Sept. 30, 1983 and Oct. 17, 1986
Alaska:	Kenai Peninsula borough [2]	020012	June 19, 1970, emergency; March 18, 1980, suspended; Nov. 20, 1986, reinstated.	July 5, 1983
		REGION III		
Pennsylvania: Forest	Harmony, township of	421645A	Nov. 5, 1986, suspension withdrawn	July 18, 1975 and, Nov. 5, 1986
Washington	Washington, city of	420861A	do	Nov. 12, 1976 and, No. 5, 1986
		REGION IV		
Kentucky: Jassamine	Wilmore, city of	210311	do	July 25, 1975 and, Nov. 5, 1986
South Carolina: Charleston	Charleston, city of	455412D	do	Apr. 9, 1971, May 25, 1973, July 1, 1974, Sept. 3, 1976 and, Nov. 5, 1986
		REGION V		
Illinois: Madison	Highland, city of	170445B	do	March 8, 1974, May 21, 1976 and, Nov. 5, 1986
		REGION VII		
Iowa: Johnson	North Liberty, city of	190630A	do	Apr. 23, 1976 and, Nov. 5, 1986
		REGION I		
Massachusetts:	Braintree, town of Norfolk	250233C	Nov. 19, 1986, suspension withdrawn	Aug. 2, 1974, June 1, 1978, Nov. 19, 1986
Maine:	Litchfield, town of Kennebec	230238B	do	Feb. 7, 1975, Oct. 8, 1976 and, Nov. 19, 1986
		REGION III		
Pennsylvania: Somerset County	Paint, borough of	420800B	do	July 26, 1974, Dec. 26, 1975 and, Nov. 19, 1986
Westmoreland:	Southwest Greensburg, borough of	420901C	do	Feb. 1, 1974, Sept. 26, 1975, June 30, 1976 and, Nov. 19, 1986
		REGION IV		
Kentucky: Hancock	Lewisport, city of	210093B	do	Feb. 1, 1974, Oct. 17, 1975 and, Nov. 19, 1986
		REGION V		
Wisconsin: Dunn	Boyceville, village of	550119B	do	June 14, 1974, Aug. 6, 1976 and, Nov. 19, 1986
Ashland:	Mellen, city of	550007B	do	Dec. 17, 1973, May 14, 1976 and, Nov. 19, 1986
		REGION VII		
Kansas:				
Sedgwick:	Pack City, city of	200963A	do	Nov. 19, 1986
Marion:	Peabody, city of	200208	do	June 28, 1974, Nov. 21, 1975 and, Nov. 19, 1986
Missouri:				
St. Charles:	Flinthill, village of	290883B	do	Dec. 9, 1980 and, Nov. 19, 1986
Pike:	Annada, village of	290287A	do	Feb. 7, 1975 and, Nov. 19, 1986
		REGION X		
California: Marin	Unincorporated areas	060173	do	Feb. 25, 1977 and, March 1, 1982
		MINIMAL CONVERSION		
Wisconsin: Rusk	Bruce, village of	550370	do	May 24, 1974, May 28, 1976 and, Sept. 1, 1986

State and County	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard areas identified
		REGION III—MINIMAL CONVERSIONS		
Pennsylvania:	Boggs, township of	421301B	Nov. 1, 1986, suspension withdrawn	Aug 30, 1974, Apr. 9, 1976 and, Nov. 1, 1986
	Burrell, township of	421303B	do	Sept. 20, 1974, June 11, 1976 and, Nov. 1, 1986
Pennsylvania:				
Clarion:	Clarion, borough of	421500A	do	Nov. 29, 1974 and, Nov. 1, 1986
Clarion:	Clarion, township of	421507B	do	Nov. 29, 1974, Feb. 4, 1977 and, Nov. 1, 1986
Armstrong:	Cowanshannock, township of	421230B	do	Sept. 13, 1974, Dec. 31, 1976 and, Nov. 1, 1986
Do.	Hovey, township of	422299A	do	Jan. 24, 1975 and, Nov. 1, 1986
Do.	North Buffalo, township of	421310B	do	Apr. 5, 1974, June 18, 1976 and, Nov. 1, 1986
Lawrence:	Perry, township of	421796B	do	Jan. 10, 1975, Jan. 18, 1980 and, Nov. 1, 1986
Armstrong:	Plumcreek, township of	421313B	do	Sept. 6, 1974, June 18, 1976 and, Nov. 1, 1986
Armstrong:	Rayburn, township of	421314A	do	Feb. 21, 1975 and, Nov. 1, 1986
Lawrence:	Scott, township of	421799B	do	Jan. 31, 1975, Aug. 22, 1980 and, Nov. 1, 1986
Lawrence:	Slippery Rock, township of	422466B	do	Apr. 14, 1978 and, Nov. 1, 1986
Carbon:	Towamensing, township of	421458A	do	Dec. 20, 1974 and, Nov. 1, 1986
Fulton:	Taylor, township of	421663C	do	Dec. 20, 1974, Aug. 8, 1980 and, Sept. 1, 1986
		REGION V		
Wisconsin: Grant	Lancaster, city of	550150B	do	May 31, 1974 and, Aug. 5, 1986

[1] Minimal conversions.
[2] Declared disaster areas.
Kenai Peninsula borough's application includes the following cities: City of Seldovia; City of Kachenak; City of Seward.
Kenai Peninsula borough's application does not include the following cities: City of Homer, and City of Soldotna.
Code for reading 5th column: Emerg.—Emergency, Reg.—Regular, Susp.—Suspension, Rein.—Reinstatement.

Harold T. Duryee,
Administrator, Federal Insurance Administration.

[FR Doc. 86-29023 Filed 12-24-86; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 64

[Docket No. FEMA 6740]

List of Communities Eligible for the Sale of Flood Insurance

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Final rule, correction.

SUMMARY: This rule corrects the final rule amending § 64.6 published in the **Federal Register** on Monday, December 1, 1986, 51 FR 43199. On that page in the last line of the first table the State for the Town of Rhineland is erroneously listed as Tennessee. The correct State is Missouri. Please amend records accordingly.

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

PART 64—[AMENDED]

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

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

Issued: December 17, 1986.

Harold T. Duryee,
Administrator, Federal Insurance Administration.

[FR Doc. 86-28999 Filed 12-24-86; 8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 86-194; RM-5386, 5519]

Radio Broadcasting Services; Lampasas and Sunset Valley, TX

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 256C1 for Channel 257A at Lampasas, Texas, and modifies the license of Station KLTD(FM) to specify operation on the new frequency, at the request of Ronald K. Witcher. Concurrence by the Mexican government has been obtained for the Lampasas substitution. With this action, this proceeding is terminated.

EFFECTIVE DATE: January 22, 1987.

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings (204) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 86-194, 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 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.

47 CFR 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, paragraph (b), the Table of FM Allotments is amended, under Texas, by revising Channel 257A to 256C1 for Lampasas.

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

[FR Doc. 86-28119 Filed 12-24-86; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 681

[Docket No. 60982-6182]

Western Pacific Spiny Lobster Fisheries; Extension of Effective Date of Emergency Interim Rule

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

ACTION: Emergency interim rule; extension of effective date.

SUMMARY: The Secretary of Commerce (Secretary) extends an emergency rule now in effect to resolve an enforcement problem for spiny lobsters in the western Pacific. It closes all lobster fishing within 20 nautical miles of Laysan Island, and within the exclusive economic zone (EEZ) landward of the 10-fathom curve in the Northwestern Hawaiian Islands (NWHI). The intended effect is to ensure the effectiveness of these designated areas as refuge areas for spiny lobster.

EFFECTIVE DATES: In § 681.7, paragraph (b)(1) and in § 681.23, paragraphs (a) and (b) are suspended from December 27, 1986 through March 26, 1987. In § 681.7, new paragraph (b)(7) and in § 681.23, new paragraphs (c) and (d) are added, to be effective from December 27, 1986 through March 26, 1987.

ADDRESS: Send comments to E. Charles Fullerton, Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731. A copy of the environmental assessment prepared for this rule may be obtained from the Regional Director.

FOR FURTHER INFORMATION CONTACT: Doyle E. Gates, Administrator, Western Pacific Program Office, 2570 Dole Street, Room 106, Honolulu, Hawaii 96822-2396, 808-955-8831.

SUPPLEMENTARY INFORMATION: Under section 305(e)(1) of the Magnuson Fishery Conservation and Management Act (Magnuson Act), the Secretary of Commerce (Secretary), following a recommendation of the Western Pacific Fishery Management Council (Council), determined that an emergency existed in the spiny lobster fishery and closed all lobster fishing within 20 nautical miles of Laysan Island and within the EEZ landward of the 10-fathom curve in the NWHI from September 26, 1986, through December 26, 1986, (51 FR 3499, October 1, 1986). The Secretary has extended the emergency rules through March 26, 1987.

The areas described above were intended to be refuge areas, but the Fishery Management Plan for the Spiny Lobster Fisheries for the Western Pacific Region (FMP) only mentions a prohibition against spiny lobster fishing in refuge areas because spony lobster was the only resource harvested at the time of plan implementation. Slipper lobster now are harvested in large numbers; therefore, to prevent adverse effects on the spiny lobster resource through the harvesting of slipper lobster in refuge areas, the refuge areas will remain closed to all lobster fishing through March 26, 1987. An amendment to the FMP to permanently adopt the emergency rule is under review.

Emergency rules are exempt from the normal review procedures of Executive Order 12291 as provided for in section 8(a)(1) of that order. This rule is being reported to the Office of Management and Budget, with an explanation as to why it is not possible to follow the procedures of that order.

(16 U.S.C. 1801 *et seq.*)

Lists of Subjects in 50 CFR Part 681

Fisheries, Reporting requirements.

Dated: December 22, 1986.

Joseph W. Angelovic,

Deputy Assistant Administrator for Science and Technology, National Marine Fisheries Service.

For the reasons stated in the preamble, 50 CFR Part 681 is amended as follows:

PART 681—WESTERN PACIFIC SPINY LOBSTER FISHERIES

1. The authority citation for Part 681 continues to read as follows:

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

2. In § 681.7, paragraph (b)(1) is suspended from December 27, 1986 through March 26, 1987. A new paragraph, (b)(7) is added, effective from December 27, 1986, through March 26, 1986, to read as follows:

§ 681.7 Prohibitions.

* * * * *

(b) * * *

(7) Fish for, take, or retain lobsters;

(i) By methods other than lobsters traps or by hand for spiny lobster, as specified in § 681.24, or

(ii) From closed areas for lobsters, as specified in § 681.23.

3. In § 681.23, paragraphs (a) and (b) are suspended from December 27, 1986, through March 26, 1987. New paragraphs (c) and (d) are added, effective from December 27, 1986, through March 26, 1987, to read as follows:

§ 681.23 Closed areas (refugia).

* * * * *

(c) All lobster fishing is prohibited within 20 nautical miles of Laysan Island.

(d) All lobster fishing is prohibited within the FCZ landward of the 10 fathom curve as depicted on National Ocean Survey Charts, Numbers 19022, 19019, and 19016.

[FR Doc. 86-29081 Filed 12-23-86; 10:23 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 51, No. 248
Monday, December 29, 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

Animal and Plant Health Inspection Service

7 CFR Part 330

[Docket No. 85-396]

Mandatory Notification of Arrival

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the regulations to require that certain aircraft and watercraft directly notify USDA personnel in advance of their arrival at United States ports. This action appears to be necessary to help ensure that USDA personnel are prepared to perform required inspections and other activities immediately upon arrival of the aircraft or watercraft, thereby helping to ensure that plant diseases and pests, and animal and poultry diseases are not introduced or disseminated into the United States.

DATE: Comments must be received on or before February 27, 1987.

ADDRESS: Send written comments to Steven R. Poore, Acting Assistant Director, Regulatory Coordination, APHIS, USDA, Room 728, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please state that your comments are in response to Docket No. 85-396. Written comments received may be inspected at Room 728 of the Federal Building between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Don R. Thompson or Charles A. Havens, Field Operations Support Staff, PPQ, APHIS, USDA, Room 663, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782 (301) 436-8295.

SUPPLEMENTARY INFORMATION:

Background

Pursuant to the terms of sections 1, 5, 7, and 9 of the Plant Quarantine Act (7 U.S.C. 154, 159, 160, and 162), the Department may restrict or prohibit the importation of articles into the United States in order to prevent entry of tree, plant, or fruit disease, or injurious insects, new to or not theretofore widely prevalent or distributed within and throughout the United States. Further, section 106 of the Federal Plant Pest Act (7 U.S.C. 150ee) authorizes the Department to restrict or prohibit the importation of articles into the United States in order to prevent entry of other plant pests such as nematodes and mites. In addition, pursuant to the terms of sections 105 and 111 of the Animal Quarantine Acts (9 U.S.C. 105, 111), the Department may inspect all imported animals and other items related to such animals, and may take such measures as deemed proper, including seizing, disposing of, and quarantining any hay, straw, forage, or similar materials, or any meats, hides, or other animal products, in order to prevent the introduction of the contagion of any contagious, infectious, or communicable disease of animals and/or poultry into the United States. Finally, pursuant to the terms of section 306 of the Tariff Act of June 17, 1930 (19 U.S.C. 1306), the importation of cattle, sheep, or other ruminants, or swine, or of fresh, chilled, or frozen meat of such animals from any country in which rinderpest or foot-and-mouth disease exists is either prohibited or restricted, and such animals and products may be seized and disposed of in order to prevent the dissemination of foot-and-mouth disease and rinderpest, into or within the United States.

Plant Protection and Quarantine inspectors and Veterinary Service inspectors, both of the U.S. Department of Agriculture, Animal and Plant Health Inspection Service, carry out these authorities by inspecting certain carriers and travelers arriving at U.S. ports. Such carriers and travelers could knowingly or unknowingly transport injurious plant diseases or pests, or the contagion of contagious, infectious, or communicable diseases of animals and/or poultry, into the United States.

From an operational standpoint, effective inspections can only be performed if APHIS inspectors are prepared to perform inspections immediately upon arrival of the carrier at the port. This is because any significant time lag between arrival of the carrier and performance of required inspections or other activities could result in the removal, knowingly or unknowingly, of articles which could carry or transmit injurious plant diseases or pests or the contagion of contagious, infectious, or communicable diseases of animals and/or poultry.

However, due to staffing levels, distances which must be traveled, and other administrative considerations concerning operations at airports and harbors, APHIS personnel cannot meet the arriving aircraft or watercraft which require inspections if they are not informed, in advance, of the date, time, and location each carrier will arrive.[1] Therefore, in order to help ensure that this necessary information is available to APHIS in a timely fashion, it is proposed to amend the regulations to add a new § 330.111 to read as follows:

Section 330.111 Advance notification of arrival of aircraft, ships, and other watercraft.

The pilot of any aircraft, master of any watercraft, or other representative of any aircraft or watercraft arriving in the United States from any place outside thereof, or arriving in the continental United States from Hawaii or any territory or possession of the United States, shall notify the Animal and Plant Health Inspection Service, Plant Protection and Quarantine (PPQ) office which serves the intended port of arrival, and shall notify all subsequent ports in the United States at which such aircraft, or watercraft arrives, of such arrivals as follows:

(a) Notification must be received by the appropriate PPQ office not less than 12 hours in advance of the anticipated arrival of the aircraft or watercraft at the port;

(b) Notification may be made by radio, wire, telephone, or any other means; and

(c) Notification must include the following information:

(1) The name or other identification of the individual aircraft or watercraft;

(2) The date and estimated time of arrival at the port;

[1] It should be noted that other carriers arriving in the United States, such as trains, buses, cars, etc., must enter the United States at specific, restricted entry points other than airports and harbors. These entry points are staffed and operated so that all inspections and other required functions can be performed in a timely fashion, without advance notification of the arrival of individual carriers. For these reasons, advance notification of the arrival of these carriers does not appear to be necessary.

(3) The specific location of arrival (dock, pier, wharf, berth, mole, anchorage, gate, facility, etc.) and;

(4) The names of all ports outside the continental United States at which the carrier has embarked crew of passengers or loaded cargo destined for the United States since its most recent call at a port in the continental United States.

(d) If the estimated time of arrival of the aircraft or watercraft changes by more than one hour, or if the planned date of arrival or specific location of arrival (dock, pier, wharf, berth, mole, anchorage, gate, facility, etc.) changes, the PPQ office which serves the port of arrival shall be notified of such change immediately.

(e) If the port of arrival of the aircraft or watercraft changes after the PPQ office which serves the originally-intended port of arrival has been notified of the anticipated arrival of the carrier, both that PPQ office and the PPQ office which serves the new port of arrival shall be notified of such change immediately.

(f) If the location of arrival of the watercraft is an anchorage, the PPQ office which serves the port of arrival shall be notified, as soon as possible after the watercraft arrives at such anchorage, of the dock, pier, wharf, berth, mole, facility, etc., to which the watercraft will move thereafter, and the date and estimated time of arrival at such dock, pier, wharf, berth, mole, facility, etc.

(g) *Notwithstanding* any other provisions of this section, the PPQ office which serves the port of arrival need not be notified in advance of any aircraft or watercraft which meets one of the following conditions:

(1) The aircraft or watercraft is not regularly engaged in the business of carrying passengers or cargo for a fee;

(2) The aircraft has been granted continuing landing rights by the U.S. Customs Service;

(3) The aircraft has been inspected in Hawaii or a territory or possession of the United States by an inspector and precleared based on a determination by such inspector that the aircraft contained only articles that are not prohibited or restricted importation into the United States under the provisions of 7 CFR Chapter III and 9 CFR Chapter I;

(4) The aircraft has been inspected in a foreign port by an inspector and precleared based on a determination by such inspector that the aircraft contained only articles that are not prohibited or restricted importation into the United States under the provisions of 7 CFR Chapter III and 9 Chapter I; or

(5) The aircraft has been inspected by personnel of the United States armed forces, including the U.S. Coast Guard, in Hawaii or a territory or possession of the United States, or in a foreign port, and precleared based on a determination by such personnel that the aircraft contained only articles that are not prohibited or restricted importation into the United States under the provisions of 7 CFR Chapter III and 9 CFR Chapter I.

(6) The pilot of the aircraft, master of the watercraft, or other representative of the aircraft or watercraft has been informed, in writing, by a PPQ inspector that such notification is not required.

The proposed regulations would require only aircraft and watercraft which require inspection services to notify United States ports in advance of their arrival.

All required information would have to be provided to the PPQ office which serves the port of arrival. Many required inspections and other activities performed in connection with the arrival of aircraft and watercraft are performed under Veterinary Services authority, and many ports have Veterinary Services offices. However, PPQ inspectors at the ports perform all initial inspections. Also, the PPQ offices at all ports of entry are prepared and equipped to receive notification of the arrival of aircraft and watercraft. Therefore, the proposed regulation would require that arriving carriers notify the PPQ office at the port of arrival.

It appears that the PPQ office which serves the port of arrival needs a minimum of 12 hours advance notice of the arrival of an aircraft or watercraft. This time is necessary in order to arrange schedules and transportation for personnel to meet the carrier when it arrives.

The name or other identification of the aircraft or watercraft, estimated time and date of arrival, and specific location of arrival, are all needed to help ensure than an inspector can meet the carrier at the time and place it arrives at the port and can provide immediate inspection services. The information concerning prior ports of call is required to help PPQ personnel determine the exact inspection services which may be required.

Under the proposed regulations, certain aircraft and watercraft would be exempted from the requirement that they provide advance notification of their arrival at United States ports. These exceptions fall into four categories: (1) Aircraft and watercraft which are not regularly engaged in the business of carrying passengers or cargo for a fee; (2) aircraft which have been granted continuing landing rights by the U.S. Customs Service; (3) aircraft which have been inspected under specified conditions by specified personnel and which have been precleared based on a determination that they contain only articles that allow unrestricted importation into the United States under the provisions of 7 CFR Chapter III and 9 CFR Chapter I; and (4) aircraft and watercraft of which the pilot, master, or other representative, as appropriate, has been informed in writing by a PPQ inspector that such notification is not required at subsequent consecutive ports in the United States.

Advance notice of arrival of precleared aircraft and watercraft does not appear to be necessary because these carriers have been individually determined in advance not to require inspection at their U.S. ports of arrival. Therefore, an inspector does not need to meet and inspect these carriers when they arrive, and no personnel or travel arrangements need to be made. Likewise, advance notice of arrival of aircraft which have been granted continuing landing rights by U.S. Customs Service does not appear to be necessary. The arrival schedules of these aircraft are published, and PPQ offices at the various ports receive copies in advance. Therefore, individual notification of the arrival of these carriers is not necessary.

With regard to aircraft and watercraft which are not regularly engaged in the business of carrying passengers or cargo for a fee, most of these carriers are private carriers traveling between Canada and the United States or between Mexico and the United States. Statistics compiled by the Animal and Plant Health Inspection Service over the last 10 years show that no significant disease or pest risk is posed by these carriers. In addition, due to the large numbers of these carriers, it is not practical to inspect each of these carriers arriving in the United States.

Finally, a PPQ inspector may, under certain circumstances, inform the representative of a carrier in writing that the carrier is not required to notify subsequent consecutive ports in the United States in advance of its arrival. Such circumstances would include, but not be limited to, cases where a carrier was inspected at one port in the United States and found to contain only articles that are allowed unrestricted importation into the United States under the provisions of 7 CFR Chapter III and 9 CFR Chapter I. In these cases, further inspections would not be necessary at

subsequent consecutive ports in the United States.

Executive Order 12291 and Regulatory Flexibility Act

This proposed rule is issued in conformance with Executive Order 12291 and has been determined to be not a "major rule." Based on information compiled by the Department it has been determined that this proposed rule would have an effect on the economy of less than $100 million; would not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and would not cause a 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.

This proposed action would, with certain exceptions, affect all aircraft and watercraft arriving at United States ports from specified points outside the United States and from specified points within the United States. However, this proposed action would require that such aircraft and watercraft merely inform PPQ in advance of their arrival at United States ports. Existing requirements for inspection, sealing, and quarantine would not be affected by adoption of this proposal.

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

Paperwork Reduction Act.

In accordance with section 3504(h) of the Paperwork Reduction Act of 1980 (44 U.S.C. 3504(h)), the information collection provisions that are included in this proposed rule have been submitted for approval to the Office of Management and Budget (OMB). Written comments concerning any information collection provisions should be submitted to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for APHIS, Washington, DC 20503. A duplicate copy of such comments should be submitted to Steven R. Poore, Acting Assistant Director, Regulatory Coordination, APHIS, USDA, 6505 Belcrest Road, Hyattsville, MD 20782.

Executive Order 12372

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

List of Subjects in 7 CFR Part 330

Customs duties and inspection, Garbage, Imports, Plant diseases, Plant pests, Plants (Agriculture), Quarantine, Soil, Stone and quarry products, Transportation.

PART 330—FEDERAL PLANT PEST REGULATIONS: GENERAL; PLANT PESTS; SOIL, STONE, AND QUARRY PRODUCTS; GARBAGE

Under the circumstances described above, it is proposed to amend the regulations in Part 330, 7 CFR Chapter III, as follows:

1. The authority citation for Part 330 would be revised to read as follows and the authority citations following the sections in Part 330 are removed:

Authority: 7 U.S.C. 147a, 150bb, 150dd–150ff, 161, 162, 164a, 450, 2260; 19 U.S.C. 1306; 21 U.S.C. 111, 114a; 31 U.S.C. 9701; 42 U.S.C. 4331, 4332; 44 U.S.C. 3507; 7 CFR 2.17, 2.51, and 371.2(c).

§ 330.100 [Amended]

2. In § 330.100, the paragraph designations would be removed, the defintions would be rearranged in alphabetical order, and the following defintion would be added in alphabetical order:

Arrival (arrive). The estimated time of docking or landing.

3. In Part 330, a new § 330.111 would be added to read as follows:

§ 330.111 Advance notification of arrival of aircraft, ships, and other watercraft.

The pilot of any aircraft, master of any watercraft, or other representative of any aircraft or watercraft arriving in the United States from any place outside thereof, or arriving in the continented United States from Hawaii or any territory or possession of the United States, shall notify the Animal and Plant Health Inspection Service, Plant Protection and Quarantine (PPQ) office which serves the intended port of arrival, and shall notify all subsequent ports in the United States at which such aircraft or watercraft arrives, of such arrivals as follows:

(a) Notification must be received by the appropriate PPQ office not less than 12 hours in advance of the anticipated arrival of the aircraft or watercraft at the port;

(b) Notification may be made by radio, wire, telephone, or any other means; and

(c) Notification must include the following information:

(1) The name or other identification of the individual aircraft or watercraft;

(2) The date and estimated time of arrival at the port;

(3) The specific location of arrival (dock, pier, wharf, berth, mole, anchorage, gate, facility, etc.), and;

(4) The names of all ports outside the continental United States at which the carrier has embarked crew or passenagers or loaded cargo destined for the United States since its most recent call at a port in the continental United States.

(d) If the estimated time of arrival of the aircraft or watercraft changes by more than one hour, or if the planned date of arrival or specific location of arrival (dock, pier, wharf, berth, mole, anchorage, gate, facility, etc.) changes, the PPQ office which serves the port of arrival shall be notified of such changes immediately.

(e) If the port of arrival of the aircraft or watercraft changes after the PPQ office which serves the originally-intended port of arrival has been notified of the anticipated arrival of the carrier, both that PPQ office and the PPQ office which serves the new port of arrival shall be notified of such change immediately.

(f) If the location of arrival of the watercraft is an anchorage, the PPQ office which serves the port of arrival shall be notified, as soon as possible after the watercraft arrives as such anchorage, of the dock, pier, wharf, berth, mole, facility, etc., to which the watercraft will move thereafter, and the date and estimated time of arrival at such dock, pier, wharf, berth, mole, facility, etc.

(g) *Notwithstanding* any other provision of this section, the PPQ office which serves the port of arrival need not be notified in advance of any aircraft or watercraft which meets one of the following conditions:

(1) The aircraft or watercraft is not regularly engaged in the business of carrying passengers or cargo for a fee;

(2) The aircraft has been granted continuing landing rights by the U.S. Customs Service;

(3) The aircraft has been inspected in Hawaii or a territory or possession of the United States by an inspector and precleared based on a determination by such inspector that the aircraft contained only articles that are not prohibited or restricted importation into the United States under the provisions of 7 CFR Chapter III and 9 CFR Chapter I;

(4) The aircraft has been inspected in a foreign port by an inspector and precleared based on a determination by

such inspector that the aircraft contained only articles that are not prohibited or restricted importation into the United States under the provisions of 7 CFR Chapter III and 9 Chapter I; or

(5) The aircraft has been inspected by personnel of the United States armed forces, including the U.S. Coast Guard, in Hawaii or a territory or possession of the United States, or in a foreign port, and precleared based on a determination by such personnel that the aircraft contained only articles that are not prohibited or restricted importation into the United States under the provisions of 7 CFR Chapter III and 9 CFR Chapter I.

(6) The pilot of the aircraft, master of the watercraft, or other representative of the aircraft or watercraft has been informed, in writing, by a PPQ inspector that such notification is not required at subsequent consecutive ports in the United States.

Done at Washington, DC, this 33nd day of December 1986.

W. Helms,

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

[FR Doc. 86-29005 Filed 12-24-86; 8:45 am]

BILLING CODE 3410-34-M

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9 CFR Part 75

[Docket No. 85-023]

Equine Infectious Anemia

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the regulations in 9 CFR Part 75 to allow, under certain conditions, the interstate shipment of horses and other equines which have been tested and found positive for equine infections anemia to an approved stockyard for sale for immediate slaughter. This action appears to be necessary to encourage the slaughter of animals affected with equine infectious anemia.

DATE: Written comments must be received on or before February 27, 1987.

ADDRESS: Written comments concerning this proposed rule should be submitted to Steven R. Poore, Acting Assistant Director, Regulatory Coordination, APHIS, USDA, Room 728, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Comments should state that they are in reference to Docket Number 85-023. Written comments received may be inspected at Room 728 of the Federal Building between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Dr. C. A. Gipson, Program Planning Staff, VS, APHIS, USDA, Room 845, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8321.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR Part 75 (referred to below as the regulations) contain, among other things, provisions concerning the interstate movement of horses, asses, ponies, mules, and zebras which have been tested and found postive for equine infectious anemia (referred to below as EIA), also known as swamp fever.

The regulations are designed to help stop the spread of EIA. The regulations in § 75.4(b) provide that reactor animals may be moved interstate, under certain conditions, only: (1) For immediate slaughter; (2) to a diagnostic or research facility; or (3) to the animal's home farm.

Euthanasia and slaughter of EIA reactor animals are the most effective means of eradicating EIA. This is because euthanasia and slaughter eliminate diseased animals as sources of infection.

Although euthanasia and slaughter are most effective, several factors discourage owners of EIA reactor animals from disposing of their animals by these methods. First, owners are discouraged from euthanizing their animals because they receive no money for salvage of the animal and thereby incur a total financial loss. Second, even if owners send their affected animals to slaughter and they do receive money for salvage, they are discourged from slaughtering their animals because of the difficulty and cost of shipping the animal to slaughter.

Only 13 slaughtering establishments in the contiguous 48 States slaughter EIA reactor equines. Because of the geographical distribution of these establishments, equine owners in many states must ship their reactor animals long distances to be slaughtered, sometimes hundreds of miles. Because animal owners almost always have only one EIA reactor to dispose of at a time, the cost of shipment can be extremely high. The high cost discourages many owners. Owner who do decide to pay the shipping costs often have difficulty locating a willing shipper. Shippers make a greater profit hauling a full load of animals. They are therefore reluctant to haul a single animal and some shippers simply refuse to do so. The result of this situation is that animals which would otherwise be slaughtered are instead kept by their owners. Rather than being eliminated as possible sources of infection, these animals remain as potential sources of disease.

It appears that allowing the interstate movement of EIA reactor animals to an approved stockyard for sale and immediate shipment to slaughter would encourage owners of EIA reactor animals to dispose of them, thus removing such animals as sources of infection. It appears that under such a system it would be less expensive and easier for owners of reactor animals to dispose of them. It also appears that the effectiveness of the current program to help stop the spread of EIA would be enhanced. Therefore, this document proposes to amend the regulations to allow, under certain conditions, the movement of EIA reactor animals interstate to an approved stockyard for sale and immediate shipment to slaughter. This doucment also proposes to add a definition of "approved stockyard" to the regulations.

Specifically, the proposed amendments would provide that animals affected with EIA could be shipped interstate to no more than one approved stockyard for sale and immediate shipment to slaughter. In addition, such animals would be rquired, within 30 days of their arrival at the approved stockyard to be shipped from the market directly to slaughter.

It appears to be necessary to require such EIA reactor animals to be shipped interstate only to approved stockyards. This appears to be necessary to help ensure that such animals do not spread EIA while in marketing channels. Stockyards would be approved to handle EIA reactor animals only if they enter into an ageement which sets forth the standards necessary to obtain and maintain approval. Since those legally responsible for operation of the stockyard can ensure that the standards necessary for approval are met, it appears to be appropriate to have the operator of the stockyard enter into such an agreement. This proposal sets forth the specific agreement in § 75.4(c).

Specifically, this proposal provides for shipment of certain horses and other equines interstate through specifically approved stockyards, thereby facilitating interstate movement while reducing the cost of movement to owners of such animals. The standards contained in the agreement set forth in proposed § 75.4(c) are necessary to ensure that horses and other equines are received, handled, and released by the stockyards in accordance with the regulations and in a manner which would help ensure the prevention of the

spread of EIA. It also appears that records would be maintained which would allow tracing of such animals if needed to locate the source of an EIA infection and stop spread of the disease.

In addition, it appears to be necessary to require that EIA reactor animals pass through no more than one stockyard before shipment to slaughter, and to limit the length of time to 30 days that EIA reactor animals would be allowed to remain at the stockyard prior to shipment to slaughter. These restrictions appear to be necessary to minimize any disease risk posed by such animals by helping to ensure that such animals do not reenter commercial channels after they are sold for slaughter, and by helping to ensure that such animals are slaughtered expeditiously.

Finally, it appears that adoption of the proposed regulations would pose no significant additional disease risk. EIA reactor animals already move intrastate through stockyards to slaughter, and it is anticipated that fewer than 500 EIA reactor animals a year would move interstate through stockyards to slaughter under the proposed regulations.

Executive Order 12291 and Regulatory Flexibility Act

The proposed rule is in conformance with Executive Order 12291 and has been determined to be not a "major rule." Based on information compiled by the Department, it has been determined that this proposed rule would not have a significant annual effect on the economy and would not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and would not have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

It is anticipated that the number of EIA reactor horses and other equines which would be moved interstate under the amended provisions of Part 75 would be insignificant compared with the total number of horses and other equines moved interstate.

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

Paperwork Reduction Act

Information collection requirements contained in this document have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and have been assigned OMB control number 0579-0051.

Executive Order 12372

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

List of Subjects in 9 CFR Part 75

Animal diseases, Contagious equine metritis, Dourine, Equine, Equine infectious anemia, Horses, Quarantine, Transportation.

PART 75—COMMUNICABLE DISEASE IN HORSE, ASSES, PONIES, MULES, AND ZEBRAS

Accordingly, it is proposed to amend 9 CFR Part 75 as follows:

1. The authority citation for Part 75 would continue to read as follows:

Authority: 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126, 134–134(h); 7 CFR 2.17, 2.51, and 371.2(d).

2. In § 75.4, the heading would be revised to read as follows:

§ 75.4, Interstate movement of equine infectious anemia reactors and approval of laboratories, diagnostic facilities, research facilities, and stockyards.

3. In § 75.4, paragraph (a) would be amended to add, in alphabetical order, the following definition:

* * * * *

Approved stockyard. A stockyard, livestock market, or other premises, under state or federal veterinary supervision where horses or other equines are assembled for sale or sale purposes, and which has been approved by the Deputy Administrator under this Part.

* * * * *

4. In § 75.4, paragraph (b) would be amended to change "(b)(1), (b)(2), or (b)(3)" in the first sentence to read "(b)(1), (b)(2), (b)(3), or (b)(4)", to change the period at the end of paragraph (b)(3) to "; and", and to add a new paragraph (b)(4) to read as follows:

(b) * * *

(4) The reactor is moved interstate through no more than one approved stockyard for sale for immediate slaughter, and is moved within 30 days of its arrival at the approved stockyard direct to slaughter at a Federally inspected slaughtering establishment operating under the provisions of the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*) or to a State-inspected slaughtering establishment that has inspection by a State representative at the time of slaughter.

* * * * *

5. In § 75.4, the heading to paragraph (c) would be revised to read *"Approval of Laboratories, Diagnostic or Research Facilities, and Stockyards."* and a new paragraph (c)(3) would be added to read as follows:

§ 75.4 Interstate movement of equine infectious anemia reactors and approval of laboratories, diagnostic facilities, research facilities, and stockyard.

* * * * *

(c) * * *

(3) The Deputy Administrator will approve stockyards to handle reactors moved interstate under paragraph (b)(4) of this section when the operator [4] of the stockyard executes the following agreements:

Agreement for Specifically Approved Stockyard for Handling Known Equine Infectious Anemia Reactor Horses and Other Equines Pursuant to Title 9 of the Code of Federal Regulations

(Name of Stockyard) _____
(Address of Stockyard) _____

I, (name of operator), operator of (name of stockyard), hereby agree to maintain and operate this stockyard at (premises location) in accordance with each of the provisions set forth herein.

Cooperation

(1) An accredited veterinarian, State representative, or Veterinary Services representative shall be on the stockyard premises on sale days to perform duties in accordance with State and Federal Regulations.

(2) The State animal health official and the Veterinarian in charge shall be furnished with a current schedule of sale days which apply to the stockyard and any revision to the schedule of sale days prior to implementation of such revision.

(3) State representatives and Veterinary Services representatives shall be granted, during normal business hours, access to stockyard premises and facilities to determine compliance with the requirements of Title 9, Code of Federal Regulations and the Standards of this agreement.

Handling of Horses and Other Equines

(4) Horses and other equines shall be received, handled, and released by the stockyard only in accordance with Title 9 of the Code of Federal Regulations.

(5) Any horses and other equines classified as equine infectious anemia reactors and accepted by the stockyard for sale shall be: (a) Placed in quarantined pens and (b)

[4] The operator shall be the individual legally responsible for the day-to-day operations of the specifically approved stockyard.

consigned from the stockyard only to a slaughtering establishment in accordance with Title 9, Code of Federal Regulations, Part 75.

(6) Horses and other equines which are not classified as equine infectious anemia reactors shall not be placed in quarantined pens without prior cleaning and disinfection of such pens in accordance with paragraph 9 of this agreement.

Facilities

(7) Quarantined pens for the confinement of horses and other equines classified as equine infectious anemia reactors shall be (a) clearly placarded "Quarantined," "Equine Infectious Anemia," or "Swamp Fever" and (b) cleaned and disinfected in accordance with Title 9, Code of Federal Regulations, § 71.4 before being used to pen horses and other equines which are not equine infectious anemia reactors.

(8) Serviceable equipment for cleaning and disinfecting shall be furnished and maintained with adequate disinfectant on hand.

Cleaning and Disinfection

(9) The stockyard shall be cleaned and disinfected in accordance with Title 9, Code of Federal Regulations, § 71.4.

Fly Control Program

(10) The stockyard shall have in effect a fly control program utilizing at least one of the following: baits, fly strips, electric bug killers ("Fly Zappers", "Fly Snappers", or similar equipment), periodic pesticide spraying.

Records

(11) Any document relating to animals which are or have been in the stockyard shall be maintained by the stockyard for a period of 1 year.

(12) State representatives and Veterinary Services representatives shall be granted, during normal business hours, access to all documents required to be maintained pursuant to paragraph 11 of this agreement and authority to reproduce such documents upon request.

I, ———, hereby acknowledge receipt of a copy of Title 9, Code of Federal Regulations, Parts 71 and 75 and hereby acknowledge that I have been informed and understand that failure to abide by the provisions of this agreement constitutes a basis for the withdrawal of approval from this stockyard.

Request Approval
*Operator of the Stockyard ————————
Date——— ————————

Recommended Approval
State and Animal Health Official ————
Date——— ————————

*The operator shall be the individual legally responsible for the day-to-day operations of the specifically approved stockyard.

Recommended Approval
Veterinarian in Charge ————————
Date——— ————————

Approval Granted
Deputy Administrator, Veterinary Services —
Date——— ————————

6. In § 75.4, the heading to paragraph (d) would be revised to read *"Denial and Withdrawal of Approval of Laboratories, Diagnostic or Research Facilities, and Stockyards."*

7. In § 75.4, paragraph (d) introductory text, would be amended to insert "or of any stockyard to handle reactors under this Part," after "or of any diagnostic or research facility to receive reactors moved interstate," and to insert "or stockyard" after "the laboratory or diagnostic or research facility".

8. In § 75.4, the introductory sentence of paragraph (d) would be further amended to change the period to a comma and to add "or, in the case of a stockyard, upon a determination that the stockyard is not maintained and operated in accordance with the standards specified in the agreement entered into by the operator of such stockyard."

9. In § 75.4, paragraph (d)(1) would be amended to add "or stockyard after "laboratory or facility".

10. In § 75.4, paragraph (d)(2) would be amended to add "or stockyard after "laboratory or facility" wherever it appears in the paragraph.

11. In § 75.4, a new paragraph (d)(5) would be added to read as follows:

§ 75.4 Interstate movement of equine infectious anemia reactors and approval of laboratories, diagnostic facilities, research facilities, and stockyards.

* * * * *

(d) * * *

(5) Approval for a stockyard to handle reactors under this Part will be automatically withdrawn by the Deputy Administrator when the operator of the approved stockyard notifies the Deputy Administrator, in writing, that the stockyard no longer handles reactors moved interstate under this Part.

Done at Washington, DC, this 22nd day of December 1986.

J.K. Atwell,

Deputy Administrator, Veterinary Services.

[FR Doc. 86-29004 Filed 12-24-86; 8:45 am]

BILLING CODE 3410-34-M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Parts 701 and 741

Organization and Operations of Federal Credit Unions; and Requirements for Insurance and Voluntary Termination of Insurance

AGENCY: National Credit Union Administration (NCUA).

ACTION: Proposed rule.

SUMMARY: On June 19, 1986, the NCUA Board issued a proposed rule, Part 706 of the NCUA Rules and Regulations—Member Business Loans by Federally-Insured Credit Unions (*see* 51 FR 23234, June 26, 1986). The comment period closed on September 30, 1986. This proposed rule is a revision of the June 19 proposal and reflects changes and amendments resulting from the comments received. Based upon the suggestions of some of the commenters, the revised proposed rule has been integrated with the existing lending rules for Federal credit unions (FCU's) and rules on requirements for insurance for all federally-insured credit unions. The rule is again being issued as a proposal to give all interested parties an opportunity to comment on those amendments that were not part of the original proposal and also to allow for further comment on all aspect of the rule.

DATE: Comments must be received on or before January 30, 1987.

ADDRESS: Send comments to Rosemary Brady, Secretary, National Credit Union Administration Board, 1776 G Street, NW., Washington, DC 20456.

FOR FURTHER INFORMATION CONTACT: J. Leonard Skiles, Regional Director, Region V (Austin), 611 East 6th Street, Suite 407, Austin, TX 78701; or D. Michael Riley, Director, Office of Examination and Insurance, or Steven R. Bisker, Assistant General Counsel, 1776 G. St., NW., Washington, DC 20456, or telephone: (512) 482-5131 (Mr. Skiles) or (202) 357-1065 (Mr. Riley) or (202) 357-1030 (Mr. Bisker).

SUPPLEMENTARY INFORMATION: Approximately 350 comment letters were received concerning Proposed Part 706—Member Business Loans by Federally-Insured Credit Unions. Approximately half of the commenters supported a regulation, although almost all of these commenters recommended changes to the proposed rule. Almost half of the comments were from FCU's and about one-third from federally-insured state chartered credit unions (FISCU's). Comments were also received from the national credit union trade associations, state credit union leagues, state credit union supervisors, and members of the U.S. Congress. Of the FCU's and FISCU's commenting, there was about an even split between those in favor of a rule and those opposed. The sections of the proposal eliciting the most comments were § 706.1(a)—Definition of "member business loan"; § 706.2—Limitations on member business loans (10% of reserves for one individual and 300% of reserves for all loans in the aggregate); § 706.3—Written loan policies; § 706.6(a)—Prohibition on loans to directors; and § 706.6(d)—

Limitation on loans to nonnatural persons.

The NCUA Board remains firmly convinced that regulation of business lending acitivity by federally-insured credit unions is warranted and necessary. Recent call report data indicates that, system-wide, approximately $1 billion in business loans are held by federally-insured credit unions. Through NCUA's examination process, it is known that in excess of $300 million of these loans are classified as problem (delinquent, substandard, nonperforming) loans. This is a problem loan ratio of at least 30%, as compared to an average 2% ratio of delinquent loans in credit unions' consumer loan portfolios. Further, as discussed in the preamble to the previous proposal, a limited number of liquidations and serious problem cases involving business loan losses by credit unions with nonexistent or totally inadequate policies and procedures have resulted in millions of dollars in losses to the National Credit Union Share Insurance Fund in recent years. These are losses that are indirectly borne, dollar for dollar, by all federally-insured credit unions.

The Board believes that reasonable regulation will assist in addressing these problems without placing a burden on credit unions that operate sound business loan programs. These revised proposed rules incorporate substantial changes designed to address legitimate concerns of the commenters while accomplishing the goal of safe and sound operation of business loan programs by those credit unions that choose to offer such loans in order to meet the needs of their membership.

Further, it is recognized that regulation alone cannot ensure safe and sound operation of business loan programs. Concentrated education and training efforts are being undertaken by NCUA, the state regulators, credit union trade associations and other credit union organizations, and such efforts will continue in the coming months.

Major Changes From Prior Proposed Rule

Structural Change

This proposed rule is integrated into the existing rule, § 701.21 (12 CFR 701.21), Loans to Members and Lines of Credit to Members, and the existing rule, Part 741 (12 CFR Part 741), Requirements for Insurance and Voluntary Termination of Insurance, rather than adding a new Part 706, as previously proposed. The NCUA Board is now proposing to add a new subsection (h), Member Business Loans, to § 701.21 and to amend subsections (a), (c)(5), (c)(8), and (d)(5) of § 701.21; and add a new § 741.3, Minimum Loan Policy Requirements, to Part 741.

Substantive Changes

Definition of "Member Business Loan"

Many commenters suggested that business loans which are fully secured by either a 1 to 4 family residential dwelling or the member's shares in the credit union, or that are fully guaranteed as to principal and interest by a government agency (Federal or state), be excluded from the definition of member business loan. The Board agrees and has amended the definition accordingly. The 1 to 4 family dwelling provision does not exclude loans to fund real estate development projects from the definition of member business loan. The exclusion is intended for members who use their homes (primary or secondary residence) as collateral on a loan. Additionally, the definition has been revised to clarify what types of loans NCUA intends to be covered by the rule. The $25,000 trigger amount remains in the proposal. The definition of "member business loan" now appears as proposed § 701.21(h)(1)(i).

300% Aggregate Business Loan Limit

NCUA has learned, through comments received and the latest call report data, that a number of credit unions presently have financially sound business loan portfolios in excess of the 300% limit. Rather than mandating a specific aggregate limit in a rule, it is proposed that the responsibility for establishing appropriate limits be placed with each credit union's board of directors. The proposed 300% limit has been eliminated and instead it is proposed that each credit union's board be required to establish, in their written loan policies (*see* proposed § 701.21(h)(2)(i)(c)), the maximum amount of credit union assets, in relation to reserves, that will be invested in member business loans.

Loans-To-One-Borrower Limit

The initial proposal established a 10% of reserves limit. Many of the commenters stated that the limit was too low and that it would severely restrict legitimate and sound business lending activity. Some commenters argued that the establishment of such a limit was contrary to the FCU Act since the Act provides a higher limit (10% of unimpaired capital and surplus) than the proposed rule. The Board does not agree. The FCU Act establishes an absolute limit rather than the authority for any one member to borrow up to that amount. The Board believes that a limit on individual business loan borrowing is necessary for safety and soundness reasons, and, pursuant to its general rulemaking authority, has proposed a limit that is separate and distinct from the ceiling provided in the Act.

The new proposed § 701.21(h)(2)(ii) raises the loan-to-one-borrower limit to 20% of reserves. The Board notes that the limit established here compares with similar limits set by other Federal financial institution regulators. Further, the rule provides that a greater amount may be approved for FCU's by the NCUA Board or, with respect to FISCU's subject to the rule, by the NCUA Board in coordination with the state credit union supervisory authority (*see* proposed § 741.3).

Written Loan Policy

This aspect of the proposed rule was generally supported by the commenters. The provisions concerning written business loan policies are now found in proposed § 701.21(h)(2)(i). This part of the proposal now includes certain items that were previously separate provisions of the rule—qualified loan officer (former § 706.4) and recordkeeping and reporting requirements (former § 706.7). Section 701.21(h)(2)(i)(F) now provides that a credit union's board of directors, as part of their business loan policy, shall address the qualifications and experience of personnel involved in making and administering business loans. The Board notes, in this regard, that while training is important, it alone is not a substitute for actual business lending experience. Proposed § 701.21(h)(2)(i)(L) calls for the periodic disclosure to members of the total number and dollar amount of business loans (governed by the rule) and the total number and dollar amount of permitted business loans to officials and employees. This provision replaces proposed § 706.7. Also, the NCUA call report (5300) will be modified so that reporting of business loans to the supervisory authorities is consistent with the requirements of subsection (L).

Several commenters pointed out that the requirement that a borrower's financial reports be updated quarterly was excessive and costly, and in many instances, particularly with agricultural loans, impractical. Proposed § 701.21(h)(2)(i)(H) addresses this matter and now provides that, among other things, tax returns and financial statements be maintained and updated on an annual or more frequent basis as determined by the board of directors.

An important part of the lending policy is loan diversification. The issue of diversification is addressed in

subsections (C), (D), and (E). It is essential that credit unions address (1) the maximum amount of their assets, in relation to reserves, that will be invested in business loans and in a given category or type of such loans, and (2) the maximum amount of their assets, in relation to reserves, that will be loaned to any one member or group of associated members. Proper diversification and asset-liability management goes a long way to minimize unforeseen changes in circumstance that result in loan failures. Diversification helps to ensure that a downward cycle in one area will not unduly impact on the credit union's solvency.

Prohibition on Loans to Insiders

The proposed § 706.6(a) prohibited the granting of member business loans to any director, official, committee member, employee, or to any associated member of such individual, or to an immediate family member of such individual. The initial proposal generated a substantial number of comments in strong opposition to the prohibition on loans to directors. It was argued that volunteer directors are unfairly discriminated against by the prohibition.

The Board has reconsidered this issue and, as reflected in the new proposed rule, agrees that volunteer officials (directors and committee members) should be allowed to obtain business loans *on the same terms and conditions* as other qualifying members. It is the Board's view, however, that compensated senior management employees of a credit union should not be placed in a situation where their responsibility to the credit union is pitted against their personal financial interest.

A review of recent liquidations and supervisory cases involving combined problems of business lending and insider abuses reveals that salaried (as opposed to volunteer) management officials have been at the heart of the problem in virtually every case. Further, these individuals receive direct compensation for their job performance and it is not necessary to be able to offer business loans in order to retain their services. Salaried management officials who have legitimate outside business interests can and should obtain financing elsewhere for these endeavors. Accordingly, the Board proposes to prohibit these individuals from obtaining business loans from their credit union. Nonpreferential loans for other purposes would be permitted (assuming the individual is a member of the credit union).

Thus, the new proposed § 701.21(h)(3) revises the prior proposal by prohibiting the granting of member business loans *only* to certain specified nonvolunteer senior management employees—any director who is compensated as such, the credit union's chief executive officer (this individual typically has the title of President or Treasurer/Manager), all assistant chief executive officers, and the chief financial officer (usually has title of Comptroller). To prevent circumvention of the prohibition, it also applies to any associated member or immediate family member of such employees. Finally, to ensure that each credit union has addressed this issue and expressly identified those specific management positions within the credit union that are subject to the prohibition, § 701.21(h)(2)(i)(M) would require that the affected employee be identified, by position, in the credit union's written loan policies.

Nonpreferential Treatment

The proposed Part 706 did not specifically address nonpreferential business loan treatment for officials. This limitation already exists in § 701.21(d)(5) with respect to all other loans. The Board believes that it should equally apply to business loans and has amended § 701.21(d)(5) accordingly.

Proposed § 741.3 requires FISCU's to follow the limitations in § 701.21(d)(5). FISCU's must adhere to these limitations with respect to *all* loans and not simply member business loans. This is more inclusive than the previously proposed rule.

The granting of loans with preferential rates, terms, and conditions has been used as a way to otherwise compensate officials who could not legally be compensated. The proposed prohibition effectively limits such circumvention. The Board believes that the limitation is necessary because loans underwritten to officials with rates, terms, and conditions that are out of line with the credit union's normal lending policies often result in losses to the credit union. The Board considers this type of lending to be unsafe and unsound and has, therefore, proposed to prohibit it for all federally-insured credit unions. It is noted that, pursuant to proposed § 741.3, states that adopt equivalent rules will obtain an exemption for federally-insured state-chartered credit unions from NCUA's rule. Based on discussions between representatives of NCUA and various state regulators, it is understood that a number of states already have established comparable rules and that this action will cause other states to consider doing so.

Prohibited Fees

Formerly proposed § 706.6(b) is now incorporated into an amended § 701.21(c)(8). The proposed amendment to § 701.21(c)(8) broadens the scope of the prohibition to include any commission, fee, or other compensation received in connection with loan servicing and collection activities. At present, the rule does *not* include servicing and collection activities. It should be emphasized that this provision would not preclude an individual who is a noncommissioned salaried employee from receiving his/her salary for performing one or more of the activities listed in this section.

This is another area where individual motives for pecuniary gain come into conflict with decisions and actions that should be made solely to benefit the credit union. Section 701.21(c)(8) has been in effect for some time with respect to Federal credit unions and has proven useful in preventing insider abuses.

As with the limitation on preferential loan treatment, the limitation of fees is proposed, by § 741.3, to be applicable to all FISCU's. A clear and more comprehensive prohibition against insider dealing will assist in avoiding problems that have occurred in credit unions in a limited number of cases and in other segments of the financial industry on a more widespread basis. The rule is consistent with and enhances credit unions' distinct identity as member-owned and member-oriented financial cooperatives. Here again, pursuant to § 741.3, individual states would have the option of obtaining an exemption from NCUA's rule by adopting equivalent rules for federally-insured state credit unions.

Loans to Nonnatural Persons

The limitation proposed in § 706.6(d) that a federally-insured credit union shall not make a member business loan to a nonnatural person in excess of its shares at the credit union has been eliminated from the new proposed rule. It is believed that the effect of such a limitation would be to keep the corporation, business, etc., from being directly involved in the loan transaction and otherwise sign the loan and/or security agreement and note. If the nonnatural person is to benefit from the loan, it should be a direct party to the transaction and be liable on the loan.

A provision similar to that previously proposed is currently contained in Article XII, Section 1 of the FCU Bylaws. The Board intends to amend this bylaw provision at the same time it finalizes these proposed provisions on member

business loans. The amended bylaw will provide an exception for loans for a business or commercial purpose that are made jointly to one or more natural person members and a business organization in which they have a majority ownership interest. It would permit the loan to exceed shares of the nonnatural person in the credit union if all the borrowers are jointly and severally liable on the full loan amount.

Exemption From Rule For FISCU's

Recognizing the importance of the dual chartering system, and in light of several comments received on the June proposal, the Board has proposed in § 741.3 to exempt FISCU's from coverage under these proposed rules if the state regulatory authority adopts equivalent regulations as determined by the NCUA Board. The Board is committed to processing such exemption requests quickly, and will consider and act on any internal delegations of authority necessary to accomplish that goal. States may wish to adopt equivalent rules and obtain an exemption for one or more of three general subjects addressed by these rules: business loans, prohibited fees (to officials and employees), and nonpreferential treatment (of officials). If a state does not adopt such regulations, its FISCU's will be subject to these rules and all required NCUA reviews and approvals will be handled in coordination with the state credit union supervisory authority.

The Board expects that these proposed rules will be final and effective on or about July 1, 1987. Those states desiring to exempt their federally-insured credit unions from the rules may wish to have state-issued rules in place on or before that time. If NCUA's rules become effective before a state has enacted its own rules, federally-insured state-chartered credit unions in that state *will* be subject to NCUA's rules until such time as the state provides rules that are determined to be equivalent.

Regulatory Procedures

Regulatory Flexibility Act

The NCUA Board has determined and certifies that the proposed amendments, if adopted, will not have a significant economic impact on a substantial number of small credit unions (primarily those under $1 million dollars in assets). According to information available to the NCUA, business loans are not made by a significant number of small credit unions. Accordingly, the Board has determined that a Regulatory Flexibility Analysis is not required.

Paperwork Reduction Act

The Board previously submitted its information collection requirements to the Office of Management and Budget and received conditional approval. Since the requirements have been modified to some extent in proposed § 701.21(h)(2)(i) and a new collection requirement provided by § 701.21(h)(4)(ii), they have again been submitted to OMB for approval.

Written comments and recommendations regarding the collection requirements should be forwarded directly to the OMB desk officer at the following address:

OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, DC 20503
Att: Robert Neil

List of Subjects in 12 CFR Parts 701 and 741

Credit Unions, Business loans.

By the National Credit Union Administration Board on December 17, 1986.

Rosemary Brady,
Secretary of the Board

Accordingly, NCUA proposes to amend 12 CFR Part 701 of its regulations as follows:

PART 701—[AMENDED]

1. The authority for Part 701 continues to read as follows:

Authority: 12 U.S.C. 1757, 1766(a) and 1789(a)(11).

2. Section 701.21(a) is revised to read:

§ 701.21 Loans to members and lines of credit to members.

(a) *Statement of Scope and Purpose.* Section 701.21 complements the provisions of section 107(5) of the Federal Credit Union Act (12 U.S.C. § 1757(5)) authorizing Federal credit unions to make loans to members and issue lines of credit (including credit cards) to members. Section 107(5) of the Act contains limitations on matters such as loan maturity, rate of interest, security, and prepayment penalties. Section 701.21 interprets and implements those provisions. In addition, § 701.21 states the NCUA Board's intent concerning preemption of state laws, and expands the authority of Federal credit unions to enforce due-on-sale clauses in real property loans. Also, while § 701.21 generally applies to Federal credit unions only, its provisions may be used by state-chartered credit unions with respect to alternative mortgage transactions in accordance with Title VIII of Pub. L. 97–320, and certain provisions apply to loans made by federally-insured state-chartered credit unions as specified in § 741.3. Finally, it is noted that § 701.21 does not apply to loans by Federal credit unions to other credit unions (although certain statutory limitations in section 107 of the Act apply), nor to loans to credit union organizations (which are governed by section 107(5)(D) of the Act and § 701.27 of this Part).

3. Section 701.21(c)(5) is revised to read:

(5) *Ten percent limit.* No loan or line of credit advance may be made to any member if such loan or advance would cause that member to be indebted to the Federal credit union upon loans and advances made to the member in an aggregate amount exceeding 10% of the credit union's total unimpaired shares and surplus. In the case of member business loans as defined in § 701.21(h)(1)(i), additional limitations apply as set forth in Section 701.21(h)(2)(ii).

4. Section 701.21(c)(8) is revised to read:

(8) *Prohibited fees.* A Federal credit union shall not make any loan or extend any line of credit if, either directly or indirectly, any commission, fee or other compensation is to be received by the credit union's directors, officials, committee members, or employees, or any immediate family members of such individuals, in connection with underwriting, insuring, servicing, or collecting the loan or line of credit. However, salary (except commissions) for employees is not prohibited by this section. For purposes of this section, "immediate family member" means a spouse, or a child, parent, grandchild, grandparent, brother or sister, or the spouse of any such individual.

5. Section 701.21(d)(5) is revised to read:

(5) *Nonpreferential treatment.* The rates, terms and conditions on any loan or line of credit either made to, or endorsed or guaranteed by

(i) An official,

(ii) An immediate family member of an official, or

(iii) Any individual having a common ownership, investment or other pecuniary interest in a business enterprise with an official or with an immediate family member of an official

shall not be more favorable than the rates, terms and conditions for comparable loans or lines of credit to other credit union members. "Immediate family member" means the spouse of an official, or a child, parent, grandchild, grandparent, brother or sister of an official, or the spouse of any such individual.

6. A new Section 701.21(h) is added to read:

(h) *Member business loans*—(1) *Definitions.* (i) "Member business loan" means any loan, line of credit, or letter of credit, the proceeds of which will be used for a commercial, corporate, business, or agricultural purpose, except that the following shall not be considered a "member business loan" regardless of purpose:

(A) A loan that is fully secured by a lien on a 1 to 4 family residential dwelling that is the member's primary or secondary residence.

(B) A loan that is fully secured by shares in the credit union.

(C) A loan, the proceeds of which are used for a commercial, corporate, business, or agricultural purpose, made to a borrower or an associated member (as defined in (iii)), which, when added to other such loans to the borrower or associated member, is less than $25,000.

(D) A loan, the repayment of which is fully insured or fully guaranteed by, or where there is an advance commitment to purchase in full by, any agency of the Federal government or of a state or any of its political subdivisions.

(ii) "Reserves" means all reserves, including the Allowance for Loan Losses account, and undivided earnings or surplus.

(iii) "Associated Member" means any member with a common ownership, investment or other pecuniary interest in a business or commercial endeavor.

(iv) "Immediate Family Member" means a spouse, or a child, parent, grandchild, grandparent, brother or sister, or the spouse of any such individual.

(2) *Requirements.* A Federal credit union may make member business loans only in accordance with the applicable provisions of § 701.21 (a) through (g) above and the following additional requirements:

(i) Written loan policies. The board of directors must adopt specific business loan policies and review them at least annually. The policies shall, at a minimum, address the following:

(A) Types of business loans that will be made.

(B) The credit union's trade area for business loans.

(C) Maximum amount of credit union assets, in relation to reserves, that will be invested in business loans.

(D) Maximum amount of credit union assets, in relation to reserves, that will be invested in a given category or type of business loan.

(E) Maximum amount of credit union assets, in relation to reserves, that will be loaned to any one member or group of associated members, subject to § 701.21(h)(2)(ii) below.

(F) Qualifications and experience of personnel involved in making and administering business loans.

(G) Analysis of the ability of the borrower to repay the loan, including length of time the business has been in operation; balance sheet, trend and structure analysis; ratio analysis of cash flow, income and expenses, and tax data; leveraging; and comparison with industry averages.

(H) Financial statements will be obtained, and other documentation required to be maintained and updated, including tax returns, will be updated on an annual or more frequent basis.

(I) Collateral requirements, including loan-to-value ratios; appraisal, title search and insurance requirements; steps to be taken to secure various types of collateral; and how often the value and marketability of collateral is reevaluated.

(J) Appropriate interest rates and maturities of business loans.

(K) Loan monitoring, servicing and follow-up procedures, including collection procedures.

(L) Provision for periodic disclosure to the credit union's members of the number and aggregate dollar amount of member business loans, and the number and aggregate dollar amount of such loans made to officials and employees of the credit union that are subject to this section.

(M) Identification, by position, of those senior management employees prohibited by subsection (h)(3) from receiving member business loans.

(ii) Loans to one borrower. Unless a greater amount is approved by the NCUA Board, the aggregate amount of outstanding member business loans to any one member or group of associated members shall not exceed 20% of the credit union's reserves. If any portion of a member business loan is secured by shares in the credit union, or insured or guaranteed by, or subject to an advance commitment to purchase by, any agency of the Federal government or of a state or any of its political subdivisions, such portion shall not be calculated in determining the 20% limit.

(iii) Allowance for loan losses

(A) The determination whether a member business loan will be classified as substandard, doubtful, or loss, for purposes of the valuation allowance for loan losses, will rely on factors not limited to the delinquency of the loan. Nondelinquent loans may be classified, depending on an evaluation of factors, including, but not limited to, the adequacy of analysis and documentation.

(B) Loans classified shall be reserved as follows:

(*1*) Loss loans at 100% of outstanding amount;

(*2*) Doubtful loans at 50% of outstanding amount; and

(*3*) Substandard loans at 10% of outstanding amount unless other factors (e.g., history of such loans at the credit union) indicate a greater or lesser amount is appropriate.

(3) *Prohibitions.* (i) Senior management employees. A Federal credit union may not make member business loans to the following nonvolunteer, senior management employees, or to any associated member or immediate family member of such employees:

(A) Any member of the Board of Directors who is compensated as such.

(B) The credit union's chief executive officer (typically this individual holds the title of President or Treasurer/Manager).

(C) Any assistant chief executive officers (e.g., Assistant President, Vice President, or Assistant Treasurer/Manager).

(D) The chief financial officer (Comptroller).

(ii) "Equity kickers." A Federal credit union shall not grant a member business loan where a portion of the amount of income to be received by the credit union in conjunction with such loan is tied to the profit of the business or commercial endeavor for which the loan is made.

(4) Effective date. (i) Section 701.21(h) is effective [effective date of final rule]. On and after that date, a Federal credit union may make member business loans only after adopting and implementing written loan policies as required by § 701.21(h)(2)(i). All member business loans made on or after that date must be in full compliance with § 701.21(h).

(ii) On or before [effective date of final rule], a Federal credit union must notify the NCUA Regional Director, in writing, of any outstanding member business loans made prior to that date that do not satisfy the requirements of § 701.21(h).

7. An Appendix is added to Section § 701.21(h) to read:

Appendix to § 701.21(h)—Classifications

Substandard—Loan is inadequately protected by the current sound worth and paying capacity of the obligor or of the collateral pledged, if any. Loans classified must have a well-defined weakness or weaknesses that jeopardize the liquidation of the debt. They are characterized by the distinct possibility that the credit union will

sustain some loss if the deficiencies are not corrected. Loss potential, while existing in the aggregate amount of substandard loans, does not have to exist in individual loans classified substandard.

Doubtful—A loan classified doubtful has all the weaknesses inherent in one classified substandard, with the added characteristic that the weaknesses make collection or liquidation in full, on the basis of currently existing facts, conditions, and values, highly questionable and improbable. The possibility of loss is extremely high, but because of certain important and reasonably specific pending factors which may work to the advantage and strengthening of the loan, its classification as an estimated loss is deferred until its more exact status may be determined. Pending factors include: proposed merger, acquisition, or liquidation actions, capital injection, perfecting liens on additional collateral, and refinancing plans.

Loss—Loans classified loss are considered uncollectible and of such little value that their continuance as loans is not warranted. This classification does not necessarily mean that the loan has absolutely no recovery or salvage value, but rather is not practical or desirable to defer writing off this basically worthless asset even though partial recovery may occur in the future.

PART 741—[AMENDED]

§ 741.3 through 741.9 [Redesignated as §§ 741.4 through 741.10]

9. Sections 741.3 through 741.9 are redesignated as §§ 741.4 through 741.10 respectively

The authority for Part 741 continues to read as follows:

Authority: 12 U.S.C. 1766, 12 U.S.C. 1781, 12 U.S.C. 1789.

10. A new § 741.3 is added to read:

§ 741.3 Minimum Loan Policy Requirements.

Any credit union which is insured pursuant to Title II of the Act must adhere to the requirements stated in § 701.21(h) concerning member business loans, § 701.21(c)(8) concerning prohibited fees, and § 701.21(d)(5) concerning nonpreferential loans. State-chartered, NCUSIF-insured credit unions in a given state are exempt from these requirements if the state regulatory authority for that state adopts equivalent regulations as determined by the NCUA Board. In nonexempt states, all required NCUA reviews and approvals will be handled in coordination with the state credit union supervisory authority.

[FR Doc. 86-28877 Filed 12-24-86; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 230

[Release No. 33-6682; File No. S7-31-86]

Prospectus Delivery During Quiet Period

AGENCY: Securities and Exchange Commission.

ACTION. Proposed Rule.

SUMMARY. The Commission today is publishing for comment two alternative rule proposals to amend Rule 174, adopted under section 4(3) of the Securities Act of 1933 ("Act"), by reducing or eliminating the 40 or 90 day dealer prospectus delivery period for registered securities offerings of issuers that were not reporting companies prior to filing their registration statements. The first proposal would reduce the delivery period to 25 days after an offering of securities included in the Consolidated Tape Association transaction reporting system or NASDAQ securities that have been designated for trading in the National Market System ("reported securities"). The first proposal also would eliminate the prospectus delivery period for transactions in reported securities of registrants meeting specified size, public float and operating history criteria. The alternative proposal would shorten the applicable delivery period to 25 days following the offering of securities that are listed and registered on a national securities exchange or for which quotation information is disseminated in the NASDAQ electronic inter-dealer quotation system. Neither proposal would change the specified prospectus delivery period for transactions in other publicly offered securities.

DATE: Comments must be received on or before March 1, 1987.

ADDRESS: Comment letters should refer to File No. S7-31-86 and be submitted in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, Washington, DC 20549. Comments will be available for public inspection and copying in its Public Reference Room, 450 Fifth Street, NW., Washington, DC 20549.

FOR FURTHER INFORMATION CONTACT: Larisa Dobriansky (202) 272-2589, Office of Disclosure Policy, Division of Corporation Finance, Securities and Exchange Commission, Washington, DC 20549.

SUPPLEMENTARY INFORMATION:

I. Executive Summary

Pursuant to its authority under sections 4(3) and 19(a) [1] of the Act,[2] the Commission is proposing to reduce or in some cases eliminate the period during which dealers must deliver a prospectus in connection with secondary market transactions in securities that are the subject of a registration statement filed under that Act. Under section 4(3) of the Act, dealers must deliver a statutory prospectus [3] for a period of 40 or 90 days, depending upon the status of the registrant, after the later of (1) the effective date of the registration statement or (2) the first date on which the securities were bona fide offered to the public unless the Commission specifies a shorter period.[4] Currently, dealers have such a delivery obligation only with respect to the securities of previously non-reporting companies.[5]

The Commission believes that changes are warranted in the prospectus delivery requirements for newly registered securities [6] that are traded in specified markets. Significant developments have occurred in the operation and surveillance of the trading markets in recent years. Market information is disseminated more efficiently now because there have been considerable improvements in quotation and trade reporting. Market surveillance capabilities also have been enhanced. Furthermore, where quotation and last sale reporting exist, there is more orderly trading of publicly offered securities in an aftermarket, as well as a

[1] 15 U.S C. 77d(3) and 77s(a).

[2] 15 U.S.C. 77a-77aa (1982).

[3] 15 U.S.C. 77j(a).

[4] 15 U.S.C. 77d(3)(B). If the securities of the issuer have not been sold previously pursuant to an earlier effective registration statement ("initial public offering" or "IPO"), the applicable period specified in section 4(3) is 90 days otherwise, the designated period is 40 days.

[5] A non-reporting company, for purposes of this Release, refers to a company that prior to the time of filing a registration statement under the Act is not required to file reports under the Securities Exchange Act of 1934 (the "Exchange Act") (15 U.S.C. 78a-78kk *et seq.* (1982)). Rule 174 (17 CFR 230.174), adopted under section 4(3), provides, with respect to either the 40 or 90 day period, that a prospectus does not have to be delivered in transactions in the securities of an issuer that prior to filing a Securities Act registration statement is a reporting company under the Exchange Act. If a company previously has offered registered securities to the public, the 40 day delivery period would apply to transactions in the newly registered securities of that company if its obligation to file reports under section 15(d) of the Exchange Act (15 U.S C. 78*o*(d)) has lapsed.

[6] For purposes of simplicity in discussing the alternative proposals in this Release, both IPO and non-IPO securities currently subject to the delivery obligation under section 4(3) and Rule 174 shall be referred to herein as "newly registered or newly issued securities" or "new issues."

greater ability to detect unusual price movements and abusive trading practices.

Accordingly, the Commission today is proposing for comment two alternative amendments to Rule 174. The first proposal ("Proposal I") would reduce the applicable prospectus delivery period to 25 days following a public offering for transactions in equity securities that qualify as "reported securities"—*i.e.*, exchange-listed securities [7] or NASDAQ securities [8] designated for trading in the national market system.[9] for which real-time last sale information is required to be reported pursuant to an effective transaction reporting plan.[10] Proposal I also would eliminate the delivery requirement for aftermarket transactions in reported common stock of those registrants satisfying criteria relating to the company's size public float and operating history.

The alternative proposal ("Proposal II") is based on the recommendations contained in a rulemaking petition filed by the Securities Industry Association ("SIA").[11] Proposal II would amend Rule 174 to reduce the designated prospectus delivery period to 25 days for dealers trading in newly issued securities that are listed on a national securities exchange or quoted in the NASDAQ system.

Both proposals would retain any prospectus delivery period for secondary market transactions in all other securities registered in a public offering and preserve the prospectus delivery requirement for a dealer acting as an underwriter or effecting transactions in an unsold allotment or subscription of securities.[12]

II. Background.

In its rulemaking petition to the Commission, the SIA asserted that the existing prospectus delivery requirement under Section 4(3) of the Act and Rule 174 thereunder hinders the ability of dealers [13] to issue research reports and written recommendations during the designated delivery period after the commencement of a public offering.[14] During that period of time, all dealers,[15] whether or not they participate in the distribution of registered securities, must comply with the prospectus delivery requirements of Section 5 of the Act [16] when offering or selling securities in the aftermarket. The SIA stated that as a consequence of the Section 5 restrictions, which apply during the prospectus delivery period,[17] that period is "quiet." [18]

The Act originally prescribed a period of one year for delivering a prospectus after the commencement of any registered public offering.[19] That statutory period was reduced to 40 days in 1954. [20]

In 1963, the Commission submitted to Congress its *Special Study of the Securities Markets* ("Special Study"),[21] which, among other things, examined in depth the new issues upsurge of 1959–1962. The Special Study determined that certain underwriting, distribution and trading practices employed by particular underwriters and dealers exacerbate the demand for IPO issues,[22] thus causing immediate and substantial premiums over the initial offering prices and distorting the picture of supply and demand in the trading markets for such new issues.[23] The Study also found that

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[7] The term "exchange-listed security" means any equity security which is registered under Section 12(b) of the Exchange Act (15 U.S.C. 781(b)) and is listed and registered on a national securities exchange.

[8] The term "NASDAQ security" means any equity security registered under Section 12(g) of the Exchange Act (15 U.S.C. 781(g)) and for which quotation information is disseminated in the National Association of Securities Dealers Automated Quotation System ("NASDAQ").

[9] Rule 11Aa2–1 under the Exchange Act ("NMS Securities Rule") sets forth the criteria and procedures by which certain NASDAQ securities are designated as national market system securities ("NASDAQ/NMS security"). 17 CFR 240.11Aa2–1. A primary effect of designation as an NMS security is that the security is subject to real-time last sale reporting requirements similar to those applicable to most exchange-listed securities. The Commission has proposed an amendment to Rule 11Aa2–1 that would result in the designation as NMS securities of all over-the-counter ("OTC") or exchange-listed securities for which transactions are reported pursuant to an effective transaction reporting plan approved by the Commission under Rule 11Aa3–1 (17 CFR 240.11Aa3–1) under the Exchange Act. See Release No. 34–23817 (November 17, 1986) [51 FR 42856].

[10] Rule 11Aa3–1 ("transaction reporting rule") defines an "effective transaction reporting plan" as a plan for collecting, processing and disseminating transaction reports in reported securities which has been approved by the Commission. Transaction reports for eligible exchange-listed securities from all markets are collected and disseminated in the "consolidated transaction reporting system" pursuant to such a plan administered by the Consolidated Tape Association ("CTA"). Currently, eligible securities include those listed on the New York Stock Exchange ("NYSE") and the American Stock Exchange ("AMEX") and regional exchange listings that substantially meet the AMEX or NYSE listing criteria. The CTA members are the New York, American, Boston, Cincinnati, Midwest, Pacific and Philadelphia Stock Exchanges, and the National Association of Securities Dealers ("NASD"). Transaction reports for transactions in NASDAQ/NMS securities are collected and disseminated through the NASDAQ system pursuant to an effective transaction plan administered by the NASD. NASDAQ securities and exchange-listed securities included in a consolidated transaction reporting system are "reported securities." *See* 17 CFR 240.11Aa3–1(a)(4).

[11] The Securities Industry Association petition ("SIA Petition") was submitted on April 1, 1985 pursuant to Rule 4(a) of the Commission's Rules of Practice. 17 CFR 201.4(a). A copy of this petition is available for public inspection in File No. S7–31–86. The SIA's proposed amendments have been modified to conform with the style of Proposal I and to extend them to transactions in non-IPO securities subject to the 40 day delivery period.

[12] 15 U.S.C. 77d(3). The provisions of Rule 15c2–8 under the Exchange Act (17 CFR 240.15c2–8) requiring prospectus delivery would not be affected by the proposals contained in this Release.

[13] Under section 2(12) of the Act (15 U.S.C. 77b(12)), and as used throughout this Release, the term "dealer" includes a "broker".

[14] SIA Petition at 3.

[15] The brokers' transactions exemption in section 4(4) of the Act (15 U.S.C. 77d(4)) applies to brokers' transactions executed upon customers' orders on any exchange or in the over-the-counter market but not to the solicitation of such orders.

[16] 15 U.S.C. 77e.

[17] The restrictions placed on the distribution of information by dealers apply at least from the time an issuer reaches an understanding with the firm that is to act as managing underwriter until the completion of the offering and the period of 40 or 90 days during which dealers must deliver a prospectus. Release No. 33–5010 (October 7, 1969) at 2 [34 FR 18130].

[18] SIA Petition at 3. The SIA states that during the delivery period following a public offering dealers refrain from issuing research reports and other communications lest such communications be deemed prospectuses that do not meet the requirements of Section 10 of the Act (15 U.S.C. 77j). *Id.* Sections 5(b)(1) (15 U.S.C. 77e(b)(1)) and 2(10) (15 U.S.C. 77b(10)) of the Act, taken together, require that any communication that would be deemed to be such a prospectus must be preceded or accompanied by a prospectus that meets the requirements of Section 10(a) of the Act (15 U.S.C. 77j(a)).

[19] The legislative history of the Act indicates that "[t]he period of a year [was] arbitrarily taken because, generally speaking, the average public offering has been distributed within a year, and the imposition of requirements upon the dealer so far as that year is concerned is not burdensome." H.R. Rep. No. 85, 73d Cong., 1st Sess. 16 (1933).

[20] Congress recognized that the one-year provision was an unrealistic one because offerings ordinarily are completed within a relatively short period of time after the registration statement becomes effective. H.R. Rep. No. 1542, 83d Cong., 2d Sess. 14 (1954); S. Rep. No. 1036, 83d Cong., 2d Sess. 6–7 (1954).

[21] *Report of the Special Study of the Securities Markets of the Securities and Exchange Commission*, H.R. Doc. No 95, 88th Cong., 1st Sess. (1963).

[22] A hot new issue is an IPO security whose price in the aftermarket rises to a substantial premium over the initial offering price, because the demand exceeds the size of the offering. *Report of Securities and Exchange Commission Concerning the Hot Issues Markets* (1984) at 1 ("Hot Issues Report").

[23] Special Study at 553–556. The following are examples of abusive market-related practices and problems identified by the Special Study: (1) "Tie-in" arrangements by which underwriters require customers, as a condition of participation in a hot issue offering, either to purchase additional shares of the same issue at a later time and at an increased price, or to participate in another hot issue offering;

Continued

demand for IPO securities was stimulated further in some cases by promotional market letters, advisory recommendations, articles in the financial press and other planned publicity.[24] The Special Study, therefore, recommended the extension of the prospectus delivery period to 90 days for IPO securities to ensure that prospectuses would reach aftermarket purchasers "who frequently purchased at premium prices [and] probably needed the benefits of the information contained in the prospectus more than the original distributees." [25]

In contrast, the Study recommended that the 40 day requirement be eliminated in connection with securities offerings of issuers subject to the periodic reporting requirements of the Exchange Act.[26] The Study concluded that those continuous reporting requirements operate to provide a "reservoir of reliable, reasonably current, publicly available data about an issuer." [27]

Prompted by the Commission's findings and recommendations in the Special Study, the Act was amended in 1964 to extend from 40 to 90 days the prospectus delivery period for aftermarket transactions by dealers in IPO securities. The amendments also authorized the Commission to shorten the 40 and 90 day delivery periods by rule, regulation or order.[28]

In 1964, pursuant to its newly granted authority, the Commission adopted Rule 174 to shorten or eliminate the prospectus delivery periods specified in section 4(3) of the Act for certain types of offerings.[29] The rule established a maximum delivery period of 40 days for aftermarket transactions in the securities of any issuer which prior to the filing of its initial registration statement under the Act had a class of outstanding securities listed on a national securities exchange.[30]

In 1970, the Commission amended Rule 174 to eliminate the statutory period for transactions in the securities of an issuer which is subject to the periodic reporting requirements of the Exchange Act prior to the registered public offering, whether or not it is an IPO.[31] The information supplied by the reports filed under that Act and made available to the marketplace was deemed to be an adequate substitute for prospectus delivery by dealers in aftermarket transactions.[32]

In 1984, the Commission again examined the hot issues phenomenon. In the Hot Issues Report it submitted to Congress, the Commission concluded that problem hot issues, characterized by fraudulent or manipulative practices, constitute a small portion of all initial public offerings.[33] In addition to the Commission's vigorous enforcement response to hot issues abuses, the Report noted that regulatory responses by the Commission and the NASD have been successful in curbing hot issues excesses.[34]

Furthermore, the Hot Issues Report concluded that the disclosure system has been working well.[35] The Report noted that, "the Commission has developed detailed disclosure rules that are intended to assure that information is properly transmitted to persons making investment decisions." [36] In particular, the Report pointed out that the Commission has expanded the requirements for the distribution of preliminary prospectuses relating to IPO securities.[37] These changes have resulted in earlier dissemination of more specific corporate information into the marketplace.

III. Discussion

The section 4(3) prospectus delivery requirement is a prophylactic measure which reduces the vulnerability of the offering process to hot issues abuses. The Commission is seeking to refine that obligation for securities offerings of companies that prior to the time of filing their registration statements under the Act were not required to file reports under the Exchange Act ("non-reporting company"). The Commission seeks to amend Rule 174 in a manner that maintains the availability of information concerning such securities and retains the statutory obligation for those offerings that are most susceptible to manipulative and deceptive practices. The proposed amendments would in no way diminish responsibility and potential liability to investors for such practices under the antifraud provisions of the securities laws.[38]

The alternative proposals to amend Rule 174 attempt to define those classes of securities offerings that are not as vulnerable to manipulation and other hot issues-type abuses because of listing standards, NASD and Exchange surveillance and the required market information. Qualification, filing and disclosure requirements have been established for trading in certain markets to assure that timely and continuous corporate and market information concerning new issues is available. The listing standards assure that the issuers of securities traded in such markets have satisfied certain financial thresholds. Finally, improvements in quotation and trade reporting have resulted in more efficient dissemination of information in certain markets, and increased surveillance capabilities have led to more orderly trading. Accordingly, it appears appropriate to reduce reliance on prospectus delivery requirements and to rely instead on listing standards, filing and disclosure requirements of trading entities, and market information to minimize the potential for abuse for certain new issues.

The two alternative amendments to Rule 174 proposed today differ with respect to the class of securities offerings for which the delivery period would be reduced, or eliminated in

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(2) "parking arrangements" under which underwriters temporarily deposit shares in bogus accounts for the benefit of the promoters or underwriters; (3) the use of escrowed investor funds by underwriters or promoters before an offering is completed; (4) delays in the delivery of stock certificates and in executing orders; (5) use of "wooden tickets" whereby investors receive confirmations of purchases that they never ordered; (6) excessive compensation for underwriters; (7) "withholding" substantial blocks of new stock in order to restrict supply; and (8) "free-riding" by placing stocks in the accounts of affiliates or insiders of a dealer.

[24] *Id.* at 556.

[25] *Id.*

[26] *Id.* at 557.

[27] *Id.* at 593.

[28] Securities Acts Amendments of 1964, Pub. L. No. 88–467, 78 Stat. 565 (August 20, 1964), Sec. 12.

[29] Release No. 33–4749 (Dec. 23, 1964) [29 FR 19099].

[30] *Id.* The prospectus delivery requirements also were eliminated for certain offerings made to employees, and certain offerings of American Depositary Receipts, non-convertible fixed interest debt securities and voting trust certificates. The amendments also provided that in the case of shelf registrations the offering of subsequent tranches would not trigger a new delivery period.

[31] Release No. 33–5101 (November 19, 1970) [35 FR 18457]. This amendment was based on the Commission's recommendations set forth in the Special Study and reiterated in its 1969 report entitled, *Disclosure to Investors—A Reappraisal of Federal Administrative Policies Under the '33 and '34 Acts* ("Wheat Report") (1969), Chapter IV, 14–16.

[32] Release No. 33–5010 (October 7, 1969)[34 FR 18130].

[33] Hot Issues Report at 2, 77. The Hot Issues Report analyzed 735 IPOs that commenced between January 1, 1980 and August 31, 1983 and involved securities that subsequently were traded in the NASDAQ system.

[34] *Id.* at 78.

[35] *Id.* at 41, 61.

[36] *Id.* at 45.

[37] *Id. See* Release No. 33–4968 (April 24, 1969) [34 FR 7235]; Rule 15c2–8 under the Exchange Act (17 CFR 240.15c2–8); Rules 460 and 461 under the Act (17 CFR 230.460, 461).

[38] *See* Section 12(2) of the Act (15 U S.C. 771(2)); Section 17(a) of the Act (15 U.S.C. 77q(a)) Section 10(b) of the Exchange Act (15 U S.C. 78j(b)) and Rules 10b–5 10b–6 thereunder (17 CFR 240.10b–5, 10b–6).

certain cases. Proposal I would be limited to reported securities. Proposal II would extend to all exchange-listed and NASDAQ-traded securities. In addition, Proposal I would define a class of new issues that, because of the issuer's size, operating history and public float, would be treated like issues of reporting companies and, thus, would be exempt under Rule 174 from a section 4(3) prospectus delivery requirement. The proposals also differ with respect to the date from which the reduced delivery period would run.

A. Proposal I

1. 25-day period

Under Proposal I, the applicable prospectus delivery period would be shortened to 25 calendar days for newly registered equity securities that qualify for transaction reporting under an effective transaction reporting plan [39] as of the date that the registration statement is declared effective. The 25 day delivery period would run from either the effective date of the registration statement or the date of the first bona fide offering to the public, whichever is later. Real-time last sale information must be made available for this class of securities, which consists of exchange-listed securities that qualify for transaction reporting pursuant to the Consolidated Tape Association ("CTA") Plan and NASDAQ/NMS securities.[40] In addition, quotations for reported securities must be firm as to the quoted price and size in accordance with the Commission's firm quotation rule.[41] The Commission adopted these requirements to increase market efficiency and enhance opportunities for public investors to obtain best execution of their orders.[42]

The current qualification criteria for NASDAQ/NMS designation and CTA reporting, which are summarized in the chart at the end of this section, set minimum standards relating to the issuer, the distribution of the security, and market activity of the security.[43] NASDAQ/NMS and CTA reported securities must be registered pursuant to Section 12 of the Exchange Act.[44] CTA reported securities must be listed on the AMEX or the NYSE or be listed on a regional exchange and substantially meet the AMEX or NYSE listing requirements.[45] Currently, designation as an NASDAQ/NMS security is automatic if the issuer meets specified mandatory criteria. If an issuer satisfies the voluntary criteria outlined below, it may become an NMS issuer upon application to the NASD.[46]

Standard	I. NASDAQ/NMS CRITERIA			II. CTA issues		
	Tier 1—Mandatory inclusion	Tier 2—Voluntary NASDAQ/NMS inclusion		1. NYSE standards*	2. AMEX standards*/**	
		Alternative 1	Alternative 2		Alt. 1	Alt. 2
Total assets		$2 million	$2 million			
Net tangible assets	$2 million			$18 million	$4 million	$12 million
Capital and surplus	$1 million	$1 million	$8 million			
Net income		$300,000 in Latest or 2 or 3 Last fiscal years.		$2.5 M. latest fiscal year and $2 M. Previous 2 fiscal years or $6.5 M. aggregate past 3 years and $4.5 M. latest fiscal year.	$400,000	
Operating history			4 years	3 years		5 years
Public float (shares)	500,000	350,000	800,000	1.1 million	500,000	1 million
Market value of float	$5 million	$2 million	$8 million	$18 million	$3 million	$10 million
Minimum bid	$10 for 5 business days.	$3			$5	
Trading volume	Average 600,000 shares/month for 6 months.					
Shareholders of record	300	300	300	2,000	1,000	3,000

*The exchanges have limited discretion to list securities that do not precisely satisfy these criteria.
**The AMEX listing standards are being revised currently. *See* SE-AMEX-86-29.

[39] 17 CFR 240.11Aa3-1.

[40] Included in this class currently are certain securities listed on regional exchanges that are not eligible for CTA reporting but are designated as NMS securities. The exchange transactions in such securities are exempt temporarily from last sale reporting requirements, pending the development of a facility to consolidate the reporting of OTC and exchange transactions and quotations for such securities. However, OTC transactions in such securities are subject to real-time last sale reporting through NASDAQ facilities. *See* Release No. 34-22412 (September 16, 1985) [50 FR 38640].

[41] 17 CFR 240.11Ac1-1.

[42] *See* Release No. 34-17549 (February 17, 1981) [46 FR at 13996].

[43] The Commission has proposed amendments to its Exchange Act rules governing the designation of securities qualified for trading in a national market system (Rule 11Aa2-1, the NMS Securities Rule) and transaction reporting (Rule 11Aa3-1). See Release No. 3423817 (November 17 1986) [51 FR 42856]. These amendments would result in (i) the designation as NMS securities of all reported securities; and (ii) the amendment of the transaction reporting rule to require the NASD to designate which NASDAQ securities are subject to transaction reporting. In conjunction with these proposed amendments to the Commission's rules, the NASD has filed with the Commission a proposed rule change and reporting plan amendment (SR-NASD-86-27 and Release Nos. 34-23818 (November 17, 1986) [51 FR 42960] and 34-23819 (November 17, 1986) [51 FR 42963] respectively) that would incorporate into the NASD's rules and reporting plan designation standards based on the Tier 2 NMS criteria (*see* chart for NASDAQ/ NMS criteria *infra*) currently contained in the NMS Securities Rule, and include certain corporate governance criteria previously proposed by the NASD (*see* Release No. 34-22505 (October 4, 1985), [50 FR 41697]). The NASD's proposal does not incorporate the current Tier 1 NMS mandatory designation criteria (*see* chart for NASDAQ/NMS criteria *infra*). The NASD's proposed eligibility standards for its transaction reporting plan would recognize the need to be flexible in applying its specific criteria.

[44] 15 U.S.C. 78l.

[45] *See* Release No 34-15250 (October 20, 1978) at 33 [43 FR at 50611, n.63].

[46] The NASD's proposed rule change referred to supra, footnote 43, would codify the existing NASD interpretation that IPOs substantially meeting the designated criteria are eligible for last sale reporting, as of the effective date of the registration statement, upon prior application and with the written consent of the managing underwriter that immediate inclusion in the NMS is desired.

2. Elimination of the prospectus delivery period

Proposal I also would eliminate the prospectus delivery period for aftermarket transactions in the reported security of a registrant that satisfies certain criteria.[47] In effect, the proposed exemption would treat qualifying registrants in the same manner as Rule 174 currently treats companies that are reporting under the Exchange Act prior to filing their registration statements. To qualify for this exemption, a registered offering of common stock must qualify for the 25 day delivery period and the issuer must meet the criteria set forth below:

(1) The issuer of the common stock had annual revenues of at least $100,000,000 in each of its last three most recently completed fiscal years;

(2) The issuer had total assets of at least $100,000,000 at the close of each of its last two most recently completed fiscal years;

(3) At least 2,000,000 of the shares of the security outstanding after the registered offering will be held by persons other than directors, officers, or persons owning beneficially 10 percent or more of the outstanding shares of the security; and

(4) In connection with the registered offering, the issuer has a firm commitment from underwriters or others (subject only to customary conditions precedent, including "market outs") for the purchase of all the securities being offered.[48]

The proposed criteria are intended to define a class of issuers whose size and operating history, as well as the substantial liquidity of the market for their securities, render them less like new issues susceptible to hot issues abuses and more like offerings currently exempt from section 4(3) requirements.

To arrive at these criteria, a preliminary review was undertaken of approximately 660 common stock IPO registrations that were declared effective in the period March 1985 through February 1986. This review was intended to determine the common characteristics of those offerings for which an exemption comparable to that used for offerings of reporting companies would be appropriate. Based on the issuer's size and year of incorporation, as well as the size of the distribution, approximately 145 of those 660 offerings were selected for review to determine, among others things, the operating history of the company and the public float of the securities. Approximately 10 of those 145 offerings would have met the proposed criteria. Of these, 6 involved securities that were CTA reported or NMS designated on the effective date of the registration statement. The other four involved securities that were NMS eligible on the date of effectiveness and became NMS designated within 40 days of that date.

The qualifying offerings spanned a broad spectrum of industries and the asset and revenue tests did not appear to disadvantage unduly any particular industry. Specific comment is requested, however, on whether the asset and revenue tests should be in the disjunctive to assure that particular industries are not affected adversely by this proposal. If the criteria were in the disjunctive, about 7 more of the 145 offerings that were reviewed would have qualified for the exemption.

While the respective time periods proposed under the revenue and asset tests parallel audited financial statement requirements for registration statements,[49] comment is solicited on whether five years of such financial information should be required in order to parallel Regulation S-K selected financial data requirements.[50] Comment also is requested on whether the asset and/or revenue thresholds should be set at lower levels if five years of such information is required.

The requirement that at least a certain number of the shares outstanding after a registered offering be held by non-affiliates of the issuer is intended to be an objective standard for broad dissemination of the shares to the public. The firm commitment requirement is designed to assure that the registrant meets that public float criterion. Specific comment is requested on the appropriateness of these standards and whether other criteria would be preferable to achieve the same purposes.

The Commission recognizes that the criteria proposed are substantial and that other offerings could be viewed as appropriate for exemption from the Section 4(3) and Rule 174 prospectus delivery requirements. However, the Commission believes it appropriate to gain experience first with a limited class of securities offerings before determining the appropriateness of extending the exemption to a larger class. Specific comment is requested on the appropriateness of the proposed criteria and whether other criteria are more suitable to achieve the purposes of the exemption.

B. Proposal II

Proposal II is based on the petition submitted by the SIA. Under this proposal, the 40 or 90 day prospectus delivery period would be reduced to 25 calendar days after the commencement of a registered public offering if, as of the date of effectiveness, the securities are listed and registered on a national securities exchange or authorized for quotation in an electronic interdealer quotation system sponsored and governed by the rules of a registered securities association, such as NASDAQ, the quotation system sponsored and governed by the NASD.[51] The 25 day delivery period would run from the effective date of the registration statement.

Proposal II would extend to a broader range of securities than Proposal I. Proposal II would cover those securities, whether listed on a regional exchange or traded solely in the OTC market, for which real-time last sale reporting is not provided pursuant to a transaction reporting plan. These would include regional exchange-listed securities that do not substantially meet AMEX listing standards or are not NMS designated.

The listing standards of the regional exchanges vary. The requirements of several of the exchanges range from at least $1 to $2 million in assets (total or net tangible assets) and from at least 750 to 1,000 shareholders of record in the case of common stock and specify a public float of at least 250,000 shares.[52] For listing in the NASDAQ system, an issuer must have at least $2 million in total assets, $1 million in total capital and surplus, 300 shareholders and a public float of 100,000 shares.[53]

In its rulemaking petition, the SIA relies on the requirements imposed by section 12(b) [54] of the Exchange Act for

[47] As noted above, this proposal would not eliminate the prospectus delivery requirement under section 4(3) and Rule 174 for a dealer acting as an underwriter, including dealer sales of any securities taken down as part of an overallotment option, or for any dealer effecting transactions in an unsold allotment or subscription of securities.

[48] The term "firm commitment" shall be construed in the same manner as that term has been interpreted under Rules 10b-9 and 15c2-4 (17 CFR 240.10b-9, 15c2-4). *See* Letter to Sullivan and Cromwell dated August 2, 1985, regarding the First Boston Corporation (File No. TP85-415).

[49] *See* 17 CFR 210.3-01, 3-02.

[50] *See* Item 301(a) of Regulation S-K, 17 CFR 229.301(a).

[51] This rule proposal would not apply to OTC securities for which transaction quotations are solely listed by the National Quotation Bureau in the "pink sheets." *See* Release No. 34-21470 (November 8, 1984) [49 FR at 45119].

[52] *See e.g.*, Philadelphia Stock Exchange Rule 803(a) (CCH) ¶ 2803; Pacific Stock Exchange Rule I. Section 3(b) (CCH) ¶ 3025; Midwest Stock Exchange Article XXVIII, Rule 7 (CCH) ¶ 1897; Boston Stock Exchange Rules, Chapter XXVII, Section 1 (CCH) ¶ 2260.

[53] NASD Manual (CCH) ¶ 1754 at 1567.

[54] 15 U.S.C. 78*l*(b).

registration of securities on an exchange, as well as the filing and disclosure requirements for listing in the NASDAQ system to assure the dissemination of timely and material information to public investors. The SIA also contends that it is appropriate to extend relief under Rule 174 to all NASDAQ securities because the NASD requires that real-time quotations be disseminated for securities authorized for quotation on NASDAQ [55] and that such securities be subject to regular and continuous two-way price quotations by at least two market makers.

In this regard, the Commission seeks comment on whether Proposal I or II is the more appropriate approach in light of the transaction reporting requirements for CTA reported and NMS designated securities.

IV. General Request for Comment

Any interested persons wishing to submit written comments on the rule amendments which are the subject of this release to suggest additional changes, or to submit comments on other matters that might have an impact on the proposals contained herein, are requested to do so.

In addressing the alternative proposals, commentators are specifically requested to direct their attention to certain areas. The Commission seeks specific comment on the appropriate number of days by which the relevant statutory period should be shortened and, in this regard, requests commentators to supply empirical data underlying their views or suggestions. The Commission specifically requests comment on whether a 40 day period, as used in the statute, or a shorter time period, such as 10 days, would be a more appropriate time period than the 25 day period included in both Proposals I and II. In this regard, the Commission requests price and volume data for IPO securities for the first 10, the first 25, the first 40 and the first 90 trading days respectively after the effective date of the registration statement. Commentators also should address whether the applicable time period should run from the registration date or instead from the date the securities were offered if that date is later.

The Commission also is considering a specific exclusion from any of the proposals in this Release for "blank check" offerings. These offerings are especially susceptible to manipulative and deceptive trading practices, particularly in the case of smaller offerings. In general, "blank check" registered offerings concern securities registrations that do not specify at the time of effectiveness investment or business plans. Specific comment is sought as to the necessity, appropriateness and scope of such an exclusion. The Commission also solicits comment as to any other exclusions from relief that may be necessary for investor protection.

Commentators are requested to focus on the various standards set forth in Proposals I and II for selecting those newly issued securities as to which the statutory period may be eliminated or shortened, consistent with investor protection. and are asked to suggest any other, more appropriate standards or criteria and to provide their reasons and bases for such suggestions. Comment is specifically requested on whether it would be advisable to combine certain elements of each of the proposals.

V. Cost-Benefit Analysis

The Commission believes that the proposed amendments to Rule 174 would lessen the regulatory burdens imposed by that rule upon dealers and issuers without compromising investor protection from manipulative and deceptive trading practices. The alternative proposals seek only to reduce the dealer prospectus delivery period where market processes assure the availability and dissemination of timely and continuous corporate and market information. The Commission believes that by relaxing the prospectus delivery obligation through a reduction of the time period these proposals would facilitate research and communication by dealers and reduce considerably costs associated with prospectus delivery under Rule 174.

To evaluate fully the benefits and costs associated with the proposed amendments to Rule 174, the Commission requests commentators to provide views and data as to the costs and benefits of each of the proposals. Specific comment is requested on the benefits that would result from the respective proposals and the various parts of each proposal. In terms of potential sources of cost with respect to each proposal, commentators are requested to provide quantified information and to address the adequacy of investor protection as well as compliance costs associated with prospectus delivery. The Commission seeks specific comment as to whether any, and if so which, of the criteria reflected in the proposals are sufficient to protect against market manipulation and other hot issues abuses and to ensure adequate information dissemination for these new issues. The Commission also seeks comment and data as to the costs imposed by the existing system and as to the cost savings that would be expected to result from implementation of each proposal.

VI. Summary of the Initial Regulatory Flexibility Analysis

The Commission has prepared an Initial Regulatory Flexibility Analysis ("IRFA") pursuant to the Regulatory Flexibility Act ("RFA") [56] regarding the proposed amendments to Rule 174. The IRFA states that the proposed alternative amendments would reduce, or in certain cases eliminate, the 40 or 90 day dealer prospectus delivery period for securities offerings of issuers that were not reporting companies prior to filing their registration statements. The IRFA states that both alternatives seek to reduce the prospectus delivery period where market processes assure the availability and dissemination of timely and continuous corporate and market information. The IRFA notes that both proposals would retain the existing prospectus delivery period for transactions in publicly offered securities that are not covered by the respective proposals and preserve the prospectus delivery requirement for a dealer acting as an underwriter or effecting transactions in an unsold allotment or subscription of securities. The IRFA indicates that neither of the alternative proposals would impose additional reporting or recordkeeping requirements on nor increase regulatory compliance costs for small entities, including small brokers and dealers. The IRFA points out that by relaxing the delivery obligation through a reduction of the time period either proposal would facilitate research and communication by dealers and reduce considerably costs associated with prospectus delivery under Rule 174.

The IRFA indicates that Proposal I would affect those small issuers that meet Tier 2 criteria [57] of NMS securities, and have total assets of $5,000,000 or less. Likewise, the IRFA points out that Proposal II would affect the offerings of issuers with total assets of $5,000,000 or less to the extent their securities are authorized for quotation in NASDAQ. With respect to either proposal, the IRFA notes that according to Commission estimates fewer than 50 small entities are listed on national securities exchanges.

The IRFA also states that Proposal I would affect those small brokers and

[55] NASD Manual, Schedule D to the By-Laws (CCH) ¶ 1754 at 1561, 1567.

[56] 5 U.S.C. 604.

[57] 17 CFR 240.11Aa-2.

dealers which trade NMS Securities; while Proposal II would affect those small brokers and dealers which trade NASDAQ securities. As noted in the IRFA, the Commission believes that by reducing the period for prospectus delivery, the proposed rules would lower the costs of compliance for those small issuers and small brokers and dealers covered by each of the proposals.

The IRFA solicits comments on any possible costs that either of the proposals might have on small entities and on possible alternatives to the proposed amendments that would reduce costs further.

A copy of the IRFA may be obtained by contacting Larisa E. Dobriansky (202) 272-2589, Division of Corporation Finance, Securities and Exchange Commission, 450 Fifth Street NW Washington, DC 20549.

VII. Statutory Basis and Text of Proposed Amendments Authority

The amendments to the Commission's rules are being proposed by the Commission pursuant to sections 4 and 19 of the Securities Act of 1933.

List of Subjects in 17 CFR Part 230

Reporting and recordkeeping requirements, securities.

Text of Proposals

In accordance with the foregoing, Title 17, Chapter II of the Code of Federal Regulations is proposed to be amended as follows:

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

1. The authority citation for Part 230 continues to read in part, as follows:

Authority: Sections 230.100 to 230.174 issued under section 19, 48 Stat. 85 as amended 15 U.S.C. 77s * * *

2. Section 230.174 is amended by redesignating paragraphs (d) and (e) as (e) and (f) respectively and adding new paragraph (d) to read in one of the following ways.

Proposal I

§ 230.174 Delivery of prospectus by dealers; exemptions under section 4(3) of the Act.

* * * * *

(d) Where the registration statement relates to the security of an issuer that is not subject immediately prior to the time of filing the registration statement, to the reporting requirements of section 13 or 15(d) of the Securities Exchange Act of 1934 and, as of the effective date of the registration statement, transactions in the registered security will be required to be reported pursuant to an effective transaction reporting plan, in accordance with Rule 11Aa3-1 under that Act.

(1) No prospectus need be delivered if each of the following criteria is met:

(i) The registration statement relates to an offering of common stock as to which the registrant has a firm commitment from underwriters or others (subject only to customary conditions precedent, including "market outs") for the purchase of all the securities being offered;

(ii) The issuer had annual revenues of at least $100,000,000 in each of the last three most recently completed fiscal years;

(iii) The issuer had total assets of at least $100,000,000 in each of the last two most recently completed fiscal years; and

(iv) At least 2,000,000 of the outstanding number of shares of the stock after the registered public offering will be held by persons other than directors, officers, or persons owning beneficially 10 percent or more of the outstanding shares of the security.

(2) If one or more of the criteria specified in paragraphs (d)(1) (i) through (iv) is not met, no prospectus need be delivered after the expiration of twenty-five calendar days from the effective date of the registration statement or the first date upon which the security was bona fide offered to the public, whichever is later.

* * * * *

Proposal II

§ 230.174 Delivery of prospectus by dealers; exemptions under Section 4(3) of the Act.

* * * * *

(d) Where the registration statement relates to the security of an issuer that is not subject, immediately prior to the time of filing the registration statement, to the reporting requirements of section 13 or 15(d) of the Securities Exchange Act of 1934 and, as of the effective date of the registration statement, the security is listed and registered on a national securities exchange or authorized for quotation in an electronic inter-dealer quotation system sponsored and governed by the rules of a registered securities association, no prospectus need be delivered after the expiration of twenty-five calendar days after the effective date of the registration statement.

* * * * *

By the Commission

Jonathan G. Katz,

Secretary

December 18, 1986.

[FR Doc. 86-29042 Filed 12-24-86; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 166

[CGD 85-097]

Port Access Routes; Approach to Tampa Bay, FL; Study Results

AGENCY: Coast Guard, DOT.

ACTION: Notice of study results.

SUMMARY: This notice publishes the results of the Port Access Route Study opened by announcement in the **Federal Register** on December 12, 1985 (50 FR 50808 corrected at 51 FR 1257). The study considered the fairway anchorage sites and areas adjacent to the shipping safety fairway in the approach to Tampa Bay, Florida. As a result of this study, the Coast Guard recommends: The southern Tampa Fairway Anchorage Area be eliminated; a new fairway anchorage area be established to the west of the existing northern Tampa Fairway Anchorage Area; the new fairway anchorage area and the northern Tampa Fairway Anchorage Area be designated the Western Tampa Fairway Anchorage and the Eastern Tampa Fairway Anchorage.

FOR FURTHER INFORMATION CONTACT: LTJG D. Reese, Project Manager, Office of Navigation (G-NSS-2), Room 1606, U.S. Coast Guard Headquarters, 2100 Second St., SW., Washington DC 20593, telephone (202) 267-0364, between 8:00 a.m. and 3:30 p.m., Monday through Friday. Information is also available from LTJG Harry D. Craig, Seventh Coast Guard District (mps), Miami, FL 33130, (305) 350-5651.

SUPPLEMENTARY INFORMATION:

Background

The Ports and Waterways Safety Act (PWSA) (33 U.S.C. 1223) authorizes the Coat Guard to designate necesary shipping safety fairways and fairway anchorages to allow vessels an unobstructed, safe access to United States ports.

A shipping safety fairway is an area in which no fixed structures are permitted, and therefore may inhibit exploration and exploitation of mineral resources in the ares so designated. A

shipping safety fairway may be viewed as a necessary compromise between convenient mineral exploitation and concern for navigation safety.

A fairway anchorage is an anchorage area contiguous to and associated with a fairway, in which fixed structures may be permitted with a two mile spacing limitation (33 CFR 166.200(c)(1)).

To ensure that the interests of all affected parties are considered, the PWSA mandates that a port access route study be conducted before new shipping safety fairways or fairway anchorages are designated. Publication of a study notice advises all bidders in future lease sales within the study area that occupancy rights may be restricted by a routing ssytem developed as a result of the study (33 U.S.C. 1223(c)(4)). Once a designation is made under the authority of the PWSA, the paramount right of navigation is recognized within the designated area.

In the interest of promoting a multiple use approach to offshore waters, the Coast Guard, as far as practicable, will try to minimize impacts on leases which were granted before a study is announced.

When the study results indicate no new routing measures are necessary in an area, notice of this conclusion is published in the **Federal Register**. Although study results may have concluded no new routing measures were necessary, areas for which results have been published may be studied again as changes in conditions warrant evaluation.

The port access routing needs in the area were previously studied in 1980 and the study results were published in the **Federal Register** on October 1, 1981 (46 FR 48376). The Department of the Interior (DOI) had only a small number of tracts in the area open for bid in 1981, none of which overlapped the Tampa Bay Shipping Safety Fairway. Also, no navigational problems were anticipated at that time, and no additional routing measures were recommended during the study.

In February 1985, the Tampa Port Authority, on behalf of the Tampa Bay maritime community, expressed concern about the present fairway anchorages in relation to a Tampa Harbor deepening project. The Tampa Harbor deepening project was conducted by the Corps of Engineers (COE) and is expected to result in an increase in deep draft vessel traffic. The project has required the use of designated spoil areas within the Tampa Bay Shipping Safety Fairway adjacent to the southern Tampa Fairway Anchorage Area (32 CFR 166.200(d)(49)(i)). The resulting depth of water (operational draft of 33 feet, 6 inches) has reduced the safety and convenience of access to and from the southern anchorage area to the fairway. The Tampa Port Authority requested consideration be given to redescribing and establishing new fairway anchorages. The Coast Guard determined that a study of the situation was warranted and invited the public to submit information and comments.

Method

The Port Access Route Study for the approach to Tampa Bay was conducted by the Seventh Coast Guard District. The study encompassed the following geographical positions:

Latitude	*Longitude*
(1) 27°45'00" N.	83°30'00" W.
(2) 27°45'00" N.	82°50'00" W.
(3) 27°27'00" N.	82°50'00" W.
(4) 27°27'00" N.	83°50'00" W.
(5) 27°45'00" N.	83°30'00" W.

During the study the Coast Guard consulted with Federal and state agencies and considered the views of representatives of the maritime community, port and harbor authorities and other parties who may be affected by the study results.

The Coast Guard solicited comments on a specific alternative presented by the Tampa Port Authority and on particular issues to be examined during the study.

Summary of Comments

A total of 12 comments were received on the need for a fairway anchorage in the approach to Tampa Bay. Seven of the comments acknowledged notification of the study and expressed an interest in the study results. The five remaining substantive comments were from an oil company and government agencies. The Fish and Wildlife Service of the Department of Interior (DOI) indicated they had no identifiable use conflicts with the proposed anchorage sites. The Bureau of Land Management of the DOI indicated the Federal Mineral Ownership would not be adversely impacted by the proposal. The Minerals Management Service (MMS) of the DOI anticipated no conflicts between the their oil and gas activities and the fairway anchorage proposal. MMS also stated that "indications are that any impact on oil and gas resources would be low." The Army COE indicated the proposal to establish a new deeper draft fairway anchorage and eliminate the old southern fairway anchorage would be satisfactory. They also informed the Seventh Coast Guard District, "there are no dredging disposal areas proposed in or adjacent to the proposed fairway anchorage or the existing northern fairway anchorage area." The comment by the oil company stated the proposed fairway anchorage did not conflict with current or planned activities of the company.

Facts and Findings

A. A Tampa Port Authority census of vessels indicated an average of five vessels would call on the port of Tampa on any given day. Many of these vessels must remain in a fairway anchorage until a berth is available. The Tampa Port Authority also estimated 720 vessels a year use the fairway anchorages adjacent to the Tampa Bay Fairway.

B. Dry bulk carriers lightly loaded are the major users (50%) of the shipping safety fairway and fairway anchorage areas. Their average draft is less than or equal to 30 feet. Other vessels using the fairway and fairway anchorage have an average draft of 23–24 feet and use the fairway anchorage to load and reload. Recreational boaters stay out of the area and fishing in the study area is primarily limited to sports fishing.

C. The Tampa Port Authority projects a 6–10% increase over the next 3 years in the number of vessels using the fairway anchorage.

D. The Tampa Harbor Deepening project is complete with the exception of dredging being done alongside docks. The now deepened channel (operational draft of 43 feet) will permit an increased number of deeper draft vessels to use the Tampa Harbor.

E. The Naitonal Ocean Service is conducting a wire drag test of the proposed fairway anchorage areas. Preliminary results are expected in December 1986.

F. The study area is subject to average winds of 10–15 knots and average seas of 1–10 feet with seasonal gusting and gale winds, thunderstorms, fog, and hurricane activity.

G. The proposed fairway anchorage will provide better holding grounds, deeper water, better landmarks, and a natural lee for boaring pilots in rough weather.

H. Vessel use of fairways and fairway anchorages are not mandatory, nor is the direction of traffic in a fairway. However, vessel traffic traditionally stays to the right to create an inbound and outbound flow of traffic. Under the existing northern and southern fairway anchorages, vessels inbound would use the southern anchorage and vessels outbound would use the northern anchorage. Establishing the proposed anchorage would place both anchorages on the same side of the fairway. Present statistics indicate an average of two vessels per day use the anchorages. The

cross traffic generated by this change will have a negligible impact upon safe navigation in this area.

Conclusions

Based on the above facts and findings, the Seventh Coast Guard District has reached the following conclusions:

1. A new fairway anchorage is necessary to provide a deeper, safer, and more navigable fairway anchorage in the approach to Tampa Bay.

2. Establishing a new fairway anchorage to the west of the present northern fairway anchorage site (33 CFR 166.200 (d)(49)(i)) and eliminating the southern fairway anchorage site (33 CFR 166.200(d)(49)(ii)) would best meet the expected needs of the vessel traffic in the area.

3. The existing northern anchorage area has a draft from 27–36 fet and should be recommended for shallower draft vessels. The existing northern anchorage area should also be renamed the Eastern Tampa Fairway Anchorage Area.

4. The proposed new fairway anchorage area has a draft from 42–66 feet and should be recommended for deeper draft vessels. The new anchorage area would be designated the Western Tampa Fairway Anchorage Area and would be described as follows:

The area within rhumb lines [North American Datum of 1927 (NAD–27)] joining points at:

Latitude	*Longitude*
27°39'00" N.	83°01'00" W.
27°36'48" N.	83°01'00" W.
27°36'48" N.	83°05'06" W.
27°39'00" N.	83°05'06" W.

Dated: December 16, 1986.

Martin H. Daniell,

Rear Admiral, U.S. Cost Guard, Chief, Office of Navigation.

[FR Doc. 86–29053 Filed 12–24–86; 8:45 am]

BILLING CODE 4910–14–M

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46 CFR Part 150

[CGD 84–025]

Incinerator Vessels; Safety Rules

ACTION: Notice of availability of the FONSI.

SUMMARY: In FR Doc. 86–18660, beginning on page 30241 in the **Federal Register** issue of Monday, August 25, 1986, the Coast Guard published a comprehensive set of proposed safety rules (NPRM) for incinerator vessels carrying bulk hazardous wastes for the purpose of incineration at sea. A Draft Evaluation of economic and environmental impact associated with the NPRM was prepared along with a statement announcing a finding of no significant environmental impact (FONSI). These documents were placed in the rulemaking docket and made available for public comment during the 60 day comment period provided for the NPRM. However, a specific statement giving public notice of the availability of the FONSI in the docket was not included in the preamble to the NPRM. To ensure full public participation with respect to the environmental considerations involved in this rulemaking, the Coast Guard is giving specific notice of the FONSI's availability for public comment for an additional 45 day comment period. Interested persons are invited to comment on the FONSI and the environmental assessment in the Draft Evaluation by submitting written views, data, or arguments.

DATE: Comments must be received on or before February 12, 1987.

ADDRESSES: Comments should be mailed to the Commandant (G–CMC/21) (CGD 84–025), U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593. Comments may be delivered to and will be available for inspection and copying at the Marine Safety Council (G–CMC/21), Room 2110, U.S. Coast Guard, 2100 Second Street, SW., Washington, DC between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: LCDR David B. Crawford, Office of Marine Safety, Security and Environmental Protection, (202) 267–1217.

SUPPLEMENTARY INFORMATION: The Draft Evaluation and FONSI may be inspected and copied at the Marine Safety Council (G–CMC/21) at the address listed above under **ADDRESSES.** Copies may also be obtained by contacting the person listed under **FOR FURTHER INFORMATION CONTACT.**

As stated above, interested persons are invited to comment on the FONSI and environmental assessment by submitting written views, data, or arguments. Comments should include the names and addresses of persons making them, identify the NPRM (CGD 84–025) and this notice, and give reasons for each comment.

The FONSI will be further evaluated in light of comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this rulemaking.

December 22, 1986.

J. W. Kime,

Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Safety, Security and Environmental Protection.

[FR Doc. 86–29052 Filed 12–24–86; 8:45 am]

BILLING CODE 4910–14–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 15

[Docket No. 86–422; RM–4637, RM–4813; FCC 86–463]

Radio Frequency Devices; Control and Security Alarm Devices

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document proposes to increase the permitted level of spurious radio frequency emissions occurring in the restricted frequency bands above 1000 MHz, as detailed in § 15.205(a) of the regulations, and to revise the method used to average emissions. This action was initiated by petitions for rule making filed by the Door Operator and Remote Controls Manufacturers Association, the Security Equipment Industry Association, and Transcience Industries.

DATES: Comments must be received on or before March 12, 1987, and Reply Comments must be received on or before April 13, 1987.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: John A. Reed, Technical Standards Branch, Office of Engineering and Technology, (202) 653–7313.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, adopted October 22, 1986, and released December 12, 1986.

The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., (202) 857–3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Summary of Notice of Proposed Rule Making

1. The Commission has before it four petitions to amend the regulations and the text procedures used by the Commission for Part 15 control and security alarm devices. These are: (1) a petition for rule making, RM-4637, filed on October 5, 1983, by the Door Operator and Remote Controls Manufacturers Association (DORCMA); (2) a petition for rule making, RM-4813, filed on June 12, 1984, by the Security Equipment Industry Association (SEIA); (3) requests for waiver and stay filed on October 12, 1984, by Transcience Industries; and, (4) a petition for partial stay filed on November 21, 1984, by SEIA.

2. The petitions requested a number of changes in both the measurement procedures used by the Commission and the technical standards applicable to the equipment. After full consideration of the petitions and comments, the Commission feels that the emission levels in the restricted frequency bands above 1000 MHz should be changed and a small adjustment in the measurement procedure should be given further consideration. Specific details concerning these proposed changes are shown at the end of this Notice. Although the petitions requested other changes to the regulations, there is no new evidence or compelling reasons beyond those already addressed in the proceedings that established the regulations for control and security alarm devices to persuade us to consider any other changes to those earlier decisions.

3. Because of the wide variation in alternative emission levels proposed for the restricted frequency bands above 1000 MHz, a public meeting was held on May 23, 1986, in an effort to more fully understand the problem being considered by industry in meeting the technical standards. Comments filed in response to this meeting pointed out that there is no technical justification to the existing limit of 125 uV/m at 3 meters. Further, there have been no cases of interference reported to the Commission from the millions of operating devices which currently exceed this limit. Thus, the majority of comments stated that they believed that a limit of 500 uV/m at 3 meters is a more reasonable level.

4. The Commission is not fully convinced that the present level of 125 uV/m is necessary to protect services in the restricted bands or that this limit does not impose an unnecessary economic burden on the industry. Therefore, the Commission is proposing to amend the regulations to permit a spurious emission level from control and security alarm devices of up to 500 uV/m at 3 meters in the restricted bands above 100 MHz.

5. The regulation that details the procedure to average a pulsed emission was based on the use of a field strength meter. Thus, the regulation specified an averaging period of 100 milliseconds, in accordance with ANSI specification C63.2-1980. However, a number of manufacturers and the Commission's Laboratory staff employ spectrum analyzers. In order to obtain a more accurate measurement of the field strength of the radiated signal when using a spectrum analyzer, the measurement should be made by averaging a pulsed emission over one complete pulse train, including blanking intervals, or over 10 milliseconds, whichever is the shorter time interval.

6. Following adoption of a final order in this proceeding, it is proposed that, within two years, all equipment submitted to the Commission's Laboratory for authorization must demonstrate compliance with the regulations. Further, within 30 months, all equipment manufactured must comply with the regulations. No cut-off date on the marketing of equipment produced under the previously issued stay or waivers is being proposed. This will allow manufacturers to provide replacement components.

7. Comments to this proposal are due on or before (90 days from release), and reply comments are due on or before (120 days from release). Comments and reply comments will be available for public inspection at the Commission's Dockets Reference Room at its Washington, DC location.

1. The authority citation for Part 15, is revised to read as follows and the citations following the sections are removed.

Authority: Secs. 4, 302, 303, 307, 48, Stat., as amended, 1066, 1082, 1083; 47, U.S.C. 154, 302, 303, 307.

List of Subjects in 47 CFR Part 15

Communications equipment, Radio, Reporting requirements, Security measures.

Part 15 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 15—RADIO FREQUENCY DEVICES

2. Section 15.122 is amended by revising the note under paragraph (a) to read as follows:

§ 15.122 Periodic operation in the bands 40.66-40.70 MHz and above 70 MHz.

* * * * *

(a) * * *

Note.—For pulsed operation, the measured field strength shall be determined by averaging over one complete pulse train, including blanking intervals, as long as the pulse train does not exceed 0.1 seconds. As an alternative or in those cases where the pulse train exceeds 0.1 seconds, the measured field strength shall be determined from the average absolute voltage during a 0.1 second interval when the field strength is at its maximum value. The exact method of calculating the average field strength shall be submitted with any application for equipment authorization.

* * * * *

2. Section 15.205 is amended by revising the introductory text of paragraph (a), removing the note under paragraph (a), adding new paragraphs (a)(1) and (a)(2), and by revising paragraph (b) and its note to read as follows.

§ 15.205 Technical standards.

(a) The fundamental frequency, modulation components and out-of-band emissions from the transmitter as well as the associated receiver shall not fall within any of the bands listed below:

* * * * *

(1) Emissions in these bands from the transmitter or an associated receiver shall not exceed 15 uV/m at 3 meters on frequencies equal to or below 1000 MHz.

(2) On frequencies above 100 MHz, emissions in these bands from the transmitter or an associated receiver shall not exceed 500 uV/m at 3 meters, or the spurious emission limits specified in paragraph (b) of this section, whichever is the lower value. A power density level may be measured to show the equivalent of uV/m limit.

(b) In addition to compliance with the provisions of paragraph (a) of this section, the transmitter is limited to operation on the frequencies specified below. Emission of radio frequency energy on the fundamental frequency and the spurious and out-of-band emissions from the transmitter shall not exceed the levels in the following table:

Fundamental frequency (MHz)	Field strength of fundamental (uV/m at 3m)	Field strength of out-of-band and spunous (uV/m at 3m)
40.66 to 40.70	2,250	225
70 to 73	1,250	125
75.4 to 108	1,250	125
118 to 121.4	1,250	125
121.6 to 130	1,250	125
130 to 156.7	1,250 to 2,770 (1)	125 to 380 (1)
156.9 to 174	2,780 to 3,750 (1)	280 to 375 (1)
174 to 240	3,750	375
285 to 328.6	4,800 to 6,610 (1)	500 to 660 (1)
335.4 to 404	6,890 to 9,750 (1)	690 to 975 (1)
406.2 to 470	9,840 to 12,500 (1).	985 to 1,250 (1)

Fundamental frequency (MHz)	Field strength of fundamental (uV/m at 3m)	Field strength of out-of-band and spurious (uV/m at 3m)
470 and above	12,500	1,250

(1) Linear interpolation

Note.—For pulsed operation, the measured field strength shall be determined by averaging over one complete pulse train, including blanking intervals, as long as the pulse train does not exceed 0.1 seconds. As an alternative or in those cases where the pulse train exceeds 0.1 seconds, the measured field strrength shall be determined from the average absolute voltage during a 0.1 second interval when the field strength is at its maximum value. The exact method of calculating the average field strength shall be submitted with any application for equipment authorization.

* * * * *

William J. Tricarico,

Secretary.

[FR Doc. 86-28764 Filed 12-24-86; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF ENERGY

Office of the Secretary

48 CFR Parts 951, 952 and 970

Acquisition Regulations Concerning Travel

AGENCY: Department of energy.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Department of Energy (DOE) proposes to amend the DOE Acquisition Regulation (DEAR) to implement General Services Administration (GSA) Bulletin Federal Property Management Regulations (FPMR) A-90, Availability of Government Travel Discounts to Government Contractors, dated August 15, 1986. The GSA bulletin requests agencies to make information available to contracting officers and, where appropriate, to cost-reimbursable contractors, regarding the use of discount airfares through specified airlines, reduced hotel/motel rates and reduced car rental rates. The proposed rulemaking affects three parts of the DEAR: an addition to 48 CFR Part 951, Use of Government Sources by Contractors, which outlines the travel discount airfares program being made available to employees of cost-reimbursable contractors, 48 CFR 952, Solicitation Provisions and Contract Clauses, which sets forth the provision to be included in solicitations and the clause to be included in eligible contracts and contract modifications to effect the travel discounts, and 48 CFR Part 970, DOE Management and Operating (M&O) Contracts which references the two preceding regulations as they apply to M&O contracts.

DATE: Written comments must be received by January 28, 1987.

ADDRESS: Comments should be addressed to: William T. Stevenson, Business and Financial Policy, Branch (MA-421.2), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT:

William T. Stevenson, Business and Financial Policy, Branch (MA-421.2), Procurement and Assistance Management Directorate, Washington, DC 20585, (202) 252-8193.

Prentice Cook, Office of the General Counsel for Procurement and Finacne (GC-34), Washington, DC 20585, (202) 252-1526.

SUPPLEMENTARY INFORMATION:

I. Background

Under Section 644 of the DOE Organization Act, Pub. L. 95-91 (42 U.S.C. 7254), the Secretary of Energy is authorized to prescribe such procedural rules and regulations as may be deemed necessary or appropriate to accomplish the functions vested in that position. Accordingly, the DEAR was promulgated with an effective date of April 1, 1984 (49 FR 11992, March 28, 1984), 48 CFR Chapter 9.

The purpose of this rulemaking is to revise the DEAR, as necessary, to implement GSA Bulletin FPMR A-90, Availability of Government Travel Discounts to Government Contractors, dated August 15, 1986. The bulletin announced the conditions of availability of the GSA contract airline discount fares, reduced hotel/motel rates and car rental rates to cost-reimbursable contractors. Regulations governing the use of contract airlines are contained in FPMR Temporary Regulation A-30, dated October 1, 1986, which provides that cost-reimbursable contractors working for the Government may use the same discounted contract airfares available to Federal employees while traveling on Government business, provided the contract airline agrees to the arrangement and the destination(s) are included in the city-pairs contracts negotiated by GSA with the airline(s). The regulation also provides that eligible cost-reimbursable contractor employees, with a proper identification letter from the authorizing agencies, may use a Government Transportation Request (GTR), Standard Form 1169, cash or a personal credit card, depending upon the requirements of the airline to obtain discount airfares.

Identification of the participating contract airlines and airline city-pairs schedules are contained in the Federal Travel Directory (FTD) (ISSN: 0278-0941), published monthly by GSA. The FTD also contains the names of participating car rental agencies. Participating hotels/motels are listed in the Federal Hotel/Motel Discount Directory, published annually by GSA. Both publications are available through the Government Printing Office, Superintendent of Documents, Washington, DC 20402.

DEAR Part 951, Use of Government Sources by Contractors, is proposed to be amended by the addition of DEAR 951.70 entitled, "Contractor Employee Travel Discounts," which describes the scope, policy, and responsibilities for administering the travel discount program.

DEAR Part 952, Solicitation Provisions and Contract Clauses, is proposed to be amended by the addition of DEAR 952.251-70 entitled, "Contractor Employee Travel Discounts," which provides the authorizing solicitation provision and contract and contract modification clause for cost-reimbursable contracts.

DEAR Part 970, DOE Management and Operating Contracts, is proposed to be amended by the addition of DEAR 970.5204-53, Contractor Employee Travel Discounts, which provides that the solicitation provisions and contract clauses at DEAR 952.251.70, are to be incorporated in DOE M&O contracts.

II. Procedural Requirements

A. Review Under Executive Order 12291

This Exeutive order entitled, "Federal Regulations," requires that certain regulations be reviewed by the Office of Management and Budget (OMB) prior to their promulgation. OMB Bulletin 85-7 exempts all but certain types of procurement regulations from such review. This proposed rule does not involve any of the topics requiring prior review under the bulletin and is, accordingly, exempt from such review.

B. Review Under the Regulatory Flexibility Act

This proposed rule was reviewed under the Regulatory Flexibility Act of 1980, Pub. L. 96-354, which requires

preparation of a regulatory flexibility analysis for any rule which is likely to have significant economic impact on a substantial number of small entities. This rule will have no impact on interest rates, tax policies or liabilities, the costs of goods or services or other direct economic factors. It will not have a significant economic impact on a substantial number of small entities and, therefore, no regulatory flexibility analysis has been prepared.

C. Paperwork Reduction Act

FPMR 101–41.2, Passenger Transportation Services Furnished for the Account of the United States, requires agencies or agents using the GTR, Standard Form 1169, to periodically list all tickets issued for each GTR and to forward the list along with copies of all paid tickets to the GSA Office of Transportation Audits. Since the information collected moves directly from the agencies or agents to GSA, responsibility for recordkeeping and paperwork burden rests with GSA. For this reason, the Department has requested an OMB control number from GSA. Contractors will not be required to perform any additional paperwork beyond that which contractors would have prepared prior to the issuance of GSA Bulletin A–90 to obtain airline tickets, hotel/motel reservations or car rental reservations.

D. National Environmental Policy Act

DOE has concluded that promulgation of this rule would not represent a major Federal action having a significant impact on the human environment under the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 432, *et seq.*, 1976), or the Council on Environmental Quality Regulations (40 CFR Part 1020), and therefore does not require an environmental impact statement or an environmental assessment pursuant to NEPA.

E. Public Hearing

The Department has concluded that this proposed rule does not involve a substantial issue of fact or law and that the proposed rule should not have a substantial impaction the nation's economy or large numbers of individuals or businesses. Therefore, pursuant to Pub. L. 95–91, the DOE Organization Act, the Department does not plan to hold a public hearing on this proposed rule.

III. Public Comments

Interested persons are invited to participate by submitting data, views or arguments with respect to the proposed DEAR amendments set forth in this notice. All written comments received will be carefully assessed and fully considered prior to publication of the proposed amendments as a final rule.

List of Subjects in 48 CFR Parts 951, 952, and 970.

Government procurement.

For the reasons set out in the preamble, Chapter 9 of Title 48 of the Code of Federal Regulations is proposed to be amended as set forth below.

Issued in Washington, DC on December 8, 1986.

Berton J. Roth,

Director, Procurement and Assistance Management Directorate.

1. The authority citation for Parts 951, 952 is revised to read as follows and Part 970 continues to read:

Authority: Sec. 161 of the Atomic Energy Act of 1954 (42 U.S.C. 2201), and Sec. 644 of the Department of Energy Organization Act, Pub. L. 95–91 (42 U.S.C. 7254).

PART 951—USE OF GOVERNMENT SOURCES BY CONTRACTORS

2. Subpart 951.70 Contractor employee travel discounts is proposed to be added as follows:

Subpart 951.70—Contractor Employee Travel Discounts

Subpart 951.70—Contractor Employee Travel Discounts

951.7000 Scope of subpart.

The General Services Administration (GSA), and in some cases the Department of Defense (DOD) Military Traffic Management Command, negotiate agreements with commercial organizations to provide certain discounts to contractors performing travel under Government cost-reimbursable contracts (CRCs). In the case of discount airfares and hotel/motel room rates, the GSA has established agreements with several airlines and thousands of hotels/motels to extend discounts which were previously only available to Federal employees on official travel status. DOD has negotiated agreements with car rental companies for special rates with unlimited mileage which were also to be used by only Federal employees on official Government business. GSA Bulletin Federal Property Management Regulations (FPMR) A–90, dated August 15, 1986, makes these three travel discounts available to Government cost-reimbursable contractors at the option of the vendor.

951.7001 General policy.

Contracting officers will encourage Department of Energy CRCs to use Government travel discounts to the maximum extent practicable in accordance with contractual terms and conditions. However, vendors providing the service may require that the Government contractor employees furnish a letter of identification signed by the authorizing contracting officer. Contracting officers shall provide cost-type contractors with a "Standard Letter of Identification" when appropriate to do so. An example of a "Standard Letter of Identification" is included as an attachment to GSA Bulletin A–90 and at 952.251–70(e).

(a) FPMR Temporary Regulation A–30 governs the use of contract airlines and provides that CRCs working for the Government are authorized, but not required, to obtain the same contract fares offered to Federal employees, subject to the discretion of participating contract airlines. FPMR Temporary Regulation A–30 further provides that CRCs may obtain contract fares by use of a Government Transportation Request, Standard Form 1169, cash or personal credit card. The Federal Travel Directory (FTD) (ISSN: 0278–0441), published monthly by GSA, identifies air carriers that have agreed to permit CRCs to purchase contract fares when traveling on official Government business.

(b) The Federal Hotel/Motel Discount Directory (no form number), published yearly by GSA, lists all participating lodging locations with which GSA has negotiated rates for use by Federal travelers. The directory lists rates and facilities, and identifies those which also offer their Federal discount rates to Government contractors. Hotels/motels participating in travel discounts may, at their option, extend the reduced rates to not only CRCs but to employees of firms working under any type of Government contract. Hotels/motels usually require identification signed by the contracting officer (see above).

(c) Participating car rental firms offering discounted rates to Federal travelers, including those offering discount rates to Government contractor employees, are published in the "Rental Car Information" section of the FTD and should be used as the first source of supply for contractor car rental needs. GSA Bulletin FPMR G–166 provides guidelines and overall procedures to be used in obtaining discount car rental rates. Reduced car rental rates are

offered, at the vendor's option, to Government contractor employees, with appropriate identification signed by the contracting officer (see above). Accepted methods of payment include cash and personal credit cards.

951.7002 Responsibilities.

Contracting officers will include in all cost-reimbursable solicitations and resulting contracts, or contract modifications, the provision or clause, as applicable, at 952.251-70 when significant costs involving travel by air carrier, ground transportation by rental car and lodging at a hotel or motel will be required in connection with the performance of the contract. Contracting officers may furnish Government contractors with the identification letter for presentation to contract airline, hotel/motel or car rental firm (see 951.7001 above), depending upon the requirements of the vendor.

PART 952—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

3. Subsection 952.251-70, Contractor employee travel discounts, is proposed to be added as follows:

952.251-70 Contractor employee travel discounts.

Contractor Employee Travel Discounts

To the maximum extent practicable, consistent with contract-authorized travel requirements, contractor employees shall make use of the travel discounts offered to Federal travelers, through use of contracted airlines discount airfares, hotels and motels lodging rates and car rental companies, which are available to contractor employees performing official Government contract business. Vendors providing these services may require that the contractor employee traveling on Government business be furnished with a letter of identification signed by the authorized contracting officer.

(a) *Contracted airlines.* Airlines participating in travel discounts are listed in the Federal Travel Directory (FTD), published monthly by the General Services Administration (GSA). Regulations governing the use of contracted airlines are contained in the Federal Property Management Regulations, Temporary Regulation A-30. Temporary Regulation A-30 stipulates that cost reimbursable contractor employees may obtain discount airfares by use of a Government Transportation Request (GTR), Standard Form 1169, cash or personal credit cards. When the GTR is used, contracting officers may issue a blanket GTR for a period of not less than two weeks nor more than one month. In unusual circumstances, such as prolonged or international travel, the contracting officer may extend the period for which a blanket GTR is effective to a maximum of three months. Contractors will ensure that their employees traveling under GTRs provide the GTR number to the contracted airlines for entry on individual tickets and on month-end billings to the contractor.

(b) *Hotels/motels.* Participating hotels and motels which extend discounts are listed in the Federal Hotel/Motel Discount Directory. The directory is published annually by GSA and shows rates, facilities, and identifies by code, those which offer reduced rates, to cost-reimbursable contractor employees while traveling on official contract business.

(c) *Car rentals:* The Military Traffic Management Command, Department of Defense, negotiates rate agreements with car rental companies for special flat rates and unlimited mileage. These terms are available to cost-reimbursable contractor employees while traveling on official contract business. Participating car rental companies are listed in the FTD, published monthly by the GSA.

(d) *Procedures for obtaining service.* (1) In the case of Federal contracted airlines, when travel discount airfares are ordered through the issuance of a GTR either directly to the contractor, or to a Scheduled Airline Travel Office (SATO) or Federal Travel Management Center (FTMC), the contractor shall be provided a letter of identification signed by the cognizant contracting officer and it shall accompany the order. In appropriate instances, such as geographical proximity, contractors may obtain discount airfares through a Department of Energy travel office or a cooperating local travel agency when neither a SATO or FTMC is available. Whatever the ticketing source, the contractor employee is obligated to obtain the lowest available airfare, including discount airfares, offered by a commercial airline.

(2) In the case of hotel and motel accommodations, reservations may be made by the contractor employee directly with the hotel or motel but the employee must display, on arrival, the letter of identification and any other identification required by the hotel or motel proprietorship.

(3) For car rentals, generally the same procedures as in (ii) above will be followed in arranging reservations and obtaining discounts.

(e) *Standard letter of identification.* Contractors shall prepare for the authorizing contracting officer a letter of identification based on the following format:

Format for Government Contractors to Qualify for Travel Discounts

(To be typed on agency official letterhead)

To: (*Source of ticketing, accommodations or rental*)

Subject: Official Travel of Government Contractor

(*Full name of traveler*), bearer of this letter, is an employee of (*company name*) which is under contract to this agency under the Government contract (*contract number*). During the period of the contract (*give dates*), the employee is eligible and authorized to use available discount rates in accordance with your contract and/or agreement with the Federal Government.

(Signature, title and telephone number of the contracting officer)

PART 970—MANAGEMENT AND OPERATING CONTRACTS

4. Subsection 970.5204-53 is proposed to be added as follows:

970.5204-53 Contractor employee travel discounts.

Insert the contract clause at 952.251-70 when the circumstances described in 951.7002 apply.

[FR Doc. 86-28908 Filed 12-24-86; 8:45 am]
BILLING CODE 6450-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 684

Bottomfish and Seamount Groundfish Fisheries; Public Hearings

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

ACTION: Notice of public hearings and request for comments.

SUMMARY: The Western Pacific Fishery Management Council will hold public hearings on a limited entry proposal for the Bottomfish and Seamount Groundfish Fishery Management Plan for the Northwestern Hawaiian Islands (NWHI). A proposal to control entry into the NWHI bottomfish and seamount groundfish fisheries will be presented, together with rationales for the proposal. The public will be invited to present views on the proposal and the floor will be opened for questions and discussion. Written comments are welcome on the proposal.

DATES: The first hearing will be held Monday, January 5, 1987, and the second hearing will be held Tuesday, January 6, 1987. Both hearings will begin at 7:00 p.m. Written comments on the proposal should be received by February 2, 1987.

ADDRESSES: The first hearing will be held at the Kauai Regional Library, 4344 Hardy, Lihue, Kauai; and the second hearing will be held at the McCoy Pavilion, Ala Moana Beach Park, Honolulu, Hawaii. Written comments should be sent to the Western Pacific Fishery Management Council, 1164 Bishop Street, Room 1405, Honolulu, Hawaii 96813.

FOR FURTHER INFORMATION CONTACT: Kitty Simonds, Executive Director, Western Pacific Fishery Management Council, 808-523-1368, or FTS 808-541-1974.

Dated: December 22, 1986.

Richard B Roe,

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

[FR Doc. 86-29082 Filed 12-24-86; 8:45 am]
BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 51, No. 248
Monday, December 29, 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

Packers and Stockyards Administration

Certification of Central Filing System; Arkansas

The Statewide central filing system of Arkansas is hereby certified, pursuant to section 1324 of the Food Security Act of 1985, on the basis of information submitted by W. J. "Bill" McCuen, Secretary of State, for all farm products produced in that State.

This is issued pursuant to authority delegated by the Secretary of Agriculture.

Authority: Sec. 1324(c)(2), Pub. L. 99-198, 99 Stat. 1535, 7 U.S.C. 1631(c)(2); 7 CFR 2.17(e)(3), 2.56(a)(3), 51 FR 22795.

Dated: December 22, 1986.

B.H. (Bill) Jones,

Administrator, Packers and Stockyards Administration.

[FR Doc. 86-29055 Filed 12-24-86; 8:45 am]

BILLING CODE 3410-KD-M

Soil Conservation Service

Duck Creek Watershed, AR

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service; U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Duck Creek Watershed, Lonoke and Prairie Counties, Arkansas.

FOR FURTHER INFORMATION CONTACT: Gene Sullivan, State Conservationist, Soil Conservation Service, 5423 Federal Office Building, 700 West Capitol Avenue, Little Rock, Arkansas 72201, telephone (501) 378-5445.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Gene Sullivan, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project concerns a plan for watershed protection which provides accelerated technical and financial assistance for installing land treatment measures to control erosion. Land treatment measures include the no-tillage method of crop production, terraces with underground outlets, diversions, waterways, land smoothing, and contour farming.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, state, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Gene Sullivan.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register.**

(This activity is listed in the Catalog of Federal Domestic Assistance under No. 10.904—Watershed Protection and Flood Prevention—and is subject to the provision of Executive Order 12372 which requires intergovernmental consultation with State and local officials.)

Gene Sullivan,

State Conservationist.

Dated: December 17, 1986.

[FR Doc. 86-29057 Filed 12-24-86; 8:45 am]

BILLING CODE 3410-16-M

Dunn Creek Watershed, AR

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a Finding of No Significant Impact.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service; U.S. Department of Agricultural, gives notice that an environmental impact statement is not being prepared for the Dunn Creek Watershed, Lonoke and Prairie Countries, Arkansas.

FOR FURTHER INFORMATION CONTACT: Gene Sullivan State Conservationist, Soil Conservation Service, 5423 Federal Office Building, 700 West Capital Avenue, Little Rock, Arkansas 72201, telephone (501) 378-5445.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Gene Sullivan, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project concerns a plan for watershed protection which provides accelerated technical and financial assistance for installing land treatment measures to control erosion. Land treatment measures include the no-tillage method of crop production, terraces with underground outlets, diversions, waterways, land smoothing, and contour farming.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, state, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Gene Sullivan.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register.**

(This activity is listed in the Catalog of Federal Domestic Assistance under No. 10.904—Watershed Protection and Flood Prevention—and is subject to the provisions of Executive Order 12372 which requires

intergovernmental consultation with State and local officials.)

Dated: December 17, 1986.

Gene Sullivan,

State Conservationist.

[FR Doc. 86-29058 Filed 11-24-86; 8:45 am]

BILLING CODE 3410-16-M

Bayou Penchant-Lake Penchant Watershed, LA; Environmental Statement

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Bayou Penchant-Lake Penchant Watershed, Terrebonne Parish, Louisiana.

FOR FURTHER INFORMATION CONTACT: Horace J. Austin, State Conservationist, Soil Conservation Service, 3737 Government Street, Alexandria, Louisiana 71302, telephone (318) 473-7751.

SUPPLEMENTARY INFORMATION: The Environmental Assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Horace J. Austin, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project concerns watershed protection. The planned works of improvement include the development and implementation of marsh conservation management plans. The cumulative total of work installed via utilization of these plans will include: Thirty-four acres of critical area plantings; forty-three miles of shoreline erosion protection plantings; forty-seven structures for water control (weirs); fifty-three earthen channel dams; and seventy-four miles of low level dikes.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the Environmental Assessment are on file and may be reviewed by contacting Horace Austin.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register.**

(This activity is listed in the Catalog of Domestic Assistance under No. 10.904—Watershed Protection and Flood Prevention—and is subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials.)

Dated: December 15, 1986.

Horace J. Austin,

State Conservationist.

[FR Doc. 86-28972 Filed 12-24-86; 8:45 am]

BILLING CODE 3410-16-M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket No. 31-86]

Proposed Foreign-Trade Zone With Subzone for Cooper Tire Plant, Findlay, OH; Extension of Comment Period

The period for comments on the above case, involving a general-purpose zone in Findlay, Ohio, and a subzone for the tire manufacturing plant of Cooper Tire and Rubber Company in Findlay (51 FR 37617, 10/23/86) is extended to January 23, 1987, to allow interested parties additional time in which to comment on the proposal.

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

Dated: December 17, 1986.

John J. DaPonte, Jr.,

Executive Secretary.

[FR Doc. 86-28988 Filed 12-24-86; 8:45 am]

BILLING CODE 3510-DS-M

International Trade Administration

[A-122-016]

Choline Chloride From Canada; Final Results of Antidumping Duty Administrative Review

AGENCY: International Trade Administration, Import Administration, Commerce.

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

SUMMARY: On November 6, 1986 the Department of Commerce published the preliminary results of its administrative review of the antidumping duty order on choline chloride from Canada. The review covers Chinook Chemicals Co., Ltd. and the period April 30, 1984 through October 31, 1985.

We gave interested parties an opportunity to comment on the preliminary results. We received no comments. Based on our analysis, the final results of review are unchanged from those presented in the preliminary results.

EFFECTIVE DATE: December 29, 1986.

FOR FURTHER INFORMATION CONTACT: Edward Haley or Robert J. Marenick, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-5289/5255.

SUPPLEMENTARY INFORMATION:

Background

On November 6, 1986 the Department of Commerce ("the Department") published in the **Federal Register** (51 FR 40346) the preliminary results of its administrative review of the antidumping duty order on choline chloride from Canada (49 FR 45469, November 16, 1984). The Department has completed 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 choline chloride, currently classifiable under item 439.5055 of the Tariff Schedules of the United States Annotated. Choline chloride is marketed in several forms including, but not limited to, a solution of 70 percent choline chloride in water (aqueous choline chloride) or in potencies of 50 to 60 percent dried on a cereal carrier.

The review covers Chinook Chemicals Co., Ltd. and the period April 30, 1984 through October 31, 1985.

Final Results of the Review

We invited interested parties to comment on the preliminary results. We received no comments. Based on our analysis, the final results of review are unchanged from those presented in the preliminary results. We determine that a *de minimis* weighted-average margin of 0.17 percent exists for Chinook Chemicals Co., Ltd. for the period April 30, 1984 through October 31, 1985.

The Department will instruct the Customs Service to assess antidumping

duties on all appropriate entries. Individual differences between United States price and foreign market value may vary from the percentage stated above. The Department will issue appraisement instructions directly to the Customs Service.

Further, since the margin for Chinook is *de minimus*, the Department waives the estimated antidumping duty cash deposit required under section 751(a)(1) of the Tariff Act for that firm. For any shipments of this merchandise from an exporter whose first shipments occurred after October 31, 1985 and who is unrelated to Chinook Chemicals Co., Ltd., the Department also waives the cash deposit requirement. These waivers are effective for all shipments of choline chloride entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice and shall remain in effect until publication of the final results of the next 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 § 353.53a of the Commerce Regulations (19 CFR 353.53a).

Dated: December 18, 1986.

Gilbert B. Kaplan,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 86-28989 Filed 12-24-86; 8:45 am]

BILLING CODE 3510-DS-M

[A-580-601]

Final Determination of Sales at Less Than Fair Value: Certain Stainless Steel Cooking Ware From Korea

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice.

SUMMARY: Because of clerical errors, we are amending our final determination in this investigation and directing the U.S. Customs Service to adjust the cash deposit or bonding rates as follows:

Manufacturer/producer/exporter	Percent	
	From	To
Kyung Dong	28.28	8.36
Namil	1.36	0.75
All Others	12.40	8.10

The cash deposit or bonding rates for Bum Koo, Dae Sung, and Hai Dong are unchanged.

EFFECTIVE DATE: December 29, 1986.

FOR FURTHER INFORMATION CONTACT: Alain Letort or Gary Taverman, Office of Investigations, Import Administration, International Trade Administration, Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: 202/377-0186 (Letort) or 202/377-0161 (Taverman).

SUPPLEMENTARY INFORMATION: On November 26, 1986, we published a final determination of sales at less than fair value on certain stainless steel cooking ware from the Republic of Korea (51 FR 42873).

Subequent to the publication of the final determination, we discovered certain clerical errors in our calculations. We have corrected these errors and are consequently amending our final determination by changing the weighted-average margins.

Accordingly, the cash deposit or bonding rates listed in the "Suspension of Liquidation" section of the final determination are amended to read as follows:

Manufacturer/producer/exporter	Percent	
	From	To
Kyung Dong	28.28	8.36
Namil	1.36	0.75
All Others	12.40	8.10

The cash deposit or bonding rates for Bum Koo, Dae Sung, and Hai Dong are unchanged.

Gilbert B. Kaplan,

Deputy Assistant Secretary for Import Administration.

December 17, 1986.

[FR Doc. 86-28990 Filed 12-24-86; 8:45 am]

BILLING CODE 3510-DS-M

[Case No. OEE-1-86]

Order Renewing Temporary Denial of Export Privileges

In the Matter of La Physique Appliquee Industrie, 5 Rue de Pacalaire, 38170 Seyssinet-Pariset, France, and Les Accessoires Scientifiques, Varigney, 70800 Conflans-Sur-Lanterne, France, Respondents.

On November 28, 1986, the Office of Export Enforcement, International Trade Administration, United States Department of Commerce (Department), pursuant to the provisions of § 388.19 of the Export Administration Regulations, 15 CFR Parts 368 through 399 (1986) (the Regulations), issued pursuant to the Export Administration Act of 1979, 50 U.S.C. app. Sections 2401-2420 (1982), as amended by the Export Administration Amendments Act of 1985, Pub. L. 99-64, 99 Stat. 120 (July 12, 1985) (the Act), asked the Deputy Assistant Secretary for Export Enforcement to renew an order temporarily denying all United States export privileges to La Physique Appliquee Industrie (LPAI) of Seyssinet-Pariset, France, and Les Accessoires Scientifiques (LAS) of Conflans-Sur-Lanterne, France (hereinafter collectively referred to as respondents). The initial order was issued on April 23, 1986 (51 FR 15955, April 29, 1986) and renewed on June 20, 1986 (51 FR 23256, June 26, 1986), August 21, 1986 (51 FR 30688, August 28, 1986) and October 20, 1986 (51 FR 37776, October 24, 1986).

Section 388.19(d)(2) of the Regulations provides that LPAI or LAS may oppose renewal of the temporary denial order by filing written submissions with the Deputy Assistant Secretary not later than seven days before the expiration of the Order. Such opposition was received by the Deputy Assistant Secretary on December 12, 1986.

As a result of my review of the record before me, I find that the Department has established that a violation is imminent. In this regard, it is important to note that the matter is still under investigation by the Department. Moreover, the Department advises that French authorities, also, are continuing their investigation into the transactions in question.

The material facts out of which this proceeding arise are not, in my view, seriously disputed by the parties. What is disputed between the parties is the conclusions to be drawn from those facts. Based on the record before me, I find that the Department's investigation is focusing on serious violations which may have been committed by the respondents. The Department's investigation to date has given it sufficient reason to believe that respondents herein may have participated in a scheme to divert highly sensitive U.S.-origin goods and technology to the Union of Soviet Socialist Republics (U.S.S.R.) and other Eastern bloc countries. Further, there is sufficient reason to believe that respondents may continue to seek to obtain U.S.-origin goods and technology which they may divert to the U.S.S.R. or other Eastern bloc countries.

The evidence presented to me established a very strong basis for the Department's belief that: (1) On at least two occasions, LPAI, acting in response to an order from LAS, purchased U.S.-origin goods; (2) The ultimate destination of those U.S.-origin goods was intended to be the U.S.S.R.; (3) If an export license or reexport authorization request had been requested by either respondent identifying the U.S.S.R. as the country of ultimate destination, which it was not, the Department would

not have authorized that export or reexport; (4) Further, LAS currently has a contract with the U.S.S.R. which calls for LAS to supply equipment of a similar type and nature to equipment in the two transactions which are the principal focus of the Department's investigation; (5) Again, export or reexport of this equipment to the U.S.S.R. would not be authorized by the Department; (6) That the respondents have had substantial business experience in import and export transactions involving scientific and technical products; (7) Respondent LAS was a consignee of licenable U.S. technology and commodities under a distribution license in 1978 and, as such, the respondent would have had considerable experience handling U.S.-controlled commodities and reason to know the requirements of the Regulations; (8) In 1977, respondent LAS, in a statement made by its President in connection with a distribution license application, expressly stated that LAS would "comply with the U.S. Export Administration Regulations", including the provision pertaining to the general distribution license procedure; (9) The respondents knew or had reason to know the requirements of the Regulations at the time of the occurrence of the alleged illegal exportation here in question; (10) An investigation by the Department into these alleged violations is ongoing; (11) French authorities are also investigating into the matters which gave rise to the Department's request for this order; and, (12) A violation may be likely to occur in the future unless action is taken to prevent respondents from gaining access to U.S.-origin goods and technical data.

In its renewal request, the Department contends, and the above facts support the contention, that the activities of the respondents in connection with the export and reexport of U.S.-origin goods demonstrate that they may have engaged in deliberate and covert violations of the Act and Regulations, and demonstrate the likelihood of future violations by them unless action is taken to preclude such attempts.

While the respondents state in their opposition to renewal that some of the above points, upon which previous renewals of this order were also based, lack of relevance or supporting evidence, the Department has, in my view, provided adequate evidence to support each point in this and previous submissions. I find that all of these points are relevant to the legal issues involved in the decision to renew the TDO, although taken alone any one point might be insufficient to make the Department's case. However, taken together these points provide reason to believe a violation of the Act is imminent.

Therefore, based on the record before me, I find that renewal of the order temporarily denying export privileges to respondents is necessary in order to prevent an imminent violation and to give notice to companies in the United States and abroad to cease dealing with respondents in goods and technical data subject to the Act and the Regulations in order to reduce the substantial likelihood that respondents will continue to engage in activities which are in violation of the Act and the Regulations.

Accordingly, it is hereby ordered:

I

All outstanding validated export licenses in which any respondent appears or participates, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Office of Export Licensing for cancellation.

II

The respondents, their successors or assignees, officers, partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported or to be exported from the United States in whole or in part, or that are otherwise subject to the Regulations. Without limiting the generality of the foregoing, participation, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to any export license application submitted to the Department, (b) in preparing or filing with the Department any export license application or reexport authorization, or any document to be submitted therewith, (c) in obtaining or using any validated or general export license or other export control document, (d) in carrying on negotiations with respect to, or in receiving, ordering, buying, selling, delivering, storing, using or disposing of, in whole or in part, any commodities or technical data exported from the United States, or to be exported, and (e) in financing, forwarding, transporting, or other servicing of such commodities or technical data. Such denial of export privileges shall extend only to those commodities and technical data which are subject to the Act and the Regulations.

III

After notice and opportunity for comment, such denial may be made applicable to any person, firm, corporation, or business organization with which any respondent is now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or related services.

IV

No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Office of Export Licensing shall, with respect to U.S.-origin commodities and technical data, do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with any respondent or any related party, or whereby any respondent or any related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any export, reexport, transshipment, or diversion of any commodity or technical data exported in whole or in part, or to be exported by, to, or for any respondent or any related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any export, reexport, transshipment, or diversion of any commodity or technical data export or to be exported from the United States.

V

In accordance with the provisions of § 388.19(e) of the Regulations, any respondent may, at any time, appeal this temporary denial order by filing with the Office of Administrative Law Judges, U.S. Department of Commerce, Room H-6716, 14th Street and Constitution Avenue, NW., Washington, DC 20230, a full written statement in support of the appeal.

VI

This order shall become effective on December 19, 1986 and shall remain in effect for 60 days.

VIII

In accordance with the provisions of § 388.19(d) of the Regulations, the Department may seek renewal of this

temporary denial order by filing a written request not later than 20 days before the expiration date. Any respondent may oppose any request to renew this temporary denial order by filing a written submission with the Deputy Assistant Secretary for Export Enforcement, which must be received not later than seven days before the expiration date of this order.

A copy of this order renewing the temporary denial of export privileges shall be served upon the respondents and published in the **Federal Register**.

Dated: December 19, 1986.

Theodore W. Wu,

Deputy Assistant Secretary for Export Enforcement.

[FR Doc. 86-28991 Filed 12-24-86; 8:45 am]

BILLING CODE 3510-25-M

Short Supply Review on Certain Hot Rolled Steel Sheets: Request for Comments

AGENCY: International Trade Administration/Import Administration, Commerce.

ACTION: Notice and request for comments.

SUMMARY: The Department of Commerce hereby announces its review of a request for a short supply determination under Paragraph 8 of the U.S.-Korea Arrangement Concerning Trade in Certain Steel Products, and Article 8 of the U.S.-EC Arrangement Concerning Trade in Certain Steel Products with respect to certain hot rolled carbon steel sheets.

DATE: Comments must be submitted no later than ten days from publication of this notice.

ADDRESS: Send all comments to Nicholas C. Tolerico, Acting Director, Office of Agreements Compliance, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230, Room 3099.

FOR FURTHER INFORMATION CONTACT: Richard O. Weible, Office of Agreements Compliance, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230, Room 3099, (202) 377-0159.

SUPPLEMENTARY INFORMATION: Paragraph 8 of the U.S.-Korea Arrangement Concerning Trade in Certain Steel Products and Article 8 of the U.S.-EC Arrangement Concerning Trade in Certain Steel Products provide that if the U.S. "determines that because of abnormal supply or demand factors, the U.S. steel industry will be unable to meet demand in the USA for a particular product (including substantial objective evidence such as allocation, extended delivery periods, or other relevant factors), an additional tonnage shall be allowed for such product. . . ."

We have received a short supply request for the following sizes of hot rolled carbon steel sheets meeting ASTM specification A-568:

(a) In widths ranging between 24 and 53 inches, thicknesses ranging between 0.09 and 0.17 inch, and coil weights ranging between 8,500 and 27,000 pounds, to be used in the manufacture of galvanized and cold rolled sheet.

(b) In widths ranging between 26 and 38 inches, thicknesses ranging between 0.074 and 0.080 inch, and coil weights ranging between 8,500 to 20,000 pounds, to be used in the manufacture of tin plate.

Any party interested in commenting on this request should send written comments as soon as possible, and no later than ten days from publication of this notice. Comments should focus on the economic factors involved in granting or denying this request.

Commerce will maintain this request and all comments in a public file. Anyone submitting business proprietary information should clearly identify that portion of their submission and also provide a non-proprietary submission which can be placed in the public file. The public file will be maintained in the Central Records Unit, Import Administration, U.S. Department of Commerce, Room B-099 at the above address.

December 19, 1986.

Gilbert B. Kaplan,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 86-28992 Filed 12-24-86; 8:45 am]

BILLING CODE 3510-DS-M

Department of Energy; Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 a.m. and 5:00 p.m. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, DC.

Docket No. 86-311.

Applicant: U.S. Department of Energy, Argonne, IL 60439.

Instrument: Mass Spectrometer System, Model SIMSLAB MKII.

Manufacturer: VG Instruments Inc., United Kingdom.

Intended use: See notice at 51 FR 34238.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument provides a guaranteed spatial resolution of 500 Å(50 nm) liquid metal ion gun. This capability is pertinent to the applicant's intended purpose. We know of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 86-28993 Filed 12-24-86; 8:45 am]

BILLING CODE 3510-DS-M

Lehigh University; Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 a.m. and 5:00 p.m. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, DC.

Docket No. 86-332.

Applicant: Lehigh University, Bethlehem, PA 10815.

Instrument: Polarization Analyzer with Accessories,

Manufacturer: University of Windsor, Canada.

Intended use: See notice at 51 FR 37623.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides analysis capability of vacuum ultraviolet radiation of wavelengths below 120 nm. This capability is pertinent to the applicant's intended purpose. We know of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 86-28994 Filed 12-24-86; 8:45 am]

BILLING CODE 3510-DS-M

Masters, Mates and Pilots MATES Program; Decision for Duty-Free Entry of Scientific Instrument; Correction

In FR Doc. 86-22228 at page 35019 in the **Federal Register** of October 1, 1986, DOCKET NUMBER 82-00194 is hereby amended to delete the word "not" from column 2, line 28. The sentence should read:

The foreign article does meet the applicant's original specification dated September 17, 1978 for a 31° field of view, as confirmed in the communication dated April 28, 1981 by the foreign manufacturer.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 86-28995 Filed 12-24-86; 8:45 am]

BILLING CODE 3510-DS-M

Mississippi State University; Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 a.m. and 5:00 p.m. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC

Docket No. 86-218.

Applicant: Mississippi State University, Mississippi State, MS 39762.

Instrument: Gas Chromatograph/Mass Spectrometer/Data System, Model MS 80 with Accessories.

Manufacturer: Kratos Analytical Instruments, United Kingdom.

Intended use: See notice at 51 FR 22843.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument provides an accuracy of mass measurement of 5 ppm on peaks down to 5% of the base peak and is capable of multiple ion monitoring (e.g., chlorinated dibenzo-p-dioxin analysis) and integrating peak areas of each ion during data acquisition providing a quantitative report. This capability is pertinent to the applicant's intended purpose. We know of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

Frank W. Creel,

Director, Statutory Import Programs Staff.

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[A-588-602]

Certain Carbon Steel Butt-Weld Pipe Fittings From Japan: Final Determination of Sales at Less Than Fair Value

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice.

SUMMARY: We have determined that certain carbon steel butt-weld pipe fittings (butt-weld pipe fittings) from Japan are being, or are likely to be, sold in the United States at less than fair value, and have notified the U.S. International Trade Commission (ITC) of our determination. We have also directed the U.S. Customs Service to continue to suspend liquidation of all entries of butt-weld pipe fittings from Japan that are entered or withdrawn from warehouse, for consumption, on or after the date of publication of this notice, and to require a cash deposit or bond for each entry in an amount equal to the estimated dumping margins as described in the "Continuation of Suspension of Liquidation" section of this notice.

EFFECTIVE DATE: December 29, 1986.

FOR FURTHER INFORMATION CONTACT: Mary S. Clapp or Karen S. DiBenedetto, (202) 377-1769 and (202) 377-1778, respectively, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230..

SUPPLEMENTARY INFORMATION:

Final Determination

We have determined that butt-weld pipe fittings from Japan are being, or are likely to be, sold in the United States at less than fair value as provided in section 735 of the Tariff Act of 1930, as amended (19 U.S.C. 1673d) (the Act). The margins range from 0.13 percent to 270.20 percent, and the weighted-average margins are shown in the "Continuation of Suspension of Liquidation" section of this notice.

Case History

On February 24, 1986, we received a petition in proper form filed by the U.S. Butt-Weld Fittings Committee on behalf of the U.S. industry producing butt-weld pipe fittings, in compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36). The petition alleged that imports of the subject merchandise from Japan are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act, and that these imports are causing material injury, or threaten material injury, to a United States industry.

After reviewing the petition, we determined that it contained sufficient grounds upon which to initiate an antidumping duty investigation. We initiated the investigatin on March 17, 1986 (51 FR 10070, March 24, 1986), and notified the ITC of our action.

On April 2, 1986, the ITC found that there is a reasonable indication that imports of butt-weld pipe fittings from Japan are materially injuring a U.S. industry (U.S. ITC Pub. No. 1834, April 1986).

On April 28, 1986, we presented questionnaires to Awaji Sangyo K.K. (Awaji) and Nippon Benkan Kogyo Co. Ltd. (Nippon Benkan) which account for approximately 80 percent of the exports to the United States during the period of investigation. An extension of time in which to respond was granted to both companies.

On June 11, 1986, we received the narrative versions of the questionnaire responses. On June 20, 1986, we received the computer tape version of the responses from both companies. Both of the questionnaire responses were insufficient. They did not include full product descriptions. Thus, we were unable to make such or similar merchandise comparisons. In one response, we could not determine whether certain sales were to home market or third country customers. The responses also contained contradictory information. In addition, the computer data bases did not fully reflect the information in the response or printed data bases. We requested corrected responses. Also, respondents did not submit proper nonproprietary summaries on a timely basis. On August 4, 1986, we issued an affirmative preliminary determination (51 FR 28734, August 11, 1986).

On August 6 and 12, 1986, we received requests for postponement of the final determination from the respondents. We granted the request and postponed our final determination until December 19, 1986 on September 3, 1986 (51 FR 32117, September 9, 1986). On September 12, 1986, Awaji Sangyo K.K. submitted a revised response. On September 12 and 15, 1986, Nippon Benkan Kogyo

Company Ltd. submitted a revised response.

On October 27 through 31, 1986, we verified the information provided by the respondents at their facilities in Japan. On November 7, 1986, we held a hearing to provide all parties with an opportunity to comment on relevant issues.

Standing Issue

One U.S. producer, Tube Turns, Inc., opposes this investigation and maintains that the petition was not filed "on behalf of" a U.S. industry, as required by section 732(b)(1) of the Act.

As we have previously stated, neither the Act nor the Commerce Regulations requires a petitioner to establish affirmatively that it has the support of a majority of a particular industry. *See, e.g., Final Affirmative Countervailing Duty Determination: Certain Fresh Atlantic Groundfish from Canada,* (51 FR 10041, 10043, March 24, 1986). The Department relies on petitioner's representation that it has, in fact, filed on behalf of the domestic industry, until it is affirmatively shown that this is not the case. Where domestic industry members opposing an investigation provide a clear indication that there are grounds to doubt a petitioner's standing, the Department will review whether the opposing parties, do, in fact, represent a major proportion of the industry. We determined that Tube Turns, the only member of the domestic industry to oppose the investigation, does not represent a major proportion of that industry.

Scope of Investigation

The products covered by this investigation are certain carbon steel butt-weld type pipe fittings, other than couplings, under 14 inches in inside diameter, whether finished or unfinished, that have been formed in the shape of elbows, tees, reducers, caps, etc., and, if forged, have been advanced after forging. These advancements may include any one or more of the following: coining, heat treatment, shot blasting, grinding, die stamping or painting. These fittings are currently provided for under item 610.8800 of the *Tariff Schedules of the United States Annotated (TSUSA).* Induction pipe bends classifiable under item 610.8800 which have at one or both ends tangents that equal or exceed 12 inches in length are excluded from the scope of this investigation.

Fair Value Comparisons

To determine whether sales of the subject merchandise in the United States were made at less than fair value, we compared the United States price to the foreign market value. The period of investigation is September 1, 1985 through February 28, 1986.

United States Price

As provided in section 772(b) of the Act, for sales by Awaji and Nippon Benkan, we based the United States price on purchase price because their butt-weld pipe fittings were sold to unrelated purchasers in the United States prior to importation. We made deductions from CIF prices for ocean freight, marine insurance, brokerage, and foreign inland freight, as appropriate.

Foreign Market Value

In accordance with section 773(a)(1)(A) of the Act, we based foreign market value for both Awaji Sangyo and Nippon Benkan on sales in the home market. We compared sales of such or similar merchandise to U.S. sales. We established comparison groups on the basis of type of fitting, diameter, wall thickness, and the type of pipe used in the manufacture of the fitting. We made deductions from ex-warehouse and FOB prices for inland freight, discounts and rebates, as appropriate. We made an adjustment for differences in credit terms between the respective markets, in accordance with § 353.15(a) of our regulations. We made adjustments to Awaji's prices for differences in technical services, post-sale warehousing and advertising expenses which were shown to be directly related to the sales under consideration, in accordance with § 353.15(a) of our regulations. We rejected claims for similar adjustments for Nippon Benkan since the expenses were not shown to be directly related to the sales under consideration. Where commissions were paid to unrelated agents in one market, we offset them with indirect selling expenses in the other market, in accordance with § 353.15(c) of our regulations. Where appropriate, we made adjustments for differences in physical characteristics, in accordance with § 353.16 of our regulations. We also deducted home market packing costs and added U.S. packing costs.

In calculating foreign market value, we made currency conversions from Japanese yen to U.S. dollars using certified exchange rates in accordance with § 353.56(a)(1) of our regulations.

Petitioner's Comments

Petitioner's Comment 1: Petitioner claims that Nippon Benkan's sales of standard pipe fittings in the United States should be compared with its sales of standard pipe fittings in Japan because both products are manufactured from seamless pipe. Petitioner further argues that comparisons should not include fittings made from welded pipe because these fittings vary widely in price from seamless fittings and, are therefore, less similar than seamless fittings.

DOC Response: We agree. We determined that seamless fittings sold in the home market meet the requirements for such or similar merchandise under section 771(16)(B) of the Act since they are like the fittings sold to the United States in component materials, in purposes for which used, and they are approximately equal in commercial value. The fittings made from welded pipe fall under section 771(16)(C) of the Act since they are different in component materials and commercial value. Since the statutory preference is for comparisons to merchandise falling under 771(16)(B), we limited our comparisons to seamless fittings.

Petitioner's Comment 2: Petitioner claims that the "special rule" on exchange rates does not apply in this proceeding since fluctuations of exchange rates were not temporary and the respondents have not adjusted their prices to reflect sustained fluctuations in a reasonable period of time.

DOC Response: We agree. During the period of investigation, the value of the dollar declined steadily against the yen. During that period, the respondents did not demonstrate that they had revised their prices to the United States in response to the changes in the relationship of the dollar and the yen. Therefore, we have determined that respondents have not "acted within a reasonable period of time to take into account price differences resulting in sustained changes in prevailing exchange rates" as required by § 353.56(b) of our regulations.

Petitioner's Comment 3: Petitioner argues that the Department should calculate a single margin for finished and unfinished fittings.

DOC Response: We agree. See our response to Respondents' Comment 4.

Petitioner's Comment 4: Petitioner argues that respondents' inland freight and packing costs should be recalculated since they were based on average costs over a six month period.

DOC Response: We used actual verified costs incured in the period of investigation. These costs were recalculated on a month by month basis.

Petitioner's Comment 5: Petitioner argues that Nippon Benkan's claim for rebates should be denied because they are not directly related to sales of carbon steel butt-weld pipe fittings and,

therefore, are not directly related to the sales under consideration.

DOC Response: We disagree. We verified that the rebates are directly related to sales of butt-weld pipe fittings during the period of investigation and deducted the rebates.

Petitioner's Comment 6: Petitioner argues that Nippon Benkan's claim for credit adjustment should be denied because it did not provide the ITA with actual credit expenses on individual sales made during the period of investigation.

DOC Response: We disagree. Nippon Benkan calculated its credit costs based on average interest rates and number of days between shipment and payment. This is in accordance with established Department practice.

Petitioner's Comment 7: Petitioner argues that Nippon Benkan's claim for an adjustment based on earnings attributable to hedges on exchange rate fluctuation should be denied because the earnings are not directly related to sales of pipe fittings during the period of investigation and it is not the Department's policy to consider currency fluctuations in calculating credit expenses.

DOC Response: We agree. Nippon Benkan's practice of borrowing dollars in order to earn additional yen during a period of currency adjustment is not directly related to sales of butt-weld pipe fittings during the period of investigation. In addition, it is Department policy not to consider the effect of currency fluctuation in calculating credit expenses, even when the earnings derived from the changes in currency value are directly related to payment terms.

Petitioner's Comment 8: Petitioner argues that Nippon Benkan's claim for an adjustment for technical services should be denied since these services are not part of the terms of sale.

DOC Response: We agree. We verified that the nature of the services claimed is that of general sales promotion as opposed to technical services and cannot be tied to the sales under investigation.

Petitioner's Comment 9: Petitioner argues that Nippon Benkan's claim for warehousing expenses should be denied because it is not considered a condition of sale.

DOC Response: We agree. Nippon Benkan has not demonstrated that the warehousing costs were incurred pursuant to contractual requirements. Therefore, we determined that the costs are not directly related to butt-weld pipe fittings.

Petitioner's Comment 10: Petitioner argues that Nippon Benkan's claim for selling expenses should be denied because the expenses are not directly related to sales of carbon steel butt-weld pipe fittings.

DOC Response: We agree. The claim is based on indirect selling expenses such as salaries and travel expenses incurred by salesmen. As such, the expenses are not directly related to the sales under consideration.

Petitioner's Comment 11: Petitioner argues that Nippon Benkan has not provided sufficient detail concerning its allegation of ocean freight charges and insurance charges.

DOC Response: We verified that the charges tied to the shipments to the United States and that the costs were calculated on that basis.

Petitioner's Comment 12: Petitioner claims that Nippon Benkan should be required to provide actual customs brokerage fees instead of the averaged figures that were provided in the response.

DOC Response: The brokerage fees were verified and the allocation to individual pipe fittings based on average costs incurred during the period was used. We determined that this allocation was reasonable. Any revision of methodology would result in an insignificant change to individual calculations.

Petitioner's Comment 13: Petitioner argues that Awaji's claim for a loading charge should be denied because it is an element of warehousing expenses which are not a condition of sale.

DOC Response: We disagree. We verified that the warehousing costs were incurred pursuant to a specific contract requirement. We therefore, made an adjustment for the costs of warehousing and related loading activities to reflect the differences in circumstances of sale.

Petitioner's Comment 14: Petitioner argues that Awaji's claim for adjustments to account for physical differences in the merchandise is based on slight differences and that the claim should be examined critically.

DOC Response: We verified the claimed adjustments and found that they were calculated on the basis of differences in the direct costs of manufacture of the products being compared. Therefore, we have allowed Awaji's claim.

Petitioner's Comment 15: Petitioner argues that Awaji's claim for technical services should be denied if it is not directly related to individual sales of butt-weld fittings and that any adjustment should be made to individual sales, rather than to all sales.

DOC Response: Although we could not tie these services to individual sales, we verified that they were directly related to the sales under consideration and that the expenses were properly allocated to sales to specific customers receiving the services.

Petitioner's Comment 16: Petitioner argues that Awaji's claim for an advertising adjustment should be denied because it is plainly institutional advertising rather that specific advertising on butt-weld pipe fittings.

DOC Response: We verified that a portion of the advertising claimed is directly related to butt-weld pipe fittings and is directed at ultimate purchasers of the fittings. Other portions relate directly to other products. Therefore, we allowed that portion of the claim which is related to butt-weld pipe fittings.

Petitioner's Comment 17: Petitioner argues that Awaji should not include expenses for other products, not included in this investigation, in the commission offset adjustment.

DOC Response: We verified that the expenses included in the offset claim were general selling expenses and that these expenses had been allocated reasonably.

Petitioner's Comment 18: Petitioner argues that in determining whether Awaji is engaging in "trading company dumping" the Department should make product-by-product comparisons of acquisition costs to prices of the products Awaji purchases for resale from an unrelated supplier.

DOC Response: Since we did not know whether Awaji's supplier was aware that the merchandise was destined to the United States and these products constituted a small portion of Awaji's sales to the United States, we did not include these sales in our comparisons.

Respondents' Comments

Respondents' Comment 1: Awaji and Nippon Benkan argue that the Department must employ its ninety day "lag" rule and apply the exchange rate in effect during the fourth quarter of 1985 for calculations on sales during the first quarter of 1986.

DOC Response: We disagree. See our response to Petitioner's Comment 2.

Respondents' Comment 2: Nippon Benkan argues that the Department should use third country sales in its price comparisons.

DOC Response: We disagree. We determined that there were sufficient home market sales of such or similar merchandise to form an adequate basis of determining foreign market value.

Respondents' Comment 3: Nippon Benkan argues that the Department should take into account the effect of exchange rate fluctuations on its credit

expenses associated with U.S. sales when doing the LTFV calculations.

DOC Response: We disagree. See our response to Petitioner's Comment 7.

Respondents' Comment 4: Nippon Benkan argues that the Department should calculate separate margins for finished and unfinished fittings.

DOC Response: We disagree. We consider finished and unfinished fittings to be one class or kind of merchandise. In addition, we compared unfinished fittings sold to the United States to finished fittings sold in the home market since the finishing of the fitting was a very minor operation and did not negate their consideration as similar merchandise. We normally issue one rate for all products within the class or kind of merchandise.

Respondents' Comment 5: Nippon Benkan argues that the Department should include all fittings sold in its home market regardless of the type of pipe used in the manufacturing process in making fair value comparisons.

DOC Response: We disagree. See our response to Petitioner's Comment 1.

Respondents' Comment 6: Nippon Benkan argues that the Department should adjust home market prices by the amount of rebates paid to its customers.

DOC Response: We agree. See our response to Petitioner's Comment 5.

Respondents' Comment 7: Nippon Benkan claims that its allocation of average packing, inland freight, customs brokerage, and warehousing costs is appropriate.

DOC Response: See our response to Petitioner's Comments 4, 9, and 12.

Respondents' Comment 8: Nippon Benkan argues that the Department should take into account its actual cost of credit as provided in their response.

DOC Response: We agree. See our response to Petitioner's Comment 6.

Respondents' Comment 9: Nippon Benkan argues that the Department should take into account their technical service expense when making its price comparisons.

DOC Response: We disagree. See our response to Petitioner's Comment 8.

Interested Parties' Comments

Interested Parties' Comment 1: TSI Industries and Silbo Steel claim that the Department lacks jurisdiction to conduct these investigations since petitioner lacks standing.

DOC Response: We disagree. See the "Standing Issue" section of this notice.

Interested Parties' Comment 2: TSI Industries and Silbo Steel claim that the Department's acceptance of the refiled petitions was improper.

DOC Response: We disagree. See the "Standing Issue" of this notice.

Interested Parties' Comment 3: TSI Industries and Silbo Steel argue that induction pipe bends belong to the same class or kind of merchandise as butt-weld pipe fittings and that their exclusion would facilitate circumvention of any antidumping order.

DOC Response: We disagree. Petitioner has agreed to exclude certain induction pipe bends described in the "Scope of Investigation" section of this notice. We generally base the scope of an investigation on the petitioner's wishes. TSI Industries and Silbo Steel have not provided any convincing rationale as to why induction pipe bends should be included in the scope of investigation.

Interested Parties' Comment 4: Sumitomo Corporation of America (SCOA) argues that the Department should exclude induction pipe bends imported by SCOA because they are not of the same class or kind of merchandise as that covered by the antidumping petition.

DOC Response: We agree. Induction pipe bends described in the "Scope of Investigation" section of this notice have been excluded from the scope. The petitioner has agreed with this exclusion.

Verification

As provided in section 776(a) of the Act, we verified all information used in this determination by using standard verification procedures, including examination of all relevant sales and accounting records.

Continuation of Suspension of Liquidation

In accordance with section 733(d) of the Act, we are directing the United States Customs Service to continue to suspend liquidation of all entries of butt-weld pipe fittings from Japan that are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice in the **Federal Register**.

The United States Customs Service shall require a cash deposit or the posting of a bond equal to the estimated weighted-average amount by which the foreign market value of the merchandise subject to this investigation exceeds the United States price as shown in the table below. The suspension of liquidation will remain in effect until further notice.

Manufacturer/producer/exporter	Weighted-average margin percentage
Awaji Sangyo, K.K	30.83
Nippon Benkan Kogyo Limited Co	65.81
All others	62.79

ITC Notification

In accordance with section 735(d) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all nonprivileged and nonproprietary information relating to this investigation. We will allow the ITC access to all privileged and proprietary information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration.

The ITC will determine whether these imports are materially injuring, or are threatening material injury to, a U.S. industry within 45 days of the publication of this notice. If the ITC determines that material injury or threat of material injury does not exist, this proceeding will be terminated and all securities posted as a result of the suspension of liquidation will be refunded or canceled. However, if the ITC determines that such injury does exist, we will issue an antidumping duty order directing Customs officers to assess an antidumping duty on butt-weld pipe fittings from Japan entered, or withdrawn from warehouse, for consumption after the suspension of liquidation, equal to the amount by which foreign market value exceeds the United States price.

This determination is published pursuant to section 735(d) of the Act (19 U.S.C. 1673d(d)).

Paul Freedenberg,

Assistant Secretary for Trade Administration.

[FR Doc. 86-29037 Filed 12-24-86; 8:45 am]

BILLING CODE 3510-DS-M

[A-583-009]

Color Television Receivers, Except for Video Monitors, From Taiwan; Final Results of Antidumping Duty Administrative Review

AGENCY: International Trade Administration, Import Administration, Commerce.

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

SUMMARY: On October 21, 1986 the Department of Commerce published the preliminary results of its administrative

review of the antidumping duty order on color television receivers, except for video monitors, from Taiwan. The review covers nine manufacturers and/or exporters of this merchandise to the United States and generally the period October 19, 1983 through March 31, 1985.

We gave interested parties an opportunity to comment on the preliminary results. Based on the comments we received we have changed the final results from those presented in our preliminary results of review for AOC, Capetronic, Fulet, RCA, Sampo, Shin-Shirasuna, and Tatung.

EFFECTIVE DATE: December 29, 1986.

FOR FURTHER INFORMATION CONTACT: Elizabeth P. Klages or David P. Mueller, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-1130/2923.

SUPPLEMENTARY INFORMATION:

Background

On October 21, 1986, the Department of Commerce ("the Department") published in the **Federal Register** (51 FR 37317) the preliminary results of its administrative review of the antidumping duty order on color television receivers, except for video monitors, from Taiwan (49 FR 18337, April 30, 1984). We began this review under our old regulations. After the promulgation of our new regulations, the petitioners, respondents, and an importer, requested in accordance with § 353.53(a) of the Commerce Regulations that we complete the administrative review. The Department has now completed the 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 color television receivers, except for video monitors, complete or incomplete, from Taiwan. The order covers all color television receivers regardless of tariff classification.

The merchandise is currently classifiable under item numbers 684.9246, 684.9248, 684.9250, 684.9252, 684.9253, 684.9255, 684.9256, 684.9258, 684.9262, 684.9263, 684.9270, 684.9275, 684.9655, 684.9656, 684.9658, 684.9660, 684.9663, of the Tariff Schedules of the United States Annotated. The review covers nine manufacturers and/or exporters of Taiwanese color television receivers, except for video monitors, to the United States, and generally the period October 19, 1983 through March 31, 1985.

Analysis of Comments Received

We gave interested parties an opportunity to comment on the preliminary results as provided by § 353.53a(c) of the Commerce Regulations. We received comments from the petitioners (International Brotherhood of Electrical Workers, International Union of Electronic, Electrical, Technical, Salaried and Machine Workers, AFL-CIO-CLC, Independent Radionic Workers of America, Industrial Union Department, AFL-CIO), Zenith Electronics Corporation, and the respondents, AOC International, Fulet, Sampo, RCA, Shin-Shirasuna, and Tatung. We received additional comments from the respondents concerning mathematical or clerical errors. We have corrected such errors but have not addressed them specifically in this notice.

Comment 1: The petitioners argue that the Department should conduct complete reviews of Hitachi and Sampo based on their October 15, 1985 timely request for review. The Department is obliged to conduct a review when properly requested to do so.

Department's Position: We disagree, and have denied petitioners' request for administrative review in its entirety. Section 353.53a of the Commerce Regulations allows domestic interested parties to request review of specified individual producers or exporters "if the requesting person states why the person desires the Secretary to review those particular producers or exporters." The purpose of this requirement, as explained in the preamble to this regulation, is to "help the Department focus on the potential respondents which the requester believes to be most important to the requester." (No such requirement is placed on requests by producers and exporters, since their requests can only cover one firm—their own.) The requirement of a statement of reasons from domestic requesters, while not intended to be a difficult hurdle to overcome, is necessary in view of the Department's limited resources. 50 FR 32556, 32557 (Aug. 13, 1985).

Petitioners' request listed eight specific firms and added a request to review any other company that may have exported the merchandise during the review period. This last portion of the request was denied because it is not a request to review specified individual firms, as required by the regulations.

As to the eight firms listed in the petitioners' request, for five of those firms (not including Hitachi and Sampo) the sole reason given for the request was that these firms had already requested administrative reviews. This amounts to no reason at all, and in any case, does not fulfill the purpose of the requirement of a statement of reasons: to inform the Department as to which firms the petitioners believe to be the most important for review purposes. For the remaining firms, including Hitachi and Sampo, the reason offered was that these firms had been included in the fair value investigation and petitioners had no reason to believe their pricing behavior had changed in the meantime. This is not a sufficient reason for initiating a review, since under the new regulations, the Department no longer reviews foreign producers and exporters merely because they were included in an antidumping or countervailing duty order.

For these reasons, we rejected petitioner' request for administrative review, and have only reviewed those firms who filed individual requests. Since Hitachi did not request a review, no review was conducted. For Sampo, whose request covered only part of the review period, we reviewed only those entries covered by the request.

Comment 2: Zenith and the petitioners argue that the Department should have implemented the Court of International Trade's ("the CIT's") ruling in *Zenith* v. *United States (April 24, 1986) and adjusted United States price for the rebate or forgiveness of internal taxes upon the exportation of the merchandise. This would require the Department to add to United States price an amount equal to the tax that would have been imposed by the Taiwanese government upon the exported merchandise were it not exported.*

AOC, Fulet, Sampo, and Tatung state that the Department has properly decided to allow a full adjustment for the ROC commodity tax, an indirect tax not collected on exports. They argue that the Department has incorrectly concluded that pending resolution of the passthrough issue, it must readopt its discredited position of deducting the amount of the uncollected tax from home market price. This approach, which the Department characterizes as "the best information available," disregards the express, final ruling of the Zenith case that the adjustment be made to United States price, and misuses the statutory provisions for "best information available."

Department's Position: As directed by the CIT in *Zenith*, we are now attempting to formulate a methodology for calculating the amount of indirect taxes passed through in the home market, which should then be added to United States price. Because the remand

in the Japanese case and the current court case concerning the first adminstrative review of the Korean color television order are still before the CIT, we have assumed full passthrough of indirect taxes in this review, for the reasons stated in our final determination of sales at less than fair value on Grand and Upright Pianos from Korea, (50 FR 37561 (1985)), and have subtracted the full amount of these taxes from foreign market value.

Comment 3: Zenith and petitioners contend that the preliminary margins for Shirasuna and Capetronic should be deemed significant and that cash deposits should be collected if the preliminary margins are the final margins. The Department must explain, on a case-by-case basis, why a particular margin is deemed to be *de minimis* in the circumstances presented.

Department's Position: In *Carlisle Tire and Rubber Co.* v. *United States*,——C.I.T.——, Slip Op. 86–45 (April 29, 1986), the Court of International Trade held that the Department must either promulgate a rule in accordance with the Administrative Procedure Act establishing 0.5 percent as the *de minimis* standard for its determinations, or must explain the basis for each individual determination in which it decides that a weighted-average dumping margin below 0.5 percent is *de minimis*. The Department has elected the first of the two options given it by the Court, and has promulgated a proposed rule establishing 0.5 percent as the *de minimis* standard for all antidumping and countervailing duty determinations. 51 FR 35495–35531 (October 6, 1986). In accordance with this proposed rule, we have not required a cash deposit for Capetronic.

After correction of an error, as noted by petitioners in Comment 34, we have revised Shirasuna's cash deposit rate because it is no longer *de minimis*.

Comment 4: The petitioners urge that foreign market value for Shirasuna should be constructed value and not third country sales prices. Shirasuna's sales to Canada are not adequately voluminous to serve as the source of a fair foreign market value for this administrative review. Petitioners also urge that Shirasuna deliberately sought to create a fictitious market in Canada within the meaning of the antidumping statute.

Zenith urges the Department to evaluate the adequacy of Shin-Shirasuna and Capetronic's sales to third-countries and to recalculate the weighted-average margins relying upon constructed value as the basis for foreign market value. The same market viability guideline of 5.0 percent applied to home market sales expressed as a percentage of world-wide sales, should also be applied to the third country sales expressed as a percentage of world-wide sales. Although a preference for price-based FMV, calculated on the basis of third country sales when necessary, is evident in the law, constructed value may be used *notwithstanding* the existence of sales to third countries.

Department's Position: We disagree. In the case of Shirasuna, we evaluated the Canadian sales and found them not to be at less than the cost of producing the merchandise. We found that Shirasuna's sales to Canada and Capetronic's sales to Brazil were adequate for comparison purposes. The sales of such or similar merchandise to both markets would have been large enough for use in a home market comparison situation, according to the test set out in § 353.4 of our regulations. Therefore, we can reasonably conclude that these third-country sales are viable for use in our analysis, because of the statute's preference for foreign market value based on sales to a third country rather than constructed value. In the case of Shirasuna, we believe that our determination that the Canadian market is viable refutes petitioners' claim that this market is fictitious.

Comment 5: The petitioners argue that the Department erred in not adjusting downward the average home market accounts receivable to account for the time lag between the respondent's receipt of payment from customers and payment of taxes to the Taiwanese government.

Department's Position: We disagree. Because Taiwanese manufacturers generally pay taxes to the government within several days of withdrawal of the merchandise from the warehouse, we have determined that no adjustment is necessary. We verified this payment procedure for both Tatung and AOC International.

Comment 6: The petitioners urge the Department to offset the average duration of accounts receivable by the average duration of accounts payable to ascertain the true working capital needs in calculating home market imputed credit adjustments.

Department's Position: We disagree. Section 773(a)(4)(B) of the Tariff Act permits only adjustments to account for differences in the circumstances surrounding the sale of the merchandise. The petitioners' argument would require us to adjust for factors relating to cost of production, which are unrelated to the *sales* at issue. We are satisfied that the imputed method based on the average balance of accounts receivable accurately reflects the credit costs respondents incurred on sales of the merchandise.

Comment 7: The petitioners fear that the Department may have incorrectly included in its duty drawback adjustments import duties attributable to materials not physically remaining in the color television receivers exported to the United States, but rather malfunctioned, broken, wasted, or otherwise consumed in the production of that merchandise. Since materials consumed in the production process are not exported, any rebates attributable to those consumed materials are not by reason of exportation, and thus are not allowable under section 772(d)(1)(B) of the Act.

Department's Position: When a Taiwanese manufacturer maintains a government-regulated duty-bonded factory, it can apply for an exemption of customs duties only on imported parts which are in fact incorporated in exported merchandise. Since materials that are consumed in the factory are never exported, no duty drawback is ever received for them. Both AOC and Tatung had duty-bonded factories. Our verification of AOC International and Tatung demonstrated this correspondence between the applications for exemption of duties for imported parts and the subsequent exploration of the finished product. We do not apply the countervailing duty standard of "physical incorporation" in analyzing duty drawback in antidumping proceedings. (See *Stainless Steel Cooking Ware from Taiwan and Korea*).

Comment 8: The petitioners argue that the Department incorrectly allowed AOC's home market advertising claims as indirect and direct for the periods January 1985 through March 1985, and December 1983 through December 1984, respectively. AOC should not be permitted to allocate its claimed home market advertising expenses over net, rather than gross, sales. The Department also incorrectly allowed all of AOC's United States advertising as indirect expenses. AOC's classification of its United States advertising expenses as directed at the trade rather than at end-users was defective, since it was based on advertisements in trade magazines that are read by the general public. Further, AOC failed to report any advertising expenses for the period January 1985 through March 1985.

Department's Position: The home market advertising expenses chosen for verification met our criteria for a direct circumstance of sale adjustment for the

period December 1983 through December 1984, because all of the television advertisements during this period were generic (*i.e.*, non-model-specific) and, therefore, were directly related to sales of color televisions. In our preliminary determination, we disallowed as a direct expense AOC's advertising expenses for the period January 1985 through March 1985 because they were inappropriately allocated. AOC has reallocated these expenses, and we are satisfied that this adjustment accurately reflects the amounts we verified. This reallocation was necessary because advertising expenses should be absorbed by the value of sets actually sold which is best represented by net sales.

With regard to AOC's United States advertising expenses, incidental readership of trade publications by members of the general public does not change the characterization of the expense. Because information for the period January 1985 through March 1985 was not available at the time of preparation of the response, we used the previous year's expenses as the best information available to estimate AOC's advertising experience for this period.

Comment 9: The petitioners assert that the Department should have calculated a weighted-average short-term interest rate for AOC's home market credit expense based on the period of review. The Department should not have included notes receivable in AOC's calculation of turnover rate. In addition, AOC's accounts receivable and notes receivable during the period January 1985 through March 1985 should be excluded from the Department's home market credit calculation. The petitioners also urge the Department to impute a credit expense for the period between the time of export and the time of invoice and add this expense to the United States credit expense claimed by AOC for its purchase price sales.

Department's Position: Because of the 18 month review period, we believe that respective fiscal year interest rates more accurately reflect a company's credit expense experience than use of a weighted-average over the entire review period. For the period January 1985 through March 1985, we have changed our calculation and used AOC's short-term interest rate as the best information available. During our verification of AOC, we encountered no evidence that notes receivable should not be included in AOC's credit calculation for the period December 1983 through December 1984. However, we agree with the petitioners that AOC's accounts receivable and notes receivable should be excluded from the home market credit calculation for the period January 1985 through March 1985 because AOC's selling agent was solely responsible for sales of color televisions during this period. During this period, only AOC's selling agent's credit costs should be reflected in the calculation. We also agree with the petitioners' statement that the Department should impute a credit expense for AOC's purchase price sales for the period between the export of the merchandise from Taiwan and subsequent invoicing by AOC U.S.A.

Comment 10: The petitioners assert that AOC incorrectly included in its home market indirect selling expense claim all of the indirect selling expenses of its CTV Export Division and all of its headquarter's expenses. Further, the Department should deny AOC's indirect selling expense claim in the home market for the period January 1985 through March 1985 because AOC's selling agent failed to report these expenses for this period, and because only expenses incurred by the selling agent are legitimate selling expenses warranting an adjustment. In addition, all of AOC's indirect selling expenses incurred prior to December 1983 should be allocated to exports, since AOC only began selling television receivers in the home market in December 1983. Finally, the Department should use best information available to adjust for AOC's United States indirect selling expenses for the period January 1985 through March 1985 because AOC failed to report these expenses.

Department's Position: At verification, we established that export division expenses for sales to the United States were correctly included in AOC's U.S. indirect selling expense claim. Petitioners are mistaken in their interpretation of the response. AOC's indirect selling expenses, prior to December 1983, when it began sales in the home market, should be allocated to all exported color televisions and not only to sales to the United States. As the best information available, we used AOC's United States indirect selling expenses for 1984 for the period January 1985 through March 1985. We used AOC's home market indirect selling expenses experience as the best information available to estimate its selling agents' experience for the period January 1985 through March 1985.

Comment 11: The petitioners point out that the Department should continue to follow its policy and reject AOC's home market warranty expense claim for servicemen's salaries and benefits as a direct expense. Commerce has held in many cases that these expenses should be treated as indirect selling expenses, since these salaries would have been paid regardless of the sales under consideration. See *e.g.*, *Study of Antidumping Adjustment Methology* 45–46 (1986). The Department should also deny AOC's home market warranty claim for the period January 1985 through March 1985 because AOC's selling agent failed to submit its own warranty expense data for this period. The petitioners, therefore, urge the Department to assume that AOC's United States warranty expenses were equal to home market expenses and use this data as the best information available. Finally, the Department failed to make an adjustment for warranty expenses associated with purchase price sales transactions during the period January 1985 through March 1985.

Department's Position: We agree with the petitioners and have treated AOC's home market warranty expense claim for salaries and benefits as an indirect expense. However, the petitioners are mistaken in their interpretation of AOC's warranty claim for the period January 1985 through March 1985. Beginning in June 1984, AOC began to use outside service shops as repair shops as well as their own technicians. During the period January 1985 through March 1985, AOC's selling agent continued this practice. We verified actual repair information for this period. We have also excluded AOC's selling agent's salaries and benefits from our direct warranty adjustment.

We believe that monthly warranty expense data best reflect a company's experience and have accepted AOC's United States warranty claim for the period of review.

We agree with petitioners concerning a warranty expense adjustment for purchase price sales during the period January 1985 through March 1985 and have corrected the error.

Comment 12: The petitioners and Zenith request that the Department correct a mathematical error in its calculation of AOC's royalty expenses associated with United States exporter's sales price transactions.

Department's Position: We agree and have corrected the error.

Comment 13: The petitioners urge the Department to calculate AOC's foreign market value on the basis of all home market sales, including those to employees, related affiliates, hotels, and institutions. Petitioners argue that the sales appear to have been made at arm's length, and AOC has not substantiated

its claim that these sales were made outside the ordinary course of trade.

Department's Position: We disagree. Because sales to employees, related affiliates, hotels, and institutions are not at the same commercial level of trade as dealer sales, we did not consider these sales in our analysis of foreign market value. (See § 353.19 of the Commerce Department regulations.) Therefore, it was unnecessary to consider whether it would have been appropriate to disregard these related party transactions under § 353.22 of our regulations, or to determine whether they were made in the ordinary course of trade.

Comment 14: The petitioners urge the Department to allocate all of AOC's cost variances to the color television division as best information available in its contructed value calculations. AOC allocated its variances across all products based on standard costs. Petitioners believe this methodology fails to include all costs actually incurred in the production of color television receivers. The Department also erred by not allocating a portion of AOC's shut-down and special bonus labor costs incurred in December 1985 to labor costs during the period January 1985 through March 1985. In addition, the Department should consider only the general expenses and profit on sales of the class or kind of merchandise incurred during the administrative review period October 19, 1983 through March 31, 1985 in its constructed value calculations.

Department's Position: Since AOC does not maintain variances on a product line basis, we cannot determine if they change according to division. We have, therefore, accepted AOC's allocation across all products as the best information available. We agree with the petitioners concerning shut-down and special bonus labor costs and have used AOC's experience in 1984 as the best information available. We have allocated the percentage of these costs from 1984 to labor costs during the period January 1985 through March 1985. At verification, AOC demonstrated its general expense calculation for constructed value purposes. We are satisfied that AOC attributed its general expenses to the class of kind of merchandise subject to review. Because general expenses and profit were below 10 and 8 percent, respectively, we used the statutory minimums in our constructed value calculations.

Comment 15: The petitioners state that the Department correctly compared rotary models sold by AOC in the United States with rotary models sold by AOC in the home market. They urge the Deapartment to continue these comparisons in its final analysis. In addition, however, the petitioners request the Department to calculate a single weighted-average foreign market value for the 13-inch and 19-inch home rotary models, respectively, being used for comparison purposes, since AOC sold a very small quantity of rotary models in the home market during the review period.

Department's Position: We have continued to use the rotary-to-rotary comparisons in our final analysis because we found the home market to be viable. We see no reason to use a weighted-average foreign market value in this situation.

Comment 16: The petitioners argue that the Department should not accept Sampo's calculation of one weighted-average price over the entire review period for home market model K–1422ST.

Department's Position: We agree. We have used monthly prices in our analysis. To the extent that sales of home market model K–1442 were contemporaneous with United States sales, we showed a preference for this model over the K–1422ST.

Comment 17: The petitioners urge the Department to reject the data submitted by Sampo on November 13, 1986 regarding adjustments to the home market price of model K–1422ST as being untimely.

Department's Position: We disagree. Because there was a lack of data for this model, we requested this information. Therefore, we do not consider it untimely and have used the data in our analysis.

Comment 18: The petitioners believe that Sampo's physical difference in merchandise claims are suspect and should be carefully reviewed by the Department.

Department's Position: We have reviewed Sampo's claims and consider them to be reasonable.

After further consideration of the distortive effects of excluding duty from part's prices in an adjustment to foreign market value for physical differences in merchandise, we conclude that duty-paid parts prices do reflect the actual purchase price paid by the manufacturer. We have, therefore, followed the methodology in *Bicycle Tubes and Tires from Taiwan*, and whenever possible, using the information respondents have provided in their responses or at verification, we have added duties back into the physical difference claims.

Comment 19: The petitioners urge the Department to continue to reject Sampo's claimed circumstance-of-sale adjustment for bad debt losses incurred in its home market. Sampo's November 13, 1986 revised submission was untimely.

Sampo argues that its original bad debt adjustment should be used in the final determination as a circumstance-of-sale. adjustment. Bad debt losses calculated by Samp constitute expenses that accurately reflect its historical experience with bad debt and bear a direct relationship to the sales under consideration.

Department's Position: Bad dedt is by its nature an indirect selling expense since, under generally accepted accounting principles, bad debt is recovered over time by future price increases. We have treated this claim as an indirect selling expense. See our recent final determination of sales at less than fair value concerning *Mirrors in Stock and Lehr End Sizes from the United Kingdom*.

Comment 20: The petitioners argue that the Department incorrectly allowed Sampo's home market after-sale warehousing claim.

Department's Position: We disagree. We have accepted Sampo's average monthly after-sale warehousing costs on a model-specific basis as the most accurate estimate of actual costs during the review period.

Comment 21: The petitioners state that the Department errred in allowing Sampo's claim for a "red package" discount on home market sales. The Department should follow its precedent set forth in the fair value investigation and deny this claim.

Department's Position: We disagree. In the fair value investigation, we disallowed this claim because Sampo could only substantiate it based on sales of all products rather than solely on color televisions. Sampo's calculations in the current review are based on actual payments for sales of color television to dealers who met the eligibility requirements for the program.

Comment 22: The petitioners argue that the Department erred in allowing Sampo's home market warranty expenses because they include salesmens' or technicians' salaries. These salaries are indirect selling expenses.

Department's Position: We agree and have disallowed the servicing labor cost portion of Sampo's warranty expense claim as a direct expense, since salaries are an indirect expense which cannot be attributed to specific sales.

Comment 23: The petitioners contend that unless Fulet's home market basket category of "accommodation sales" can be broken down into distinct categories

similar to the categories established for Fulet's United States "accommodation sales," the Department should reject use of Fulet's home market "accommodation sales" in its final analysis and base foreign market value solely on sales to home market retailers. The so-called "accommodation sales" include sales to employees, sample sales, promotional sales, and gifts.

Department's Position: Although Fulet's "accommodation sales" category does include sales to various categories of customers, we believe that use of these sales resulted in the closest possible concordance between levels of trade in both markets.

Comment 24: The petitioners and Zenith note that the Department apparently inadvertently excluded 30 United States transactions from its analysis.

Department's Position: We agree and have corrected the error.

Comment 25: The petitioners argue that the Department erred by allowing Fulet's full home market warranty expense claim. Fulet's claim consisted primarily of company-employed technicians' salaries and benefits, which the Department has traditionally disallowed as warranty expenses. Further, parts and other warranty expenses claimed were not model-specific but allocated by service job percentages. Since the Department only allows model-specific warranty claims and generally disallows allocations, Fulet's warranty expense claim should be disallowed.

Department's Position: We agree, as stated above at Comment 11, that technicians' salaries and benefits are indirect expenses. We have reduced Fulets's warranty claim by these amounts. Parts costs were provided by model by month and we have accepted this portion of the claim.

Comment 26: The petitioners argue that the Department erred in allowing Fulet's overstated direct credit adjustment to foreign market value.

Department's Position: We disagree. Based on our methodology noted at Comment 9 above, we have included both notes receivables and accounts receivables in Fulet's credit calculation. Because Fulet was unable to provide a specific turnover ratio for color televisions, we have used its calculation based on all home market sales as the best measurement of its experience.

Comment 27: The petitioners argue that the Department should deny Fulet's direct home market advertising claim because it is severely overstated, is not presented in an actual model-specific manner as required and is not allocated according to the Department's accepted methodologies.

Department's Position: We disagree. The petitioners have misinterpreted Fulet's response. Based on information submitted during the course of this review, we are satisfied that Fulet's advertising expense claim was allocated according to the Department's accepted methodology and actual, model-specific information.

Comment 28: The petitioners argue that the Department incorrectly compared Nettek's United States sales with sales to Panama, which they allege were below the cost of production. The Department should use constructed value as its comparison.

Department's Position: The petitioners' allegation that Nettek was selling to Panama at less than cost was received 10 days prior to the due date of these final results. Because of the short time period between the submission of comments and the completion of this review within our administrative time limit, we were unable to analyze whether Nettek had sales below cost during the review period. The petitioners had sufficient information prior to the preliminary determination concerning Nettek's sales to allow the filing of a timely allegation of sales at less than the cost of production.

Comment 29: The petitioners state that the Department correctly denied Tatung's home market warranty expense claim on the ground that Tatung has failed to calculate warranty expenses on a model-by-model basis. The Department should continue to deny this claim despite the revised submission received after publication of the preliminary results.

Department's Position: We disagree. We requested the model-specific data and its satisfies our criteria. Therefore, we have accepted Tatung's revised warranty expense claim. Tatung demonstrated at verification that the commissions portion of its claim was directly related to sales.

Comment 30: The petitioners contend that if the Department considers allowing any of Tatung's home market warranty expenses as direct expenses, fairness and equity demand that the Department also consider Tatung's warranty expenses in the United States as direct expenses. A respondent should not be permitted to submit partial, selective information which, if accepted by the Department, would tend to mask dumping margins.

Department's Position: We disagree. Because Tatung could not break out its U.S. warranty claim on a model-specific basis, we have continued to treat these expenses as indirect selling expenses.

Comment 31: The petitioners argue that the Department erroneously reduced foreign market value by the amounts claimed by Tatung for discounts and rebates paid on trade-ins of merchandise. As the Department decided in the final results of review on drycleaning machinery from West Germany, (50 FR 32154 August 8, 1985), such reductions simply represent the value of the traded-in merchandise to the company.

Department's Position: We agree and have reduced the claim to exclude this portion for trade-ins of merchandise.

Comment 32: The petitioners argue that the Department should deny Tatung's home market post-sale warehousing claim. The warehousing was not apparently undertaken as a contractual obligation, but merely to position the merchandise for immediate delivery into the home market.

Department's Position: We disagree. At verification, we reviewed documents pertaining to actual color television after-sale warehousing costs. We are satisfied that these after-sale costs are directly related to sales during the review period.

Comment 33: The petitioners argue that the Department should reject Tatung's home market inland freight claim, which is purportedly based on the transportation of color television from the head office warehouse to regional warehouses. The verification report does not substantiate Tatung's claim that these expenses are tied to actual purchases of the merchandise under review.

Department's Position: The petitioners have misunderstood our treatment of Tatung's inland freight claim. We consider transportation of merchandise from the head office warehouse to regional warehouses to be a general expense, since the regional warehouses are used for general storage as well as distribution. For this reason, expenses incurred in moving television receivers to the regional warehouses cannot be either directly or indirectly related to sales of the merchandise. We did not include this portion of inland freight in our preliminary analysis and have continued this methodology in our final determination.

Comment 34: The petitioners argue that the Department erroneously used Shirasuna-Japan's purchase price and not Shirasuna-Taiwan's actual expense in calculating material costs. The Department incorrectly averaged production costs in performing its cost of production and constructed value analysis. In addition, petitioners believe that Shirasuna grossly understated its

Taiwanese and Japanese GS&A expenses by allocating corporate GS&A expenses to color televisions on the basis of shipment value and by not including a reasonable allocation of freight, export, and interest expenses, respectively. Information available to petitioners indicates that the Department may have failed to take into account significant start-up production costs incurred by Shirsuna in Taiwan.

Department's Position: We agree with petitioners that we incorrectly used Shirasuna-Japan's purchase price for certain parts costs. We have increased the cost of these parts by the appropriate percentage mark-up. We disagree that we incorrectly averaged production costs, however. We believe that the correct way to compare material costs to selling price is by averaging these costs over the period of review. Taiwanese GS&A should be allocated on the basis of cost of goods sold rather than shipment value. However, because actual GS&A, including this adjustment, is below 10 percent, we used the statutory minimum. We are satisfied through our verification that the Japanese GS&A portion does include a reasonable allocation of the cited expenses. We also found no evidence of costs not included in the response.

Comment 35: The petitioners assert that the Department erred in accepting Shirasuna's credit expense claim on sales to Canada. The Department should reject Shirasuna's actual claim in favor of imputed credit adjustments.

Department's Position: We disagree. We prefer actual expenses to an imputed calculation and have continued to use Shirasuna's credit claim on sales to Canada.

Comment 36: The petitioners contend that the Department inadvertently allocated Shirasuna's per-unit bank charge amount to two specific sales based on the number of units involved in each transaction. Each sale was subject to the bank charge. In addition, the Department's calculation of a weighted-average foreign market value was incorrect.

Department's Position: We agree and have corrected both calculation errors.

Comment 37: Zenith argues that the Department has made duty drawback adjustments for AOC, Fulet and Sampo for the amount of import duties included in home market model costs, not for the amount of duties forgiven on export models.

Department's Position: For Fulet, we applied the amount of duties paid on the home market models to the United States merchandise because the comparison models were virtually identical. AOC calculated the import duties actually paid on home market sets and applied these amounts to the export models. Although we agree with Zenith's argument, we do not possess the data to recalculate these adjustments. We believe that these amounts provide the best estimate of duties forgiven on export models and have used them in our analyses as the best information available. For the second administrative review, we will solicit the appropriate information for use in our analysis.

Sampo properly calculated a customs duty rate for the U.S. models and applied this rate to materials used to determine the amount of duty forgiven upon export of the merchandise.

Comment 38: Zenith argues that the Department is not within its authority to make circumstance-of-sale adjustments to constructed value. The Department should delete all adjustments from its constructed value calculations. Zenith also points to the use of constructed value for one comparison for Sampo and states that the Department's circumstance-of-sale adjustment removes an amount in excess of such expenses that were included in the constructed value.

Department's Position: We disagree. Section 773(a)(4)(B) of the Act provides that where it is established that the amount of any difference between United States price and foreign market value is due to differences in circumstances of sale, "due allowance shall be made." Section 773(a) of the Act does not distinguish constructed value from any other method of determining foreign market value. Thus, circumstance-of-sale adjustments are required where constructed value is used as the basis for foreign market value, just as they are required where home market or third-country prices are used. *See* the final results of review on certain electric motors from Japan, (48 FR 14719, April 5, 1983), (49 FR 32627, August 15, 1984).

Circumstance-of-sale adjustments are necessary in constructed value cases because while general and administrative expense allocations will be the same in any market, selling expense allocations will differ by market. These circumstance-of-sale adjustments became necessary when the Department began using home market selling expenses instead of U.S. selling expenses in its constructed value calculations. *See* the final determination of sales at less than fair value on cellular mobile telephones and subassemblies from Japan, 50 FR 45447, October 31, 1985).

Accordingly, because the offset provision applies to foreign market value, and since cosntructed value is a form of foreign market value, we have allowed the claimed adjustment up to the amount of the indirect selling expenses applicable to sales in the United States. We have corrected our inadvertent error, however, and have adjusted downward the amount of indirect selling expenses removed from Sampo's constructed value calculation.

Comment 39: Zenith argues that antidumping-related legal expenses are selling expenses. The Department should correct its exporter's sales price calculations by deducting the amount of these expenses which respondents paid during the period of review.

Department's Position: We disagree. It is our practice as stated in our *Study of Antidumping Adjustments Methodology and Recommendations for Statutory Change* not to consider legal fees paid in connection with litigation resulting from an earlier antidumping investigation to be an expense related to sales made in the period of review. We view legal fees incurred at the administrative stage of an antidumping proceeding as meriting similar treatment since they are incurred in defending against an allegation of dumping. As such, they are not expenses incurred in selling merchandise in the United States. Further, to deduct antidumping legal fees as selling expenses would effectively discriminate against those respondents who seek legal counsel in proceedings before the Import Administration.

Comment 40: Zenith argues that the Department should reduce the ESP offset for AOC and Tatung by the amount of expenses associated with obtaining credit and selling on credit, and increase the ESP deduction by the same amount. For Fulet and Sampo, the Department should quantify and remove from ESP these general and administrative credit expenses and all other expenses incurred in Taiwan on ESP sales. Additionally, the Department should ensure that for all four companies none of the expenses deducted from ESP were also included in the offset to foreign market value. Zenith urges the Department to ensure that all expenses incurred in Taiwan on ESP sales are removed from RCA's ESP sales.

Department's Position: The record is not clear as to whether the above expenses are included in United States indirect selling expenses or home market indirect selling expenses. Zenith did not raise this issue in time for the Department to collect the necessary information in order to determine the

appropriate adjustments. Since we do not have the information to establish what these expenses might be, we cannot make the recommended adjustments.

Comment 41: Zenith notes an input error in Tatung's revised comptuer printout for the preliminary determination.

Department's Position: We agree and have corrected the error.

Comment 42: Zenith urges the Department to recalculate certain of Fulet's ESP sales to account for missing movement expenses.

Department's Position: Since no suspension of liquidation occurred on these entries, we have disregarded these ESP sales in our analysis of Fulet.

Comment 43: Zenith points out a calculation error related to certain of Capetronic's production costs and urges the Department to incorporate this correction in its final results.

Department's Position: We agree and have made the correction.

Comment 44: Zenith argues that the Department should not consider RCA's submission of November 14, 1986 in its final results. RCA's submission is untimely and in no way cures the earlier failure to submit data on the sales under review.

Department's Position: We agree. The information submitted by RCA is not germane to the review period, is based on estimates and was submitted too late to be considered in this review. RCA originally failed to respond to the Department's questionnaire regarding sales to related customers. We have continued to use the best information available, the highest rate of responding firms, in our final results.

Comment 45: Capetronic notes an error in the calculation of material and fabrication costs for model EC1OR.

Department's Position: We agree and have corrected the error.

Comment 46: Capetronic requests that the credit cost adjustment for certain sales of model PC5 be corrected. During the verification, Capetronic believed that the Department had requested credit cost information with respect to only one U.S. sale of model PC5.

Department's Position: We agree. Capetronic has submitted the correct credit cost adjustments for the additional U.S. sales of model PC5, based on the methodology we reviewed at verification. We have accepted these data and have made the appropriate corrections to the calculations.

Comment 47: RCA submits that the Department should deduct from the constructed value for each such or similar category of merchandise an amount equal to the indirect selling expenses reported by RCA for sales of the same merchandise during the period. The indirect selling expenses should be deducted from the constructed value, up to the amount of indirect selling expenses incurred on U.S. sales or an industry average.

Department's Position: We disagree. For RCA, we used the statutory minimum of general expenses according to section 773(e)(B)(1) of the Act because there were no sales in the home market. If there was selling experience in the home market, we would build indirect selling expenses into the constructed value and then adjust for them according to § 353.15 of the regulations. However, because RCA made no sales in the home market, we did not build indirect expenses into this amount and therefore cannot make the requested adjustment.

Comment 48: RCA submits that the foreign market value should be adjusted for differences in circumstances of sale between the U.S. and home market, by deducting from foreign market value the direct selling expenses reported on U.S. sales or the Taiwan industry average direct selling expenses incurred on sales of such or similar merchandise in the home market.

Department's Position: We disagree. See our response to Comment 47. Direct expenses were not built into the constructed value calculation. We used the statutory minimum of 10 percent for general expenses.

Comment 49: Shin-Shirasuna requests the Department to rule that its combination unit is excluded from the scope of the proceeding and to recalculate Shirasuna's weighted-average margin based upon sales other than those of model EEE. If the Department does not exclude Model EEE from the scope of this proceeding, Shirasuna requests that the Department calculate and state a separate rate for the combination unit.

Department's Position: On November 7, 1985, the Department received a scope exclusion request from Shirasuna for model EEE, a six inch portable color television with radio. To determine whether this model was within the scope of the antidumping order, we reviewed the descriptions of the merchandise in the petition, the ITC determination, and the antidumping duty order. Combination units such as this were neither specifically included in nor excluded from these prior scope descriptions. Because these prior scope descriptions are ambiguous as to whether a unit consisting of several items, including a television, is covered by the order, we used the four criteria set forth in *Diversified Products Corp. v. United States*, 6 C.I.T. 155 (1983) in making our determination. These are the physical characteristics of the merchandise, the uses for which the merchandise is imported, the expectations of the ultimate purchasers, and the channels of trade in which the merchandise moves.

The physical characteristics of this model point to the prominence of the television function. The cost of the television portion represents at least 75 percent of the total cost of the unit. We consider that the consumer purchases the unit primarily for the television function, since the majority of the cost of the unit is attributable to the production of the television receiver. Other features are incidental and used secondarily to the television receiver. This unit moves through the same channels of trade as conventional color televisions, and is imported for use as a color television, for receiving a broadcast signal and reproducing it in video and audio form. The fact that this unit is in combination with another feature does not alter this primary function.

We have determined that, based on the above considerations, this unit is covered by this antidumping duty order on color television receivers. Accordingly, models AVC13, TC7, and PC5, imported by Emerson Radio Corporation are also included in the scope of this order.

With regard to Shirasuna's request that we state a separate rate for the unit, the Department does not generally calculate separate rates for subcategories of the class or kind of merchandise covered by an order.

Comment 50: Shin-Shirasuna asserts that regardless of whether the Department calculates a separate rate for Shirasuna's combination unit, model CCC is such or similar to model EEE, assuming the Department fails to exclude model EEE from the scope of the proceeding.

Department's Position: We agree and have continued to use this comparison in our final determination.

Comment 51: Shin-Shirasuna argues that the Department should calculate the foreign market value of the January 12, 1984 sale of model EEE based upon the price of Model CCC sold to Canada on April 18, 1984. Application of a reasonably expanded version of the 90-45 day rule would permit a price-to-price comparison, a preferable result under the legislative history of the statute.

Department's Position: We disagree. Section 773(a)(1) of the Act provides that foreign market value is the price at the "time such merchandise is first sold

within the United States." When there are no home market sales made in the same month as the U.S. sale, we try to find home market sales made as close in time to the U.S. sales as possible. A contemporaneity rule has arisen from this endeavor in which we use a home market sale up to 90 days prior and 60 days after the date of the U.S. sale. When there are instances in which no home market sales of the comparison model are made in the same month as the U.S. sale, we then use this contemporaneity rule to choose a weighted-average foreign market value to compare with that U.S. sale. We believe this approach is reasonable and applicable to use in this third-country analysis. In this case, we have applied the 90-60 day rule and the referenced sale falls outside this time period.

Comment 52: AOC, Fulet, Sampo, and Tatung argue that the Department may not legally impute an interest "cost" in ESP transactions for the time merchandise remains in the importer's warehouse. The opportunity cost of holding inventory is not reported in either the importers' or the parent companies' books, is not required by accounting principles of Taiwan or the United States warehouse, and is a cost of manufacture rather than a "selling expense."

Department's Position: We disagree. We have determined that we should impute an interest expense for the period between date of shipment from Taiwan and date of sale in the United States because the opportunity cost of holding inventory is a "real" expense which the companies cannot isolate from their pool of interest expenses.

Comment 53: AOC, Fulet, Sampo, and Tatung argue that the Department may not legally assess antidumping duties at a rate higher than that set forth in its preliminary determination in the original fair value investigation, for any entry made before the date of publication of the International Trade Commission's (ITC's) final injury determination. In the case of Sampo, the maximum applicable to entries before the publication of the International Trade Commission's final determination is 0.64 percent. The Department never published the amended preliminary bonding rate of 11.34 percent in the Federal Register and therefore the change is without legal effect.

Department's Position: We disagree. While the Department has authority to assess duties on entries made between the Department's final determination and the date of publication of the ITC's final determination at a rate equal to the rate established in the final determination which may be a rate higher than the rate established in the preliminary less-than-fair-value determination, the Department does not have authority to assess duties in excess of the Department, preliminary determination for entries baetween the date of the Department's preliminary and final affirmative determinations. This practice is based on a reasonable interpretation of section 737(a) of the Act in light of the statutory scheme for a final antidumping determination which quantifies the degree of a respondent's price discrimination more accurately than the preliminary determination. See also § 353.23 of the proposed antidumping regulations, (51 FR 29046, 29065 August 13, 1986).

Section 737(a) was enacted to implement Article 11(1) of the GATT Antidumping Code, which prohibits collection of the difference between *any security posted during the investigation* and the antidumping duty finally assessed if the latter exceeds the former.

See Report of the Committee on Finance, United States Senate, on H.R. 4537, S. Rep. No. 96–249, 96th Cong., 1st Sess. 77 (1979), Report of the Committee on Ways and Means, House of Representatives, to Accompany H.R 4537, H.R. Rep. No. 96–317, 96th Cong., 1st Sess. 70 (1979). In investigations such as the one at hand , where an order is issued after affirmative preliminary and final determinations by both the Department and the ITC, estimated duties are collected under section 733(d)(2) of the act at rates established at two different stages in the investigation. Initially, liquidation is suspended and estimated duties collected or bonds posted at the rate established in the Department's preliminary determination. However, because the dumping margin established in the final determination is based on verified information afte all the parties have had an opportunity to comment, it is a better estimate of the degree of price discrimination than the preliminary deposit rate, which was based only on the best information available to the Department at that time. Accordingly, once the final determination is published, estimated duties are collected or bonds are posted until the order is issued at the final, rather than preliminary rate.

Thus, for purposes of determining the cap rates—i.e., the maximum rate at which duties can be assessed on entries entered up to the date of the ITC's final determination—we are governed by section 737(a), which precludes the ultimate assessment of duties on those entries at rates higher than "a cash deposit collected as security for an estimated antidumping duty under Section 733(d)(2)." Nothing in this provision limits its application to the deposit rate established in the preliminary determination, as respondents argue. Rather, where read in light of its legislative history and the statutory scheme for preliminary and final determinations, section 737(a) clearly allows for two cap rates in cases where the department's preliminary and final determinations were affirmative.

Accordingly, we will issue instructions to Customs to assess duties on entries entered prior to the date of the ITC's final determination consistent with the above-described practice.

Comment 54: AOC urges the Department to classify its adverstisements as direct advertising applicable to all home market color televisons. It is unreasonable to rule that certain advertisements are product-specific, when the overwhelming thrust of the ad applies to all AOC televisions.

Department's Position: We disagree. Model-specific advertising which identifies a comparison model must be applied as a direct expense solely to sales of that model.

Comment 55: Sampo argues that the Department should use weighted-average prices of the K–1422ST for the whole review period because monthly prices were not representative of foreign market value.

Department's Position: We disagree. See our response to Comment 16.

Comment 56: Sampo argues that the Department should use the adjustments for the 1422ST that are being reported, rather than best information available.

Department's Position: We agree. See our response to Comment 17.

Comment 57: Sampo notes that the Department incorrectly calculated the difference-in-merchandise adjustments.

Department's Position: We agree and have corrected the computational errors. See our response to Comment 18 for the Department's revised treatment of differences in the physical characteristics of the merchandise.

Comment 58: AOC urges the Department to use the revised inland freight figures it has provided.

Department's Position: We disagree. In our preliminary determination, we calculated AOC's inland freight claim according to the allocation methodology used by AOC in its questionnaire response. We consider these figures to be calculated more accurately than those revised by respondent.

Comment 59: AOC claims that the Department incorrectly calculated constructed value for those of its models that had no comparable home market sales. The Department's calculation

improperly double-counts a portion of home market indirect selling expenses. The department failed to deduct the appropriate percentage of indirect selling expenses from constructed value for the 1984–1985 period.

Department's Position: We deducted corporate indirect selling expenses from general expenses and included color televisions-specific indirect selling expenses. Because the color television indirect expenses were based on sales value, we adjusted them by the ratio of cost of manufacture to sales revenue for the entire corporation.

Comment 60: Tatung argues that the Department should revise the calculation of general expenses for constructed value. The percentage for general expenses used in the preliminary determination included expenses for sales of products other than color televisions and for sales other than those in the usual wholesale quantities. General expenses should reflect expenses borne by home market dealer sales of color televisions, because these are the sales of the class or kind of merchandise under review, in the usual wholesale quantities.

The Department should include Tatung's claim for home market warranty expenses in the circumstance-of-sale adjustments to constructed value.

Department's Position: We agree with Tatung's argument for including general expenses related to dealer sales of color televisions in our constructed value calculations. However, Tatung's methodology of allocating total home market selling expenses by the ratio of color television dealer sales to total home market sales is flawed. The resulting figure is not an accurate representation of Tatung's selling expenses for the color television division. Therefore, we have continued to use the methodology we adopted in our preliminary determination. Because we have allowed Tatung's warranty expense as a direct expense (see Comment 29), we have included it in our constructed value calculations.

Final Results of the Review

As a result of the comments received, we have revised our preliminary results for AOC, Capetronic, Fulet, RCA, Sampo, Shin-Shirasuna, and Tatung, and we determined that the following weighted-average margins exist:

Manufacturer/exporter	Time period	Margin (pct)
AOC International, Inc	10/19/83–3/31/85	1.38
Capetronic (BSR) Ltd	10/19/83–3/31/85	.46
Fulet Electronic Industrial Co., Ltd	10/19/83–3/31/85	2.09
Nettek corp., Ltd	10/19/83–3/31/85	
RCA Taiwan, Ltd	10/19/83–3/31/85	5.24
Sampo Corp	04/01/84–3/31/85	10.14
Shinlee Corp	10/19/83–3/31/85	10.14
Shin-Shirasuna Electric Co	10/19/83–3/31/85	.56
Tatung Co	10/19/83–3/31/85	4.01

The Department will instruct the Customs Service to assess antidumping duties on all appropriate entries. The Department will issue appraisement instructions directly to the Customs Service. Further, as provided for in section 751(a) of the Tariff Act, a cash deposit of estimated antidumping duties based on the above margins shall be required for these firms. Since the margin for Capetronic is less than 0.5 percent and therefore *de minimis* for cash deposit purposes, the Department shall not require a cash deposit of estimated antidumping duties 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 March 31, 1985 and who is unrelated to any reviewed firm, a cash deposit of 10.14 percent shall be required. These deposit requirements are effective for all shipments of Taiwanese color television receivers, except for video monitors, complete or incomplete, 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 § 353.53a of the Commerce Regulations (19 CFR 353.53a).

Dated: December 18,1986.

Gilbert B. Kaplan,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 86–29038 Filed 12–24–86; 8:45 am]

BILLING CODE 3510-DS-M

[A-351-606]

Preliminary Determination of Sales at Less Than Fair Value; Tubeless Steel Disc Wheels From Brazil

AGENCY: Import Administration, International Trade Administration, commerce.

ACTION: Notice.

SUMMARY: We preliminarily determine that certain tubeless steel disc wheels from Brazil are being, or are likely to be, sold in the United States at less than fair value. We have notified the U.S. International Trade Commission (TIC) of our determination. We have directed the U.S. Customs Service to suspend the liquidation of all entries of certain tubeless steel disc wheels that are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice, and to require a cash deposit or bond for each entry in an amount equal to the estimated dumping margin as described in the "Suspension of Liquidation" section of this notice.

If this investigation proceeds normally, we will make our final determination by March 4, 1987.

EFFECTIVE DATE: December 29, 1986.

FOR FURTHER INFORMATION CONTACT: William D. Kane or Charles E. Wilson, Office of Investigations, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202)377–1766 or (202)377–5288.

Preliminary Determination

We have preliminarily determined that tubeless steel disc wheels from Brazil are being, or are likely to be, sold in the United States at less than fair value, as provided in section 733(b) of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1673b(b)). We made fair value comparisons on sales of the class or kind of merchandise to the United States during the period of investigation, December 1, 1985, through May 31, 1986. Comparisons were based on United States price and foreign market value, based on the constructed value of the merchandise provided by the respondents. The weighted-average margins are shown in the "Suspension of Liquidation" section of this notice.

Case History

On May 23, 1986, we received a petition filed in proper form from the Budd Company, on behalf of the domestic manufacturers of tubeless steel disc wheels. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleged that imports of certain tubeless steel disc wheels from Brazil are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act, and that these imports are materially injuring, or threaten material injury to, a United States industry. After reviewing the petition, we determined that it contained sufficient grounds upon which to initiate an antidumping duty investigation. We notified the ITC of our action and initiated such an investigation on June 12, 1986 (51 FR

21952, June 17, 1986). On July 7, 1986, the ITC determined that there is a reasonable indication that imports of tubeless steel disc wheels from Brazil are materially injuring a U.S. industry (51 FR 25752, July 16, 1986).

On July 9, 1986, we presented antidumping duty questionnaires to Borlem S.A.-Impreedimentos Industrias (Borlem), and FNV-Veiculos E Equipamentos S.A. (FNV). Respondents were requested to answer the questionnaire in 30 days. On August 11, 1986, we received a response from FNV. Borlem requsted and received a two-week extension in which to respond. On August 18, 1986, we requested additional information from FNV. On August 25, 1986, a response was received from Borlem. On September 10, 1986, we requested additional information from Borlem. On September 16, 1986, the petitioner alleged that Borlem was selling in their home market at less than the cost of producing the merchandise. On September 18, 1986, we requested cost information from Borlem. We received additional information from FNV on August 22, September 15 and 23, October 6, and December 5, 1986. We received additional information from Borlem on September 19, October 8 and 14, and December 5, 9 and 11, 1986. On October 9, 1986, at the request of the petitioner, we extended the date of our preliminary determination to December 19, 1986 (51 FR 37050, October 17, 1986).

Scope of Investigation

The products covered by this investigation are tubeless steel disc wheels, designed to be mounted with pneumatic tires, with a rim width diameter of 22.5 inches or greater, suitable for use on class 6, 7 and 8 trucks, including buses, tractors and semi-trailers, as currently provided for under number 692.3230 of the *Tariff Schedules of the United States Annotated* (TSUSA).

Fair Value Comparisons

To determine whether sales of the subject merchandise in the United States were made at less than fair value, we compared the United States purchase price to the foreign market value for the companies under investigation using data provided in the responses. We investigated sales of tubeless steel disc wheels sold during the period December 1, 1985, through May 31, 1986.

United States Price

As provided in section 772(b) of the Act, we used the purchase price of the subject merchandise to represent United States price, since the merchandise was sold to unrelated U.S. purchasers prior to importation. We calculated purchase price based on the packed, CIF or C&F prices to unrelated purchasers in the United States. Where necessary, we corrected Borlem's reported prices to reflect actual prices paid. We made deductions, where appropriate, for foreign inland freight, foreign port charges, ocean freight and ocean insurance.

Foreign Market Value

In accordance with section 773(a)(2) of the Act, we used the constructed value of the exported merchandise to determine foreign market value for FNV, because there were no sales of such or similar merchandise in the home market or to third countries. In accordance with section 773(b) of the Act, we used the constructed value of the exported merchandise to determine foreign market value for Borlem, because sales in the home market were found to be made at prices below the cost of producing the merchandise for an extended period of time, in substantial quantities which would not permit recovery of all costs within a reasonable period of time in the normal course of trade. We made adjustments, where appropriate, for differences in credit costs and for selling expenses as an offset to U.S. sales commissions.

Pursuant to § 353.56 of the Commerce regulations, we made currency conversions at the rates certified by the Federal Reserve Bank.

Constructed Value/Cost of Production

For Borlem's cost of production and for constructed value the Department relied upon the respondent's submissions and made adjustments when costs were not included or not appropriately valued in accordance with the Department's methodology. The following adjustments were made:

(1) For constructed value purposes, we used costs associated with the month closest to the month of export of the merchandise, because the merchandise is produced according to shipment schedules. Direct home market selling expenses were included in constructed value for the months of December 1985–May 1986. Because the submissions did not include home market selling expenses for the month of June, U.S. direct selling expenses were used as a surrogate. Therefore, for constructed value purposes, "circumstance of sale" adjustments were made for all months except June because U.S. direct selling expenses were utilized.

(2) Short-term financial expenses were included. This amount was an estimate derived from the interest expense reflected on the respondent's financial statements which was then adjusted to account for the long-term interest expenses and credit expenses.

(3) The "monetary correction," made by the company at the end of February 1986 to its financial results to account for the full effects of inflation for the period, was not included. Since replacement costs were used for the cost of production and detailed data needed to adjust the monetary correction to account for the effects of the use of replacement costs was not available, the Department did not include the monetary correction.

For FNV, the Department calculated the constructed value based on the respondent's submission and made adjustments when the costs did not appear to include or value appropriately such costs in accordance with the Department's methodology.

Therefore, the Department made the following adjustments:

(1) The long-term interest expenses, indirect selling expense and administrative expenses were calculated in the response as a percentage of sales revenue. This percentage was then applied to the costs of manufacturing. The Department recalculated the expenses as a percentage of costs of sales, so that the percentage was derived from the base to which it was applied.

(2) Short-term financial expenses were included. This amount was based on an estimate derived from the respondent's interest expense from the financial statements and was adjusted to account for long term interest expenses and credit expenses.

(3) Direct home market selling expenses were included in the constructed value.

(4) The "monetary correction" made by the company at the end of February 1986 to these financial results to account for the full effects of inflation, was not included in the constructed value. Since replacement costs were used for the cost of production and detailed data needed to adjust the monetary correction to account for the effects of the use of replacement costs was not available, the Department did not include the monetary correction.

Verification

We will verify all information used in making our final determination in accordance with section 776(a) of the Act. We will use standard verification procedures, including examination of relevant sales and financial records of the companies under investigation.

Suspension of Liquidation

In accordance with section 773(d) of the Act, we are directing the U.S. Customs Service to suspend liquidation of all entries of tubeless steel disc wheels from Brazil that are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice in the **Federal Register**. The U.S. Customs Service shall require a cash deposit or the posting of a bond equal to the estimated weighted-average amounts by which the foreign market value of the merchandise subject to this investigation exceeds the United States price as shown in the table below. The suspension of liquidation will remain in effect until further notice.

Manufacturer/producer/exporter	Margin percentage
Borlem	24.85
FNV	5.75
All others	11.28

ITC Notification

In accordance with section 733(f) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all nonprivileged and nonproprietary information relating to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms that it will not disclose such information either publicly or under administrative protective order without the consent of the Deputy Assistant Secretary for Import Administration. The ITC will determine whether these imports materially injure, or threaten material injury to, a United States industry, before the later of 120 days after our preliminary affirmative determination on 45 days after our final determination.

Public Comment

In accordance with § 353.47 of our regulations (19 CFR 353.47), if requested, we will hold a public hearing to afford interested parties an opportunity to comment on this preliminary determination at 1:00 p.m., on February 16, 1987, at the U.S. Department of Commerce, Room 3708, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary, Import Administration, Room B-099, at the above address within 10 days of this notice's publication.

Requests should contain: (1) The party's name, address and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, prehearing briefs in at least 10 copies must be submitted to the Deputy Assistant Secretary by February 9, 1987. Oral presentation will be limited to issues raised in the briefs. All written views should be filed in accordance with 19 CFR 353.46, within 30 days of publication of this notice, at the above address in at least 10 copies.

This determination is published pursuant to section 733(f) of the Act (19 U.S.C. 1673(f)).

Gilbert B. Kaplan,

Deputy Assistant Secretary for Import Administration.

December 19, 1986.

[FR Doc. 85-29039 Filed 12-24-85; 8:45 am]

BILLING CODE 3510-DS-M

[C-333-601, A-333-602]

Postponement of Final Countervailing and Antidumping Duty Determinations; Certain Fresh Cut Flowers From Peru

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice.

SUMMARY: This notice informs the public that we have received a request from the respondent in these investigations that the final antidumping duty determination be postponed for 105 days from publication of our antidumping duty preliminary determination, as provided for in section 735(a)(2)(A) of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1673d(a)(2)(A)); and that we have postponed our final determinations as to whether sales of certain fresh cut flowers from Peru are subject to countervailing duties and have occurred at less than fair value until not later that February 16, 1987. In addition, we are rescheduling the public hearing in the antidumping duty investigation.

EFFECTIVE DATE: December 29, 1986.

FOR FURTHER INFORMATION CONTACT: Terri Feldman (Antidumping Duty) or Karen Busler (Countervailing Duty), Office of Investigation, Import Administration, International Trade Administration, United States Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 377-0160 (Feldman) or 377-4198 (Busler).

Case History

On May 21, 1986, we received antidumping and countervailing duty petitions filed by the Floral Trade Council of Davis, California on certain fresh cut flowers from Peru. In compliance with the filing requirements of § 353.36 of our regulations (19 CFR 353.36), the antidumping petition alleged that imports of certain fresh cut flowers from Peru are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (the Act) and that these imports materially injure, or threaten material injury to, a U.S. industry.

We found that the petition contained sufficient grounds upon which to initiate an antidumping duty investigation, and on June 10, 1986, we initiated such an investigation (51 FR 21947, June 17, 1986). The preliminary affirmative determination in this antidumping investigation was made on October 28, 1986.

In compliance with the filing requirements of § 355.26 of our regulations (19 CFR 355.26), the countervailing duty petition alleged that manufacturers, producers, or exporters in Peru of certain fresh cut flowers directly or indirectly receive benefits which constitute bounties or grants within the meaning of section 303 of the Act, and that these imports materially injure, or threaten material injury to, a U.S. industry.

We found that the petition contained sufficient grounds upon which to initiate a countervailing duty investigation, and on June 10, 1986, we initiated such an investigation (51 FR 21959, June 17, 1986). On July 7, 1986, the ITC preliminary determined that there is a reasonable indication that imports of certain fresh cut flowers cause material injury to a U.S. industry (USITC Pub. No. 1887). On October 20, 1986 we issued a preliminary affirmative determination in the countervailing duty investigation (51 FR 37948, October 27, 1986).

On November 4, 1986, petitioners filed a request for extension of the deadline date for the final determination in the countervailing duty investigation to correspond with the date of the final determination in the antidumping duty investigation.

Section 705(a)(1) of the Traffic Act of 1930, as amended by section 606 of the Trade and Tariff Act of 1984, provides that when a countervailing duty investigation is "initiated simultaneously with an [antidumping] investigation * * * which involves imports of the same class or kind of merchandise from the same or other countries, the administering authority, if requested by the petitioner, shall extend the date of the final determination [in the countervailing duty

investigation] . . . to the date of the final determination" in the antidumping investigation (19 U.S.C. 1671d(a)(1)). Pursuant to this provision, we granted an extension of the deadline date for the final determination in the countervailing duty investigation of certain fresh cut flowers from Peru to January 12, 1986, the deadline for the final determination in the antidumping duty investigation. To comply with the requirements of Article 5, paragraph 3 of the Subsidies Code, the Department will direct the U.S. Customs Service to terminate the suspension of liquidation in the countervailing duty investigation on February 24, 1986, which is 120 days from the date of publication of the preliminary determination in this case. No cash deposits or bonds for potential countervailing duties will be required for merchandise which enters after February 24, 1986. The suspension of liquidation will not be resumed unless and until the ITC issues a final injury determination and the Department publishes a final countervailing duty order in this case. We will also direct the U.S. Customs Service to hold any entries suspended prior to February 24, 1986, until the conclusion of this investigation.

On November 12, 1986 counsel for respondent requested that the Department extend the period for the final determinations in the countervailing and antidumping duty investigations to 105 days from publication of our preliminary affirmative antidumping determination in accordance with section 735(a)(2)(A) of the Act.

Section 735(a)(2)(A) of the Act provides that the Department may postpone its final determination concerning sales at less than fair value until not later than 135 days after the date on which it published a notice of an affirmative preliminary determination, if exporters who account for a significant portion of the merchandise which is the subject of the investigation request a postponement.

The respondent is qualified to make such a request since it accounts for all exports of the merchandise under investigation. If a qualified exporter properly requests an extension after an affirmative preliminary determination, the Department is required, absent compelling reasons to the contrary, to grant the request. Accordingly, the Department will issue final determinations in these cases not later than February 16, 1987.

The public hearing in the antidumping duty investigation is also being postponed until 10:00 a.m. on January 9, 1987, at the U.S. Department of Commerce, Room 3708, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Accordingly, prehearing briefs must be submitted to the Deputy Assistant Secretary by January 2, 1987. Oral presentations will be limited to issues raised in the briefs. Posthearing briefs are due no later than 7 days after transcripts of the hearing are made available. All written views should be filed in accordance with 19 CFR 353.46, no later than 30 days before the final determination is due at the above address in at least 10 copies.

This notice is published pursuant to section 735(d) of the Act.

Gilbert B. Kaplan,

Deputy Assistant Secretary for Import Administration.

December 19, 1986.

[FR Doc. 86-29040 Filed 12-24-86; 8:45 am]

BILLING CODE 3510-DS-M

National Oceanic and Atmospheric Administration

Evaluation of State/Territorial Coastal Management Programs, Coastal Energy Impact Programs and National Estuarine Research Reserves

AGENCY: National Oceanic and Atmospheric Administration, National Ocean Service, Office of Ocean and Coastal Resource Management.

ACTION: Notice of availability of evaluation findings.

SUMMARY: Notice is hereby given of the availability of the evaluation findings for the Hawaii's Waimanu National Estuarine Research Reserve. Section 315(f) of the Coastal Zone Management Act of 1972, as amended, (CZMA) requires a periodic review of the performance of each Reserve with respect to its operation and management. A copy of the assessment and detailed findings for this program may be obtained on request from: John H. McLeod, Evaluation Officer, Policy Coordination Division, Office of Ocean and Coastal Resource Management, National Ocean Service, NOAA, 1825 Connecticut Avenue, N.W., Washington, DC 20235 (telephone: 202/673-5104).

(Federal Domestic Assistance Catalog 11.419 Coastal Zone Management Program Administration)

Dated: December 15, 1986.

Peter L. Tweedt,

Director, Office of Ocean and Coastal Resource Management.

[FR Doc. 86-29062 Filed 12-24-86; 8:45 am]

BILLING CODE 3510-08-M

Intent to Evaluate Performance

AGENCY: National Oceanic and Atmospheric Administration National Ocean Service Office of Ocean and Coastal Resource Management.

ACTION: Notice of intent to evaluate.

SUMMARY: The National Oceanic and Atmospheric Administration, National Ocean Service, Office of Ocean and Coastal Resource Management (OCRM), announces its intent to evaluate the performance of the Hawaii Coastal Management Program (CMP); American Samos CMP; Oregon CMP; Alabama CMP; Virgin Island CMP; Maine's National Estuarine Research Reserve (NERR); Maryland's NERR; and North Carolina's NERR through March 31, 1987. The reviews of coastal management programs will be conducted pursuant to section 312 of the Coastal Zone Management Act of 1972, as amended, (CZMA) which requires a continuing review of the performance of coastal states with respect to coastal management, including detailed findings concerning the extent to which the state has implemented and enforced the program approved by the Secretary of Commerce, addressed the coastal management needs identified in section 303(2)(A) through (I) of the CZMA, and adhered to the terms of any grant, loan or cooperative agreement funded under CZMA. The reviews of National Estuarine Research Reserves are conducted pursuant to section 315(f) of the CZMA, as amended by Pub. L. 99-272, which requires the Secretary of Commerce to evaluate periodically the operation and management of each reserve, including education and interpretive activities, and the research being conducted within the reserve. The reviews involve consideration of written submissions, a site visit to the state, and consultations with interested Federal, state and local agencies and members of the public. Public meetings will be held as part of the site visits. The state will issue notice of these meetings. Copies of each state's most recent performance report, as well as the OCRM's notification letter and supplemental information request letter to the state are available upon request from the OCRM. Written comments from all interested parties on each of those programs to the contact listed below are encouraged at this time. OCRM will place subsequent notice in the **Federal Register** announcing the availability of the Final Findings based on each evaluation once these are completed.

FOR FURTHER INFORMATION CONTACT: John H. McLeod, Evaluation

Officer, Policy Coordination Division, Office of Ocean and Coastal Resource Management, National Ocean Service, NOAA, 1825 Connecticut Avenue NW., Washington, DC 20235 (telephone: 202/673-5104).

(Federal Domestic Assistance Catalog 11.419 Coastal Zone Management Program Administration)

Dated: December 15, 1986.

Peter L. Tweedt,

Director, Office of Ocean and Coastal Resource Management.

[FR Doc. 86-29063 Filed 12-24-86; 8:45 am]

BILLING CODE 3510-08-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1987; Additions and Deletion

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Additions to and deletion from Procurement List.

SUMMARY: This action adds to and deletes from Procurement List 1987 commodities to be produced by and service to be provided by workshops for the blind or other severely handicapped.

EFFECTIVE DATE: December 29, 1986.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202-3509.

FOR FURTHER INFORMATION CONTACT: C.W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: On June 6, 1986, July 3, 1986, July 18, 1986, and September 12, 1986, the Committee for Purchase from the Blind and Other Severely Handicapped published notices (51 FR 20688, 24429, 26033, 39702, and 32516) of additions to and deletion from Procurement List 1987, November 3, 1986 (51 FR 39945).

Additions

After consideration of the relevant matter presented, the Committee has determined that the commodities and service listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-47c, 85 Stat. 77 and 41 CFR 51-2.6.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered were:

a. The action will not result in any additional reporting, recordkeeping or other compliance requirements.

b. The action will not have a serious economic impact on any contractors for the commodities and service listed.

c. The action will result in authorizing small entities to produce the commodities procured by and service provided by the Government.

Accordingly, the following commodities and service are hereby added to Procurement List 1987:

Commodities

Bag, Urine Collection, 6530-01-074-6600
Coat, Women's Pajama, 6531-02-01-222-6565, 6532-01-222-31166
Trousers, Women's Pajama, 6532-01-226-2961, 6532-01-226-2962
Robe, Dressing, Women's, 6532-01-215-7965
Skirt, Woman's, 8410-01-187-1415, 8410-01-187-1416, 8410-01-187-1417, 8410-01-187-1418, 8410-01-187-1419, 8410-01-187-1420, 8410-01-187-1421, 8410-01-187-1422, 8410-01-187-1423, 8410-01-187-1424, 8410-01-187-1425, 8410-01-187-1426, 8410-01-187-1427, 8410-01-187-1428, 8410-01-187-1429, 8410-01-187-1430, 8410-01-187-1431, 8410-01-187-1432, 8410-01-187-1433, 8410-01-187-1434, 8410-01-187-1435, 8410-01-187-1436, 8410-01-187-1437, 8410-01-187-1438, 8410-01-187-1439, 8410-01-187-1440, and 8410-01-187-1441.

Service

Reproduction Services
Army Materiel Command Headquarters
Alexandria, Virginia

Deletions

After consideration of the relevant matter presented, the Committee has determined that the service listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 46-48c, 85 Stat. 77 and 41 CFR 51-2.6.

Accordingly, the following service is hereby deleted from the Procurement List 1987:

Service

Janitorial/Custodial, U.S. Courthouse, 120 North Henry Street, Madison, Wisconsin.

C.W. Fletcher,

Executive Director.

[FR Doc. 86-29028 Filed 12-24-86; 8:45 am]

BILLING CODE 6820-33-M

Procurement List 1987; Proposed Additions and Deletion

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed additions to and deletions from Procurement List.

SUMMARY: The Committee has received proposals to add to and delete from Procurement List 1987 commodities to be produced by and services to be provided by workshops for the blind or other severely handicapped.

DATE: Comments must be received on or before January 29, 1987.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202-3509.

FOR FURTHER INFORMATION CONTACT: C.W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a) (2), 85 Stat. 77 and 41 CFR 51-2.6. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

Additions

If the Committee approves the proposed additions and deletion, all entities of the Federal Government will be required to procure the commodities and services listed below from wordshops for the blind or other severely handicapped.

It is proposed to add the following commodities and services to Procurement List 1987, November 3, 1986 (51 FR 39945).

Commodities

Skid, Wooden, 3990-00-NSH-0056 23", 3990-00-NSH-0057 30" (Requirements for Defense Depot, Ogden, Utah only)
Cabinet, Storage, 7125-00-559-6223
Mattress, Innerspring, 7210-00-NIB-0003 (38 × 80"), 7210-00-NIB-0004 (53 × 80") (Requirements for nonappropriated Fund Activities of the Armed Forces)
Box Spring, 7210-00-NIB-0005 (38 × 80"), 7210-00-NIB-006 (38 × 80") (Requirements for nonappropriated Fund activities of the Armed Forces)
Pad, Desk, Blotter, 7520-00-224-7238)

Services

Commissary Shelf Stocking, Branch Commissary Store, Mayport, Florida
Commissary Warehouse Service, Sheppard Air Force Base, Texas
Machining Parts (Requirements of the Naval Supply Center, Charleston, South Carolina only)
Janitorial/Custodial, Buildings 46, 228, and 963, Robins Air Force Base, Georgia

Deletion

It is proposed to delete the following commodities from Procurement List 1987, November 3, 1986 (51 FR 39945):

Commodities

Valve, Ball, 4820-00-052-4651, 4820-00-052-4653

C.W. Fletcher,

Executive Director.

[FR Doc. 85-29029 Filed 12-24-85; 8:45 am]

BILLING CODE 6820-33-M

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

Defense Science Board Task Force on B-1B Defensive Avionics; Meeting Cancellation

ACTION: Cancellation of meeting.

SUMMARY: The meeting notice for the Defense Science Board Task Force on B-1B Defensive Avionics for December 15, 1986 as published in the **Federal Register** (Vol. 51, No. 230, Monday, December 1, 1986, FR Doc. 86-26879) has been cancelled.

Linda Lawson,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

December 19, 1986.

[FR Doc. 86-29009 Filed 12-24-86; 8:45 am]

BILLING CODE 3910-01-M

Defense Science Board Task Force on B-1B Defensive Avionics; Meeting Cancellation

ACTION: Cancellation of meeting.

SUMMARY: The meeting notice for the Defense Science Board Task Force on B-1B Defensive Avionics for December 17 and 29, 1986 as published in the **Federal Register** (Vol. 51, No. 230, Monday, December 1, 1986, FR Doc. 86-26880) has been cancelled.

Dated: December 19, 1986.

Linda Lawson,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

Dated: December 19, 1986.

[FR Doc. 86-29010 Filed 12-24-86; 8:45 am]

BILLING CODE 3810-01-M

Department of the Air Force

TACAN Aerospace Corp.; Intent To Grant Partially Exclusive Patent License

Pursuant to the provisions of § 841.14 of Title 32, Code of Federal Regulation (32 CFR 841, July 1, 1985), the Department of the Air Force announces its intention to grant to TACAN Aerospace Corporation of Carlsbad, California, a corporation of the State of California, a royalty bearing partially exclusive license under United States Patent Application, Serial No. 497,443 entitled "Distortion Free Fiber Optic System," filed May 23, 1983 by Michael M. Salour and Gustav W. Fehrenback.

Any objection thereto, together with a request for an opportunity to be heard, if desired, should be directed in writing to the addressee set forth below within 60 days from the publication of this notice.

All communications concerning this notice should be sent to: Mr. Donald J. Singer, Chief, Patents Division, Office of The Judge Advocate General, HQ USAF/JACP, 1900 Half Street SW., Washington, DC 20324-1000, Telephone No. 202-475-1386.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 86-29036 Filed 12-24-86; 8:45 am]

BILLING CODE 3910-01-M

Department of the Army, Corps of Engineers

Cancellation of Notice of Intent To Prepare a Draft Environmental Impact Statement

Cancellation of Notice of Intent To Prepare a Draft Environmental Impact Statement (DEIS) for the City of Rossville, Kansas, flood protection study.

Agency: U.S. Army Corps of Engineers, Kansas City District, DOD.

Action: Cancellation of Notice of Intent To Prepare a Draft Environmental Impact Statement.

Summary: A Notice of Intent To Prepare a Draft Environmental Impact Statement (DEIS) for the City of Rossville, Kansas, flood protection study was published in the March 28, 1985 **Federal Register**. In a letter dated March 21, 1986, the City rejected the tentatively recommended flood protection plan because of the financial responsibility required of the City as local sponsor. The study and EIS process are therefore terminated.

Address: Questions concerning this notice should be directed to Mr. Mike Bronoski, Environmental Resources Branch, Kansas City District, Corps of Engineers, 700 Federal Building, 601 E. 12th Street, Kansas City, Missouri 64106-2896. Telephone (816) 374-2648 or FTS 758-2648.

Dated: December 17, 1986.

Robert R. Ruf,

Chief, Environmental Resources Branch.

[FR Doc. 86-29064 Filed 12-24-86; 8:45 am]

BILLING CODE 3710-KN-M

[Supplement II]

Revised Intent to Prepare Draft; Final Environmental Impact Statement Operations, Maintenance, and Minor Improvements of the Federal Facilities at Sault Ste. Marie, MI (July 1977); Operation of the Lock Facilities to 31 January ± 2 Weeks

AGENCY: U.S. Army Corps of Engineers, Dod.

ACTION: Revised notice of intent to prepare a draft environmental impact statement (DEIS).

SUMMARY:

Proposed Action

A proposal for a limited extension of lock operations at Sault Ste. Marie, Michigan to permit vessel transits to 31 January ± 2 weeks is being reviewed. The FEIS for Operations, Maintenance, and Minor Improvements of the Federal Facilities at Sault Ste. Marie, Michigan was filed with CEQ in November 1977. A Supplement to the Operation and Maintenance EIS for the Federal Facilities at Sault Ste. Marie, Michigan addressing Limited Season Extension of Operation to 8 January ± 1 week was filed with EPA in October 1979. The original Notice of Intent for this proposal was published in the **Federal Register** in Volume 45, Number 47, on March 7, 1980.

Alternatives

The considered alternatives are:

a. No action—maintaining the current Sault Lock operation limit at 8 January ± 1 week.

b. Extending operation of the lock complex to 31 January ± 2 weeks.

Scoping Process

a. Public Involvement

The Council on Environmental Quality Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act do not require scoping for supplemental EISs. However, since the issuance of the first (1979) Supplement, the Corps of Engineers has had continuing coordination with various state and Federal agencies including:

U.S. Department of the Interior, Fish and Wildlife Service (including both the Regional Office and the East Lansing Field Office);

U.S. Coast Guard;

U.S. Department of Commerce, National Oceanic and Atmospheric Administration (NOAA);

Michigan Department of Natural Resources; and Michigan Department of Transportation.

b. Significant Issues

The extension of lock operation would benefit industry and commercial navigation by allowing for reduced transportation rates and reduction of stockpiling costs. Specific biological concerns that will be addressed include impacts on benthos, wetlands, waterfowl, and mammals. The EIS will also address potential impacts from spills of oil and hazardous materials, the suspension of bottom sediments by vessel induced currents, and winter damage to shore structures.

Environmental Review and Consultation Requirements

The following laws will be addressed in the draft Supplemental EIS:

Archeological and Historic Preservation Act, as amended, 16 U.S.C. 469, *et seq.;* Clean Air Act, as amended 42 U.S.C. 1857h-7, *et seq.;* Clean Water Act, as amended, (Federal Water Pollution Control Act) 33 U.S.C. 1251, *et seq.;* Coastal Zone Management Act, as amended, 16 U.S.C. 1451, *et seq.;* Endangered Species Act, as amended, 16 U.S.C. 1531, *et seq.;* Estuary Protection Act, 16 U.S.C. 1221, *et seq.;* Federal Water Project Recreation Act, as amended, 16 U.S.C. 460-1(12), *et seq.;* Fish and Wildlife Coordination Act, as amended, 16 U.S.C. 661, *et seq.;* Land and Water Conservation Fund Act, as amended, 16 U.S.C. 4601-4601-11, *et seq.;* Marine Protection, Research and Sanctuaries Act, 33 U.S.C. 1401, *et seq.;* National Historic Preservation Act, as amended, 16 U.S.C. 470a, *et seq.;* National Environmental Policy Act, as amended, 42 U.S.C. 4321, *et seq.;* Rivers and Harbors Act, 33 U.S.C. 401 *et seq.;* Watershed Protection and Flood Prevention Act, 16 U.S.C. 1001, *et seq.;* and Wild and Scenic Rivers Act, as amended, 16 U.S.C. 1271, *et seq.* The following Executive Orders and Memoranda will be addressed: Flood Plain Management (E.O. 11988) Protection of Wetlands (E.O. 11990); Environmental Effects Abroad of Major Federal Actions (E.O. 12114); Analysis of Impacts on Prime and Unique Farmlands (CEQ Memorandum, 11 Aug 80); and Intergovernmental Review of Federal Programs (E.O. 12372).

Estimated Date of FEIS—Draft Supplement Release

It is anticipated that the draft supplement will be available to the public in January 1987.

Address

If you would like further information on this proposed action and draft supplement EIS, please notify: Mr. Les E. Weigum, U.S. Army Engineer District, Detroit, Chief, Environmental Analysis Branch, P.O. Box 1027, Detroit, Michigan 48231, Commercial Telephone Number: 313-226-6752, FTS Telephone Number: 226-6752.

Dated: December 15, 1986.

C. Argiroff,

Chief, Planning Division.

[FR Doc. 86-28973 Filed 12-24-86; 8:45 am]

BILLING CODE 3710-GA-M

Military Traffic Management Command; Directorate of Personal Property; International Program; Solicitation

AGENCY: Military Traffic Management Command (MTMC).

ACTION: Notice of the continued solicitation for movement of international commercial air unaccompanied baggage (UB) and household goods (HHG) under the Direct Procurement Method (DPM). The DPM commercial air solicitation was first announced in Volume 49 **Federal Register** dated October 3, 1984, page 390095.

SUMMARY: The fourth six-month cycle for the worldwide movement of DPM UB and HHG via commercial air will be effective April 1, 1987. The solicitation package for the April rate cycle will be distributed in December 1986. Those carriers not already participating, but who wish to do so, must notify MTMC by January 1, 1987, to receive copies of the solicitation. The system has been automated and rates must be submitted via magnetic tape.

The air freight forwarders/carriers submitting the most favorable offer will be awarded all traffic moving via DPM commercial air, between the origin/destination points. Estimated tonnages will be provided. However, there is no guarantee that any tonnage will move under this solicitation. The Government reserves the right to use any method of shipment.

For further information contact: Ms. Eunice Anderson or Mrs. Naomi King, HQ, Military Traffic Management Command, ATTN: MT-PPC (Room 408), Falls Church, Virginia 22041-5050, (202) 756-2385.

Joseph R. Marotta,

Colonel, GS, Director of Personal Property.

[FR Doc. 86-28974 Filed 12-24-86; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF EDUCATION

National Advisory Council on Adult Education

AGENCY: National Advisory Council on Adult Education.

ACTION: Public hearings on reauthorization of the Adult Education Act.

SUMMARY: This notice sets forth the schedule of forthcoming public hearings on the reauthorization of the Adult Education Act. In order to accommodate those wishing to participate in the hearings, please contact the Council offices for further information. This notice also describes the functions of the Council. Notice of this activity is required under section 10(a)(2) of the Federal Advisory Committee Act.

DATES AND ADDRESSES: Public Hearings.

January 13, 1986, Nashville State Technical Institute, 120 White Bridge Road, Nashville, Tennessee

January 14, 1986, Newark Public Library, Main Branch, 4th floor auditorium, 5 Washington Street, Newark, New Jersey

January 21, 1986, Denver Indian Center, 4407 Morrison Road, Denver, Colorado

January 22, 1986, North Seattle Community College, Green Room, College Center Building, 9600 College Way Boulevard, Seattle, Washington

April 1, 1986, E. Manfred Evans Community Adult School, 717 North Figueroa Street, Los Angeles, California.

All hearings will be held from 10:00 a.m. to 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: Karen Shepard Saunders, Administrative Officer, National Advisory Council on Adult Education, 2000 L Street N.W., Suite 570, Washington, DC 20036 (202/634-6300).

SUPPLEMENTARY INFORMATION: The National Advisory Council on Adult Education is established under section 313 of the Adult Education Act (20 U.S.C. 1209). The Council is established to:

Advise the Secretary in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including policies and procedures governing the approval of State plans under section 306 and policies to eliminate duplication, and to effectuate the coordination of programs under this title and other programs offering adult education activities and services.

The Council shall review the administration and effectiveness of programs under this title, make recommendations with respect thereto, and make annual reports to

the President of its findings and recommendations (including recommendations for changes in this title and other Federal laws relating to adult education activities and services). The President shall transmit each such report to the Congress together with his comments and recommendations.

Records are kept of all Council proceedings, and are available for public inspection at the office of the National Advisory Council on Adult Education, 2000 L Street NW., Suite 570, Washington, DC 20036, from the hours of 8:30 a.m. to 5:30 p.m.

Signed at Washington, DC on December 19, 1986.

Lynn Ross Wood,

Executive Director, National Advisory Council on Adult Education.

[FR Doc. 86-29065 Filed 12-24-86; 8:45 am]

BILLING CODE 4000-01-M

Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of proposed information collection requests.

SUMMARY: The Director, Information Technology Services, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1980.

DATE: Interested persons are invited to submit comments on or before January 28, 1987.

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

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

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

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

Dated: December 22, 1986.

Carlos U. Rice,

Acting Director, Information Technology Services.

Office of Postsecondary Education

Type of Review: Revision
Title: Guaranteed Student Loan (GSL) Tape Dump Procedures and PLUS Loan Tape Dump Procedures
Agency Form Number: E40-15P
Frequency: Annually
Affected Public: State or local governments; non-profit institutions
Reporting Burden:
Responses: 69
Burden Hours: 2273
Recordkeeping Burden:
Recordkeepers: 0
Burden Hours: 0

Abstract: The collection of this information is needed to describe the characteristics of borrower under the Guaranteed Student Loan (GSL), Supplemental Loans for Students (SLS) and PLUS programs; to assess the impact of various legislative, regulatory, and budgetary proposals in terms of program costs and students served; and to monitor borrowere fraud and abuse in the programs.

Type of Review: Revision
Title: Lender's Request for Interest and Special Allowance for Loans Made from Tax-Exempt Funds
Agency Form Number: ED 799A
Frequency: Quarterly
Affected Public: Businesses or other for profit
Reporting Burden:
Responses: 300
Burden Hours: 351.90
Recordkeeping Burden:
Recordkeepers: 75
Burden Hours: 112.50

Abstract: This form is used by tax exempt lenders participating in the Guaranteed Student Loan Program (GSLP) to request payments for loans issued under this program. Changes made to the special allowance portion of the lender's request are a result of the Higher Education Amendments of 1986.

Type of Review: Revision
Title: Lender's Request for Interest and Special Allowance
Agency Form Number: ED 799
Frequency: Quarterly
Affected Public: Businesses or other for profit
Reporting Burden:
Responses: 48,000
Burden Hours: 79,200
Recordkeeping Burden:
Recordkeepers: 12,000
Burden Hours: 18,000

Abstract: This form is used by lenders participating in the Guaranteed Student Loan Program (GSLP) to request payment for loans issued under this program. Changes made to the special allowance portion of the lender's request are a result of the Higher Education Amendments of 1986.

[FR Doc. 86-29078 Filed 12-24-86; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Department of Energy Organization

Pursuant to 5 U.S.C. 552(a)(1) the following description of the Department of Energy central and field organization is provided.

Legislative Background: The Department of Energy (DOE) was established by the Department of Energy Organization Act (Act) Pub. L. 95-91. The Department was activated on October 1, 1977, by the Executive Order 12009, dated September 13, 1977, published on September 15, 1977, at 42 FR 46267. The Act consolidated major Federal energy functions into one department, transferring to DOE all the responsibilities of the former Energy Research and Development Administration; the Federal Energy Administration; the Federal Power Commission; and the Alaska, Bonneville, Southeastern, and Southwestern Power Administrations, formerly components of the Department of the Interior, as well as the power marketing functions of the Department of the Interior's Bureau of Reclamation. Also transferred to DOE were certain energy related functions of the Interstate Commerce Commission and the Departments of Commerce, Housing and Urban Development, Navy, and Interior.

Departmental Officers: The Secretary, Deputy Secretary and Under Secretary

are the principal officers of the Department established by section 202(a) of the Act. The Secretary directs and supervises the administration of the Department, decides major energy policy and planning issues, and acts as the principal energy advisor to the President. The Deputy Secretary assists the Secretary in deciding major energy policy and planning issues and acts for and exercises the functions of the Secretary during the absence or disability of the Secretary or in the event the Office of the Secretary is vacant. The Under Secretary has been designated by the Secretary as Chief Operating Officer of the Department responsible for overseeing Departmental program management in addition to having primary responsibility for energy conservation as mandated by Pub. L. 95-91.

Organization Structure: Although the Department of Energy Organization Act established certain principal positions and components of the Department and prescribed some Headquarters and field organization features, it did not mandate key organization and management principles such as a detailed organization structure and management and operating philosophy. The Secretary of Energy, under section 643 of the Act, is authorized to establish, alter, consolidate, or discontinue organizational components within DOE, except for the abolition of statutorily mandated components or functions transferred to DOE by the Act that are vested in any component.

The Departmental organization structure and operating philosophy is based on the concept of centralized policy development and program planning at the Headquarters with decentralized program implementation and project management at various field organizational elements.

The DOE Headquarters concentrates on providing management direction and broad policy overview, planning and budgeting, allocating resources, and maintaining relations with the Congress and other Federal agencies. Within this operating structure, there are no bureaus or equivalent independent components except the Federal Energy Regulatory Commission, an independent regulatory commission.

DOE has centralized program and administrative management organizations at Headquarters to provide policy and guidance for effective and efficient operations. Execution of programs is accomplished principally through various decentralized multi-program field components that report directly to the Office of the Secretary. In addition to contract administration and oversight, these field organizations also have administrative management responsibilities.

The DOE philosophy is that project management should be placed close to the site of operations whenever possible and that management of energy research and development, weapons programs, and other program execution activities should be assigned to field organizations. Wtih the exception of power marketing functions and selected special purpose programs, the Department has placed responsibility for program execution with eight DOE Operations Offices. The resulting field structure permits maximum utilization of the eight Operations Offices which must be maintained at specific field locations for management of very large Government-Owned, Contractor-Operated (GOCO) facilities.

Additional Information: Additional information on the overall DOE organization and management structure may be obtained from the current edition of the *United States Government Manual* on sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402; or through writing to the Chief of Freedom of Information and Privacy Acts, MA-232.1, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585.

For detailed information on the organization and functions of Departmental field components contact the respective information offices at the following locations.

Special Purpose Offices

Manager, Pittsburgh Naval Reactors Office, P.O. Box 109, West Mifflin, PA 15122 (412) 476-7200

Manager, Schenectady Naval Reactors Office, P.O. Box 1069, Schenectady, NY 12301 (518) 563-4690

Director, Naval Petroleum Reserves in CA, P.O. Box 11, Tupman, CA 93276 (805) 763-2121

Director, Naval Petroleum and Oil Shale Reserves in Colorado, Utah and Wyoming, 800 Werner Court, Suite 342, Casper, WY 82601 (307) 261-5161

Manager, Office of Scientific and Technical Information, P.O. Box 62, Oak Ridge, TN 37830 (615) 576-1193

Director, Morgantown Energy Technology Center, P.O. Box 880, Morgantown, WV 26505 (304) 291-4672

Director, Pittsburgh Energy Technology Center, P.O. Box 10940, Pittsburgh, PA 15236 (412) 675-5914

Operations Offices

Manager, Albuquerque Operations Office, P.O. Box 5400, Albuquerque, NM 87115 (505) 846-3301

Manager, Chicago Operations Office, 9800 South Cass Avenue, Argonne, IL 60439 (312) 972-2041

Manager, Idaho Operations Office, 785 DOE Place, Idaho Falls, ID 83402 (208) 526-0271

Manager, Nevada Operations Office, P.O. Box 14100, Las Vegas, NV 89114 (702) 295-3521

Manager, Oak Ridge Operations Office, P.O. Box E, Room 1012, Oak Ridge, TN 37831 (615) 576-0885

Manager, Richland Operations Office, 825 Jadwin Avenue, P.O. Box 550, Richland, WA 99352 (509) 376-8274

Manager, San Francisco Operations Office, 1333 Broadway, Wells Fargo Building, Oakland, CA 94612 (415) 273-4358

Manager, Savannah River Operations Office, P.O. Box A, Aiken, SC 29801 (803) 725-2889

Power Administrations

Administrator, Alaska Power Administration, P.O. Box 50, Juneau, AK 99802 (907) 586-7405

Administrator, Bonneville Power Administration, P.O. Box 3621-A, Portland, OR 97208 (503) 230-4087

Administrator, Southeastern Power Administration, Samuel Elbert Building, Elberton, GA 30635 (404) 283-3261

Administrator, Southwestern Power Administration, P.O. Box 1619, Tulsa, OK 74101 (918) 581-7426

Administrator, Western Area Power Administration, P.O. Box 3402, Golden, CO 80401 (303) 231-1574

Issued at Washington, DC on December 19, 1986.

Harry L. Peebles,

Director of Administration.

[FR Doc. 86-29089 Filed 12-24-86; 8:45 am]

BILLING CODE 6450-01-M

Conservation and Renewable Energy Office

National Energy Extension Service Advisory Board; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following advisory committee meeting:

Name: National Energy Extension Service Advisory Board Subcommittee.

Date and Time: Thursday, January 22, 1987, 8:00 a.m.—5:00 p.m.; Friday, January 23, 1987, 8:00 a.m.—12:00 noon.

Place: The Omni Shoreham Hotel, 2500 Calvert Street, NW., Washington DC 20008.
Contact: Susan D. Heard, Department of Energy, Forrestal Building—6A081, 1000 Independence Avenue, SW., Washington, DC 20585, Telephone: 202-586-8290.

Purpose of the Board

The Board was established to carry on a continuing review of the National Energy Extension Service and the plans and activities of each State in implementing Energy Extension Service programs. Additionally, the Board is responsible for reporting on an annual basis to the Congress, the Secretary of Energy, and the Director of the Energy Extension Service.

Tentative Agenda

Thursday, January 22, 1987

- Preparation of a draft of the Board's Eighth Annual Report
- Public comment (10 minute rule)

Δ *Friday January 23, 1987*

- Preparation of a draft of the Board's Eighth Annual Report
- Public comment (10 minute rule)

Public Participation

The meeting is open to the public. The Chairperson of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Susan D. Heard at 202-586-8290. Requests must be received at least 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda.

Transcripts

Available for public review and copying at the Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, between 9:00 a.m. and 4:00 p.m., Monday thru Friday, except Federal holidays.

Issued at Washington, DC on December 19, 1986.

J. Robert Franklin,

Deputy Advisory Committee Management Officer.

[FR Doc. 86-29092 Filed 12-24-86; 8:45am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[ERA Docket No. 86-63-NG]

ANR Pipeline Co.; Application To Amend Import Authorization

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of application to amend authorization to import natural gas from Canada.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of receipt on November 19, 1986, of an application from ANR Pipeline Company (ANR) to amend its existing import authorization, based on November 14, 1986, amending agreement between ANR and its supplier ProGas Limited (ProGas) of Calgary, Alberta, Canada. The amending agreement (1) extends the term of the arrangement for a seven-year period from November 1, 1987, to October 31, 1994; (2) reduces take-or-pay obligations; (3) provides for a two-part demand/commodity pricing structure that would result in a price paid to ProGas of $1.56 (U.S.) per MMBtu at a 100 percent load factor; (4) provides for periodic price reviews; and (5) allows ANR to assign its rights and obligations to the gas to others.

The application is filed with the ERA pursuant to Section 3 of the Natural Gas Act and DOE Delegation Order No. 0204-111. Protests, motions to intervene, notices of intervention and written comments are invited.

DATE: Protests, motions to intervene, or notices of intervention, as applicable, and written comments are to be filed no later than January 28, 1987.

FOR FURTHER INFORMATION:

Chuck Boehl, Natural Gas Division, Economic Regulatory Administration, Forrestal Building, Room GA-076, 1000 Independence Avenue, SW., Washington, DC 20585 (202) 252-6050;
Diane Stubbs, Office of General Counsel, Natural Gas and Mineral Leasing, U.S. Department of Energy, Forrestal Building, Room 6E-042, 1000 Independence Avenue, SW., Washington, DC 20585 (202) 252-6667.

SUPPLEMENTARY INFORMATION: On April 24, 1981, in DOE/ERA Opinion and Order No. 32 (1 ERA ¶ 70,530; Order No. 32), ANR was authorized to import Canadian gas from ProGas for the period from November 1, 1982, to October 31, 1987, under a gas sales contract dated May 17, 1979. The agreement provided for the sale of a maximum quantity of 75,000 Mcf of natural gas per day. The contract set the price at the rate prescribed by the Canadian government for gas exported to the U.S. Order No. 32 authorized an import price not to exceed $4.94 (U.S.) per MMBtu, the border price at that time. The volumes purchased by ANR currently enter the U.S. at Emerson, Manitoba, through pipeline facilities of Great Lakes Transmission Company (Great Lakes). Great Lakes delivers the gas to ANR at an existing delivery point near Farwell, Michigan.

On November 14, 1986, ANR and ProGas agreed to contract changes which would (1) extend the term of the import from October 31, 1987, through October 31, 1994; (2) reduce ANR's take-or-pay obligation to 2.75 percent of ANR's sales which, based on sales in the year ending October 31, 1986, would be approximately 10 Bcf compared to about 21 Bcf under the present agreement; (3) effective November 1, 1986, reduce the price and provide for a demand charge of $12.17 per Mcf and a commodity price of $1.16 per MMBtu or a 100 percent load factor price of $1.56 per MMBtu; (4) allow a one-year grace period to make up deficiencies before any take-or-pay payments are due; (5) provide for periodic price reviews; and (6) allow ANR to use its authorization to import gas for others. This purchase for others would be gas ProGas agrees to make available at a "special commodity charge" and provides a vehicle for spot purchases by ANR for itself or on behalf of third parties. Gas purchased under this agreement would count toward ANR's take-or-pay requirements. ANR asserts that the proposed amendment is consistent with the public interest and that its request for authority to import for others is consistent with previously issued orders for authorization for the import of spot gas.

The decision on this application will be made consistent with the Secretary of Energy's gas import policy guidelines, under which the competitiveness of an import arrangement in the markets served is the primary consideration in determining whether it is in the public interest (49 FR 6684, February 22, 1984). The objective of this policy, with its strong emphasis on competitive arrangements and contract flexibility, is to free commercial parties from undue government interference and allow them to negotiate contract terms which are market-responsive over the term of the agreement. Parties who may oppose this application should comment in their responses on the issue of competitiveness as set forth in the policy guidelines. The applicant has asserted that this import arrangement is competitive. Parties opposing the

arrangement bear the burden of overcoming this assertion.

Public Comment Procedures

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have the written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceedings, although protests and comments received from persons who are not parties will be considered in determining the appropriate procedural action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR Part 590. They should be filed with the Natural Gas Division, Office of Fuels Programs, Economic Regulatory Administration, Room GA-076, RG-23, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585 (202) 252-9478. They must be filed no leter than 4:30 p.m., January 28, 1987.

The Administrator intends to develop a decisional record on the application through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or a trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, the ERA will provide notice to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

A copy of ANR's application is available for inspection and copying in the Natural Gas Division Docket Room, GA-076-A at the above address. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, December 18, 1986.

Robert L. Davies,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 86-29093 Filed 12-24-86; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-R-79-43B]

Electric and Gas Utilities Covered in 1987 by Titles I and III of the Public Utility Regulatory Policies Act of 1978 and Titles II and VII of the National Energy Conservation Policy Act of 1978 and Requirements for State Regulatory Authorities To Notify the Department of Energy

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice.

SUMMARY: Sections 102(c) and 301(d) of the Public Utility Regulatory Policies Act of 1978 (PURPA) and section 211(b) of the National Energy Conservation Policy Act (NECPA) require the Secretary of Energy to publish a list before the beginning of each calendar year, identifying each electric utility and gas utility to which Titles I and and III of PURPA and Titles II and VII of NECPA apply during such calendar year. The 1987 list is published here as two separate tabulations. Appendix A lists the covered utilities by State, and Appendix B lists them alphabetically.

Each State regulatory authority is required, pursuant to sections 102(c) and 301(d) of PURPA and section 211(b) of NECPA, to notify the Secretary of Energy of each electric utility and gas utility on the list for which such State regulatory authority has ratemaking authority. In addition, written comments are requested on the accuracy of the list of electric utilities and gas utilities.

DATE: Notifications by State regulatory authorities and written comments must be received by no later than 4:30 p.m. on February 14, 1987.

ADDRESS: Notifications and written comments should be forwarded to: Department of Energy, Coal and Electricity Division, 1000 Independence Avenue, SW., (Room GA-076, Docket No. ERA-R-79-43B, Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Steven Mintz, Coal and Electricity Division, Economic Regulatory Administration, Department of Energy, 1000 Independence Avenue, SW., Room GA-076, Washington, DC 20585, 202/252-9506.

SUPPLEMENTARY INFORMATION:

I. Background

Pursuant to sections 102(c) and 301(d) of the Public Utility Regulatory Policies Act of 1978 (PURPA), Pub. L. 95-617,92 Stat. 3117 *et seq.* (16 U.S.C. 2601) *et seq.*), and section 211(b) of the National Energy Conservation Policy Act (NECPA), Pub. L. 95-619,92 Stat. 3206 *et seq.*, (42 U.S.C. 8211 *et seq.*), hereinafter referred to as the "Acts," the Department of Energy (DOE) is required to publish a list of utilities to which Titles I and III of PURPA and Titles II and VII of NECPA apply in 1987. State regulatory authorities are required by the above cited Acts to notify the Secretary of Energy as to their ratemaking authority over the listed utilities. The inclusion or exclusion of any utility on or from the list does not affect the legal obligations of such utility or the responsible authority under the Acts.

The term "State regulatory authority" means any state, including the District of Columbia and Puerto Rico, or a political subdivision thereof, and any agency or instrumentality, either of which has authority to fix, modify, approve, or disapprove rates with respect to the sale of electric energy or natural gas by any utility (other than such State agency) and in the case of a utility for which the Tennessee Valley Authority (TVA) has ratemaking authority, the term "State regulatory authority" means the TVA.

Title I of PURPA sets forth ratemaking and regulatory policy standards with respect to electric utilities. Section 102(c) requires the Secretary of Energy to publish a list, before the beginning of each calendar year, identifying each electric utility to which Title I applies during such calendar year. An electric is defined as any person, State agency or Federal agency, which sells electric energy. An electric utility is covered by Title I for any calendar year if it had total sales of electric energy for purposes other than resale in excess of 500 million kilowatt-hours during any calendar year beginning after December 31, 1975, and before the immediately preceding calendar year. An electric utility is covered in 1987 if it exceeded

the threshold in any year from 1976–1985.

Title III of PURPA addresses ratemaking and other regulatory policy standards with respect to natural gas utilities. Section 301(d) of Title III requires the Secretary of Energy to publish a list, before the beginning of each calendar year, identifying each gas utility to which Title III applies during such calendar year. A gas utility is defined as any person, State agency or Federal agency, engaged in the local distribution of natural gas and the sale of natural gas to any ultimate consumer the natural gas. A gas utility is covered by Title III if it had total sales of natural gas for purposes other than resale in excess of 10 billion cubic feet during any calendar year beginning after December 31, 1975, and before the immediately preceding calendar year. A gas utility is covered in 1987 if it exceeded the threshold in any year from 1976—1985.

Title II, Part 1, of NECPA, addresses residential conservation programs, and Title VII of NECPA, enacted as part of the Energy Security Act, Pub. L 96–294, 94 Stat. 611 *et seq.* (42 U.S.C. 8701 *et seq.*), addresses commercial building and multi-family dwelling conservation programs. Section 211(b) of contains a requirement, similar to that of PURPA, that the Secretary of Energy publish a list of electric and gas utilities to which Titles II and VII apply. The NECPA requirements for coverage of electric utilities and gas utilities differ from the PURPA requirements in only three respects:

(1) The threshold for electric utilities is 750 million kilowatt-hours for purposes other than resale;

(2) A utility is covered for any calendar year if it exceeded the threshold during the second preceding calendar year. A utility is covered in 1987 if it exceeded the threshold in 1985; and

(3) Only utilities which have residential sales are covered by Title II and only utilities which have sales to commerical buildings or multi-family dwellings are covered by Title VII.

In compiling the list published today, DOE revised the 1986 list (50 FR 53244, December 30, 1985), upon the assumption that all entities included on the 1986 list are properly included on the 1987 list unless DOE has information to the contrary. In doing this, DOE took into account information which was received from the Rural Electrification Agency, or included in public documents, regarding entities which exceeded the PURPA and NECPA thresholds for the first time in 1985. DOE believes that it will become aware of any errors or omissions in the list published today by means of the comment process called for by this notice. DOE will, after consideration of any comment and other information available to DOE, provide written notice of any further additions or deletions to the list.

II Notification and Comment Procedures

Not later than 4:30 p.m. on February 14, 1987, each State regulatory authority must notify the Department of Energy in writing of each utility on the list over which it has ratemaking authority. Five copies of such notification should be submitted to the address indicated in the "ADDRESS" section of this Notice and should be identified on the outside of the envelope and on the document with the designation "Docket No. ERA–R–79–43B." Such notification should include:

1. A complete list of electric utilities and gas utilities over which the State regulatory authority has ratemaking authority;

2. Legal citations pertaining to the ratemaking authority of the State regulatory authority; and

3. For any listed utility known to be subject to other ratemaking authorities within the State for portions of it service area, a precise description of the portion to which such notification applies.

All interested persons, including State regulatory authorities, are invited to comment in writing, no later than 4:30 p.m. on February 14, 1987, on any errors or omissions with respect to the list. Five copies of such comments should be sent to the address indicated in the "ADDRESS" section of this Notice and should be identified on the outside of the envelope and on the document with the designation "Docket No. ERA–R–79–43B." Written comments should include the commenter's name, address and telephone number.

All notifications and comments received by DOE will be available for public inspection in the Freedom of Information Reading Room, Room 1E–190, 1000 Independence Avenue, SW., Washington, DC 20585 between the hours of 9:00 a.m. and 4:00 p.m. Monday through Friday.

III. List of Electric Utilities and Gas Utilities

DOE is publishing in Appendix A and Appendix B, two different tabulations of the list of utilities which meet both PURPA and NECPA coverage requirements. In both appendices, the listed utilities not covered by NECPA are noted. As stated above, the inclusion or exclusion of any utility on or from the lists does not affect its legal obligations or those of the responsible State regulatory authority under PURPA and NECPA.

Appendix A is a tabulation of utilities which separately identifies, by State, and each State regulatory authority, the covered utilities it regulates, and other covered utilities in the State which are not regulated by the State regulatory authority. This tabulation, including explanatory notes, is based on information provided to DOE by State regulatory authorities in response to the December 30, 1985 **Federal Register** Notice (50 FR 53244) requiring each State regulatory authority to notify DOE of each utility on the list over which it has ratemaking authority, comments received with respect to that notice, and information subsequently available to DOE.

The utilities classified in Appendix A as not regulated by the State regulatory authority may in fact be regulated by local municipal authorities. These municipal authorities would be State agencies as defined by PURPA, and thus have responsibilities under PURPA identical to those of the State regulatory authority. Therefore, each such municipality is to notify DOE of each utility on the list over which it has ratemaking authority.

In Appendix B, the utilities are listed alphabetically, subdivided into electric utilities and gas utilities, and further subdivided by type of ownership: investor-owned utilities, publicly-owned utilities, and rural cooperatives.

The changes to the 1986 list of electric and gas utilities are as follows:

Additions

*Alcorn County Electric Power Association (MS)
*Coast Electric Power Association (MS)
*Duncan Valley Electric Cooperative, Inc. (AZ)
*Palmetto Electric Cooperative, Inc. (SC)
*Sevier County Electric System (TN)
*Tombigbee Electric Power Association (MS)
Trans Louisiana Gas Company (LA)

Modifications

Change—Columbia Gas of West Virginia (WV) to—Mountaineer Gas Company (WV)
Change—Consolidated Gas Supply Corporation (WV) to—Hope Gas, Incorporated (WV)
Change—Washington Gas Light Company (VA) to—Northern Virginia Natural Gas (VA)

Asterisk (*) Removed

Nantahala Power and Light Company (NC)

Erroneously Listed in 1984 List

Arkansas-Louisiana Gas Company (TX)

(Public Utility Regulatory Policies Act of 1978, Pub. L. 97–617, 92 Stat. 3117 *et seq.* (16 U.S.C. 2601 *et seq.*); National Energy

Conservation Policy Act, Pub. L. 95–619, 92 Stat. 3206 *et seq.*, (42 U.S.C. 8211 *et seq.*))

Issued in Washington, DC, on December 16, 1986.

Robert L. Davies,

Director, Office of Fuels Programs, Economic Regulatory Administration.

Appendix A

All gas utilities listed below had natural gas sales, for purposes other than resale, in excess of 10 billion cubic feet in 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984 or 1985. All except those marked (*) are covered by PURPA Title III, and NECPA Titles II and VII Utilities marked (*) are not covered by NECPA Titles II and VII because they either did not exceed the NECPA threshold of 10 billion cubic feet in 1985 for purposes other than resale, or do not have residential or commercial sales.

All electric utilities listed below had electric energy sales, for purposes other than resale, in excess of 500 million kilowatt-hours in 1976, 1977, 1978, 1979, 1980, 1981, 1983, 1984 or 1985. All, except those marked (*) are covered by PURPA Title I and NECPA Titles II and VII. Utilities marked (*) are not covered by NECPA Titles II and VII because they either did not exceed the NECPA threshold of 750 million Kilowatt-hours in 1985 for purposes other than resale, or do not have residential or commerical sales.

State: Alabama

Regulatory Authority: Alabama Public Service Commission.

Gas Utilities

Investor-Owned:

Alabama Gas Corporation
* Alabama-Tennessee Natural Gas Company
Mobile Gas Service Corporation
Northwest Alabama Gas Dist.

Electric Utilities

Investor-Owned:

Alabama Power Company

The following covered utilities within the State of Alabama are not regulated by the Alabama Public Service Commission:

Electric Utilities

Publicly-Owned:

Decatur Electric Department
* Dothan Electric Department
Florence Electric Department
Huntsville Utilities

Rural Electric Cooperatives:

Rural Electric System

State: Alaska

Regulatory Authority: Alaska Public Utilities Commission.

Gas Utilities

Investor-Owned:

Enstar Natural Gas Company

Electric Utilities

Rural Electric Cooperatives:

Chugach Electric Association

Publicly-Owned:

* Anchorage Municipal Light & Power Department

State: Arizona

Regulatory Authority: Arizona Corporation Commission.

Gas Utilities

Investor-Owned:

Southern Union Gas Company
Southwest Gas Corporation

Electric Utilities

Investor-Owned:

Arizona Public Service Company
Tucson Electric Power Company

Publicly-Owned:

* Trico Electric Cooperative, Inc.

The following covered utilities within the State of Arizona are not regulated by the Arizona Corporation Commission:

Electric Utilities

Publicly-Owned:

Salt River Project Agricultural Improvement and Power District

Rural Electric Cooperative:

*Duncan Valley Electric Cooperative, Inc.

State: Arkansas

Regulatory Authority: Arkansas Public Service Commission.

Gas Utilities

Investor-Owned:

Arkansas-Louisiana Gas Company
Arkansas-Okahoma Gas Corporation
Arkansas Western Gas Company
Associated Natural Gas Company

Electric Utilities

Investor-Owned:

Arkansas Power and Light Company
Empire District Electric Company
Oklahoma Gas and Electric Company
Southwestern Electric Power Company

Rural Electric Cooperatives:

* First Electric Cooperative Corporation

The following covered utility within the State of Arkansas is not regulated by the Arkansas Public Service Commission:

Publicly-Owned:

* North Little Rock Electric Department

State: California

Regulatory Authority: California Public Utilities Commission.

Gas Utilities

Investor-Owned:

Pacific Gas and Electric Company
San Diego Gas and Electric Company
Southern California Gas Company
Southwest Gas Corporation

Electric Utilities

Investor-Owned:

Pacific Gas and Electric Company
Pacific Power and Light Company
San Diego Gas and Electric Company
Sierra Pacific Power Company
Southern California Edison Company

The following covered utilities within the State of California are not regulated by the California Public Utilities Commission:

Electric Utilities

Publicly-Owned:

Anaheim Public Utilities Department
Burbank Public Service Department
*Glendale Public Service Department
Imperial Irrigation District
Los Angeles Department of Water and Power
Modesto Irrigation District
Palo Alto Electric Utility
Pasadena Water and Power Department
Riverside Public Utilities
Sacramento Municipal Utility District
Santa Clara Electric Department
Turlock Irrigation District
Vernon Municipal Light Department

Gas Utilities

Publicly-Owned:

Long Beach Gas Department

State: Colorado

Regulatory Authority: Colorado Public Utilities Commission.

Gas Utilities

Investor-Owned:

Greeley Gas Company
Iowa Electric Light and Power Company
Kansas-Nebraska Natural Gas Company
Peoples Natural Gas Company, Division of Internorth, Inc.
Public Service Company of Colorado

Publicly-Owned:

Colorado Springs Department of Utilities (Jurisdiction only sales to another gas utility)

Electric Utilities

Investor-Owned:

Public Service Company of Colorado Southern Colorado Power Division of Centel

The following covered utilities within the State of Colorado are not regulated by the Colorado Public Utilities Commission:

Gas Utilities

Publicly-Owned:

Colorado Springs Department of Utilities (except sales to another gas utility)

Electric Utilities

Publicly-Owned:

Colorado Springs Department of Utilities

Rural Electric Cooperatives:

*Intermountain Rural Association
Moon Lake Electric Association

State: Connecticut

Regulatory Authority: Connecticut Department of Public Utility Control

Gas Utilities

Investor-Owned:

Connecticut Light and Power Company
Connecticut Natural Gas Corporation
Southern Connecticut Gas Company

Electric Utilities

Investor-Owned:

Connecticut Light and Power Company
United Illuminating Company

Publicly-Owned:

*Groton Public Utilities

State: Delaware

Regulatory Authority: Delaware Public Service Commission.

Gas Utilities

Investor-Owned:

Delmarva Power and Light Company

Electric Utilities

Investor-Owned:

Delmarva Power and Light Company

State: District of Columbia

Regulatory Authority: Public Service Commission of the District of Columbia

Gas Utilities

Investor-Owned:

Washington Gas Light Company

Electric Utilities

Investor-Owned:

Potomac Electric Power Company

State: Florida

Regulatory Authority: Florida Public Service Commission.

Gas Utilities

Investor-Owned:

*City Gas Company of Florida
Peoples Gas System

Electric Utilities

Investor-Owned:

Florida Power Corporation
Florida Power and Light Company
Gulf Power Company
Tampa Electric Company

Publicly-Owned: The Florida Public Service Commission has rate structure jurisdiction over the following utilities—

Gainesville Regional Utilities
Jacksonville Electric Authority
Lakeland Department of Electricity and Water
*Ocala Utilities
Orlando Utilities Commission
Tallahassee, City of

Rural Electric Cooperative: The Florida Public Service Commission has rate structure jurisdiction over the following utilities—

Clay Electric Cooperative
Lee County Electric Cooperative
*Sumter Electric Cooperative, Inc.
Withlacoochee River Electric Cooperative

State: Georgia

Regulatory Authority: Georgia Public Service Commission.

Gas Utilities

Investor-Owned:

Atlanta Gas Light Company
Gas Light Company of Columbus

Electric Utilities

Investor-Owned:

Georgia Power Company
Savannah Electric and Power Company

The following utilities within the State of Georgia are not regulated by the Georgia Public Service Commission.

Electric Utilities

Publicly-Owned:

*Albany Water, Gas & Light Commission
*Dalton Water, Light & Sink

Rural Electric Cooperatives:

*Douglas County Electric Membership Corporation
Cobb Electric Membership Corporation
*Flint Electric Membership Corporation
Jackson Electric Membership Corporation
North Georgia Electric Membership Corporation
*Walton Electric Membership Corporation

State: Hawaii

Regulatory Authority: Hawaii Public Utilities Commission.

Gas Utilities

None.

Electric Utilities

Investor-Owned:

Hawaiian Electric Company, Inc.

State: Idaho

Regulatory Authority: Idaho Public Utilities Commission.

Gas Utilities

Investor-Owned:

Intermountain Gas Company
Washington Water Power Company

Electric Utilities

Investor-Owned:

Idaho Power Company
Pacific Power and Light Company
Utah Power and Light Company
Washington Water Power Light Company

State: Illinois

Regulatory Authority: Illinois Commerce Commission.

Gas Utilities

Investor-Owned:

Central Illinois Light Company
Central Illinois Public Service Company
Illinois Power Company
Iowa-Illinois Gas and Electric Company
North Shore Gas Company
Northern Illinois Gas Company
Panhandle Eastern Pipeline Company
Peoples Gas, Light and Coke Company

Electric Utilities

Investor-Owned:

Central Illinois Light Company
Central Illinois Public Service Company
Commonwealth Edison Company
Illinois Power Company
Interstate Power Company
Iowa-Illinois Gas and Electric Company
Union Electric Company

The following covered utility within the State of Illinois is not regulated by the Illinois Commerce Commission:

Electric Utilities

Publicly-Owned:

Springfield Water, Light and Power Department

State: Indiana

Regulatory Authority: Indiana Public Service Commission.

Gas Utilities

Investor-Owned:

Indiana Gas Company
Northern Indiana Public Service Company
Southern Indiana Gas and Electric Company
Terre Haute Gas Corporation

Publicly-Owned:

Citizens Gas and Coke Utility

Electric Utilities

Investor-Owned:

Indiana and Michigan Electric Company
Indianapolis Power and Light Company
Northern Indiana Public Service Company
Public Service Company of Indiana
Southern Indiana Gas and Electric Company

Publicly-Owned:

*Richmond Power and Light

State: Iowa

Regulatory Authority: Iowa Commerce Commission.

Gas Utilities

Investor-Owned:

Interstate Power Company
Iowa Electric Light and Power Company
Iowa-Illinois Gas and Electric Company
Iowa Power and Light Company
Iowa Public Service Company
Iowa Southern Utilities Company
Peoples Natural Gas Company, Division of Internorth, Inc.

Electric Utilities

Investor-Owned:

Interstate Power Company
Iowa Electric Light and Power Company
Iowa-Illinois Gas and Electric Company
Iowa Power and Light Company
Iowa Public Service Company
Iowa Southern Utilities Company
Union Electric Company

Publicly-Owned: The Iowa Commerce Commission has service and safety regulation over the following utilities—

*Muscatine Power and Water
Omaha Public Power District

State: Kansas

Regulatory Authority: Kansas State Corporation Commission.

Gas Utilities

Investor-Owned:

Anadarko Production Company
Arkansas-Louisiana Gas Company
Gas Service Company

Greeley Gas Company
Kansas-Nebraska Natural Gas Company
Kansas Power and Light Company
Panhandle Eastern Pipeline Company
Peoples Natural Gas Company, Division of Internorth, Inc.
Union Gas System Inc.

Electric Utilities

Investor-Owned:

Empire District Electric Company
Kansas City Power and Light Company
Kansas Gas and Electric Company
Kansas Power and Light Company
Southwestern Public Service Company
Western Power Division of Centel

Rural Electric Cooperatives:

Midwest Energy Incorporated

The following covered utility within the State of Kansas is not regulated by the Kansas State Corporation Commission:

Electric Utilities

Public-Owned:

Kansas City Board of Public Utilities

State: Kentucky

Regulatory Authority: Kentucky Energy Regulatory Commission.

Gas Utilities

Investor-Owned:

Columbia Gas of Kentucky, Inc.
Louisville Gas and Electric Company
Union Light, Heat and Power Company
Western Kentucky Gas Company

Electric Utilities

Investor-Owned:

Kentucky Power Company
Kentucky Utilities Company
Louisville Gas and Electric Company
Union Light, Heat and Power Company

Rural Electric Cooperatives:

Green River Electric Corporation
Henderson-Union Rural Electric Cooperative Corporation

The following covered utilities within the State of Kentucky are not regulated by the Kentucky Energy Regulatory Commission.

Bowling Green Municipal Utilities
Owensboro Municipal Utilities
Pennyrile Rural Electric Cooperative Corporation
Warren Rural Electric Cooperative Corporation
West Kentucky Rural Electric Cooperative Corporation

State: Louisiana

Regulatory Authority: Louisiana Public Service Commission.

Gas Utilities

Investor-Owned:

Arkansas-Louisiana Gas Company
Entex, Inc.
Gulf States Utilities Company
Louisiana Gas Service Company
New Orleans Public Service, Inc. (East and West Bank)
Trans Louisiana Gas Company

Electric Utilities

Investor-Owned:

Arkansas Power and Light
Central Louisiana Electric Company
Gulf States Utilities Company
Louisiana Power and Light Company (West Bank)
New Orleans Public Service, Inc. (East Bank)
Southwestern Electric Power Company

Rural Electric Cooperatives:

Dixie Electric Membership Corporation

The following covered utilities within the State of Louisiana are not regulated by the Louisiana Public Service Commission:

Electric Utilities

Publicly-Owned:

Lafayette Utilities System

Rural Electric Cooperatives:

Southwest Louisiana Electric Membership Corporation

State: Maine

Regulatory Authority: Maine Public Utilities Commission.

Gas Utilities

None.

Electric Utilities

Investor-Owned:

Bangor Hydro-Electric Company
Central-Maine Power Company

State: Maryland

Regulatory Authority: Maryland Public Service Commission.

Gas Utilities

Investor-Owned:

Baltimore Gas and Electric Company
Washington Gas Light Company

Electric Utilities

Investor-Owned:

Baltimore Gas and Electric Company
*Conowingo Power Company
Delmarva Power and Light Company of Maryland
Potomac Edison Company
Potomac Electric Power Company

Rural Electric Cooperatives:

Southern Maryland Electric Cooperative, Inc.

State: Massachusetts

Regulatory Authority: Massachusetts Department of Public Utilities

Gas Utilities

Investor-Owned:

Bay State Gas Company
Boston Gas Company
Colonial Gas Energy System
Commonwealth Gas Company
Lowell Gas Company

Electric Utilities

Investor-Owned:

Boston Edison Company
Cambridge Electric Light Company
Commonwealth Electric Company
Eastern Edison Company
Massachusetts Electric Company
Western Massachusetts Electric Company

State: Michigan

Regulatory Authority: Michigan Public Service Commission.

Gas Utilities

Investor-Owned:

Consumers Power Company
Michigan Consolidated Gas Company
Michigan Gas Utilities Company
Michigan Power Company
Southeastern Michigan Gas Company
Wisconsin Public Service Corporation

Electric Utilities

Investor-Owned:

Consumers Power Company
Detroit Edison Company
Indiana and Michigan Electric Company
*Lake Superior District Power Company
*Michigan Power Company
Upper Peninsula Power Company
Wisconsin Electric Power Company
Wisconsin Public Service Corporation

The following covered utilities within the State of Michigan are not regulated by the Michigan Public Service Commission:

Gas Utilities

Investor-Owned:

Battle Creek Gas Company

Electric Utilities

Publicly-Owned:

Lansing Board of Water and Light

State: Minnesota

Regulatory Authority: Minnesota Public Utility Commission.

Gas Utilities

Investor-Owned

Inter-City Gas Company
Interstate Power Company
Iowa Electric Light and Power Company
Minnegasco, Inc.
Northern States Power Company
Peoples Natural Gas Company-Division of InterNorth, Inc.

Electric Utilities

Investor-Owned:

Interstate Power Company
Minnesota Power and Light Company
Northern States Power Company
Otter Tail Power Company

Rural Electric Cooperative:

*Dakota Electric Association

The following covered utility within the State of Minnesota is not regulated by the Minnesota Public Service Commission:

Electric Utilities

Publicly-Owned:

*Rochester Department of Public Utilities

Rural Electric Cooperatives:

*Anoka Electric Cooperative

State: Mississippi

Regulatory Authority: Mississippi Public Service Commission.

Gas Utilities

Investor-Owned:

Entex, Inc.
Mississippi Valley Gas Company

Electric Utilities

Investor-Owned:

Mississippi Power and Light Company
Mississippi Power Company

The following covered utilities within the State of Mississippi are not regulated by the Mississippi Public Service Commission.

Electric Utilities

Rural Electric Cooperatives:

*Alcorn County Electric Power Association
*Coast Electric Power Association
*4-County Electric Power Association
*Singing River Electric Power Association
*Southern Pine Electric Power Association
Tombigbee Electric Power Association

State: Missouri

Regulatory Authority: Missouri Public Service Commission

Gas Utilities

Investor-Owned:

Associated Natural Gas Company
Gas Service Company
Laclede Gas Company Consolidated
Missouri Public Service Company
Peoples Natural Gas Company Division of InterNorth, Inc.

Electric Utilities

Investor-Owned:

Empire District Electric Company
Kansas City Power and Light Company
Missouri Public Service Company
St. Joseph Light and Power Company
Union Electric Company

The following covered utilities within the State of Missouri are not regulated by Missouri Public Service Commission.

Gas Utilities

Investor-Owned:

Cities Service Gas Company

Publicly-Owned:

Springfield City Utilities

Electric Utilities

Publicly-Owned:

*Independence Power and Light Department
Springfield City Utilities

State: Montana

Regulatory Authority: Montana Public Service Commission.

Gas Utilities

Investor-Owned:

Montana-Dakota Utilities Company
Montana Power Company

Electric Utilities

Investor-Owned:

Black Hills Power and Light Company
Montana-Dakota Utilities Company
Montana Power Company
Pacific Power and Light Company
Washington Water Power Company

State: Nebraska

Regulatory Authority-Nebraska Public Service Commission.

The Commission does not regulate the rates and service of the gas and electric utilities of the State of Nebraska.

The following covered utilities within the State of Nebraska are not regulated by the Nebraska Public Service Commission.

Electric Utilities

Publicly-Owned:

Lincoln Electric System
Nebraska Public Power District
Omaha Public Power District

Gas Utilities

Investor-Owned:

Gas Service Company
Iowa Electric Light and Power Company
Iowa Public Service Company
KN Energy, Inc.
Minnegasco, Inc.
Northwestern Public Service Company
Peoples Natural Gas Company Division of Internorth, Inc.

The governing body of each Nebraska municipality exercises ratemaking jurisdiction over gas utility rates, operations and services provided by a gas utility within its city or town limits. These municipal authorities would be State agencies as defined by PURPA, and thus have responsibilities under PURPA identical to those of the State regulatory authority.

Publicly-Owned:

Metropolitan Utilities District of Omaha

State: Nevada

Regulatory Authority: Nevada Public Service Commission.

Gas Utilities

Investor-Owned:

Southwest Gas Corporation

Electric Utilities

Investor-Owned:

Idaho Power Company
Nevada Power Company
Sierre Pacific Power Company

State: New Hampshire

Regulatory Authority: New Hampshire Public Utilities Commission.

Electric Utilities

Investor-Owned:

Public Service Company of New Hampshire

State: New Jersey

Regulatory Authority: New Jersey Department of Energy Board of Public Utilities.

Gas Utilities

Investor-Owned:

Elizabethtown Gas Company
New Jersey Natural Gas Company
Public Service Electric and Gas Company
South Jersey Gas Company

Electric Utilities

Investor-Owned:

Atlantic City Electric Company
Jersey Central Power and Light Company
Public Service Electric and Gas Company
Rockland Electric Company

State: New Mexico

Regulatory Authority: New Mexico Public Service Commission.

Gas Utilities

Gas Company of New Mexico

Electric Utilities

Investor-Owned:

El Paso Electric Company
Public Service Company of New Mexico
Southwestern Public Service Company
Texas-New Mexico Power Company

Rural Electric Cooperative:

*Lea County Electric Cooperative, Inc.

State: New York

Regulatory Authority: New York Public Service Commission.

Gas Utilities

Investor-Owned:

Brooklyn Union Gas Company
Columbia Gas of New York, Inc.
Consolidated Edison Company of New York, Inc.
Long Island Lighting Company
National Fuel Gas Distribution Corporation
New York State Electric and Gas Corporation
Niagara Mohawk Power Corporation
Orange and Rockland Utilities
Rochester Gas and Electric Corporation

Electric Utilities

Investor-Owned:

Central Hudson Gas and Electric Corporation
Consolidated Edison Company of New York
Long Island Lighting Company
New York States Electric and Gas Corporation
Niagara Mohawk Power Corporation
Orange and Rockland Utilities
Rochester Gas and Electric Corporation

The following covered utility within the State of New York is not regulated by the New York Public Service Commission:

Electric Utilities

Publicly-Owned:

Power Authority of New York

State: North Carolina

Regulatory Authority: North Carolina Utilities Commission.

Gas Utilities

Investor-Owned:

North Carolina Natural Gas Corporation
Piedmont Natural Gas Company
Public Service Company, Inc. of North Carolina

Electric Utilities

Investor-Owned:

Carolina Power and Light Company
Duke Power Company
Nantahala Power & Light Company

Virginia Electric and Power Company

The following covered utilities within the State of North Carolina are not regulated by the North Carolina Utilities Commission:

Electric Utilities

Publicly-Owned:

Fayetteville Public Works Commission
*Greenville Utilities Commission
*High Point Electric Utility Department
*Rocky Mount Public Utilities
*Wilson Utilities Department

Rural Electric Cooperatives:

*Blue Ridge Electric Membership Corp.
*Rutherford Electric Membership Corporation

State: North Dakota

Regulatory Authority: North Dakota Public Service Commission.

Gas Utilities

Investor-Owned:

Montana Dakota Utilities Company
Northern States Power Company

Electric Utilities

Investor-Owned:

Montana Dakota Utilities Company
Northern States Power Company
Otter Tail Power Company

State: Ohio

Regulatory Authority: Ohio Public Utilities Commission.

Gas Utilities

Investor-Owned:

Cincinnati Gas and Electric Company
Columbia Gas of Ohio, Inc.
Dayton Power and Light Company
East Ohio Gas Company
National Gas and Oil Company
West Ohio Gas Company

Electric Utilities

Investor-Owned:

Cincinnati Gas and Electric Company
Cleveland Electric Illuminating Company
Columbus and Southern Ohio Electric Company
Dayton Power and Light Company
Monongahela Power Company
Ohio Edison Company
Ohio Power Company
Toledo Edison Company

The following covered utilities within the State of Ohio are not regulated by the Ohio Public Utilities Commission:

Electric Utilities

Publicly-Owned:

*Cleveland Division of Light and Power

Rural Electric Cooperatives:

South Central Power Company

State: Oklahoma

Regulatory Authority: Oklahoma Corporation Commission

Gas Utilities

Investor-Owned:

Arkansas-Louisiana Gas Company
Arkansas-Oklahoma Gas Corporation
Gas Service Company
Lone Star Gas Company
Oklahoma Natural Gas Company
Southern Union Gas Company
Union Gas System Inc.

Electric Utilities

Investor-Owned:

Empire District Electric Company
Oklahoma Gas and Electric Company
Public Service Company of Oklahoma
Southwestern Public Service Company

Rural Electric Cooperative:

*Cotton Electric Cooperative

Gas Utilities

Investor-Owned:

Cities Service Gas Company

State: Oregon

Regulatory Authority: Public Utility Commissioner of Oregon.

Gas Utilities

Investor-Owned:

Cascade Natural Gas Corporation
Northwest Natural Gas Company

Electric Utilities

Investor-Owned:

*CP National Corporation
Idaho Power Company
Pacific Power and Light Company
Portland General Electric Company

The following covered utilities within the State of Oregon are not regulated by the Public Utility Commissioner of Oregon:

Electric Utilities

Publicly-Owned:

Central Lincoln People's Utility District
*Clatskanie People's Utility District
Eugene Water and Electric Board
*Springfield Utilities Board

Rural Electric Cooperatives:

*Umatilla Electric Cooperative Association

State: Pennsylvania

Regulatory Authority: Pennsylvania Public Utility Commission.

Gas Utilities

Investor-Owned:

Carnegie Natural Gas Company
Columbia Gas of Pennsylvania, Inc.
Equitable Gas Company
National Fuel Gas Distribution Corporation
North Penn Gas Company
Pennsylvania Gas and Water Company
Peoples Natural Gas Company
Philadelphia Electric Company
T.W. Phillips Gas and Oil Company
UGI Corporation

Electric Utilities

Investor-Owned:

Duquesne Light Company
Metropolitan Edison Company
Pennsylvania Electric Company
Pennsylvania Power Company
Pennsylvania Power and Light Company
Philadelphia Electric Company
*UGI—Luzerne Electric Company
West Penn Power Company

The following covered utility within the State of Pennsylvania is not regulated by the Pennsylvania Public Utility Commission:

Gas Utilities

Investor-Owned:

Phildelphia Gas Works

State: Puerto Rico

Regulatory Authority: Puerto Rico Public Service Commission.

Gas Utilities

None.

Electric Utilities

None.

The following covered utility within Puerto Rico is not regulated by the Puerto Rico Public Service Commission:

Electric Utilities

Publicly-Owned:

Puerto Rico Electric Power Authority

State: Rhode Island

Regulatory Authority: Rhode Island Public Utilities Commission.

Gas Utilities

Investor-Owned:

Providence Gas Company

Electric Utilities

Investor-Owned:

Blackstone Valley Electric Company
Narragansett Electric Company

State: South Carolina

Regulatory Authority: South Carolina Public Service Commission.

Gas Utilities

Investor-Owned:

Carolina Pipeline Company
Piedmont Natural Gas Company
South Carolina Electric and Gas Company

Electric Utilities

Investor-Owned:

Carolina Power and Light Company
Duke Power Company
South Carolina Electric and Gas Company

The following covered utilities within the State of South Carolina are not regulated by the South Carolina Public Service Commission:

Electric Utilities

Publicly-Owned:

South Carolina Public Service Authority

Rural Electric Cooperatives:

*Berkeley Electric Cooperatives, Inc.
*Palmetto Electric Cooperative, Inc.

State: South Dakota

Regulatory Authority: South Dakota Public Utilities Commission.

Gas Utilities

Investor-Owned:

Iowa Public Service Company
Minnegasco, Inc.
Montana-Dakota Utilities Company

Northwestern Public Service Company

Electric Utilities

Investor-Owned:

Black Hills Power and Light Company
Iowa Public Service Company
Montana-Dakota Utilities Company
Northern States Power Company
Northwestern Public Service Company
Otter Tail Power Company

The following covered utility within the State of South Dakota is not regulated by the South Dakota Public Service Commission:

Electric Utilities

Publicly-Owned:

Nebraska Public Power District

State: Tennessee

Regulatory Authority: Tennessee Public Service Commission.

Gas Utilities

Investor-Owned:

Chattanooga Gas Company
Nashville Gas Company

Electric Utilities

Investor-Owned:

Kingsport Power Company

The following covered utilities within the State of Tennessee are not regulated by the Tennessee Public Service Commission:

Electric Utilities

Publicly-Owned:

*Bristol Tennessee Electric System
Chattanooga Electric Power Board
*Clarksville Department of Electricity
*Cleveland Utilities
*Greensville Light and Power System
Jackson Utility Division—Electric Department
Johnson City Power Board
Knoxville Utilities Board
*Lenoir City Utilities Board
Memphis Light Gas and Water Division
*Murfreesboro Electric Department
Nashville Electric Services
*Sevier County Electric System

Rural Electric Cooperatives:

*Appalachian Electric Cooperative
Cumberland Electric Membership Corporation
*Duck River Electric Membership Corporation
*Gibson County Electric Membership Corporation
*Meriwether Lewis Electric Cooperative
Middle Tennessee Electric Membership Corporation
*Southwest Tennessee Electric Membership Corporation
*Tri-County Electric Membership Corporation
*Upper Cumberland Electric Membership Corporation
Volunteer Electric Cooperative

Gas Utilities

Publicly-Owned:

Memphis Light, Gas and Water Division

State: Tennessee

Regulatory Authority: Tennessee Valley Authority.

Gas Utilities

None.

Electric Utilities

Publicly-Owned:

*Bowling Green Municipal Utilities
*Bristol Tennessee Electric System
Chattanooga Electric Power Board
*Clarksville Department of Electricity
*Cleveland Utilities
Decatur Electric Department
Florence Electric Department
*Greeneville Light and Power System
Huntsville Utilities
Jackson Utility Division—Electric Department
Johnson City Power Board
Knoxville Utilities Board
*Lenoir City Utilities Board
Memphis Light, Gas and Water Division
*Murfreesboro Electric Department
Nashville Electric Service
*Sevier County Electric System

Rural Electric Cooperatives:

*Appalachian Electric Cooperative
Cumberland Electric Membership Corporation
*Duck River Electric Membership Corporation
*Four-County Electric Power Association
*Gibson County Electric Membership Corporation
*Meriwether Lewis Electric Cooperative
Middle Tennessee Electric Membership Corporation
North Georgia Electric Membership Corporation
Pennyrile Rural Electric Cooperative Corporation
*Southwest Tennessee Electric Membership Corporation
*Tombigbee Electric Power Association
*Tri-County Electric Membership Corporation
*Upper Cumberland Electric Membership Corporation
Volunteer Electric Cooperative
Warren Rural Electric Cooperative Corporation
*West Kentucky Rural Electric Cooperative Corporation

State: Texas

Regulatory Authority: Texas Public Utility Commission.

Gas Utilities

Investor-Owned:

None.

Electric Utilities

Investor-Owned:

Central Power and Light Company
El Paso Electric Company
Gulf States Utilities
Houston Lighting and Power Company
Southwestern Electric Power Company
*Southwestern Electric Service Company
Southwestern Public Service Company
Texas-New Mexico Power Company
Texas Utilities Electric Company
West Texas Utilities Company

Publicly-Owned:

*Lower Colorado River Authority

Rural Electric Cooperatives:

*Bluebonnet Electric Cooperative, Inc.
*Guadalupe Valley Electric Cooperative
Pedernales Electric Cooperative
*Sam Houston Electric Cooperative

The governing body of each Texas municipality exercises exclusive original jurisdiction over electric utility rates, operations and services provided by an electric utility (whether privately owned or publicly owned), within its city or town limits, unless the municipality has surrendered this jurisdiction to the Texas Public Utility Commission. The Commission hears *de novo* appeals from the decisions of such municipalities. These municipal authorities would be State agencies as defined by PURPA, and thus have responsibilities under PURPA identical to those of a State regulatory authority.

The municipally-owned electric utilities listed below are not under the commission's original ratemaking jurisdiction.

Electric Utilities

Publicly-Owned:

Austin Electric Department
Garland Electric Department
*Lubbock Power and Light
San Antonio City Public Service Board

State: Texas

Regulatory Authority: Railroad Commission of Texas.

Gas Utilities

Investor-Owned:

Energas Company
Entex, Inc.
Lone Star Gas Company, a division of ENSERCH Corp.
Southern Union Company

The governing body of each Texas municipality exercises exclusive original ratemaking jurisdiction over gas utility rates, operations, and services provided by a gas utility within its city or town limits, subject to appellate review by the Railroad Commission of Texas. These municipal authorities would be State agencies as defined by PURPA and thus have responsibilities under PURPA identical to those of a State regulatory authority.

The following covered utilities within the State of Texas are not regulated by the Railroad Commission of Texas. (The Railroad Commission's appellate authority does not extend to municipally owned gas utilities.)

Gas Utilities

Public-Owned:

City Public Service Board (San Antonio)

State: Utah

Regulatory Authority: Utah Public Service Commission.

Gas Utilities

Investor-Owned:

Mountain Fuel Supply Company

Electric Utilities

Investor-Owned:

Utah Power and Light Company

Rural Electric Cooperatives:

Moon Lake Electric Association

State: Vermont

Regulatory Authority: Vermont Public Service Board.

Gas Utilities

None.

Electric Utilities

Investor-Owned:

Central Vermont Public Service Corporation
Green Mountain Power Corporation
Public Service Company of New Hampshire

State: Virginia

Regulatory Authority: Virginia State Corporation Commission.

Gas Utilities

Investor-Owned:

Columbia Gas of Virginia, Inc.
Commonwealth Gas Services, Inc.
Northern Virginia Natural Gas
Virginia Natural Gas

Electric Utilities

Investor-Owned:

Appalachian Power Company
Delmarva Power and Light Company
*Old Dominion Power Company
Potomac Edison Company
Potomac Electric Power Company
Virginia Electric and Power Company

Rural Electric Cooperatives

Northern Virginia Electric Cooperative
Rappahannock Electric Cooperative

The following covered utility within the State of Virginia is not regulated by the Virginia State Corporation Commission.

Gas Utilities

Publicly-Owned:

City of Richmond, Virginia, Department of Public Utilities

Electric Utilities

Publicly-Owned:

*Danville Water, Gas & Electric

State: Washington

Regulatory Authority: Washington Utilities and Transportation Commission.

Gas Utilities

Investor-Owned:

Cascade Natural Gas Corporation
Northwest Natural Gas Company
Washington Natural Gas Company
Washington Water Power Company

Electric Utilities

Investor-Owned:

Pacific Power and Light Company
Puget Sound Power and Light Company
Washington Water Power Company

The following covered utilities within the State of Washington are not regulated by the Washington Utilities and Transportation Commission.

Electric Utilities

Publicly-Owned:

*Port Angeles Light and Water Department
Public Utility District No. 1 of Benton County
Public Utility District No. 1 of Chelan County
Public Utility District No. 1 of Clark County
Public Utility District No. 1 of Cowlitz County
*Public Utility District No. 1 of Douglas County
*Public Utility District No. 1 of Franklin County
Public Utility District No. 1 of Grant County
Public Utility District No. 1 of Grays Harbor County
*Public Utility District No. 1 of Lewis County
Public Utility District No. 1 of Snohomish County
*Richland Energy Service Department
Seattle City Light Department
Tacoma Public Utility—Light Division

State: West Virginia

Regulatory Authority: West Virginia Public Service Commission.

Gas Utilities

Investor-Owned:

Equitable Gas Company
Hope Gas, Incorporated
Mountaineer Gas Company

Electric Utilities

Investor-Owned:

Appalachian Power Company
Monongahela Power Company
Potomac Edison Company
Virginia Electric and Power Company
Wheeling Electric Company

State: Wisconsin

Regulatory Authority: Wisconsin Public Service Commission.

Gas Utilities

Investor-Owned:

Madison Gas and Electric Company
Northern States Power Company
Wisconsin Fuel and Light Company
Wisconsin Gas Company
Wisconsin Natural Gas Company
Wisconsin Power and Light Company
Wisconsin Public Service Corporation

Electric Utilities

Investor-Owned:

*Lake Superior District Power Company
Madison Gas and Electric Company
Northern States Power Company
Wisconsin Electric Power Company
Wisconsin Power and Light Company
Wisconsin Public Service Corporation

State: Wyoming

Regulatory Authority: Wyoming Public Service Commission.

Gas Utilities

Investor-Owned:

Cheyenne Light Fuel and Power Company
Kansas-Nebraska Natural Gas Company
Montana-Dakota Utilities Company
Mountain Fuel Supply Company

Electric Utilities

Investor-Owned:

Black Hills Power and Light Company
Montana-Dakota Utilities Company
Pacific Power and Light Company
Utah Power and Light Company

Rural Electric Cooperative:

Tri-Country Electric Association, Inc.

Appendix B

Electric Utilities

All utilities listed below had electric energy sales, for purposes other than resale, in excess of 500 million kilowatt hours in 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984 or 1985. All except those marked (*) are covered by PURPA Title I and NECPA Titles II and VII. Utilities marked (*) either did not exceed the NECPA threshold of 750 million kilowatt-hour in 1985 for purposes other than resale, or do not have residential or commerical sales and therefore, are not covered by NECTA Titles II and VII. The utilities listed more than once have sales in more than one State, and those States are indicated by abbreviations in parentheses.

Investor-Owned:

Alabama Power Company
Appalachian Power Company [VA]
Appalachian Power Company [WV]
Arizona Public Service Company
Arkansas Power & Light Company [AR]
Arkansas Power & Light Company [LA]
Atlantic City Electric Company
Baltimore Gas & Electric Company
Bangor Hydro-Electric Company
Black Hills Power & Light Company [MT]
Black Hills Power & Light Company [SD]
Black Hills Power & Light Company [WY]
Blackstone Valley Electric Company
Boston Edison Company
Cambridge Electric Light Company
Carolina Power & Light Company [NC]
Carolina Power & Light Company [SC]
Central Hudson Gas & Electric Corporation
Central Illinois Light Company
Central Illinois Public Service Company
Central Louisiana Electric Company
Central Maine Power Company
Central Power & Light Company
Central Vermont Public Service Corporation
Cincinnati Gas & Electric Company
Cleveland Electric Illuminating Company
Columbus and Southern Ohio Electric Company
Commonwealth Edison Company
Commonwealth Electric Company
Connecticut Light & Power Company
*Conowingo Power Company
Consolidated Edison Company of New York
Consumer Power Company
*CP National Corporation
Dayton Power & Light Company
Delmarva Power & Light Company [DE]
Delmarva Power & Light Company [VA]
Delmarva Power & Light Company of Maryland
Detroit Edison Company

Duke Power Company [NC]
Duke Power Company [SC]
Duquesne Light Company
Eastern Edison Company
El Paso Electric Company [NM]
El Paso Electric Company [TX]
Empire District Electric Company [AR]
Empire District Electric Company [KS]
Empire District Electric Company [MO]
Empire District Electric Company [OK]
Florida Power Corporation
Florida Power & Light Company
Georgia Power Company
Green Mountain Power Corporation
Gulf Power Company
Gulf States Utilities Company [LA]
Gulf States Company [TX]
Hawaiian Electric Company Inc.
Houston Lighting & Power Company
Idaho Power Company [ID]
Idaho Power Company [NV]
Idaho Power Company [OR]
Illinois Power Company
Indiana & Michigan Electric Company [IN]
Indiana & Michigan Electric Company [MI]
Indianapolis Power & Light Company
Interstate Power Company [IA]
Interstate Power Company [IL]
Interstate Power Company [MN]
Iowa Electric Light & Power Company
Iowa-Illinois Gas & Electric Company [IA]
Iowa-Illinois Gas & Electric Company [IL]
Iowa Power & Light Company
Iowa Public Service Company [LA]
Iowa Public Service Company [SD]
Iowa Southern Utilities Company
Jersey Central Power & Light Company
Kansas City Power & Light Company [KS]
Kansas City Power & Light Company [MO]
Kansas Gas & Electric Company
Kansas Power & Light Company
Kentucky Power Company
Kentucky Utilities Company
Kingsport Power Company
*Lake Superior District Power Company [MI]
*Lake Superior District Power Company [WI]
Long Island Lighting Company
Louisiana Power & Light Company
Louisville Gas & Electric Company
Madison Gas & Electric Company
Massachusetts Electric Company
Metropolitan Edison Company
*Michigan Power Company
Minnesota Power & Light Company
Mississippi Power Company
Mississippi Power & Light Company
Missouri Public Service Company
Monongahela Power Company [OH]
Monongahela Power Company [WV]
Montana-Dakota Utilities Company [MT]
Montana-Dakota Utilities Company [ND]
Montana-Dakota Utilities Company [SD]
Montana-Dakota Utilities Company [WY]
Montana-Dakota Power Company
Nantahala Power & Light Company
Narragansett Electric Company
Nevada Power Company
New Orleans Public Service Inc.
New York State Electric & Gas Corporation
Niagara Mohawk Power Company
Northern Indiana Public Service Company
Northern States Power Company [MN]
Northern States Power Company [ND]
Northern States Power Company [SD]
Northern States Power Company [WI]
Northwestern Public Service Company
Ohio Edison Company
Ohio Power Company
Oklahoma Gas & Electric Company [AR]
Oklahoma Gas & Electric Company [OK]
Old Dominion Power Company
Orange & Rockland Utilities
Otter Tail Power Company [MN]
Otter Tail Power Company [ND]
Otter Tail Power Company [SD]
Pacific Gas & Electric Company
Pacific Power Light Company (CA)
Pacific Power Light Company (ID)
Pacific Power Light Company (MT)
Pacific Power Light Company (OR)
Pacific Power Light Company (WA)
Pacific Power Light Company (WY)
Pennsylvania Electric Company
Pennsylvania Power & Light Company
Pennsylvania Power Company
Philadelphia Electric Company
Portland General Electric Company
Portland General Electric Company
Potomac Edison Company (MD)
Potomac Edison Company (VA)
Potomac Edison Company (WV)
Potomac Edison Power Company (DC)
Potomac Edison Power Company (MD)
Potomac Edison Power Company (VA)
Public Service Company of Colorado
Public Service Company of Indiana
Public Service Company of New Hampshire (NH)
Public Service Company of New Hampshire (VT)
Public Service Company of New Mexico
Public Service Company of Oklahoma
Public Service Electric and Gas Company
Puget Sound Power & Light Company
Rochester Gas & Electric Corporation
Rockland Electric Company
St. Joseph Light & Power Company
San Diego Gas & Electric Company
Savannah Electric & Power Company
Sierra Pacific Power Company (CA)
Sierra Pacific Power Company (NV)
South Carolina Electric & Gas Company
Southern California Edison Company
Southern Colorado Power Division of Centel (CO)
Southern Indiana Gas & Electric Company
Southwestern Electric Power Company (AR)
Southwestern Electric Power Company (LA)
Southwestern Electric Power Company (TX)
Southwestern Electric Service Company
Southwestern Public Service Company (KS)
Southwestern Public Service Company (NM)
Southwestern Public Service Company (OK)
Southwestern Public Service Company (TX)
Tampa Electric Company
Texas-New Mexico Power Company
Texas Utilities Electric Company
Toledo Edison Company
Tucson Electric Power Company
*UGI-Luzerne Electric Division
Union Electric Company (LA)
Union Electric Company (IL)
Union Electric Company (MO)
Union Light, Heat & Power Company
United Illuminating Company
*Upper Peninsula Power Company
Utah Power & Light Company (ID)
Utah Power & Light Company (UT)
Utah Power & Light Company (WY)
Virginia Electric & Power Company (NC)
Virginia Electric & Power Company (VA)
Virginia Electric & Power Company (WV)
Washington Water Power Company (ID)
Washington Water Power Company (MT)
Washington Water Power Company (WA)
West Penn Power Company
West Texas Utilities Company
Western Massachusetts Electric Company
Western Power Division of Centel (KS)
Wheeling Electric Company
Wisconsin Electric Power Company (MI)
Wisconsin Electric Power Company (WI)
Wisconsin Power & Light Company
Wisconsin Public Service Corporation (MI)
Wisconsin Public Service Corporation (WI)

Publicly-Owned:

*Albany Water, Gas & Light Commission (GA)
Anaheim Public Utilities Department (CA)
*Anchorage Municipal Light & Power Department (AK)
Austin Electric Department (TX)
*Bowling Green Municipal Utilities (KY)
*Bristol Tennessee Electric System (TN)
*Brownsville Public Utility Board (TX)
Burbank Public Service Department (CA)
Central Lincoln People's Utility District (OR)
Chattanooga Electric Power Board (TN)
*Clarksville Department of Electricity (TN)
*Clatskanie People's Utility District (OR)
*Cleveland Division of Light & Power (OH)
*Cleveland Utilities (TN)
Colorado Springs Department of Utilities (CO)
*Dalton Water, Light & Sink (GA)
*Danville Water, Gas & Electric (VA)
Decatur Electric Department (AL)
*Dothan Electric Department (AL)
Eugene Water & Electric Board (OR)
Fayetteville Public Works Commission (NC)
Florence Electric Department (AL,TN)
Gainesville Regional Utilities (FL)
Garland Electric Department (TX)
Glendale Public Service Department (CA)
*Greeneville Light & Power System (TN)
*Greenville Utilities Commission (NC)
*Groton Public Utilities (CT)
*High Point Electric Utility Dept. (NC)
Huntsville Utilities (AL)
Imperial Irrigation District (CA)
*Independence Power & Light Department (MO)
Jackson Utility Division—Electric Department (TN)
Jacksonville Electric Authority (TN)
Johnson City Power Board (TN)
Kansas City Board of Public Utilities (KS)
Knoxville Utilities Board (TN)
Lafayette Utilities System (LA)
Lakeland Department of Electricity and Water (FL)
Lansing Board of Water & Light (MI)
*Lenoir City Utilities Board (TN)
Lincoln Electric System (NE)
Los Angeles Department of Water and Power (CA)
*Lower Colorado River Authority (TX)

*Lubbock Power & Light (TX)
Memphis Light, Gas & Water Division (TN)
Modesto Irrigation District (CA)
*Murfreesboro Electric Dept. (TN)
*Muscatine Power & Water (IA)
Nashville Electric Service (TN)
Nebraska Public Power District (NE)
Nebraska Public Power District (SD)
*North Little Rock Electric Department (AR)
*Ocala Utilities (FL)
Omaha Public Power District (IA)
Omaha Public Power District (NE)
Orlando Utilities Commission (FL)
*Owensboro Municipal Utilities (KY)
Palo Alto Electric Utility (CA)
Pasadena Water & Power Department (CA)
*Power Authority of New York (NY)
*Port Angeles Light & Water Department (WA)
Public Utility District No. 1 of Benton County (WA)
Public Utility District No. 1 of Chelan County (WA)
Public Utility District No. 1 of Clark County (WA)
Public Utility District No. 1 of Cowlitz County (WA)
*Public Utility District No. 1 of Douglas County (WA)
*Public Utility District No. 1 of Franklin County (WA)
Public Utility District No. 1 of Grant County (WA)
Public Utility District No. 1 of Grays Harbor County (WA)
*Public Utility District No. 1 of Lewis County (WA)
Public Utility District No. 1 of Snohomish County (WA)
Puerto Rico Electric Power Authority
*Richland Energy Services Department (WA)
*Richmond Power & Light (IN)
Riverside Public Utilities (CA)
*Rochester Department of Public Utilities (MN)
*Rocky Mount Public Utilities (NC)
Sacramento Municipal Utility District (CA)
Salt River Project Agricultural Improvement and Power District (AZ)
San Antonio City Public Service Board (TX)
Santa Clara Electric Department (CA)
Seattle City Light Department (WA)
*Sevier County Electric System (TN)
South Carolina Public Service Authority
*Springfield City Utilities (MO)
*Springfield Utilities Board (OR)
Springfield Water, Light & Power Department (IL)
Tacoma Public Utilities—Light Divison (WA)
*Trico Electric Cooperative, Inc. (AZ)
Tallahassee, City of (FL)
Turlock Irrigation District (CA)
Vernon Municipial Light Department (CA)
*Wilson Utilities Department (NC)

Rural Electric Cooperatives

*Alcorn County Electric Power Association (MS)
*Anoka Electric Cooperative (MN)
*Appalachian Electric Cooperative (TN)
*Berkeley Electric Cooperative (SC)
*Bluebonnet Electric Cooperative, Inc. (TX)
*Blue Ridge Electric Membership Corporation (NC)
Chugach Electric Association (AK)
Clay Electric Cooperative (FL)
*Coast Electric Power Association (MS)
Cobb Electric Membership Corporation (GA)
*Cotton Electric Cooperative (OK)
Cumberland Electric Membership Corporation (TN)
*Dakota Electric Association (MN)
*Douglas County Electric Membership Corporation (GA)
Dixie Electric Membership Corporation (LA)
Duck River Electric Membership Corporation (TN)
*Duncan Valley Electric Cooperative, Inc. (AZ)
*First Electric Cooperative Corporation (AR)
*Flint Electric Membership Corporation (GA)
*Four County Electric Power Association (MS)
*Gibson County Electric Membership Corporation (TN)
Green River Electric Corporation (KY)
*Guadalupe Valley Electric Cooperative (TX)
Henderson-Union Rural Electric Cooperative Corporation (KY)
*Intermountain Rural Electric (CO)
Jackson Electric Membership Corporation (GA)
*Lea County Electric Cooperative, Inc. (NM)
Lee County Electric Cooperative (FL)
*Meriweather Lewis Electric Cooperative (TN)
Middle Tennessee Electric Membership Corporation (TN)
*Midwest Energy Incorporated (KS)
Moon Lake Electric Association (CO)
*Northern Virginia Electric Cooperative (VA)
North Georgia Electric Membership Corporation (TX)
*Palmetto Electric Cooperative, Inc. (SC)
Pedernales Electric Cooperative Corporation (TX)
Pennyrile Rural Electric Cooperative Corporation (KY, TN)
Rappahannock Electric Cooperative (VA)
Rural Electric System (AL)
*Rutherford Electric Membership Corporation (NC)
*Sam Houston Electric Cooperative (TX)
*Singing River Electric Power Association (MS)
South Central Power Company (OH)
Southern Maryland Electric Cooperative, Inc. (MD)
*Southern Pine Electric Power Association (MS)
Southwest Louisiana Electric Membership Corporation (LA)
*Southwest Tennessee Electric Membership Corporation (TN)
*Sumter Electric Cooperative (FL)
*Tombigbee Electric Power Association (MS)
Tri-County Electric Association, Inc. (WY)
*Tri-County Electric Membership Corporation (TN)
*Umatilla Electric Cooperative Association (OR)
*Upper Cumberland Electric Membership Corporation (TN)
Volunteer Electric Cooperative (TN)
*Walton Electric Membership Corporation (GA)
Warren Rural Electric Cooperative Corporation (KY)
*West Kentucky Rural Electric Cooperative Corporation (KY)
Withlacoochee River Electric Cooperative (FL)

Federal Agencies

*Bonneville Power Administration (OR)
*Tennessee Valley Authority (TN)
*Western Area Power Administration (CO)

Gas Utilities

All gas utilities listed below had natural gas sales, for purposes other than resale, in excess of 10 billion cubic feet in 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984 or 1985. All except those marked (*) are covered by PURPA Title III and NECPA Titles II and VII. Utilities marked (*) are not covered by NECPA Titles II and VII because they either did not exceed the NECPA threshold of 10 billion cubic feet in 1985 for purposes other than resale, or do not have residential or commercial sales. The utilities listed more than once have sales in more than one State and those States are indicated by abbreviations in parentheses.

Investor-Owned
Alabama Gas Corporation
Alabama-Tennessee Natural Gas Company
Anadarko Production Company
Arkansas-Louisiana Gas Company (AR)
Arkansas-Louisiana Gas Company (KS)
Arkansas-Louisiana Gas Company (LA)
Arkansas-Louisiana Gas Company (OK)
Arkansas-Oklahoma Gas Corporation (AR)
Arkansas-Oklahoma Gas Corporation (OK)
Arkansas Western Gas Company
Associated Natural Gas Company (AR)
Associated Natural Gas Company (MO)
Atlanta Gas Light Company
Baltimore Gas & Electric Company
Battle Creek Gas Company
Bay State Gas Company
Boston Gas Company
Brooklyn Union Gas Company
Carnegie Natural Gas Company
Carolina Pipeline Company
Cascade Natural Gas Corporation (OR)
Cascade Natural Gas Corporation (WA)
Central Illinois Light Company
Central Illinois Public Service Company
Chattanooga Gas Company (TN)
Cheyenne Light, Fuel and Power Company
Cincinnati Gas and Electric Company
Cities Services Gas Company (covered by NECPA only)
*City Gas Company of Florida
Colonial Gas Energy System
Columbia Gas of Kentucky, Inc.
Columbia Gas of New York, Inc.
Columbia Gas of Ohio, Inc.
Columbia Gas of Pennsylvania, Inc.
Columbia Gas of Virginia, Inc.
Commonwealth Gas Company
Commonwealth Gas Service Incorporated
Commonwealth Gas Services, Incorporated
Connecticut Light & Power Company
Connecticut Natural Gas Corporation

Consolidated Edison Company of New York, Inc.
Consumers Power Company
Dayton Power & Light Company
Delmarva Power & Light Company (DE)
East Ohio Gas Company
Elizabethtown Gas Company
Energas Company
Enstar Natural Gas Company
Entex Inc. (LA)
Entex Inc. (MS)
Entex Inc. (TX)
Equitable Gas Company (PA)
Equitable Gas Company (WV)
Gas Company of New Mexico
Gas Light Company of Columbus
Gas Service Company (KS)
Gas Service Company (MO)
Gas Service Company (NE)
Gas Service Company (OK)
Greeley Gas Company (CO)
Greeley Gas Company (KS)
Gulf States Utilities Company
Hope Gas, Incorporated
Illinois Power Company
Indiana Gas Company
Inter City Gas Company
Intermountain Gas Company
Interstate Power Company (IA)
Interstate Power Company (MN)
Iowa Electric Light & Power Company (CO)
Iowa Electric Light & Power Company (IA)
Iowa Electric Light & Power Company (MN)
Iowa Electric Light & Power Company (NE)
Iowa-Illinois Gas & Electric Company (IA)
Iowa-Illinois Gas & Electric Company (IL)
Iowa Power & Light Company
Iowa Public Service Company (IA)
Iowa Public Service Company (NE)
Iowa Public Service Company (SD)
Iowa Southern Utilities Company
Kansas-Nebraska Natural Gas Company (CO)
Kansas-Nebraska Natural Gas Company (KS)
Kansas-Nebraska Natural Gas Company (WY)
Kansas Power & Light Company
KN Energy, Inc.
Laclede Gas Company Consolidated
Lone Star Gas Company (OK)
Lone Star Gas Company, a division of ENSERCH Copr. (TX)
Long Island Lighting Company
Louisiana Gas Service Company
Louisville Gas & Electric Company
Lowell Gas Company
Madison Gas & Electric Company
Michigan Consolidated Gas Company
Michigan Gas Utilities Company
Michigan Power Company
Minnegasco, Inc. (MN)
Minnegasco, Inc. (NE)
Minnegasco, Inc. (SD)
Mississippi Valley Gas Company
Missouri Public Service Company
Mobile Gas Service Corporation
Montana-Dakota Utilities Company (MN)
Montana-Dakota Utilities Company (MT)
Montana-Dakota Utilities Company (ND)
Montana-Dakota Utilities Company (SD)
Montana-Dakota Utilities Company (WY)
Montana Power Company
Mountaineer Gas Company
Mountain Fuel Supply Company (UT)
Mountain Fuel Supply Company (WY)
Nashville Gas Company
National Fuel Gas Distribution Corporation (NY)
National Fuel Gas Distribution Corporation (PA)
National Gas and Oil Company
New Jersey Natural Gas Company
New Orleans Public Service, Inc.
New York State Electric & Gas Corporation
Niagara Mohawk Power Company
North Carolina Natural Gas Corporation
North Shore Gas Company
Nothern Illinois Gas Company
Northern Indiana Public Service Company
Northern Natural Gas Company (KS)
Northern Natural Gas Company (NE)
Nothern States Power Company (MN)
Nothern States Power Company (ND)
Nothern States Power Company (WI)
North Penn Gas Company
Northwest Alabama Gas District
Northwest Natural Company (OR)
Northwest Natural Gas Company (WA)
Northwestern Public Service Company (NE)
Northwestern Public Service Company (SD)
Oklahoma Natural Gas Company
Orange & Rockland Utilities
Pacific Gas & Electric Company
Panhandle Eastern Pipeline Company (IL)
Panhandle Eastern Pipeline Company, (KS)
Pennsylvania Gas & Water Company
Peoples Gas, Light and Coke Company
Peoples Gas System
Peoples Natural Gas Company
Peoples Natural Gas Company, Division of Internorth, Inc. (IA)
Peoples Natural Gas Company, Division of Internorth, Inc. (IA)
Peoples Natural Gas Company, Division of Internorth, Inc. (KS)
Peoples Natural Gas Company, Division of Internorth, Inc. (MN)
Peoples Natural Gas Company, Division of Internorth, Inc. (MO)
Peoples Natural Gas Company, Division of Internorth, Inc. (NE)
Philadelphia Electric Company
Piedmont Natural Gas Company (NC)
Piedmont Natural Gas Company (SC)
Providence Gas Company
Public Service Company of Colorado
Public Service Company, Inc. of North Carolina
Public Service Electric and Gas Company
Rochester Gas & Electric Corporation
San Diego Gas & Electric Company
South Carolina Gas & Electric Company
South Jersey Gas Company
Southeastern Michigan Gas Company
Southern California Gas Company
Southern Connecticut Gas Company
Southern Indiana Gas & Electric Company
Southern Union Company (TX)
Southern Union Gas Company (AZ)
Southern Union Gas Company (OK)
Southwest Gas Corporation (AZ)
Southwest Gas Corporation (CA)
Southwest Gas Corporation (NV)
Terre Haute Gas Corporation
Trans Louisiana Gas Company
T.W. Phillips Gas and Oil Company
UGI Corporation
Union Gas System, Inc. (KS)
Union Gas System, Inc. (OK)
Union Light, Heat & Power Company (KY)
Virginia Natural Gas
Washington Gas Light Company (DC)
Washington Gas Light Company (MD)
Washington Gas Light Company (VA)
Washington Natural Gas Company
Washington Water Power Company (ID)
Washington Water Power Company (WA)
West Ohio Gas Company
Western Kentucky Gas Company
Wisconsin Fuel & Light Company
Wisconsin Gas Company
Wisconsin Natural Gas Company
Wisconsin Power & Light Company
Wisconsin Public Service Corporation (MI)
Wisconsin Public Service Corporation (WI)

Public-Owned

Citizens Gas & Coke Utility (IN)
City of Richmond, Virginia, Department of Public Utilities (VA)
City Public Services Board (San Antonio) (TX)
Colorado Springs, Department of Utilities (CO)
Long Beach Gas Department (CA)
Memphis Light, Gas & Water Division (TN)
Metropolitan Utilities District of Omaha (NE)
Philadelphia Gas Works (PA)
Springfield City Utilities (MO)

[FR Doc. 86-28963 Filed 12-24-86; 8:45 am]
BILLING CODE 6450-01-M

[Docket No. ERA-FC-87-05; OFP Case No. 55121-9333-03-12]

Acceptance of Petition for Exemption and Availability Certification by Georgia-Pacific Corp.

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of acceptance.

SUMMARY: On November 20, 1986, Georgia-Pacific Corporation (Georgia-Pacific) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) requesting a permanent exemption due to a lack of alternate fuel supply at a cost which does not substantially exceed the cost of using imported petroleum, for a proposed MFBI No. 3 power boiler located at the Georgia-Pacific Corporation in Franklin, Ohio, from the prohibitions of Title II of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8301 *et seq.*) ("FUA" or "the Act"). Title II of FUA prohibits the use of petroleum and natural gas as a primary energy source in any new major fuel-burning installation (MFBI) consisting of a boiler. Final rules setting forth criteria and procedures for petitioning for exemptions from the prohibitions of Title II of FUA are found in 10 CFR Parts 500, 501, and 503. Final rules governing

the exemption based on lack of alternate fuel supply at a cost which does not substantially exceed the cost of using imported petroleum are found at 10 CFR 503.32.

The proposed MFBI for which the position is being filed is a boiler to be installed in a roofing felt mill. Steam generated by the boiler is to be used primarily in drying felt sheets in the mill's felt machine and for building heating.

The existing natural gas and No. 6 fuel oil fired boiler has deteriorated with age and repair is impractical.

The proposed MFBI will be a package water tube design boiler rated for 100,000 lbs per hour of steam generation. The steam conditions at the outlet of the boiler non-return valve will be 170 Psig, 375 degrees F (saturated). The boiler will be housed in a new prefabricated structure. It is planned to use natural gas as the primary fuel and No. 6 fuel oil as the secondary or backup fuel with price a consideration in selecting the primary fuel.

ERA has determined that the petition includes sufficient evidence to support an ERA determination on the exemption request and it is therefore accepted pursuant to 10 CFR 501.3.

As provided for in sections 701(c) and (d) of FUA and 10 CFR 501.31 and 501.33, interested persons are invited to submit written comments in regard to this petition and any interested person may submit a written request that ERA convene a public hearing.

The public file containing a copy of this Notice of Acceptance and Availability of Certification as well as other documents and supporting materials on this proceeding are available upon request at: Department of Energy, Freedom of Information Reading Room, 1000 Independence Avenue, SW., Washington, DC 20585, Monday through Friday, 9:00 a.m. to 4:00 p.m., except Federal holidays.

ERA will issue a final order granting or denying the petition for exemption from the prohibitions of the Act within six months after the end of the period for public comment and hearing, unless ERA extends such period. Notice of any such extension, together with a statement of reasons therefor, would be published in the **Federal Register**.

DATES: Written comments are due on or before February 12, 1987. A request for public hearing must also be made within this 45-day public comment period.

ADDRESSES: Fifteen copies of written comments or a request for a public hearing shall be submitted to: Case Control Unit, Office of Fuels Programs, Room GA-093, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585.

Docket No. ERA-FC-87-05 should be printed on the outside of the envelope and the document contained therein.

FOR FURTHER INFORMATION CONTACT:
Xavier Puslowski, Coal & Electricity Fivision, Office of Fuels Programs, Department of Energy, Forrestal Bldg., Rm. Ga-093, 1000 Independence Avenue SW., Washington, DC 20585, Telephone (202) 252-4708
Steven E. Ferguson, Esq., Office of General Counsel, Department of Energy, Forrestal Building, Room 6A-113, 1000 Independence Avenue SW., Washington, DC 20585, Telephone (202) 252-6947.

SUPPLEMENTARY INFORMATION: Section 212(a)(1)(A)(ii) of the Act and 10 CFR 503.32 provide for a permanent exemption due to a lack of alternate fuel supply at a cost which does not substantially exceed the cost of using imported petroleum. In accordance with the requirements of § 503.32(b), Georgia-Pacific's petition includes the following evidence in order to make the demonstrations required by this section:

(1) Duly executed certifications required under paragraph (a) of this section;

(2) Exhibits containing the basis for certifications required under paragraph (a) of this section;

(3) Environmental impact analysis, as required under § 503.13;

(4) Fuels search, as required under § 503.14; and

(5) All data required by § 503.6 (cost calculation).

In processing this exemption, ERA will comply with the requirements of the National Environmental Policy Act of 1969 (NEPA); the Council on Environmental Quality's implementing regulations, 40 CFR 1500 *et seq.*; and DOE's guidelines implementing those regulations, published at 45 FR 20694, March 28, 1980. NEPA compliance may involve the preparation of (1) an Environmental Impact Statement (EIS); (2) an Environmental Assessment; or (3) a memorandum to the file finding that the grant of the requested exemption would not be considered a major Federal action significantly affecting the quality of the environment. If an EIS is determined to be required, ERA will publish a Notice of Intent to prepare an EIS in the **Federal Register** as soon as practicable. No final action will be taken on the exemption petition until ERA's NEPA compliance has been completed.

Pursuant to 10 CFR 501.3, ERA hereby accepts Georgia-Pacific's petition for a permanent exemption for lack of alternate fuel supply. ERA retains the rights, however, to request additional relevant information at any time during the pendency of these proceedings.

As provided in 10 CFR 501.3(b)(4), acceptance of this petition for exemption by ERA does not constitute a determination that the petitioner is entitled to the exemption requested. That determination will be based on the entire record of these proceedings, including any comments received during the public comment period provided for in this notice.

Issued in Washington, DC on December 19, 1986.

Robert L. Davies,
Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 86-29088 Filed 12-24-86; 8:45 am]

BILLING CODE 6450-01-M

Proposed Remedial Order to McWhirter Distributing Co., Inc.

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of proposed remedial order to McWhirter Distributing Co., Inc.

SUMMARY: Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to McWhirter Distributing Co., Inc. This Proposed Remedial Order alleges violations in the amount of $191,072 plus interest, resulting from McWhirter's wholesale sales of motor gasoline during the time period April 1979 through September 1979 at prices in excess of the company's lawful selling prices. The alleged violations primarily affect California wholesale purchasers and ultimate consumers.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from: Office of Freedom of Information Reading Room, United States Department of Energy, Forrestal Building, Room 1E-190, 1000 Independence Avenue, SW., Washington, DC 20585.

Within fifteen (15) days of publication of this Notice, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, United States Department of Energy, Forrestal Building, Room 6F-078, 1000 Independence Avenue, SW., Washington, DC 20585, in accordance with 10 CFR 205.193. The Notice shall be filed in duplicate, shall briefly describe how the person would be aggreived by issuance of the Proposed Remedial Order as a final order and shall state the

person's intention to file a Statement of Objections.

Pursuant to 10 CFR 205.193(c), a person who files a Notice of Objection shall on the same day serve a copy of the Notice upon:

Sandra K. Webb, Director, Economic Regulatory Administration, U.S. Department of Energy, One Allen Center, Suite 610, 500 Dallas Street, Houston, Texas 77002

and upon:

Marshall Staunton, Acting Solicitor and Administrator, Economic Regulatory Administration, U.S. Department of Energy, Room 3H-017, RG-40, 1000 Independence Ave., SW., Washington, DC 20585

Issued in Washington, DC, on the 18th day of December 1986.

Marshall Staunton,

Acting Solicitor and Administrator, Economic Regulatory Administration.

[FR Doc. 86-29091 Filed 12-24-86; 8:45 am]

BILLING CODE 6450-01-M

Energy Information Administration

Residential Energy Consumption Survey (RECS) Forms EIA-457A Through H; and Residential Transportation Energy Consumption Survey (RTECS) Forms EIA-141, "National Survey of Fuel Purchases for Vehicles—Purchase Log and Supplementary Questionnaire," and EIA-429, "National Survey of Fuel Purchases for Vehicles—Background Questionnaire."

AGENCY: Energy Information Administration, DOE.

ACTION: Notice of request for Comments.

SUMMARY: The Energy Information Administration (EIA) solicits comments on the proposed survey forms for the 1987 RECS (Forms EIA-457A-H) and the 1988 RTECS, Forms EIA-141 and EIA-429.

DATE: Written comments must be submitted within 30 days of the publication of this notice.

ADDRESSES: Address comments to: Wendel Thompson, EI-651, U.S. Department of Energy, Mail Stop 1H-053, 1000 Independence Avenue SW., Washington, DC 20585, Telephone (202) 252-1119.

FOR FURTHER INFORMATION: To obtain additional information or copies of the proposed forms, contact Wendel Thompson at the address listed above.

SUPPLEMENTARY INFORMATION:

I. Background
II. Current Actions
III. Request for Comments

I. Background

In order to fulfill its responsibilities under Section 52 of the Federal Energy Administration Act of 1974, Pub. L. 93-275, the EIA is required to publish and otherwise make available to the public, high quality statistical data that contains "such information as is required to provide a description of and facilitate analysis of energy supply and consumption within and affecting the United States on the basis of such geographic areas and economic sectors as may be appropriate . . ."

To meet this responsibility, as well as internal DOE requirements that are dependent on accurate data, the EIA has developed an ongoing program of national sample surveys on energy consumption in the manufacturing, nonresidential, residential and residential transportation sectors.

The RECS has been designed by EIA to collect data on energy consumption in the residential sector. Information about the housing unit is collected through voluntary personal interviews with a representative national sample of approximately 5,600 households. These personal interviews collect data on energy use within the home including the use of heating fuels, appliance usage and conservation practices. Data on actual energy consumption and expenditures are obtained from fuel records maintained by the households' fuel suppliers. The RECS has been conducted in 1980, 1981, 1982, and 1984. Beginning with the 1987 survey, the RECS will be conducted on a triennial basis.

The RTECS provides information on how energy is used by households for personal transportation. The RTECS sample, which consists of approximately 4,000 households, is drawn from the larger sample selected for participation in the RECS. Data are collected through a combination of mail and telephone interviews over a 12-month period. The survey provides data on the number and types of vehicles used regularly by household members for personal transportation. For each vehicle, data are collected on annual miles traveled, gallons of fuel purchased, type of fuel used, price paid for fuel, and certain vehicle characteristics such as the type of transmission and the presence of air-conditioning.

The RTECS has been conducted in 1983 and 1985. Beginning in 1988, the RTECS will be conducted on a triennial basis.

II. Current Actions

For the 1987 RECS, the EIA proposes to make no major substantive changes to the household [EIA-457A-D] and fuel supplier [EIA-457E-H] forms used on the 1984 survey. The forms will be updated to collect information for calendar year 1987 and the residential energy tax credit questions will be dropped from the household survey.

For the 1988 RTECS, EIA proposes to eliminate Form EIA-141 by dropping some questions outright and by transferring others to the Form EIA-429. The questions to be eliminated are the "fuel purchase log" quesitons which consist of (1) odometer readings for the beginning and end of the month and concurrent fuel gauge readings; and (2) for each purchase of fuel, the purchase date, odometer reading on that date, number of gallons purchased, total cost of fuel, price per gallon, whether the tank was filled, and a fuel tank reading.

The questions that will be transferred from the Form EIA-141 to the Form EIA-429 are the supplementary questions which collect beginning and end-of-year odometer readings, type of fuel used, and family income for the survey year. The odometer reading information is obtained at the beginning and end of the year by means of a mail survey; the other information on Form EIA-429 is obtained by a telephone interview at the beginning of the year.

Form EIA-429 will be updated to collect information for calendar year 1988 and the questions on odometer readings, fuel type, and income added from the EIA-141. As a consequence of dropping the fuel purchase log questions, five new questions have been added to the Form EIA-429. These questions are required to permit the estimation of miles per gallon (MPG) from Environmental Protection Agency certification MPG files for each vehicle, and the subsequent estimation of annual consumption and expenditures for fuel. These questions are (1) the type of fuel system (carbuereted, fuel-injected or diesel); (2) the drive train (front, rear, or four-wheel drive); (3) the vehicle identification number; (4) full or self-service fuel purchase and; (5) method of payment (cash or credit card).

III. Request for Comments

Prospective respondents, data users and other interested parties should comment on the proposed extensions within 30 days of the publication of this notice. The following general guidelines are provided to assist in the preparation of responses. When providing comments, please indicate to which form(s) each comment applies.

As a potential respondent:

A. Are the instructions and definitions clear and sufficient? If not, what instructions require clarification?

B. Can the data be submitted using the definitions included in the instructions?

C. Can data be submitted in accordance with the response time specified in the instructions?

D. How many hours, including time for preparation and administrative review, would you require to complete and submit the required form(s)?

E. What is the estimated cost of completing this form(s), including the direct and indirect costs associated with the data collection? Direct cost should include all costs, such as administrative costs, directly attributable to providing this information.

F. How can the form(s) be improved?

G. Do you know other Federal, State, or local agencies that collect similar data? If you do, specify the agency, the data elements, and the means of collection.

As a potential data user:

A. Can you use data at the levels of detail indicated on the form(s)?

B. For what purposes would you use the data? Be specific.

C. How could the form(s) be improved to better meet your specific needs?

D. Are there alternate sources of data and do you use them? What are their deficiencies and/or strengths?

EIA is also interested in receiving comments from persons regarding their views on the need for the collection of the information contained in the residential and residential transportation enerrgy consumption surveys.

Comments submitted in response to this notice will be summarized and/or included in the requests for OMB approval of these data surveys; they also will become a matter of public record.

Authority: Sections 13(b), 5(b), 5(a), and 52 of Public Law 93-275, Federal Energy Administration Act of 1974, as amended (15 U.S.C. 772(b), 764(b), 764(a) and 790(a)).

Issued in Washington, DC on December 19, 1986.

Yvonne Bishop,

Director, Statistical Standards, Energy Information Administration.

[FR Doc. 86-29090 Field 12-24-86; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. RM85-1-180]

Regulation of Natural Gas Pipelines After Partial Wellhead Decontrol-Bishop Pipeline Corp.; Order Granting Rehearing for Further Consideration

Before Commissioners: Martha O. Hesse, Chairman; Anthony G. Sousa, Charles G. Stalon, Charles A. Trabandt and C.M. Naeve.

Issued December 18, 1986.

Bishop Pipeline Corporation has filed a request for rehearing in the above-captioned docket. Rehearing of the order denying clarification issued on October 20, 1986 in the above-captioned matter is granted solely for the purpose of affording the Commission additional time to consider the request for rehearing. Pursuant to Rule 713(b) of the Commission's Procedural Rules, no answer to this order, or to the request for rehearing, will be entertained.

By the Commission.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 86-28975 Filed 12-24-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ER87-167-000, et al.]

Illinois Power Co., et al; Electric rate and corporate regulation filings

December 19, 1986.

Take notice that the following filings have been made with the Commission:

1. Illinois Power Company

[Docket No. ER87-167-000]

Take notice that Illinois Power Company ("the Company") on December 15, 1986 tendered for filing proposed changes in the following rate schedules:

Rate Schedule FERC No. 100, Partial Requirements Wholesale Service Agreement applicable to the City of Highland; Rate Schedule FERC No. 107, Short Term Energy Transmission Agreement applicable to the City of Highland; FERC Electric Tariff Original Volume 2, Wholesale Electric Transportation Service Schedule, Service Agreement applicable to the City of Highland.

The Company states that with the present rates it would earn an inadequate rate of return on electric sales to the City of Highland during the twelve months ended December 31, 1985. The Company states that the electric rate changes made by this filing are necessary to more fully provide compensation for increases in costs. The Company proposes the increased rates become effective on September 1, 1986 as agreed to by the Company and the City of Highland, and the Company requests that the Commission grant a waiver of its notice requirement pursuant to § 35.11 of the Commission's Regulations.

Copies of this filing were served upon the City of Highland and the Illinois Commerce Commission, Springfield, Illinois.

Comment date: December 31, 1986, in accordance with Standard Paragraph E at the end of this notice.

2. The Montana Power Company

[Docket No. ER87-166-000]

Take notice that on December 15, 1986, The Montana Power Company (MPC) tendered for filing pursuant to section 205 of the Federal Power Act an agreement dated October 6, 1986 for the sale of firm energy to Portland General Electric during the year ending February 1987.

MPC has requested waiver of the notice provisions of § 35.3 of the Commission's regulations in order to make that agreement effective as of March 2, 1986, in accordance with its terms.

Comment date: December 31, 1986, in accordance with Standard Paragraph E at the end of this notice.

3. Columbus & Southern Ohio Electric Company

[Docket No. ER87-162-000]

Take notice that American Electric Power Service Corporation (AEP) on December 15, 1986 tendered for filing on behalf of its affiliate Columbus & Southern Ohio Electric Company (CSOE), Supplement No. 2 dated November 1, 1986 to the Agreement dated June 1, 1983, between SCOE and the City of Columbus, Ohio (Columbus). The Commission has previously designated the 1983 Agreement as CSOE's Rate Schedule FERC No. 33.

Supplement No. 2 establishes a new interconnection point between the parties at Columbus' O'Shaughnessy Hydroelectric Project and provides for a new service, entitled Transfer Service, which will allow the transfer of power and energy from the O'Shaughnessy Interconnection Point to other points of interconnection between the parties. The demand rate for Transfer Service will be $2.00 per kilowatt per month reserved by City.

Copies of this filing were served upon Columbus and the Public Utilities Commission of Ohio.

It is requested that the Commission permit this Supplement to become effective January 1, 1986.

Comment date: December 31, 1986, in accordance with Standard Paragraph E at the end of this notice.

4. Florida Power & Light Company

[Docket No. ER87-161-000]

Take notice that Florida Power & Light Company (FPL), on December 15, 1986, tendered for filing: (1) A Contract for Interchange Service Between Florida Power & Light Company and the Utility Board of the City of Key West, Florida ("Contract"); and (2) Cost Support Schedules C, F, and G (together with Cost Support Schedule F Supplements) which support the daily capacity charges for sales under Service Schedule B (Short-Term Firm Interchange Service) of the Contract. The Contract has been executed by both parties.

FPL respectfully requests that the proposed Contract and Cost Support Schedules C, F, and G (together with Cost Support Schedule F Supplements) be made effective April 1, 1987. According to FPL, a copy of this filing was served upon the Utility Board of the City of Key West, Florida and the Florida Public Service Commission.

Comment date: December 31, 1986, in accordance with Standard Paragraph E at the end of this notice.

4. Florida Power & Light Company

[Docket No. ER87-163-000]

Take notice that Florida Power & Light Company (FPL), on December 15, 1986, tendered for filing as an initial rate schedule a Short Term Agreement to Provide Power and Energy by Florida Power & Light Company to Utility Board of the City of Key West, Florida and Cost Support Schedules C, D, E, F, and G (together with Cost Support Schedule F Supplements) which support the rates for sales under the Short Term Agreement.

The new rate schedule provides for the sale of power and energy from FPL to the Utility Board of the City of Key West, Florida for a specified term commencing on or about April 1, 1987, which is the estimated in-service date of the 138 kV transmission line connecting Key West to mainland Florida, and ending December 31, 1989. FPL respectfully requests that the proposed Short Term Agreement and Cost Support Schedules C, D, E, and G (together with Cost Support Schedule F Supplements) be made effective on or about Apirl 1, 1987. According to FPL, a copy of this filing was served upon the Utility Board of the City of Key West, Florida and the Florida Public Service Commission.

Comment date: December 31, 1986, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-29031 Filed 12-24-86; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 9606-002]

Burlington Energy Development Associates; Surrender of Preliminary Permit

December 18, 1986

Take notice that the Burlington Energy Development Associates, permittee for the Quequechan River Project No. 9606 has requested that the Preliminary permit be terminated. The preliminary permit for Project No. 9606 was issued on May 30, 1986, and would have expired on April 30, 1989. The project would have been located on the Quequechan River, in Bristol County, Massachusetts.

The permittee filed the request on November 13, 1986, and the preliminary permit for Project No. 9606 shall remain in effect through the thirtieth day after issuance of this notice unless that day is a Saturday, Sunday, or holiday as described in 18 CFR 385.2007, in which case the permit shall remain in effect through the first business day following that day. New applications involving this project site, to the extent provided for under 18 CFR Part 4, may be filed on the next business day.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-29032 Filed 12-24-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF87-106-000]

Monarch Cogeneration 1986-1; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

December 18, 1986.

On December 8, 1986, Monarch Cogeneration 1986-1 (Applicant), of P.O. Box 85376, San Diego, California 92138-5376, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located in an area known as Little Signal Hills in Kern County, California. The facility will consist of two combustion turbine generators and two heat recovery steam generators. The primary energy source will be natural gas. The net electric power production capacity of the facility will be 16.4 MW. Thermal energy recovered from the facility will be used in enhanced oil recovery operation. Installation of the facility began on June 1, 1986.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. 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 petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-29033 Filed 12-24-86; 8:45 am]

BILLING CODE 6716-01-M

[Docket No. CP87-122-000]

Williston Basin Interstate Pipeline Co.; Notice of Application

December 19, 1986.

Take notice that on December 11, 1986, Williston Basin Interstate Pipeline Company (Williston), Suite 200, 304 East Rosser Avenue, Bismarck, North Dakota 58501, filed in Docket No. CP87-122-000

an application pursuant to section 7(c) of the Natural Gas Act for authorization to establish Rate Schedule T-6 and to transport gas under such rate schedule on behalf of end-use customers of Montana-Dakota Utilities Co. (MDU), on a limited-term basis, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Williston seeks to establish Rate Schedule T-6 under which Williston would provide interruptible transportation service on behalf of retail end-use customers of its wholesale customers. Williston states that the rate applicable to Rate Schedule T-6 service is a fully-allocated rate developed from the cost-of-service underlying Williston's currently effective rates. Williston also proposes to transport gas on behalf of twenty existing end-use customers of MDU. Williston states that such transportation service would be for a two year term commencing January 1, 1987, and further requests pre-granted abandonment authorization to discontinue the transportation service at the end of the aforementioned term.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 2, 1987, file with the Federal Energy Regulatory Commission, Washington, 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 field 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 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 unnecessry for Williston to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-29034 Filed 12-24-86; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-3134-6]

Environmental Impact Statements; Availability

Note.—The notice of availability which would have normally been scheduled for Friday, December 26, 1986, is being published in the Monday, December 29, 1986, **Federal Register** due to the closing of Government offices on December 26, 1986. For all environmental impact statements filed during the week of December 15 through December 19, 1986, the minimum 45 and 30 day comment periods will be calculated from Friday, December 26, 1986.

Responsible Agency

Office of Federal Activities, General Information (202) 382-5073 or (202) 382-5075.

Availability of Environmental Impact Statements Filed December 15, 1986 Through December 19, 1986 Pursuant to 40 CFR 1506.9.

EIS No. 860511, Final, FHW, IA, Greenhill Road Construction, IA-57 Dike Road in Cedar Falls to Hackett Road Bypass in Waterloo, Black Hawk County, Due: January 26, 1987, Contact: H.A. Willard (515) 233-1664.

EIS No. 860512, Draft, COE, PR, Rio La Plata River Basin Multipurpose Flood Control Plan, Due: February 9, 1987, Contact: Jose Martinez (809) 753-4193.

EIS No. 860513, Final, AFS, SEV, Intermountain Region National Forest System Lands, Noxious Weeds and Poisonous Plants Control Program, Continuation, Due: January 26, 1987, Contact: Jeffery Foss (801) 625-5561.

EIS No. 860514, Final, AFS, PRO, 1985-2030 Resources Planning Act Program, Amendment to the Forest and Rangeland Renewable Resource Planning Act, Due: January 26, 1987, Contact: Thomas Hamilton (202) 382-8235.

EIS No. 860515, Draft, VAD, NC, Northern California VA National Cemetery, Development, Alameda and Merced Counties, Due: February 9, 1987, Contact: Susan Livingstone (202) 233-2922.

EIS No. 860516, Draft, FHW, NC, Silas Creek Parkway Completion, Silas Creek Parkway to North Point Boulevard, Winston-Salem, Forsyth County, Due: February 9, 1987, Contact: Kenneth Bellamy (919) 856-4346.

EIS No. 860517, Draft, FHW, NC, US 311 Bypass/High Point East Belt, US 311 North of High Point to US 311 South of Archdale, Guilford and Randolph Counties, Due: February 9, 1987, Contact: Kenneth Bellamy (919) 856-4346.

EIS No. 860518, Final, FHW, TN-27 Improvement, Corridor V, Alabama State Line to TN-156, Marion County, Due: January 26, 1987, Contact: Charles Ptak (615) 251-5394.

EIS No. 860519, Report, COE, NC, Atlantic Intracoastal Waterway Maintenance, Cape Fear River to South Carolina State Line, Brunswick County, Contact: Chris Correale (919) 343-4745.

EIS No. 860520, Final, CDB, MI, Jefferson/Conner Industrial Revitalization Project, Relocation, Demolition and Acquisition, Grants, Wayne County, Due: January 26, 1987, Contact: Thomas Andrews (313) 224-6380.

EIS No. 860521, Final, FHW, PA, I-95/LR-1000 Completion, Benjamin Franklin Bridge to Walt Whitman Bridge, Philadelphia County, Due: January 26, 1987, Contact: Manuel Marks (717) 782-2222.

Amended Notices

EIS No. 860441, Draft, BPA, SEV, Pacific Northwest-Pacific Southwest Intertie, Capacity Increase and Long-Term Intertie Access Policy Development, Due: January 16, 1987, Published FR 10-31-86—Review period extended.

EIS No. 860428, DSuppl, COE, GA, Lake Alma Project, Reservior Construction and Development, Outdoor Recreation Opportunities, 404 Permit, Bacon County, Due: January 16, 1987, Published FR 10-24-86—Review period extended.

Dated: December 22, 1986.

David G. Davis,

Acting Director, Office of Federal Activities.

[FR Doc. 86-29079 Filed 12-24-86; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-3134-7]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared December 8, 1986 through

December 12, 1986 pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act (CAA) and section 102(2)(c) of the National Environmental Policy Act (NEPA) as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 382-5076/73. An explanation of the ratings assigned to draft enviromental impact statements (EISs) was published in FR dated February 7, 1986 (51 FR 4804).

Draft EISs

ERP No. D-CDB-F89027-MI, Rating EO2, Jefferson/Conner Industrial Revitalization Project, Relocation, Demolition and Acquisition, CDBG/UDAG/Sect. 108 Loan, MI. **SUMMARY:** EPA's review resulted in objections to the release of Federal funds for this project. EPA expressed concerns regarding identification and disposal of hazardous materials, noise impacts, and air quality impacts.

ERP No. D-COE-H32009-00, Rating 3, Mississippi R. Locks and Dam 26 Replacement Construction, Second Lock, Upper Mississippi and Illinois Rivers, IL and MO. **SUMMARY:** EPA believes the information presented in the draft EIS is insufficient to determine the adverse impacts, either direct, indirect or cumulative, resulting from the second lock construction. EPA's major concerns are: (1) Lack of evaluation of impacts of navigatble tributaries, (2) lack of evaluation of cumulative impacts from rehabiliation of navigation system locks and dams, (3) lack of data on increased frequency of spills of toxic and hazardous materials, and (4) lack of information and induced development impacts. In addition, measures to avoid or minimize impacts were not evaluated, and no mitigation is proposed for unavoidable impacts. EPA believes that the deficiencies are of such a magnitude that additional evaluations should received public review at the draft stage. EPA, therefore, recommends that a supplemental or revised draft EIS be prepared. Unless the issues addressed can be resolved prior to the filing of the final EIS, this EIS is a candidate for a referral to the Council on Environmental Quality.

ERP No. D-COE-L36100-OR, Rating EO2, Malheur Lake Flood Damage Reduction Plan, OR. **SUMMARY:** EPA believes there is ample environmental and economic justification to implement a nonstructural alternative. The primary reason for rating the structural alternative EO is that unavoidable adverse impacts to the fishery and habitat of the Malheur River would be extensive. It is very likely that Oregon Water Quality Standards would be exceeded for temperature and suspended solids. Additional evaluation of benefits and costs of each of the alternatives should show even greater economic advantages to the nonstructural alternative than indicated in the draft EIS.

ERP No. D-FHU-L40154-OR, Rating EC2, I-5/Pacific Highway Improvements, Hayesville Interchange to Battle Creek Interchange, 404 Permit, Right-of-Way Acquisition, OR. **SUMMARY:** EPA's review finds the draft EIS discusses mitigation measures for minimizing adverse water quality effects from construction and operation of the proposed highway improvements, but does not consider the growth-induced nonpoint source water pollution from the increases in impervious surfaces. EPA suggests that the water quality impacts section be expanded in the final EIS to include growth-induced impacts. Futher, it is unclear whether the wetlands proposed for creation will equal the functional value of the wetlands lost.

Final EISs

ERP No. F-AFS-G65040-NM, Carson Nat'l Forest, Land and Resource Mgmt. Plan, NM. **SUMMARY:** EPA has no objections to the proposed action as described.

ERP No. F-AFS-G65044-NM, Lincoln Nat'L Forest, Land and Resource Mgmt. Plan, NM. **SUMMARY:** EPA has no objections to the proposed action as described.

ERP No. F-BLM-J70005-WY, Lander Resource Area, Resource Mgmt. Plan, WY. **SUMMARY:** EPA identified several unresolved issues, particularly concerns for protection and monitoring of water quality standards, such as for designated and existing beneficial uses. EPA requested more complete responses regarding: water quality standards (WQS) compliance (including for mining); clarity in comparing water quality, watershed protection, and air quality effects by alternative; WQS monitoring guidance; sulfur dioxide emission quantification and reporting for oil and gas operations; and interagency coordination plans. EPA questions the inference in the final EIS that the State has the responsibility for monitoring compliance with WQS on BLM land.

ERP No. FA-FHW-B40026-RI, Woonsocket Industrial Highway/RI-99 Construction, I-295 Interchange to RI-146/RI-146A With Connection to RI-122/Mendon Rd., 404 permit, RI. **SUMMARY:** EPA believes that the final supplemental EIS fails to provide a balanced, objective discussion of the differing values required by the coincident, but competing, jurisidictions of section 404 of the Clean Water Act and 4(f) of the Department of Transportation Act. EPA waits for the Corps of Engineers to confront this question in a forthright manner in their 404(b)(1) Evaluation and public interest review. EPA believes all three alternatives offer advantages and disadvantages from an environmental point of view and may be permitted under the EPA 404(b)(1) Guidelines. On this basis, EPA would not be opposed to any of the three. Finally, EPA supports the conceptual mitigation wetland plan, but there are several issues which must be resolved prior to the issuance of any Section 404 permit.

ERP No. F-FHW-E40235-TN, I-40/75 and Interchange Improvements, East of Pellissippi Parkway to East of Papermill Road, 404 Permit, TN. **SUMMARY:** EPA is concerned about noise impacts and the presence of karst geologic features. EPA recommended methods to accommodate karst areas. EPA also requested to be kept informed regarding the status of probable noise barrier implementation.

ERP No. F-MMS-A02218-00, 1987 Central and Western Gulf of Mexico OCS Oil and Gas Sales Nos. 110 and 112, lease Offering, Off the Coasts of AL, MS, LA, and TX. **SUMMARY:** EPA noted the inclusion of stipulations for protection of biologically sensitive offshore habitats in the proposed Notice of Sale for Sale #110, and urged inclusion of such stipulations in Sale #112. EPA also recommended that applicability of the live bottom stipulation to lease blocks remain consistent with the application in previous sales.

ERP No. F-UAF-K11029-NV, Groom Mtn. Range Addition, Nellis AFB, Bombing and Gunnery Range, Renewed Withdrawal from Public Lands, NV. **SUMMARY:** The final EIS adequately addressed the concerns EPA had raised on the draft EIS.

Regulations

ERP No. R-CGD-A20023-00, 33 CFR Parts 151 and 158, Control of Residues and Mixtures Containing Oil or Noxious Liquid Substances; and 46 CFR Parts 98, 151, 153, and 172, Pollution Rules for Ships Carrying Hazardous Liquids (51 FR 34332). **SUMMARY:** EPA did not identify any significant issues which would require substantive changes, but discussed the implications of RCRA and CERCLA on the MARPOL requirements. EPA also pointed out to the Coast Guard that some states may regulate tank ventilation, or emissions resulting therefrom, under authorities granted in

the CAA and suggested that language to this effect be included in the regulations.

Dated: December 22, 1986.

David G. Davis,

Acting Director, Office of Federal Activities.

[FR Doc. 86-29080 Filed 12-24-86; 8:45 am]

BILLING CODE 6560-50-M

[SAB-FRL-3134-8]

Science Advisory Board; Executive Committee; Open Meeting

Under Pub. L. 92-463, notice is hereby given of a meeting of the Executive Committee of the Science Advisory Board on January 15-16, 1987. The meeting will be held at the U.S. Environmental Protection Agency, 401 M Street SW. On January 15, the meeting will be held in Room #2, South Conference Center. On January 16, the meeting will be held in the Administrator's Conference Room 1101 West Tower. The meeting will begin on January 15 at 9:00 a.m. and will adjourn at approximately 12:00 noon on January 16.

The major purpose of the meeting is to establish the Board's scientific review agenda for the first half of 1987; to discuss the current activities of EPA's Risk Assessment Forum; to discuss the preliminary evaluation of the Office of Research and Development's proposed budget for Fiscal Year 1988 (if the budget has not yet been made public, this discussion will occur in Executive Session); reports of SAB committees and subcommittees; and other issues of member interest.

The meeting is open to the public. Any member of the public wishing to attend, obtain information, or submit written comments should contact Dr. Terry F. Yosie, Director, Science Advisory Board or Mrs. Joanna Foellmer located at 401 M Street SW, Washington, DC 20460 or call (202) 382-4126 by close of business January 7, 1987.

Dated: December 19, 1986.

Terry F. Yosie,

Director, Science Advisory Board.

[FR Doc. 86-29020 Filed 12-24-86; 8:45 am]

BILLING CODE 6550-50-M

[OPPE-FRL-3135-3]

Two Open Meetings of the Advisory Committee Negotiating Regulations Governing Major and Minor Modifications of Resource Conservation and Recovery Act (RCRA) Permits

As required by section 9(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), we are giving notice of two open meetings of the Advisory Committee negotiating regulations governing major and minor modifications of Resource Conservation and Recovery Act (RCRA) permits.

The first will be held on Tuesday and Wednesday, January 13 and 14, 1987, at The Conservation Foundation, 1255 23rd Street, NW., First Floor Library, Washington, DC. On Tuesday, the meeting will start at 10:00 a.m. and will run until 5:00 p.m. On Wednesday, the meeting will start at 9:15 a.m. and will run until approximately 4:00 p.m. The purpose of the meeting is to reach consensus on the substantive issues which the Committee has identified for resolution. The second has been scheduled for Monday, January 26, 1987, at the Conservation Foundation from 10:00 a.m. until 4:00 p.m. The purpose of this meeting is to ratify language reflecting the Committee's agreed upon consensus.

If interested in receiving more information, please contact Kathy Tyson, at (202) 382-5352.

Dated: December 19, 1986.

Milton Russell,

Assistant Administrator.

[FR Doc. 86-29155 Filed 12-24-86; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Training and Fire Programs Directorate; Board of Visitors for the Emergency Management Institute; Open Meeting

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

Name: Board of Visitors (BOV) for the Emergency Management Institute (EMI)
Dates of Meeting: February 2-3, 1987
Place: Federal Emergency Management Agency, National Emergency Training Center, Emergency Management Institute Conference Room, Building N, Emmitsburg, MD 21727
Time:
February 2—8:30 a.m. to 5:00 p.m.
February 3—8:30 a.m. to Agenda Completion
Proposed Agenda: New Business; Oath of Office for New Members; Program Orientation; Review of Course Curriculum

The meeting will be open to the public with approximately 10 seats available on a first-come, first-serve basis. Members of the general public who plan to attend the meeting should contact the Office of the Superintendent, Emergency Management Institute, Training and Fire Programs Directorate, 16825 South Seton Avenue, Emmitsburg, Maryland, 21727 (telephone number, 301-447-1251) on or before January 20, 1987.

Minutes of the meeting will be prepared by the Board and will be available for public viewing in the Associate Director's Office, Training and Fire Programs Directorate, Federal Emergency Management Agency, Building N, National Emergency Training Center, Emmitsburg, MD 21727. Copies of the minutes will be available upon request 30 days after the meeting.

Dated: December 18, 1986.

James P. McNeill,

Associate Director, Training and Fire Programs.

[FR Doc. 86-29026 Filed 12-24-86; 8:45 am]

BILLING CODE 6718-01-M

[FEMA-784-DR]

Major Disaster and Related Determinations; Washington

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Washington (FEMA-784-DR), dated December 15, 1986, and related determinations.

DATED: December 15, 1986.

FOR FURTHER INFORMATION CONTACT: Sewall H.E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472 (202) 646-3616.

Notice: Notice is hereby given that, in a letter of December 15, 1986, the President declared a major disaster under the authority of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5121 *et seq.*, Pub. L. 93-288), as follows:

I have determined that the damage in certain areas of the State of Washington resulting from severe storms and flooding during the period November 22 to 29, 1986, is of sufficient severity and magnitude to warrant a major-disaster declaration under Pub. L. 93-288. I therefore declare that such a major disaster exists in the State of Washington.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under Pub. L. 93-288 for Public Assistance will be limited to 75

percent of total eligible costs in the designated area.

Pursuant to section 408(b) of Pub. L. 93-288, you are authorized to advance to the State its 25 percent share of the Individual and Family Grant program, to be repaid to the United States as indicated in the Governor's request.

The time period prescribed for the implementation of section 313(a), priority to certain applications for public facility and public housing assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Ms. Joan Hodgins of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Washington to have been affected adversely by this declared major disaster and are designated eligible as follows:

Lewis County for Individual Assistance and Public Assistance.

King, Pierce, and Snohomish Counties for Individual Assistance.

Cowlitz and Wahkiakum Counties and the Town of Snoqualmie in King County for Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Julius W. Becton, Jr.,

Director.

[FR Doc. 86-29000 Filed 12-24-86; 8:45 am]

BILLING CODE 6718-01-M

FEDERAL MARITIME COMMISSION

Agreements Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreements pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC, Office of the Federal Maritime Commission, 1100 L Street NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC, 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224-002813-005.

Title: San Francisco Terminal Agreement.

Parties:

San Francisco Port Commission (Port)
California Stevedore & Ballast Company (CSBS)

Synopsis: The proposed amendment would permit CSBS to provide terminal and stevedoring services, on a case-by-case basis at Port marine terminal facilities which are otherwise unassigned.

Agreement No.: 224-003753-006

Title: Baltimore Terminal Agreement

Parties:

Maryland Port Administration (Port)
ITO Corporation of Baltimore (ITO)

Synopsis: The proposed amendment would extend ITO's current lease at the Port's South Locust Point Marine Terminal until April 30, 1987.

Agreement No.: 207-009498-007

Title: Atlantic Container Line Agreement (ACL)

Parties:

The Cunard Steam-Ship Company, plc
Intercontinental Transport (ICT) B.V.
Compagnie Generale Maritime
Rederiaktiebolaget Soya
Aktiebolaget Svenska Amerika Linien
Rederiaktiebolaget Transatlantic

Synopsis: The proposed amendment would modify the geographic scope of the agreement so that, in the limited context of positioning and repositioning voyages of ACL G3 vessels to and from Asia for lengthening, cargo can be carried between U.S. ports, and points via such ports, on the one hand, and Asian ports, and points via such ports on the other. This extension of the trade will apply only to one positioning and repositioning voyage for each G3 vessel.

Agreement No.: 224-011046

Title: Long Beach Terminal Agreement

Parties:

City of Long Beach (Port)
SSM Carbon (SSM)

Synopsis: The proposed agreement would permit SSM to construct a petroleum coke storage shed on the Port's Pier G for proprietary and/or contract dry bulk storage and shipping of petroleum coke and/or other dry bulk commodities.

By Order of the Federal Maritime Commission.

Dated: December 22, 1986

Joseph C. Polking,

Secretary.

[FR Doc. 86-29035 Filed 12-24-86; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Compagnie Financiere de Suez; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than January 16, 1987.

A. **Federal Reserve Bank of New York** (William L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Compagnie Financiere de Suez and Banque Indosuez*, Paris, France; to acquire 51 percent of the common stock of Macro Holdings, Inc. currently and to acquire the remaining 49 percent of the common stock of Macro Holdings within five years. Compagnie Financiere de Suez and Banque Indosuez propose to engage in the following activities

through GNP Commodities, Inc., a subsidiary of Macro Holdings: (i) Acting as a futures commission merchant in the execution and clearance of (a) futures contracts and options on such futures contracts as are permissible under § 225.25(b)(18) of the Board's Regulation Y, and (b) futures contracts and options contracts on stock indexes and municipal bond indexes, which have been approved by Board orders; and (ii) providing advice to financial institutions and other financially sophisticated customers of GNP Commodities, as is permissible under § 225.25(b)(19) of Regulation Y, with regard to the futures contracts and options on such futures contracts (other than stock index contracts) that GNP Commodities brokers. Compagnie Financiere de Suez and Banque Indosuez also have applied to provide securities brokerage services pursuant to § 225.25(b)(15) of Regulation Y, through GNP Securities, Inc., a subsidiary of Macro Holdings.

Board of Governors of the Federal Reserve System, December 19, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-28966 Filed 12-24-86; 8:45 am]

BILLING CODE 6210-01-M

First Essex Bancorp, Inc. et al.; Corrections

This notice corrects two previous **Federal Register** documents.

1. (FR Doc. 86-28002), published at page 44946 of the issue for Monday, December 15, 1986.

Under the Federal Reserve Bank of Boston, the entry for First Essex Bancorp, Inc. is corrected to read as follows:

A. **Federal Reserve Bank of Boston** (Robert M. Brady, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *First Essex Bancorp, Inc.*, Lawrence, Massachusetts; to become a bank holding company by acquiring 100 percent of the voting shares of First Essex Savings Bank, Lawrence, Massachusetts. First Essex Savings Bank engages in the sale and underwriting of life insurance and annuities pursuant to Massachusetts law.

Comments on this application must be received by January 10, 1987.

2. (FR Doc. 86-24522), published at page 39713 of the issue for Thursday, October 30, 1986.

Under the Federal Reserve Bank of Cleveland, the entry for PNC Financial Corp. is corrected to read as follows:

A. **Federal Reserve Bank of Cleveland** (John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *PNC Financial Corp.*, Pittsburgh, Pennsylvania; to acquire 100 percent of the voting shares of the successor by merge of Blue Grass Acquisition Corporation, Lexington, Kentucky, and Citizens Fidelity Corporation, Louisville, Kentucky, and thereby indirectly acquire Citizens Fidelity Bank and Trust Company, Louisville, Kentucky; Citizens Fidelity Bank and Trust Company, Lexington, Lexington, Kentucky; Citizens Fidelity Bank and Trust Company Hardin County, Elizabethtown, Kentucky; Citizens Fidelity Bank Winchester, Winchester, Kentucky; Citizens Fidelity (Ohio), N.A., Cincinnati, Ohio; Indiana; Indiana Southern Bank, Sellersburg, Indiana; the successor by merger with United Bank of Indiana, N.A. Clarksville, Indiana, and First Midwest Bank and Trust Company, New Albany, Indiana; Madison National Bank of Richmond, Richmond, Kentucky, and Mercer County Bank of Harrodsburg, Harrodsburg, Kentucky. Comments on this application must be received by January 9, 1987.

Board of Governors of the Federal Reserve System, December 19, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-28967 Filed 12-24-86; 8:45 am]

BILLING CODE 6210-01-M

First Tennessee National Corp., et al.; Applications to Engage de novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than January 12, 1987.

A. **Federal Reserve Bank of St. Louis** (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *First Tennessee National Corporation*, Memphis, Tennessee; to engage *de novo* through its subsidiary, FTB Futures Corporation, Memphis, Tennessee, as an introducing broker, under the Commodity Exchange Act, and to engage in soliciting and accepting orders for the purchase and sale of commodities for future delivery, specifically financial futures, on or subject to the rules of any contract market pursuant to § 225.25(b)(18) of the Board's Regulation Y. Orders will be executed by an unrelated third party futures commission merchant.

B. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Skiatook Bancshares, Inc.*, Skiatook, Oklahoma; to engage *de novo* through its subsidiary, First Exchange Mortgage, Inc., Skiatook, Oklahoma, in making, acquiring, and servicing loans and other extensions of credit as would be made by a mortgage company pursuant to § 225.25(b)(1) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, December 19, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-28968 Filed 12-24-86; 8:45 am]

BILLING CODE 6210-01-M

Rittenhouse Financial Services, Inc., et al.; Formations of, Acquisitions by, and Mergers of Bank Holding Companies; and Acquisitions of Nonbanking Companies

The companies listed in this notice have applied under § 225.14 of the Board's Regulation Y (12 CFR 225.14) for the Board's approval under section 3 of the Bank Holding Company Act 12 U.S.C. 1842) to become a bank holding company or to acquire voting securities of a bank or bank holding company. The listed companies have also applied under § 225.23(a)(2) of Regulation Y (12 CFR 225.23(a)(2)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies, or to engage in such an activity. Unless otherwise noted, these activities will be conducted throughout the United States.

The applications are available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted from processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than January 12, 1987.

A. Federal Reserve Bank of Philadelphia (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *Rittenhouse Financial Services, Inc.*, Philadelphia, Pennsylvania; to become a bank holding company by acquiring 100 percent of the voting shares of The Rittenhouse Trust Company, Philadelphia, Pennsylvania.

In connection with this application, Applicant has applied to engage directly in investment advisory and securities brokerage services pursuant to § 225.25(b)(4) and (b)(15) of the Board's Regulation Y.

B. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Chouteau County Bancshares, Inc.*, Fort Benton, Montana; to become a bank holding company by acquiring 100 percent of the voting shares of First State Bank of Fort Benton, Fort Benton, Montana.

In connection with this application, Applicant has also applied to acquire Fort Benton Insurance Agency, Inc., Fort Benton, Montana, a general insurance agency located in a community with a population not exceeding 5,000 pursuant to § 225.25(b)(8) (iii) of the Board's Regulation Y. These activities will be conducted in the area within a 35 mile radius of Fort Benton, Montana.

C. Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *Security Pacific Corporation*, Los Angeles, California, and SPC/OFS Acquisition, Inc., Los Angeles, California; to acquire 100 percent of the voting shares of Orbanco Financial Services Corporation, Portland, Oregon, and thereby indirectly acquire The Oregon Bank, Portland, Oregon. SPC/OFS Acquistion, Inc., Los Angeles, California, has also applied to become a bank holding company.

In connection with this application, Applicants have also applied to acquire Orbanco Real Estate Services Co., Portland, Oregon, and thereby engage in mortgage banking pursuant to § 225.25(b)(1) of the Board's Regulation Y; American Data Services, Inc., Portland, Oregon, and thereby engage in data processing activities to the extent authorized by § 225.25(b)(7) of the Board's Regulation Y; and Orbanco Securities Corporation, Portland, Oregon, and thereby engaged in the business of providing brokerage services with respect to money market instruments to the extent authorized by § 225.25(b)(15) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, December 19, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-28969 Filed 12-24-86; 8:45 am]

BILLING CODE 6210-01-M

Richard C. Stark, Jr. et al.; Acquisitions of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than January 8, 1987.

A. Federal Reserve Bank of Chicago (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *C. Richard Stark, Jr.*, Woolstock, Iowa; to acquire 25.36 percent of the voting shares of First American Bank Group, Ltd., Fort Dodge, Iowa, and thereby indirectly acquire First American State Bank, Fort Dodge, Iowa.

B. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Matthew L. Blevins*, Houston, Texas; to acquire 68 percent of the voting shares of First Charter Bank, Denver, Colorado.

2. *FirstBank Holding Company Employee Stock Ownership Plan*, Lakewood, Colorado; to acquire 2 percent of the voting shares of FirstBank Holding Company of Colorado, Inc., Lakewood, Colorado, and thereby indirectly acquire Vail FirstBank Industrial Bank, Vail, Colorado; FirstBank of West Arvada, N.A., Arvada, Colorado; FirstBank of Aurora, N.A., Aurora, Colorado; FirstBank of Avon, Avon, Colorado; FirstBank of Boulder, N.A., Boulder, Colorado; FirstBank at Breckenridge, Breckenridge, Colorado; FirstBank of Castle Rock, N.A., Castle Rock, Colorado; FirstBank of Denver, N.A., Denver, Colorado; FirstBank of Cherry Creek, N.A., Denver,

Colorado; FirstBank at Arapahoe/Yosemite, Englewood, Colorado; FirstBank of Erie, Erie, Colorado; FirstBank of Tech Center, N.A., Englewood, Colorado; FirstBank of Colorado, N.A., Jefferson County, Colorado; FirstBank of Lakewood, N.A., Lakewood, Colorado; FirstBank of Westland, N.A., Lakewood, Colorado; FirstBank of Academy Park, Lakewood, Colorado; FirstBank of Villa Italia, N.A., Lakewood, Colorado; FirstBank of Littleton, N.A., Littleton, Colorado; FirstBank of Wadsworth/Coal Mine, N.A., Littleton, Colorado; FirstBank of Arapahoe, County, N.A., Littleton, Colorado; FirstBank of North Longmont, N.A., Longmont, Colorado; FirstBank of South Longmont, N.A., Longmont, Colorado; FirstBank of Minturn, Minturn, Colorado; FirstBank of Silverthorne, N.A., Silverthorne, Colorado; FirstBank of Vail, Vail, Colorado; FirstBank at 88th/Wadsworth, N.A., Westminster, Colorado; FirstBank of Wheat Ridge, N.A., Wheat Ridge, Colorado.

3. *Forrest L. Clay*, Worland, Wyoming, Charles B. Metz, Sheridan, Wyoming, and Newell B. Sargent, Worland, Wyoming; to acquire 61.08 percent of the voting shares of Centennial Bancorporation, Thermopolis, Wyoming, and thereby indirectly acquire First National Bank at Thermopolis, Thermopolis, Wyoming, and 56.2 percent of the voting shares of First State Bank of Shoshoni, Shoshoni, Wyoming.

4. *Stephen J. Jatras*, Robert W. Allen, Mrs. C.C. Bledsoe, and Cam Coors, Inc., all of Tulsa, Oklahoma, CCI Corporation, The Fourth National Bank of Tulsa, Trustee of Gable Profit Sharing Plan and Trust, Century Healthcare, David H. Burton, Engineering Design Group, March Development Co., John D. Williams, James W. Smith, KCUB, Inc., William E. Manley, N.L. Sevinson, Billy G. Hill, Lewis Companies, Gilbert D. Waldman and World Industries, Inc., all of Tulsa, Oklahoma, Vienson Oil and Gas, Edna Mae Pine, and Pellie Pine Harlan, all of Okmulgee, Oklahoma, and Charles P. Eslcike, Horeshoe Bay, Texas; to acquire Fourth National Corporation, Tulsa, Oklahoma, and thereby indirectly acquire Fourth National Bank of Tulsa, Tulsa, Oklahoma, and United Bancshares, Inc., Tulsa, Oklahoma, and thereby indirectly acquire United Bank, Tulsa, Oklahoma.

Board of Governors of the Federal Reserve System, December 19, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-28970 Filed 12-24-86; 8:45 am]

BILLING CODE 6210-01-M

U.B. Bancshares, Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than January 13, 1987.

A. **Federal Reserve Bank of Cleveland** (John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *U.B. Bancshares, Inc.*, Bucyrus, Ohio; to become a bank holding company by acquiring 80 percent of the voting shares of United Bank, N.A., Bucyrus, Ohio.

B. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street NW., Atlanta, Georgia 30303:

1. *The Colonial BancGroup, Inc.*, Montgomery, Alabama; to merge with F&M Holding Company, Inc., Foley, Alabama, and thereby indirectly acquire Farmers and Merchants Bank, Foley, Alabama.

2. *Pontchartrain Bancshares, Inc.*, Metairie, Louisiana; to become a bank, holding company by acquiring 100 percent of the voting shares of Pontchartrain State Bank, Metairie, Louisiana.

C. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *First Apple River Corporation*, Apple River, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of Apple River State Bank, Apple River, Illinois.

2. *Traer Shares, Inc.*, Traer, Iowa; to acquire 100 percent of the voting shares of Kupka's Inc., Traer, Iowa, First Community Bank and Trust, Traer, Iowa, and First National Bank of Tama County, Dysart, Iowa.

D. **Federal Reserve Bank of Kansas City** (Thomas M. Hoening, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Central Kansas Bancshares, Inc.*, Kansas City, Missouri; to acquire Jayhawk Bancshares, Inc., Lawrence, Kansas, and thereby indirectly acquire Lawrence National Bank & Trust Company, Lawrence, Kansas, and Kansas Bancshares, Inc., Wichita, Kansas, and thereby indirectly acquire City Bank & Trust Company, Wichita, Kansas.

2. *Prague Bancorp, Inc.*, Prague, Oklahoma; to become a bank holding company by acquiring 100 percent of the voting shares of Prague National Bank, Prague, Oklahoma.

Board of Governors of the Federal Reserve System, December 19, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-28971 Filed 12-24-86; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Department of Health and Human Services (HHS) publishes a list of information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). The following are those packages submitted to OMB since the last list was published on December 19, 1986.

Public Health Service

(Call Reports Clearance Officer on 202-245-2100 for copies of packages.)

Food and Drug Administration

Subject: Medical Device Notification and Safety Alert Guideline—NEW

Respondents: Businesses or other for-profit; Small businesses or organizations

National Institutes of Health

Subject: National Library Medicine Online Services Application Packet—Extension—(0925–0223)
Respondents: Individuals or households; State or local governments; Businesses or other for-profit; Federal agencies or employees; Non-profit institutions; Small businesses or organizations
OMB Desk Officer: Bruce Artim

Health Care Financing Administration

(Call Reports Clearance Officer on 301–594–8650 for copies of package.)

Subject: Information Collection Requirements in BPO–41P Adjustment of Federal Share for Uncashed or Cancelled Checks 45 CFR Sections 201.5(a)(3), 201.67(c)(2) and 201.67(d)(2)—NEW—HCFA–R–67
Respondents: State or local governments
OMB Desk Officer: Fay S. Iudicello

Office of Human Development Services

(Call Reports Clearance Officer on 202–472–4415 for copies of package.)

Subject: State Long Term Care Ombudsman Report—Reinstatement—(0980–0121)
Respondents: State or local governments
OMB Desk Officer: Judy Egan

Family Support Administration

(Call Reports Clearance Officer on 202–245–1704 for copies of package.)

Subject: WIN Certification Report (117–A); SAU Certification Record (SAU–4)—Extension—(0980–1057)
Respondents: State or local governments
Subject: WIN Grant Change Report (117–B) WIN Grant Change Record (IM–9)—Extension—(0980–0157)
Respondents: State or local governments
Subject: Referral For WIN Registration (Individual) (IM–3)—Extension—(0980–0111)
Respondents: Individuals or households; State or local governments
Subject: WIN Financial Status Report—Extension—(0980–0110)
Respondents: State or local governments
OMB Desk Officer: Judy Egan

Copies of the above information collection clearance packages can be obtained by calling the Reports Clearance Officer on the number shown above.

Written comments and recommendations for the proposed information collections should be sent directly to the appropriate OMB Desk Officer designated above at the following address: OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, DC 20503, Attn: (name of OMB Desk Officer)

Dated: December 22, 1986.

Barbara S. Wamsley,

Acting Deputy Assistant Secretary for Management Analysis and Systems.

[FR. Doc. 86–29008 Filed 12–24–86; 8:45 am]

BILLING CODE 4150–04–M

Food and Drug Administration

[Docket No. 86N–0505]

Veterinary Export Drugs; Ivermectin for Dogs

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Merck & Co., Inc., has filed an application requesting approval for the export of the drug "ivermectin for dogs" to Japan and Canada.

ADDRESS: Relevant information on this application may be directed to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, and to the contact person identified below.

FOR FURTHER INFORMATION CONTACT: Beverly E. Bartolomeo, Center for Veterinary Medicine (HFV–102), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4500.

SUPPLEMENTARY INFORMATION: The Drug Amendments of 1986 (Pub. L. 99–660) (section 802 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 382)) provide that FDA may approve applications for the export of drugs that are not currently approved in the United States. The approval process is governed by section 802(b) of the act. Section 802(b)(3)(B) of the act sets forth the requirements that must be met in an application for approval. Section 802(b)(3)(C) of the act requires that the agency review the application within 30 days of its filing to determine whether the requirements of section 802(b)(3)(B) have been satisfied. Section 802(b)(3)(A) of the act requires that the agency provide a notice in the **Federal Register** within 10 days of the filing of an application for export to facilitate public participation in its review of the application. To meet this requirement, the agency is providing notice that Merck & Co., Inc., Rahway, NJ 07065, has filed an application requesting approval for the export of the drug "ivermectin for dogs" to Japan and Canada. Although the application was received in the Office of the Secretary on December 9, 1986, it was not received and filed in the Center for Veterinary Medicine until December 12, 1986, which shall be considered the filing date for purposes of the act.

Interested persons may submit relevant information on the application to the Dockets Management Branch (address above) in two copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. These submissions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

The agency encourages any person who submits relevant information on the application to do so by January 8, 1987, and to provide an additional copy of the submission directly to the contact person identified above, to facilitate consideration of the information during the 30-day review period.

Dated: December 22, 1986.

John M. Taylor,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 86–29117 Filed 12–23–86; 10:57 am]

BILLING CODE 4160–01–M

Social Security Administration

Finding Regarding Foreign Social Insurance or Pension System; Guatemala

AGENCY: Social Security Administration, HHS.

ACTION: Notice of finding regarding foreign social insurance or pension system—Guatemala.

Finding: Section 202(t)(1) of the Social Security Act (42 U.S.C. 402(t)(1)) prohibits payment of monthly benefits to any individual who is not a United States citizen or national for any month after he or she has been outside the United States for 6 consecutive months. This prohibition does not apply to such an individual where one of the exceptions described in sections 202(t)(2) through 202(t)(5) of the Social Security Act (42 U.S.C. 402 (t)(2) through (t)(5)) affects his or her case.

Section 202(t)(2) of the Social Security Act provides that, subject to certain residency requirements of section 202(t)(11), the prohibition against payment shall not apply to any

individual who is a citizen of a country which the Secretary of Health and Human Services finds has in effect a social insurance or pension system which is of general application in such country and which:

(a) Pays periodic benefits, or the actuarial equivalent thereof, on account of old age, retirement, or death; and

(b) Permits individuals who are United States citizens but not citizens of that country and who qualify for such benefits to receive those benefits, or the actuarial equivalent thereof, while outside the foreign country regardless of the duration of the absence.

The Secretary of Health and Human Services has delegated the authority to make such a finding to the Commissioner of Social Security. The Commissioner has redelegated that authority to the Director of the International Policy Staff. Under that authority the Director of the International Policy Staff has approved a finding that Guatemala, beginning October 13, 1978, has a social insurance system of general application which:

(a) Pays periodic benefits, or the actuarial equivalent thereof, on account of old age, retirement, or death; and

(b) Permits United States citizens who are not citizens of Guatemala to receive such benefits, or their actuarial equivalent, at the full rate without qualification or restriction while outside Guatemala.

Accordingly, it is hereby determined and found that Guatemala has in effect, beginning October 13, 1978, a social insurance system which meets the requirements of section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)).

This revises our previous finding (publishing September 3, 1960 at 25 FR 8582) that Guatemala does not have in effect a social security insurance or pension system which meets the requirements of section 202(t)(2) of the Social Security Act.

FOR FURTHER INFORMATION CONTACT: J. Joseph Rausch, Room 1104, West High Rise Building, 6401 Security Boulevard, Baltimore, Maryland 21235, (301) 594-6123.

(Catalog of Federal Domestic Assistance Programs No. 13.802 Social Security—Disability Insurance; 13.803 Social Security—Retirement Insurance; 13.805 Social Security—Survivors Insurance)

Elizabeth K. Singleton,

Director, International Policy Staff.

[FR Doc. 86-28998 Filed 12-24-86; 8:45 am]

BILLING CODE 4190-11-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Bureau of Indian Affairs

Record of Decision on the Jackpile-Paguate Uranium Mine Reclamation

AGENCY: Bureau of Land Management and Bureau of Indian Affairs, Interior.

ACTION: Notice of record of decision.

SUMMARY: The Bureau of Land Management (BLM) and Bureau of Indian Affairs (BLA), U.S. Department of the Interior, have released a Record of Decision (ROD) on the Jackpile-Paguate Uranium Mine Reclamation Project. The decision was based on the reclamation objectives listed in the Final Environmental Impact Statement (FEIS), the analysis contained in the FEIS, and public comments. Copies of the ROD are available for public review at the BLM and BIA Offices in Albuquerque, New Mexico.

FOR FURTHER INFORMATION CONTACT:

Michael J. Pool, EIS Team Leader, Rio Puerco Resource Area, BLM, Albuquerque District Office, 435 Montano NE., Albuquerque, NM 87107, (505) 761-4577

William C. Allan, Area Environmental Specialist, Albuquerque Area Office, BIA, P.O. Box 26567, Albuquerque, NM 87125-6567, (505) 766-3374.

Dated: December 5, 1986.

Monte G. Jordan,

Acting State Director, Bureau of Land Management.

Sidney L. Mills,

Area Director, Bureau of Indian Affairs.

[FR Doc. 86-29066 Filed 12-24-86; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

[AA220-06-4322-12]

Bureau Forms Submitted for Review

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and related forms and explanatory material may be obtained by contacting the Bureau's Clearance Officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Bureau's Clearance Officer and to the Office of Management and Budget, Interior Department Desk Officer, Washington, DC 20503, Telephone (202) 395-7340.

Title: Grazing Preference Statement, 43 CFR 4130.1.

Abstract: This form is used as a grazing permit application which states the recognized grazing preference (use) as a reminder and allows the applicant to show requested changes for the coming grazing season.

Bureau Form Number: 4130-3.

Frequency: Annually.

Description of Respondents: Livestock grazing permittees on the public land.

Annual Responses: 7,665.

Annual Burden Hours: 1,794.

Bureau Clearance Officer (alternate): Rebecca Daugherty (202) 653-8853.

Dated: October 24, 1986.

Henry R. Smith,

Assistant Director, Land and Renewable Resources.

[FR Doc. 86-29067 Filed 12-24-86; 8:45 am]

BILLING CODE 4310-84-M

[AZ-020-07-4212-13; A-22502]

Realty Action; Exchange of Public Lands, Pima County, AZ

The following described Federal lands are being considered for disposal by exchange pursuant to section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

Gila and Salt River Meridian, Arizona

T. 17 S., R. 15 E.,
Section 5, Lots 1-3, S½NE¼, SE¼NW¼, S½;
Section 7, NE¼NE¼;
Section 8, N½NE¼NE¼, SW¼NE¼NE¼, W½SE¼NE¼NE¼, NW¼NE¼, S½NE¼, W½, SE¼.

Comprising 1184.73 Acres.

Final determination on disposal will await completion of an environmental analysis.

In accordance with the regulations of 43 CFR 2201.1(b), publication of this Notice will segregate the affected public lands from appropriation under the public land laws, including the mining laws, but not the mineral leasing laws or from exchange pursuant to Federal Land Policy and Management Act of 1976.

The segregation of the above-described lands shall terminate upon issuance of a document conveying such lands or upon publication in the **Federal Register** of a notice of termination of the segregation; or the expiration of two years from the date of publication, whichever occurs first.

For a period of forty-five (45) days, interested parties may submit comments to the District Manager, Phoenix District Office, 2015 West Deer Valley Road, Phoenix, Arizona 85027.

Dated: December 16, 1986.

Paul J. Buff,

Acting District Manager.

[FR Doc. 86-29069 Filed 12-24-86; 8:45 am]

BILLING CODE 4310-32-M

[NM-010-4121-09]

Extension of Public Comment Period on Proposed Mineral Exchange in San Juan and McKinley Counties, New Mexico; Albuquerque District, NM

AGENCY: Bureau of Land Management, Interior.

ACTION: Extension of public comment period on mineral exchange.

SUMMARY: On November 12, 1986, a **Federal Register** Notice of Reality Action, (Vol. 51, No. 218, pg. 41025 thru 41026), announced the proposed McKinley County Coal Exchange (NM-57802). The project involved the exchange of 4,890.26 acres of Federal coal estate for 6,263.45 acres of coal owned by the Cerrillos Land Company. In addition, Cerrillos Land Company included in the exchange 4,889.69 acres of mineral estate in the Chaco Cultural National Historic Park and Outlier Protection Sites.

The notice identified a 45 day comment period which is due to end on December 29, 1986. Due to a request for extension of the comment period, an extension of 15 days is being granted.

The public comment period for the Notice of Realty Action is now extended through close of business on January 13, 1987. All other information in the December 12, 1986, **Federal Register** Notice remains unchanged.

FOR FURTHER INFORMATION CONTACT: Bob Muller, Bureau of Land Management, Albuquerque District Office, commercial phone (505) 761-4553, FTS 474-4553.

Dated: December 19, 1986.

Michael F. Reitz,

Associate District Manager.

[FR Doc. 86-29068 Filed 12-24-86; 8:45 am]

BILLING CODE 4310-FB-M

[ID-943-07-4220-11; I-05279]

Proposed Continuation of Withdrawal; Idaho

AGENCY: Bureau of Land Management.

ACTION: Notice.

SUMMARY: The Forest Service, Department of Agriculture proposes a 39.24 acre withdrawal for the Blackstone Administrative Site, continue for an additional 25 years, and a 560 acre withdrawal for the Minnetonka Recreation Area, continue for an additional 99 years based upon the anticipated remaining life of both projects. The lands will remain closed to surface entry and mining, but have been and will remain open to mineral leasing.

DATE: Comments should be received on or before March 30, 1987.

ADDRESS: Comments should be sent to: Idaho State Director, Bureau of Land Management, 3380 Americana Terrace, Boise, ID 83706.

FOR FURTHER INFORMATION CONTACT: Larry R. Lievsay, Idaho Stae Office, 208-334-1735.

The Forest Service proposes that the existing land withdrawal made by Public Land Order 1479 of September 5, 1957, for the Blackstone Administrative Site, be continued for a period of 25 years and the Minnetonka Recreation Area, be continued for a period of 99 years, pursuant to section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714. The land is described as follows:

Boise Meridian, Idaho

Blackstone Administrative Site

T. 15 S., R. 43 E.
Sec. 17, lot 1.

Minnetonka Recreation Area

T. 15 S., R. 42 E.
Sec. 26, W½E½, W½;
Sec. 27, E½NE¼.

The land described above aggregates 599.24 acres in Bear Lake County.

The withdrawal is essential for protection of substantial capital improvements on the Administrative Site and the Recreation Area. The withdrawal closed the land to surface entry and mining but not mineral leasing. No change in the segregate effect or use of the land is proposed by this action.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments in connection with the proposed withdrawal continuation may present their views in writing to the Idaho State Director at the above address.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. A report will also be prepared for consideration by the Secretary of the Interior, the President and Congress, who will determine whether or not the withdrawals will be continued, and if so, for how long. The final determination of the withdrawals will be published in the **Federal Register**. The existing withdrawals will continue until such final determination is made.

Dated: December 12, 1986.

William E. Ireland,

Chief, Realty Operations Section

[FR Doc. 86-29070 Filed 12-24-86; 8:45 am]

BILLING CODE 4310-GG-M

[ES-970-07-4910-10-2410; ES 33248 Alabama]

Alabama; Proposed Reinstatement of Federal Oil and Gas Lease ES 33248.

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed reinstatement of a terminated oil and gas lease.

SUMMARY: Federal oil and gas lease ES 33248 terminated automatically by operation of law on August 1, 1986 (30 U.S.C. 186).

FOR FURTHER INFORMATION CONTACT: Mr. Charles Johnson at (703) 274-0160.

SUPPLEMENTARY INFORMATION: 1. A petition for reinstatement of ES 33248 was filed by Bay City Minerals Inc. (Lessee) under section 31D of the Mineral Leasing Act of 1920, as amended by the Federal Oil and Gas Royalty Management Act of 1982 (96 Stat. 2447).

2. The lessee has met all the following requirements of reinstatement:

(a) $500—Reimbursement of Department Administrative Cost
(b) $605—Back Rental Payment
(c) $126—Estimated Publication Cost

3. The proposed reinstatement of the lease would be under the same terms and conditions of the original lease, except the rental will be increased to $5.00 per acre per year, and royalty increased to 16⅔ percent beginning August 1, 1986.

G. Curtis Jones, Jr.,

State Director.

[FR Doc. 86-28977 Filed 12-24-86; 8:45 am]

BILLING CODE 4310-GJ-M

[AZ 020-07-4212-12; A 22448]

Arizona; Exchange of Public Lands: Amendment

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Realty Action: Amendment to Notice of Realty Action, exchange of public lands Arizona.

This amends Notice of Realty Action A 22448, published November 18, 1986 and amended December 11, 1986 by identifying the following additional 1760 acres of state land to be conveyed to the United States.

Gila and Salt River Meridian, Arizona

T. 21 S., R. 18 E.,
Sec. 15, SW¼
Sec. 16, All
Sec. 20, E½
Sec. 21, All

Dated: December 17, 1986.

Paul J. Buff,

Acting District Manager.

[FR Doc. 86-28978 Filed 12-24-86; 8:45 am]

BILLING CODE 4310-32-M

[AZ-020-07-4212-13; A-19162]

Arizona; Exchange of Public and Private Land in Pima County

The following described federal lands have been determined to be suitable for disposal by exchange under Section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

Gila and Salt River Meridian, Arizona

T. 12 S., R. 11 E.,
Section 33, Lots 2, 6, 7, 11, S½ of Lot 3, Lot 5 less 10 acres, E½SW¼NE¼, E½E½W½SW¼NE¼, E½W½E½W½SW¼NE¼.

Comprising 237.41 acres, more or less.

In exchange for these lands, the United States will acquire the following described lands from John J. Woodin:

Gila and Salt River Meridian, Arizona

T. 11 S., R. 8 E.,
Section 36, N½N½NE¼, SW¼NW¼NE¼, N½SE¼NE¼NE¼, SW¼NE¼, W½SE¼NE¼, SE¼SE¼NE¼, W½NE¼SE¼NE¼, NW¼.

Comprising 290 acres.

The purpose of this exchange is to acquire the non-federal lands which contain important desert bighorn sheep habitat, as well as providing habitat for numerous other wildlife species. The exchange is consistent with the Bureau's planning system. The public interest will be well served by completing the exchange.

The value of the lands to be exchanged are approximately equal; full equalization of values will be achieved by payment to the United States by Mr. Woodin.

Lands to be transferred from the United States in this exchange will be subject to the following reservations, terms and conditions:

1. A right-of-way for ditches and canals constructed by the authority of the United States, pursuant to the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945).

Private lands to be acquired by the United States will be subject to the following reservations, terms and conditions:

1. All minerals in the subject land are reserved to the State of Arizona.

2. The right of Trico Electric Company to continue existing use of the land for electrical transmission and distribution lines.

Publication of this notice in the **Federal Register** segregates the described federal lands from appropriation under the public land laws, including the mining laws, but not from the mineral leasing laws or from exchange pursuant to section 206 of the Federal Land Policy and Management Act of 1976. This segregation shall terminate upon issuance of a document conveying title to such lands or upon publication in the **Federal Register** of a notice of termination of the segregation, or the expiration of two years from the date of publication, whichever occurs first.

SUPPLEMENTARY INFORMATION: Detailed information concerning the exchange, including the environmental analysis and the record of public discussions, is available for review at the Phoenix Resource Area Office, 2015 West Deer Valley Road, Phoenix, Arizona 85027.

For a period of 45 days interested parties may submit comments to the District Manager, Phoenix District Office, 2015 West Deer Valley Road, Phoenix, Arizona 85027. Any adverse comments will be evaluated by the Arizona State Director, who may sustain, vacate, or modify this realty action and issue a final determination. In the absence of any objection, this realty action will become the final determination of the Department of the Interior.

Dated: December 15, 1986.

Henri R. Bisson,

Acting District Manager.

[FR Doc. 86-28979 Filed 12-24-86; 8:45 am]

BILLING CODE 4310-32-M

Fish and Wildlife Service

Marine Mammal Annual Report Availability, Calender Year 1985

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability of calendar year 1985 Marine Mammal Annual Report.

SUMMARY: The U.S. Fish and Wildlife Service (Service) has issued the 1985 annual report on administration of the marine mammals under its jurisdiction, as required by section 103(f) of the Marine Mammal Protection Act of 1972. The report covers the period January 1, 1985, to December 31, 1985, and was submitted to the Congress on November 6, 1986. By this notice, the public is informed that the report is available and that any interested individual may secure a copy by written request to the Service.

ADDRESS: Written requests for copies should be addressed to: Publications Unit, U.S. Fish and Wildlife Service, Department of the Interior, 18th and C Streets NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Mr. LeRoy W. Sowl, Chief, Division of Fish and Wildlife Management Assistance, U.S. Fish and Wildlife Service, Department of the Interior, Washington, DC 20240, 202-632-2202.

SUPPLEMENTARY INFORMATION: The Service is responsible for eight species of marine mammals under the jurisdiction of the Department of the Interior, as assigned by the Marine Mammal Protection Act of 1972 (MMPA). These species are polar bear, sea and marine otters, walrus, manatees (three species) and dugong. The report reviews the Service's marine mammal-related activities during the report period. Administrative actions discussed include MMPA appropriations, marine mammals in Alaska, endangered and threatened marine mammal species (specifically the West Indian manatee and the sea otter in California), law enforcement activities, scientific research and public display permits, certificates of registration, research, Outer Continental Shelf environmental studies and international activities.

This notice was prepared by Jeffrey L. Horwath, Wildlife Biologist, Division of Fish and Wildlife Management Assistance, 202-632-2202.

Dated: December 17, 1986.

Frank Dunkle,

Director.

[FR Doc. 86-29027 Filed 12-24-86; 8:45 am]

BILLING CODE 4310-55-M

Minerals Management Service

Development Operations Coordination; ODECO Oil and Gas Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development operations coordination document (DOCD).

SUMMARY: Notice is hereby given that ODECO Oil & Gas Company has submitted a DOCD describing the activities it proposes to conduct on Leases OCS 072 and 073, Blocks 12 and 19, respectively, South Pelto Area, offshore Louisiana. Proposed plans for

the above area provide for the development and production of hydrocarbons with support activities to be conducted from onshore bases located at Dulac and Houma, Louisiana.

DATE: The subject DOCD was deemed submitted on December 15, 1986.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 1201 Wholesalers Pkwy., Room 114, New Orleans, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Michael J. Tolbert; Minerals Management Service, Gulf of Mexico OCS Region, Field Operations, Plans, Platform and Pipeline Section, Exploration/Development Plans Unit; Telephone (504) 736-2867.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). These practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: December 17, 1986.

J. Rogers Pearcy,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 86-28980 Filed 12-24-86; 8:45 am]

BILLING CODE 4310-MR-M

Development Operations Coordination Document; Tenneco Oil Exploration and Production Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development operations coordination document (DOCD).

SUMMARY: Notice is hereby given that Tenneco Oil Exploration and Production Company has submitted a DOCD describing the activities it proposes to conduct on Lease OCS-G 4536, Block A-22, Mustang Island Area, offshore Texas. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an offshore base located at Aransas Pass, Texas.

DATE: The subject DOCD was deemed submitted on December 15, 1986.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 1201 Wholesalers Pkwy., Room 114, New Orleans, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Ms. Angie D. Gobert; Minerals Management Service, Gulf of Mexico OCS Region, Field Operations, Plans, Platform and Pipeline Section, Exploration/Development Plans Unit; Telephone (504) 736-2876.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: December 17, 1986.

J. Rogers Pearcy,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 86-28981 Filed 12-24-86; 8:45 am]

BILLING CODE 4310-MR-M

Information Collection Submitted for Review

The justification for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the information collection requirement and related explanatory material may be obtained by contacting Jeane Kalas on 303-231-3046. Comments and suggestions on the requirement should be made directly to the Bureau Clearance Officer at the telephone number listed below and to the Office of Management and Budget Interior Department Desk Officer Washington, DC 20502, telephone 202-395-7313.

Title: Application for Reward for Original Information.

Abstract: The Secretary of the Interior is authorized to pay a reward for information resulting in the recovery of royalty or other payments owed the United States from any oil or gas leases on Federal lands or the Outer Continental Shelf. To claim a reward, individuals must voluntarily, and on their own initiative, submit an Application for Reward for Original Information. The information requested on the application enables the Minerals Management Service to determine amount and pay the reward.

Bureau Form Number: MMS-4280.

Frequency: On occasion.

Description of Respondents: Individuals.

Annual Responses: 12.

Annual Burden Hours: 6.

Bureau Clearance Officer: Dorothy Christopher 703-435-6213.

Dated: September 5, 1986

Jerry D. Hill,

Associate Director for Royalty Management.

[FR Doc. 86-29071 Filed 12-24-86; 8:45 am]

BILLING CODE 4310-MR-M

Development Operations Coordination Document

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given the ARCO Oil and Gas Company has submitted a DOCD describing the activities it proposes to conduct on Leases OCS-G 1608 and 2137, Block 60, Lease OCS-G 2938, Block 17, and Lease OCS-G 2943, Block 59, South Pass Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Venice, Louisiana.

DATE: The subject DOCD was deemed submitted on December 17, 1986.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 1201 Wholesalers Pkwy., Room 114, New Orleans, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday.)

FOR FURTHER INFORMATION CONTACT: Mr. Michael J. Tolbert; Minerals Management Service, Gulf of Mexico OCS Region, Field Operations, Plans, Platform and Pipeline Section, Exploration/Development Plans Unit; Telephone (504) 736-2867.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to sec. 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in revised §250.34 of Title 30 of the CFR.

Dated: December 19, 1986.

J. Rogers Pearcy,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 86-29072 Filed 12-24-86; 8:45 am]

BILLING CODE 4310-MR-M

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 701-TA-283 and 731-TA-364 (Preliminary)]

Acetylsalicylic Acid (Aspirin) From Turkey

Determinations

On the basis of the record [1] developed in the subject investigations, the Commission determines, [2] pursuant to section 703(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a)), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports from Turkey of bulk acetylsalicylic acid, [3] provided for in item 410.72 of the Tariff Schedules of the United States, which are alleged to be subsidized by the Government of Turkey. The Commission also determines, [2] pursuant to section 733(a) of the Act (19 U.S.C. 1673b(a)), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports from Turkey of bulk acetylsalicylic acid which are alleged to be sold in the United States at less that fair value (LTFV).

Background

On October 31, 1986, petitions were filed with the Commission and the Department of Commerce by Monsanto Co., St. Louis, MO, alleging that an industry in the United States is materially injured and threatened with materials injury by reason of imports of bulk acetylsalicylic acid from Turkey which are subsidized by the Government of Turkey and sold in the United States at LTFV. Accordingly, effective October 31, 1986, the Commission instituted preliminary countervailing duty investigation No. 701-TA-283 (Preliminary) and preliminary antidumping investigation No. 731-TA-364 (Preliminary).

Notice of the institution of the Commission's investigations and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of November 7, 1986 (51 FR 40524). The conference was held in Washington, DC, on October 20, 1986, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in these investigations to the Secretary of Commerce on December 15, 1986. The views of the Commission are contained in USITC Publication 1926 (December 1986), entitled "Certain Acetylsalicylic Acid from Turkey: Determinations of the Commission in Investigations Nos. 701-TA-283 and 731-TA-364 (Preliminary) Under the Tariff Act of 1930, Together With the Information Obtained in the Investigations."

By order of the Commission.

Issued: December 16, 1986.

Kenneth R. Mason,

Secretary.

[FR Doc. 86-28945 Filed 12-24-86; 8:45 am]

BILLING CODE 7020-02-M

[1] The record is defined in § 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(i)).

[2] Chairman Liebeler dissenting; Commissioner Lodwick not participating.

[3] The product covered by these investigations is acetylsalicylic acid (aspirin) containing no additives other than inactive substances (such as starch, lactose, cellulose, or coloring material) and/or active substances in concentrations less than that specified for particular non-prescription drug combinations of aspirin and active substances as published in the *Handbook of Non-Prescription Drugs*, 8th edition, American Pharmaceutical Association, and is not in tablet, capsule, or similar forms for direct human consumption.

[332-241]

Competitive Position of Canadian Live Cattle and Beef in U.S. Markets

AGENCY: United States International Trade Commission.

ACTION: Institution of investigation.

EFFECTIVE DATE: December 15, 1986.

SUMMARY: At the request of the United States Senate Committee on Finance, the Commission has instituted investigation No. 332-241 under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)), for the purpose of gathering and presenting information on the competitive position of Canadian live cattle and beef in U.S. markets.

FOR FURTHER INFORMATION CONTACT: David E. Ludwick or Thomas Westcot, Agriculture, Fisheries, and Forest Products Division, U.S. International Trade Commission, Washington, D.C. 20436, telephone (202) 724-1763 and 724-0095, respectively.

Background and Scope of Investigation

As requested by the Committee on Finance, the Commission in its report will seek to:

(A) Describe the United States and Canadian industries, including elements such as number of producers, industry concentration, and geographic distribution.

(B) Describe the United States and Canadian markets in terms of consumption levels and trends, production cycles, and both import and export levels and trends.

(C) Describe in detail the trade in cattle between the United States and Canada, including a discussion of how variations in the levels of exports correlate with changes in exchange rates. To the extent possible, the Commission should assess the regional impact of imports by determining their geographic concentration.

(D) Describe the effect on trade in live cattle of: Tariffs, quotas, voluntary restraint agreements, countervailing and antidumping duties, and health and sanitary regulations, including regulations with respect to Bluetongue disease.

(E) Identify Federal, State, and Provincial government assistance programs that are available to the cattle growing and processing industries. Such government assistance programs may include assistance that reduces fixed costs, that reduces variable costs, or that enhances revenues.

(F) Discuss all other factors with a significant bearing on competitive conditions, including product prices and transportation costs.

The Committee requested that the Commission report the results of its investigation no later than 9 months after receipt of the request, or by July 17, 1987.

Public Hearing:

The Commission will hold a hearing in connection with the investigation at a time and place to be announced.

Written submissions

Interested persons are invited to submit written statements concerning the investigation. Commercial or financial information which a submitter desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform with the requirement of § 201.6 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.6). All written submissions, except for confidential business information, will be made available for inspection by interested persons. To be assured of consideration by the Commission, written statements should be received at the earliest practicable date, but not later than March 1, 1987. All submissions should be addressed to the Secretary at the Commission's office in Washington, DC.

Hearing-impaired persons are advised that information on this matter can be obtained by contacting our TDD terminal on (202) 724-0002.

Issued: December 17, 1986.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 86-28946 Filed 12-24-86; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-253]

Electrically Resistive Monocomponent Toner; Commission Decision Not To Review Initial Determination Designating the Investigation More Complicated

AGENCY: U.S. International Trade Commission.

ACTION: Nonreview of an initial determination (ID) declaring the investigation more complicated and extending the deadline for completion of the investigation by 3 months.

SUMMARY: The Commission has determined not to review an ID (Order No. 7) declaring the above-captioned investigation more complicated, and extending the deadline for completion of the investigation by 3 months, i.e., until November 20, 1987.

FOR FURTHER INFORMATION CONTACT: Edwin J. Madaj, Jr., Esq., Office of the Ceneral Counsel, U.S. International Trade Commission, telephone 202-523-0148.

SUPPLEMENTARY INFORMATION: The authority for the Commission's disposition of this matter is contained in section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and in § 210.53 of the Commission's Rules of Practice and Procedure (19 CFR 210.53).

On November 19, 1986, the presiding administrative law judge (ALJ) issued both an order (Order No. 6) granting respondents Canon, Inc., and Canon, U.S.A., Inc. leave to amend their answer to the complaint to add an additional affirmative defense and an ID (Order No. 7) designating the investigation more complicated within the meaning of § 210.59 of the Commission's rules (19 CFR 210.59). All procedural deadlines were extended for 3 months. Complainant Aunyx Corp. had indicated that it reserved the right to move to for a more complicated designation if the motion to amend the answer was granted, while the Commission investigative attorney had argued that the investigation should be declared more complicated if leave to amend the answer was granted. The ID indicated that the basis for the more complicated desgination was that the already complex antitrust issues of the investigation had been made even more involved by the new affirmative defense of respondents' rights under certain U.S. patents. The ID also found that unless the investigation was declared more complicated, there would be insufficient time for adequate discovery and proper development of the record.

The Commission received no petitions for review of the ID nor any comments from other Government agencies.

Copies of the ALJ's ID and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436, telephone 202-523-0161. Hearing-impaired individuals are advised that information concerning this investigation can be obtained by contacting the Commission's TDD terminal on 202-724-0002.

By order of the Commission.

Issued: December 12, 1986.

Kenneth R. Mason,

Secretary.

[FR Doc. 86-28947 Filed 12-24-86; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 731-TA-288 (Final)]

Erasable Programmable Read Only Memories (EPROM'S) From Japan

Determination

On the basis of the record [1] developed in the subject investigation, the Commission determines,[2] pusuant to section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)), that an industry in the United States is materially injured by reason of imports from Japan of erasable programmable read only memories (EPROM's), provided for in item 687.74 of the Tariff Schedules of the United States, which have been found by the Department of Commerce to be sold in the United States at less than fair value (LTFV).

Background

The Commission instituted this investigation effective March 17, 1986, following a preliminary determination by the Department of Commerce that imports of EPROM's from Japan were being sold at LTFV within the meaning of section 731 of the Act (19 U.S.C. 1673). Notice of the institution of the Commission investigation and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of April 2, 1986 (51 FR 11358). Subsequently, the Department of Commerce extended the date of its final determination and, accordingly, the Commission revised its schedule with a notice published in the **Federal Register** of May 7, 1986 (51 FR 16905).

On July 30, 1986, Commerce entered into an agreement with Japan that suspended the investigation pursuant to section 734 of the Act (19 U.S.C. 1673c) (51 FR 28253, August 6, 1986).[3] on August 26, 1986, however, petitioners filed a request to continue the investigation pursuant to section 734(g)(2) of the Act (19 U.S.C. 1673c(g)(2)) and, on October 30, 1986, Commerce published a final affirmative determination of sales at LTFV (51 FR 39680).

Notice of the continuation of the Commission's final investigation and of a hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary to the Commission and by publishing the

[1] The record is defined in § 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(i).

[2] Chairman Liebeler dissenting.

[3] The Commission published its suspension notice in the **Federal Register** of August 20, 1986 (51 FR 29708).

notice in the **Federal Register** of November 12, 1986 (51 FR 41028). The hearing was held in Washington, DC, on November 19, 1986, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in this investigation to the Secretary of Commerce of December 15, 1986. The views of the Commission are contained in USITC Publication 1927 (December 1986), entitled "Erasable Programmable Read Only Memories (EPROM's) From Japan: Determination of the Commission in Investigation No. 731-TA-288 (Final) Under the Tariff Act of 1930, Together With the Information Obtained in the Investigation."

By order of the Commission.
Issued December 16, 1986.

Kenneth R. Mason,

Secretary.

[FR Doc. 86-28948 Filed 12-24-86; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-260]

Feathered Fur Coats and Pelts, and Process for the Manufacture Thereof; Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337 and 19 U.S.C. 1337a.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on November 10, 1986, under section 337 of the Tariff Act of 1930, 19 U.S.C. 1337, and under 19 U.S.C. 1337a, on behalf of David Leinoff, 71 Park Avenue, New York, New York 10016, and David Leinoff, 208 West 29 Street, New York, New York 10001. An amended complaint was filed on November 24, 1986. The complaint, as amended, alleges unfair methods of competition and unfair acts in the importation into the United States of certain feathered fur coats and pelts, and in their sale, by reason of alleged infringement of at least claim 1 of U.S. Letters Patent 3,760,424 and further alleged manufacture abroad by a process which, if practiced in the United States, would infringe at least claim 5 of the U.S. Letters Patent 3,760,424. The complaint further alleges that the effect or tendency of the unfair methods of competition and unfair acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

The complainant requests that the Commission institute an investigation and, after a full investigation, issue a permanent exclusion order and permanent cease and desist orders.

FOR FURTHER INFORMATION CONTACT: Deborah S. Strauss, Esq., or Ethel L. Morgan, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone 202-523-1233 and 202-523-0113, respectively.

Authority

The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930 and in § 210.12 of the Commission's Rules of Practice and Procedure (19 CFR 210.12).

Scope of Investigation

Having considered the complaint, the U.S. International Trade Commission, on December 9, 1986, ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, an investigation be instituted to determine whether there is a violation of subsection (a) of section 337 in the unlawful importation into the United States of certain feathered fur coats and pelts, or in their sale, by reason of alleged infringement of claim 1 of U.S. Letters Patent 3,760,424, and further alleged manufacture abroad by a process which, if practiced in the United States, would infringe claim 5 of U.S. Letters Patent 3,760,424, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants are—

David Leinoff, 71 Park Avenue, New York, New York 10016

David Leinoff, Inc., 208 West 29 Street, New York, New York 10001

(b) The respondents are the following companies, alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Jindo Fur Salon, C.P.O. Box 242, Yu Yeong Shopping Arcade, 1 Taewon Main Street, Seoul, Korea

Jindo Fur Salon, 1500 Kapiolani Boulevard, Honolulu, Hawaii 96814

Asia Fur Company, 6/F Winner Building, 36, Man Yue Street, Hung Hom, Kowloon, Hong Kong

Hong Kong Tientsin Fur Co. Ltd., 8/F Blocks D&E, Winner Building, 36 Man Yue Street, Kowloon, Hong Kong

Peking Fur Store Ltd., Unit E, Freder Center, 4/F, 3 Mok Cheong Street, Hung Hom, Kowloon, Hong Kong

Excelsior Fur Co., Ltd., Flat B, 7/E Speedy Industrial Building, 114 How Ming Street, Kung Tong, Kowloon, Hong Kong

Papadopouli Kevrekidis & Co., 36 S. Athanasion Street, Kastoria, Greece

Papadopouli Kevrekidis & Co., 231 West 29 Street, New York, New York 10001

China National Produce and Animal By-Products Import and Export Corporation, 82, Dong An Men Street, Beijing, Peoples Republic of China

Sunry Import Export Corp., Suite 125 Paramus Plaza, 120 Route 17N, Paramus, New Jersey 07652

E. Vassou Brothers, Inc., 20561 N. Zouzouli, Kastoria, Greece

(c) Deborah S. Strauss, Esq., and Ethel L. Morgan, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 701 E Street NW, Room 126 and Room 122, respectively, Washington, DC 20436, shall be the Commission investigative attorneys, party to this investigation; and

(3) The following entity is not named as a respondent in this investigation but shall be served with a copy of the notice of investigation, the complaint, and § 210.26 of the rules: Tannimpex, Vorosmarty UTCA 35, H-1395, P.O. Box 406, Budapest, Hungary.

(4) For the investigation so instituted, Janet D. Saxon, Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding administrative law judge.

Responses must be submitted by the named respondents in accordance with § 210.21 of the Commission's Rules of Practice and Procedure (19 CFR 210.21). Pursuant to § § 201.16(d) and 210.21(a) of the rules (19 CFR 201.16(d) and 210.21(a)), such responses will be considered by the Commission if received not later than 20 days after the date of a service of the complaint. Extensions of time for submitting responses will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find that facts to be as alleged in the complaint and this notice and to enter both an initial determination and a final determination containing such findings.

The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Room 156, Washington, DC 20436, telephone 202-523-0471. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-724-0002.

By order of the Commission.

Issued: December 15, 1986.

Kenneth R. Mason,

Secretary.

[FR Doc. 86-28949 Filed 12-24-86; 8:45 am]

BILLING CODE 7020-02-M

[Inv. No. 337-TA-255]

Garment Hangers; Change of the Commission Investigative Attorney

Before Paul J. Luckern, Administrative Law Judge.

Notice is hereby given that, as of this date, Ethel Lenardson Morgan, Esq., of the Office of Unfair Import Investigations will be the Commission investigative attorney in the above-cited investigatoin instead of Juan Cockburn, Esq. and Gary Rinkerman, Esq.

The Secretary is requested to publish this Notice in the **Federal Register.**

Dated: December 18, 1986.

Respectfully submitted,

Arthur Wineburg,

Director, Office of Unfair Import Investigations, U.S. International Trade Commission.

[FR Doc. 86-28950 Filed 12-24-86; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-243]

Luggage Products; Commission Decision Not to Review Initial Determination Terminating One Respondent

AGENCY: U.S. International Trade Commission.

ACTION: Nonreview of initial determination terminating the investigation as to one respondent.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (ID) granting a joint motion to terminate the investigation as to respondent Pungkook Industrial Co., Ltd. (Pungkook) on the basis of a settlement agreement.

FOR FURTHER INFORMATION CONTACT: Randi S. Field, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-0261.

SUPPLEMENTARY INFORMATION: On February 12, 1986, Lenox, Incorporated (Lenox), through its Division Hartmann Luggage Company (Hartmann), filed a section 337 complaint with the Commission alleging unfair methods of competition and unfair acts in the importation and sale of certain luggage products. The Commission's notice of investigation divided Lenox's allegations into the following alleged unfair acts: (1) Violation of section 43(a) of the Lanham Act; (2) common-law trademark infringement; (3) trademark dilution; (4) trade dress misappropriation; (5) passing off; and (6) unfair competition. 51 FR 10580 (March 27, 1986). The notice of investigation listed twelve respondents which were alleged to be in violation of section 337.

On November 3, 1986, complainant Lenox, through Hartmann, and respondent Pungkook filed a joint motion to terminate the investigation as to Pungkook on the basis of a settlement agreement.

On November 19, 1986, the presiding administrative law judge (ALJ) issued an ID (Order No. 62) granting the joint motion to terminate the investigation as to Pungkook on the basis of a settlement agreement. No petitions for review were filed nor were any government agency or public comments received with regard to the ID.

This action is taken under the authority of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and Commission rule 210.53 (19 CFR 210.53).

Copies of the ID and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436, telephone 202-523-1626. Hearing-impaired persons are advised that information on the matter can be obtained by contacting the Commission's TDD terminal on 202-724-0002.

By order of the Commission.

Issued: December 15, 1986.

Kenneth R. Mason,

Secretary.

[FR Doc. 86-28951 Filed 12-24-86; 8:45 am]

BILLING CODE 7020-02-M

[Investigations Nos. 731-TA-356 through 363 (Preliminary)]

Portland Hydraulic Cement and Cement Clinker From Colombia, France, Greece, Japan, Mexico, the Republic of Korea, Spain, and Venezuela

Determinations

On the basis of the record [1] developed in the subject investigations, the Commission determines,[2] [3] pursuant to section 733(a) of the Tariff Act of 1930 1673b(a)), that there is no reasonable indication that an industry in the United States is materially injured or threatened with material injury, or that the establishment of an industry in the United States is materially retarded, by reason of imports from Colombia, France, Greece, Japan, Mexico, the Republic of Korea, Spain, and Venezuela of portland hydraulic cement and cement clinker, provided for in item 511.14 [4] of the Tariff Schedules of the United States, which are alleged to be sold in the United States at less than fair value (LTFV).

Background

On October 30, 1986, a petition was filed with the Commission and the Department of Commerce by counsel on behalf of the American Cement Trade Alliance alleging that an industry in the United States is materially injured or threatened with material injury by reason of LTFV imports of portland hydraulic cement and cement clinker from Colombia, France, Greece, Japan, Mexico, the Republic of Korea, Spain, and Venezuela. Accordingly, effective October 30, 1986, the Commission instituted preliminary antidumpting investigations Nos. 731-TA-357 through 363 (Preliminary).

Notice of the institution of the Commission's investigations and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the

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[1] The record is defined in § 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(i)).

[2] Commissioner Eckes determines that there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury by reason of imports of portland hydraulic cement and cement clinker from Colombia, France, Greece, Japan, Mexico, the Republic of Korea, Spain, and Venezuela, which were allegedly sold in the United States at less than fair value (LTFV).

[3] Commissioner Stern did not participate in these determinations.

[4] These investigations do not include white, nonstaining portland hydraulic cement, provided for in TSUS item 511.11, or oil well cement, provided for in TSUS item 511.14.

Federal Register of November 21, 1986, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in these investigations to the Secretary of Commerce on December 15, 1986. The views of the Commission are contained in USITC Publication 1925 (December 1986), entitled "Portland Hydraulic Cement and Cement Clinker from Colombia, France, Greece, Japan, Mexico, the Republic of Korea, Spain, and Venezuela: Determinations of the Commission in Investigations Nos. 731-TA-356 through 363 (Preliminary) Under the Tariff Act of 1930, Together With the Information Obtained in the Investigations."

By order of the Commission.

Issued: December 16, 1986.

Kenneth R. Mason,

Secretary.

[FR Doc. 86-28953 Filed 12-24-86; 8:45 am]

BILLING CODE 7020-02-M

Investigation No. 701-TA-281 (Final)

Stainless Steel Pipes and Tubes From Sweden

AGENCY: United States International Trade Commission.

ACTION: Institution of a final countervailing duty investigation and scheduling of a hearing to be held in connection with the investigation.

SUMMARY: The Commission hereby gives notices of the institution of final countervailing duty investigation No. 701-TA-281 (Final) under section 705(b) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)) to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Sweden of stainless steel pipes, tubes, hollow bars, and blanks therefor, all of the foregoing of circular cross section, whether welded or seamless, provided for in items 610.37, 610.51, and 610.52 of the Tariff Schedules of the United States, which have been found by the Department of Commerce, in a preliminary determination, to be subsidized by the Government of Sweden. Commerce will make its final subsidy determination in this investigation on or before February 17, 1987, and the Commission will make its final injury determination by April 3, 1987 (see sections 705(a) and 705(b) of the act (19 U.S.C. 1671d(a) and 1671d(b))).

For further information concerning the conduct of this investigation, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, Subparts A and C (19 CFR Part 207), and Part 201, Subparts A through E (19 CFR Part 201).

EFFECTIVE DATE: December 6, 1986.

FOR FURTHER INFORMATION CONTACT: Daniel Leahy (202-523-1376), Office of Investigations, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-724-0002.

SUPPLEMENTARY INFORMATION:

Background

This investigation is being instituted as a result of an affirmative preliminary determination by the Department of Commerce that certain benefits which constitute subsidies within the meaning of section 701 of the act (19 U.S.C. 1671) are being provided to manufacturers, producers, or exporters in Sweden of stainless steel pipes, tubes, hollow bars, and blanks therefor. The investigation was requested in a petition filed on September 5, 1986 by the Specialty Tubing Group.[1] In response to that petition the Commission conducted a preliminary countervailing duty investigation and, on the basis of information developed during the course of that investigation, determined that there was a reasonable indication that industries in the United States were materially injured by reason of imports of the subject merchandise.

Participation in the Investigation

Persons wishing to participate in this investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's rules (19 CFR 201.11), not later than twenty-one (21) days after the publication of this notice in the **Federal Register.** Any entry of appearance filed after this date will be referred to the Chairman, who will determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

Service List

Pursuant to § 201.11(d) of the Commission's rules (19 CFR 201.11(d)), the Secretary will prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to this investigation upon the expiration of the period for filing entries of appearance. In accordance with §§ 201.16(c) and 207.3 of the rules (19 CFR 201.16(c) and 207.3), each document filed by a party to the investigation must be served on all other parties to the investigation (as identified by the service list), and a certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate of service.

Staff Report

A public version of the prehearing staff report in this investigation will be placed in the public record on February 13, 1987, pursuant to § 207.21 of the Commission's rules (19 CFR 207.21).

Hearing

The Commission will hold a hearing in connection with this investigation beginning at 9:30 a.m. on February 26, 1987, at the U.S. International Trade Commission Building, 701 E Street NW., Washington, DC. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m.) on February 13, 1987. All persons desiring to appear at the hearing and make oral presentations should file prehearing briefs and attend a prehearing conference to be held at 9:30 a.m. on February 19, 1987, in room 117 of the U.S. International Trade Commission Building. The deadline for filing prehearing briefs is February 23, 1987.

Testimony at the public hearing is governed by § 207.23 of the Commission's rules (19 CFR 207.23). This rule requires that testimony be limited to a nonconfidential summary and analysis of material contained in prehearing briefs and to information not available at the time the prehearing brief was submitted. Any written materials submitted at the hearing must be filed in accordance with the procedures described below and any confidential materials must be submitted at least three (3) working days prior to the hearing (see § 201.6(b)(2) of the Commission's rules (19 CFR 201.6(b)(2))).

Written Submissions

All legal arguments, economic analyses, and factual materials relevant to the public hearing shoud be included in prehearing briefs in accordance with § 207.22 of the Commission's rules (19 CFR 207.22). Posthearing briefs must conform with the provisions of § 207.24

[1] The Specialty Tubing Group consists of the following firms: Al Tech Specialty Steel Corp., Allegheny Ludlum Steel Corp., ARMCO-Specialty Steel Division, Carpenter Technology Corp., Damascus Tubular Products, and Trent Tube Division, Crucible Materials Corp.

(19 CFR 207.24) and must be submitted not later than the close of business on March 5, 1987. In addition, any person who has not entered an appearance as a party to the investigation may submit a written statement of information pertinent to the subject of the investigation on or before March 5, 1987.

A signed original and fourteen (14) copies of each submission must be filed with the Secretary to the Commission in accordance with § 201.8 of the Commission's rules (19 CFR 201.8). All written submissions except for confidential business data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any business information for which confidential treatment is desired must be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of §201.6 of the Commission's rules (19 CFR 201.6).

Authority: This investigation is being conducted under the authority of the Tariff Act of 1930, title VII. This notice is published pursuant to § 207.20 of the Commission's rules (19 CFR 207.20).

By order of the Commission.

Issued: December 17, 1986.

Kenneth R. Mason,

Secretary.

[FR Doc. 86-28955 Filed 12-24-86; 8:45 am]

BILLING CODE 7020-02-M

[332-240]

U.S. Global Competitiveness; Oilseed and Products Industry

AGENCY: United States International Trade Commission.

ACTION: Institution of an investigation and scheduling of public hearing.

EFFECTIVE DATE: December 10, 1986.

FOR FURTHER INFORMATION CONTACT: John Reeder, Agriculture, Fisheries, and Forest Products Division, Office of Industries, U.S. International Trade Commission, Washington, DC 20436, telephone: 202-724-1754.

Background and Scope of Investigation

The Commission, instituted the investigation, No. 332-240, on December 10, 1986, under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)), following receipt on October 30, 1986, of a letter requesting the investigation from the Committee on Finance of the U.S. Senate.

As requested by the Committee, the Commission will investigate and report on the international competitiveness of the U.S. oilseed and products industry. More specifically, the Commission intends to investigate and report on the U.S. oilseed and products industry and its major foreign competitors in order that it might determine the impact of global competition on the industry and assess how the industry is responding to such forces. The Commission expects to report the results of its investigation to the Committee not later than August 28, 1987.

The investigation is one of a series of six investigations involving the global competitiveness of U.S. industries requested by the Committee. As requested by the Committee and as in the case of those other studies (which involve the textile mill, petrochemicals, steel sheet and strip, automotive parts, and optical fibers industries, investigation Nos. 332-229 through 332-233), the Commission will analyze and address in this report (1) measures of the current competitiveness of the U.S. industry in domestic and foreign markets; (2) competitive strengths of U.S. and major foreign competitors in these markets; (3) the nature of the main competitive problems facing the U.S. industry; (4) sources of the main competitive problems and extent to which they involve special transitory or reversible situations, as opposed to fundamental or structural problems; and (5) the importance of foreign and U.S. markets to future competitiveness in terms of economies of scale, growth rates, and preempting of market advantages.

Public Hearing

The Commission will hold a public hearing on this investigation as well as the five others in this series (investigation Nos. 332-229 through 332-233) at the United States International Trade Commission Building, 701 E Street NW., Washington, DC, beginning at 10:00 a.m. on February 24, 1987. All persons shall have the right to appear in person or be represented by counsel, to present information and to be heard. Persons wishing to appear at the public hearing should file requests to appear and prehearing briefs (original and 14 copies) with the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436, not later than noon, February 2, 1987.

Written Submissions

Interested persons are invited to submit written statements concerning the investigation. Written statements should be received by the close of business on April 27, 1987. Commercial or financial information which a submitter desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform with the requirements of § 210.6 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.6). All written submissions, except for confidential business information, will be made available for inspection by interested parties. All submissions should be addressed to the Secretary, United States International Trade Commission, 701 E Street NW., Washington, DC 20436.

Hearing-impaired individuals are advised that information on this matter can be obtained by contacting our TDD terminal on (202) 724-0002.

By order of the Commission.

Issued: December 16, 1986.

Kenneth R. Mason,

Secretary.

[FR Doc. 86-28952 Filed 12-24-86; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 751-TA-11]

Salmon Gill Fish Netting of Manmade Fibers From Japan

Determination

On the basis of the record [1] developed in the subject investigation, the Commission determines, pursuant to section 751(b) of the Tariff Act of 1930 (19 U.S.C. 1675(b)), that an industry in the United States would not be materially injured or threatened with material injury nor would the establishment of an industry in the United States be materially retarded by reason of imports of salmon gill fish netting of manmade fibers [2] from Japan covered by antidumping order T.D. 72-158 if that portion of the order concerning salmon gill fish netting were to be revoked.

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[1] The record is defined in § 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(i)).

[2] Fish netting of continuous polyamide fibers (including nylon), consisting of monofilament yarns measuring not more than 0.806 millimeter in maximum cross-sectional dimension or multifilament yarns or cordage measuring not more than 210 denier, or a combination of the foregoing yarns or cordage, of double or triple-knot construction, dyed or otherwise colored (except white), having a stretch mesh size of not less than 4⅛ inches and not more than 8½ inches. Such netting is provided for in item 355.45 of the Tariff Schedules of the United States.

Background

On April 18, 1972, the Commission determined that an industry in the United States was being injured within the meaning of the Antidumping Act, 1921, by reason of imports from Japan of fish netting of manmade fibers determined by the Secretary of Treasury to be sold or likely to be sold at less than fair value (*Fish Nets and Netting of Manmade Fibers from Japan . . . ,* investigation No. AA1921-85, TC Publication 477 (1972)).

On June 1, 1972, the Department of the Treasury issued a finding of dumping (T.D. 72-158), and published notice of the finding in the **Federal Register** (37 FR 11560, June 9, 1972).

On June 20, 1986, the Commission received a request to institute a third review investigation and modify its affirmative determination in investigation No. AA1921-85.[3] The request was filed under section 751(b) of the Tariff Act of 1930 (19 U.S.C. 1675(b)), by George R. Tuttle, P.C. on behalf of Seattle, Washington/Portland Oregon, importers of salmon gill fish netting of manmade fibers.

On July 3, 1986, the Commission requested written comments as to whether the changed circumstances alleged by the petitioners were sufficient to warrant a third review investigation (51 FR 24451). Written comments were received from the law firm of Arnold & Porter on behalf of the Fishing Nets and Twine Division of the Japan Textile Products Exporters' Association, Osaka, Japan; Jovanovich Supply Co., Seattle, WA, an importer of the subject merchandise; and the petitioner, all supporting the request for instituting the investigation. Written comments were also received from the law firm of Taft, Stettinius & Hollister on behalf of the American Cordage and Twine Manufacturers (ACTM) opposing the request to institute a review investigation.

On the basis of the comments filed, the Commission instituted investigation No. 751-TA-11, effective August 20, 1986. Notice of the institution of the Commission's investigation and of the public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** (51 FR 29708). The hearing was held in Washington, DC, on October 30, 1986, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in this investigation to the Secretary of Commerce on December 12, 1986. The views of the Commission are contained in USITC Publication 1921 (December 1986), entitled, "Salmon Gill Fish Netting on Manmade Fibers From From Japan: Determination of the Commission in Investigation No. 751-TA-11 Under the Tariff Act of 1930, Together With the Information Obtained in the Investigation."

By order of the Commission.

Issued: December 15, 1986.

Kenneth R. Mason,

Secretary.

[FR Doc. 86-28954 Filed 12-24-86; 8:45 am]

BILLING CODE 7020-02-M

[3] The two prior review investigations were *Salmon Gill Fish Netting of Manmade Fibers From Japan: Determination of the Commission in Investigation No. 751-TA-5,. . . . ,* USITC Publication 1234, March 1982; and *Salmon Gill Fish Netting of Manmade Fibers from Japan: Determination of the Commission in Investigation No. 751-TA-7,. . . . ,* USITC Publication 1387, June 1983.

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 290 (Sub-No. 2)]

Railroad Cost Recovery Procedures

AGENCY: Interstate Commerce Commission.

ACTION: Notice of approval of rail cost adjustment factor and decision.

SUMMARY: The Commission has decided to approve a restated version of the cost index and RCAF filed by the Association of American Railroads (AAR) under the procedures of Ex Parte No. 290 (Sub-No. 2), *Railroad Cost Recovery Procedures.* Application of the index, as adjusted, for third quarter 1986 forecast error, provides for a first quarter 1987 RCAF of 1.062. Since there is a bank of credits sufficient to offset any increase in maximum RCAF rate levels maximum adjusted base rates may not exceed the current ceiling of 1.057. No rate actions are ordered.

DATES: Effective January 1, 1987.

FOR FURTHER INFORMATION CONTACT: Robert C. Hasek (202) 275-0938 or William T. Bono (202) 275-7354.

SUPPLEMENTARY INFORMATION: By decision served January 2, 1985 (50 FR 87, January 2, 1985) we outlined the procedures for the calculation of the all inclusive index of railroad input costs and the methodology for the computation of the RCAF. These procedures replaced an interim methodology which was formerly used. AAR is required to calculate the forecasted index on a quarterly basis and submit it on the fifth day of the last month of each calendar quarter.

We have reviewed AAR's calculations of the index for the first quarter of 1987 and find that, with the exception of the lease rental portion of the equipment rents component, these calculations comply with the rules contained in our decision served January 2, 1985. AAR's handling of lease rentals is acceptable on an interim basis.

The indexing rules call for the lease rental portion of the equipment rents component of the index to be calculated using actual data. On November 15, 1985, AAR filed a petition to reopen this proceeding for the purpose of modifying our rule concerning this component. AAR's petition is currently under consideration. At this time we will continue to accept use of the Producer Price Index for Industrial Commodities, less Fuel, Power and Related Products as a surrogate for the lease rental portion of the equipment rents component of the index. We have previously observed that the lease rental portion of the index is only 2.3 percent of the total and is not likely to have a major effect on the RCAF.

In our decision served December 27, 1985, we restated a lump sum payment to certain members of the United Transportation Union by amortizing it over the life of the present union contract with interest calculated using the three-month Treasury Bill rate. We instructed AAR to continue this calculation by amortizing the principal balance over the remaining quarters using a three-month Treasury Bill interest rate available seven days prior to the submission date of the quarterly index. New labor contracts with the Brotherhood of Railroad Signalmen, the Brotherhood of Maintenance of Way Employees, the Brotherhood of Railway Carmen and the International Brotherhood of Firemen and Oilers have become effective during the fourth quarter of 1986. These contracts also contain lump sum provisions. We have verified the calculations for these and other lump sum payments and find that they comply with our instructions.

Our decision served September 19, 1986 requested AAR to quantify the effect of new labor contract conditions on the wage rates used in the labor portion of the index. Since that time AAR has established a special committee to quantify the effect of work rule savings on the hourly wage rate which is the major component of the labor index. The committee has conducted a survey of AAR member railroads and quantified several

additional work rule savings. The results of that survey are reflected in a first quarter 1987 reduction of 22.1 cents in the hourly wage rate.

In a decision served October 17, 1986, we made substantial modifications to the rules in this proceeding. Maximum RCAF rate levels were reduced from 1.069 to 1.057 effective November 17, 1986. Additionally, a bank of credits was established to hold down maximum RCAF rate levels in order to offset differences between the maximum RCAF rate level and the level of the quarterly RCAF for the period beginning January 1, 1986. A forecast error adjustment was also approved on a six-month lag basis in order to compensate for overstatements and understatements in the level of the forecasted RCAF. All of the actual data needed for the calculation of an RCAF is available after six months. Finally, we decided that maximum RCAF rate levels will rise and fall with the quarterly RCAF after the bank of credits is exhausted.

This is the first quarterly decision issued under the modified rules. It includes an adjustment to the first quarter 1987 RCAF to compensate for forecast error occurring in the third quarter of 1986. Application of the forecast error adjustment reduced AAR's first quarter 1986 preliminary RCAF calculation by .009 resulting in a published first quarter of 1.062. We will include an adjustment for fourth quarter 1986 forecast error to our next quarterly decision and continue to make an adjustment each quarter thereafter. Calculation of the adjustment and its application to the preliminary first quarter 1987 RCAF are shown in Table A of the appendix.

This is also the first quarterly decision in this proceeding to employ a bank of credits as an offsetting factor to hold down maximum RCAF rate levels. The decision served October 17, 1986 established a bank of credits which is to be used to offset increases in the level of the quarterly RCAF. It also added an opportunity cost adjustment to be applied to the credits in the bank on a quarterly basis. (see decision served October 17, 1986 p. 13) Although AAR did submit its calculation of the bank of credits for each quarter beginning January 1, 1986 it did not employ an opportunity cost adjustment for any of the credits which accumulated during 1986. We have restated AAR's calculations to include an opportunity cost adjustment. That adjustment was applied to the total accumulation of credits using the three-month Treasury Bill interest rate available seven days prior to the filing date of the AAR proposals filed during 1986. Our calculations are shown in Table C of the appendix to this decision.

Our decision served October 17, 1986 stated that we would treat the ordered rollback as if it had occurred at the beginning of the quarter for the purposes of establishing the bank. We made this determination to simplify the process because it was uncertain when rates would actually be reduced. The actual rollback occurred on November 17, 1986 almost exactly halfway through the quarter. Accordingly, we have reconsidered this matter and have decided that, the amount to be banked, will be based on the fact that maximum RCAF rate levels were at the 1.069 level for half the quarter and at the 1.057 level for half the quarter.

Finally, we observe that since the published first quarter 1987 RCAF of 1.062 is higher than the current maximum RCAF rate level of 1.057 the bank of credits will be reduced slightly. If the published quarterly RCAF level remains above 1.057 in future quarters further reductions in the bank will occur. We will continue to calcualte the size of the bank of credits and include that information in each quarterly decision as long as there are any remaining credits.

We find the RCAF for the first quarter of 1987 to be 1.062. This figure was calculated by adjusting the preliminary first quarter 1987 RCAF for the third quarter 1986 forecast error. Since there is a bank of credits sufficient to offset any increase in maximum RCAF rate levels, adjusted base rates may not exceed the current ceiling of 1.057. No rate actions are ordered.

The indices and RCAF derived from AAR's first quarter 1987 calculations are shown in Table A of the Appendix to this decision. The adjustment for third quarter 1986 forecast error is also shown in Table A. Table B shows the third quarter 1986 index and RCAF calculated on both an actual basis and a forecasted basis for comparative purposes. Table C shows our calculation of the bank of credits (including the application of an opportunity cost adjustment) used to offset increases in the RCAF.

This decision will not significantly affect the quality of the human environment or the conservation of energy resources. This proceeding will not have a significant adverse impact on a substantial number of small entities because these procedures simplify a formerly complex and burdensome rate increase procedure.

Authority: 49 U.S.C. 10321, 10707a, 5 U.S.C. 553.

Decided: December 19, 1986.

By the Commission, Chairman Gradison, Vice Chairman Simmons, Commissioners Sterrett, Andre, and Lamboley. Commissioner Andre commented with a separate expression.

Noreta R. McGee,

Secretary.

Appendix

TABLE A.—EX PARTE NO. 290 (SUB-NO. 2)

[All inclusive index of railroad input costs]

Line No.	Index component	1985 weights (percent)	Fourth quarter 1986 forecast	First quarter 1987 forecast
1.	Labor	48.6	156.2	163.3
2.	Fuel	9.7	49.2	49.2
3.	Materials and supplies	7.6	104.2	102.9
4.	Equipment Rents	9.0	145.6	145.1
5.	Depreciation	8.7	117.2	117.0
6.	Other items [1]	16.4	120.9	121.3
7.	Weighted average	100.0	131.7	135.1
8.	Linked index [2]		126.2	129.5
9.	Preliminary Rail Cost Adjustment Factor [3] (10/1/82=100) 120.9		1.044	1.071
10.	Adjustment for third quarter 1986 forecast error [4]		XXX	(.009)
11.	First quarter 1987 RCAF		XXX	1.062

[1] Other items are a combination of Purchased Services, Casualties and Insurance, General and Administrative, Other Taxes and Loss and Damage, all of which are measured by the Producer Price Index for Industrial Commodities, less Fuel, Power and Related Products.

[2] Linking is necessitated by a change to 1985 weights beginning with the fourth quarter 1986. The following formula was used for the third quarter 1986 index:

1st Quarter 1987 Index (1985 Weights) divided by 4th Quarter 1986 Index (1985 Weights) multiplied by 4th Quarter 1986 Index equals Linked Index (Linked Index) (1980 Weights to 1984 Weights)

or:

135.1 divided by 131.7 multiplied by 126.2 equals 129.5

[3] The denominator was rebased to an October 1, 1982 level in accordance with the requirements to the Staggers Rail Act of 1980.

[4] Third quarter 1986 forecast error adjustment is calculated as follows:

1. Third quarter 1986 RCAF calculated using forecasted data—1.040
2. Third quarter 1986 RCAF calculated using actual data—1.031
3. Difference (line 1 minus line 2.). Since the actual third quarter 1986 RCAF was lower than the forecast the difference will be subtracted from the first quarter 1986 preliminary RCAF—.009

TABLE B.—EX PARTE NO. 290 (SUB-NO. 2)

[Comparison of Third Quarter 1986 Index Calculated on Both a Forecasted and an Actual Basis]

Line No	Index component	1984 weights (percent)	Third quarter 1986 forecast	Third quarter 1986 actual
1.	Labor	50.5	153.5	153.5
2.	Fuel	10.8	51.7	41.1
3.	Materials and Supplies	7.8	105.9	105.9
4.	Equipment Rents	9.4	151.9	152.6
5.	Depreciation	7.4	116.8	117.0
6.	Other Items	14.1	120.4	120.6
7.	Weighted Average	100.0	131.3	130.2
8.	Linked Index		125.7	124.7
9.	Rail Cost Adjustment Factor		1.040	[1] 1.031

[1] For comparative purposes only, an RCAF for the third quarter 1986 has been calculated using actual data. The published RCAF for the third quarter 1986 was computed using forecasted data.

TABLE C.—EX PARTE NO. 290 (SUB-NO. 2)

[Calculation of RCAF Credits and Application of Opportunity Cost Adjustment]

Quarter 1986	RCAF		Maximum RCAF rate level	Quarterly interest rate [1] (percent)	Credits		
	Forecast data	Actual data			Quarterly [2]	Total before opportunity cost adjustment [3]	Total after opportunity cost adjustment [4]
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1	1.069	1.062	1.069	1.74	0.007	0.007	0.007
2	1.023	1.027	1.069	1.5375	.042	.049	.050
3	1.040	1.031	1.069	1.33	.029	.079	.080
4	1.044	([5])	([6])	1.3375	.019	.099	.100

[1] Quarterly interest rate is the three-month Treasury bill interest rate available for the sales of February 24, 1986; May 27, 1986; August 25, 1986, and November 24, 1986, divided by four.

[2] Quarters 1 and 2, Col. (4) − Col. (3), Quarter 3, Col. (4) − Col. (2), Quarter 4, see [4].

[3] Col. (6) + Col. (8) for Prior Quarter (except 1st quarter 1986).

[4] Col. (7) × 1. + Col. (5) Interest Rate.
[5] Actual data not available at this time.
[6] Fourth quarter 1986 credit calculations shown below:

	Maximum RCAF rate level [a] (1)	RCAF for 4th quarter (2)	Credit [b] (3)	Time factor (4)	Weighted amount [c] (5)
1.	1.069	1.044	.025	0.5	0.0125
2.	1.057	1.044	.013	.5	.0065
3. Total	xxxx	xxxx	xxxx	xxxx	.0190

[a] The maximum RCAF rate levels in effect during the fourth quarter 1986 were 1.069 October 1 through November 16 and 1.057 November 17 through December 31.
[b] Col. (1) − Col. (2)
[c] Col. (3) × Col. (4)

[FR Doc. 86-29007 Filed 12-24-86; 8:45 am]
BILLING CODE 7035-01-M

[Docket No. AB-19 Sub-No. 123X]

The Baltimore and Ohio Railroad Co. and the Home Avenue Railroad Co.; Abandonment and Discontinuance of Service Exemption; Montgomery County, OH

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Commission exempts from prior approval under 49 U.S.C. 10903, *et seq.*, the discontinuance of service by The Baltimore and Ohio Railroad Company and abandonment by the Home Avenue Railroad Company of two portions of track subject to standard labor protection.

DATES: This exemption is effective on January 28, 1987. Petitions to stay must be filed by January 13, 1987, and petitions for reconsideration must be filed by January 23, 1987.

ADDRESSES: Send pleadings referring to Docket No. AB-19 (Sub-No. 123X) to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423
(2) Petitioners' representatives: Lawrence H. Richmond, 100 No. Charles Street, Baltimore, MD 21201, and
Charles M. Rosenberger, 500 Water Street, Jacksonville, FL 32202

FOR FURTHER INFORMATION CONTACT: Joseph 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 19, 1986.

By the Commission, Chairman Gradison, Vice Chairman Simmons, Commissioners Sterrett, Andre, and Lamboley. Vice Chairman Simmons dissented with a separate expression.

Noreta R. McGee,
Secretary.

[FR Doc. 86-29083 Filed 12-24-86; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Lodging of Consent Decree in Clean Air Act Enforcement Action; Atlantic Sugar Association

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that a consent decree in *United States* v. *Atlantic Sugar Association* was lodged with the United States District Court for the Southern District of Florida on December 5, 1986. The consent decree requires Atlantic Sugar to comply with applicable Clean Air Act requirements governing emissions of particulate matter, implement certain operation and maintenance procedures for three years, and pay a civil penalty of $85,000.

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, DC 20530, and refer to *United States* v. *Atlantic Sugar Association*, 90-5-2-1-876.

The consent decree can be examined at the office of the United States Attorney, 155 S. Miami Avenue, Room 600, Miami, Florida 33130, the Region IV Office of the Environmental Protection Agency, 345 Courtland Street NE., Atlanta, Georgia, and at the Environmental Enforcement Section, Land and Natural Resources Division, U.S. Department of Justice, (Room 1515), Ninth and Pennsylvania Avenue NW., 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. 86-28982 Filed 12-24-86; 8:45 am]
BILLING CODE 4410-01-M

Lodging of Consent Decree Pursuant to the Clean Air Act; International Paper Co.

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on December 16, 1986 a proposed Consent Decree in *United States* v. *International Paper Company*, Civil Action No. CV85-3440, was lodged with the United States District Court for the Western District of Louisiana (Shreveport Division). The complaint in this enforcement action was filed on December 3, 1985 against International Paper Company ("IPC") under sections 111 and 113 of the Clean Air Act ("the Act"), 42 U.S.C. 7411 and 7413, seeking civil penalties and injunctive relief to abate excessive total reduced sulfur emissions by IPC's two recovery furnaces at its kraft pulp mill located near Mansfield, Louisiana. The complaint alleged violations of New Source Performance Standards ("NSPS") applicable to recover furnaces at kraft pulp mills. 40 CFR 60.283. The proposed Consent Decree ("Decree") requires IPC to undertake a comprehensive program, in accordance with a compliance schedule, to attain and thereafter maintain compliance with the NSPS for total reduced sulfur emissions ("TRS") from kraft pulp mills. The Decree requires IPC to continue a program, already undertaken, to improve the permanent diffusion washer filtrate system in the mill's wet bottom precipitators. The Decree requires demonstration of completion of the entire compliance program on or before

March 15, 1987. In addition, the Decree requires the monitoring of compliance with NSPS for TRS while it is in force as well as stipulated penalties for failure to comply with the Decree. Finally, the Decree provides for payment of a $70,000 civil penalty for past violations of the Act.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, U.S. Department of Justice, Washington, DC 20530, and should refer to *United States* v. *International Paper Company*, D.J. Ref. No. 90-5-2-1-888.

The proposed Consent Decree may be examined at the office of the United States Attorney, Room 31B12, Federal Building, Shreveport, Louisiana and at the United States Environmental Protection Agency, Region VI, 1201 Elm Street, Dallas, Texas 75270. Copies of the proposed Consent Decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division, Room 1521, U.S. Department of Justice, 9th and Pennsylvania Avenue NW., Washington, DC 20530. In requesting a copy, please enclose a check in the amount of *$1.80* payable to the Treasurer of the United States.

F. Henry Habicht II,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 86-28983 Filed 12-24-86; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustments assistance issued during the period December 1, 1986-December 5, 1986 and December 8, 1986-December 12, 1986.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-17,753; Genex Corp., Paducah, KY

TA-W-18,218; Rockwell International Corp., Flow Control Div., Barberton, OH

TA-W-17,967; Consolidated Metco, Inc., Sidney, OH

TA-W-18,245; General Refractories Co., Sproul, PA

TA-W-18,032; BWAB, Inc., Sidney, MT

TA-W-17,733; Armstrong Rubber Co., Des Moines, IA

TA-W-17,968; Perry Gas Processors, Inc., Odessa, TX

TA-W-18,248; Alatex, Inc., Crestview, FL

TA-W-17,969; Keystone Carbon Co., St Marys, PA

TA-W-17,896; Miller-Picking Corp., Johnstown, PA

TA-W-17,578; L & S Bearing Co., Oklahoma City, OK

TA-W-17,995; Belfast Manufacturing, Belfast, ME

TA-W-18,121; Guilford Industries, Inc., East Douglas, MA

TA-W-18,289; Duncan Oil, Inc., Denver, CO

TA-W-18,197; Emerald Mines Corp., Waynesburg, PA

TA-W-17,416; Cross Country Clothes, Northampton, PA

TA-W-17,683; Harvard Industries, Inc., Anchor Swan Division, Bucyrus, OH

TA-W-17,721; Esterline Angus Instrument Corp., Speedway, IN

TA-W-18,165; Simonds Cutting Tools, Newcomerstown, OH

TA-W-17,644; Better Maid Frocks, Elizabeth, NJ

TA-W-17,981; Allen Gauge & Tool Co., Inc., Gauge Dept., Pittsburgh, PA

In the following cases the investigation revealed that criterion (3) has not been met for the reasons specified.

TA-W-17,679; Coleman Clothes Co., Hialeah, FL

Separations at the subject firm were due to a domestic transfer of operations.

TA-W-17,892; Bethlehem Steel Corp., Burns Harber Plant, Chesterton, IN

Aggregate U.S. imports of steel plant, sheet and strip did not increase as required for certification.

TA-W-17,971; Magnetic Peripherals, Inc., (Control Data Corp.), Minnetonka, MN

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-18,048; J & J Steel Supply Co., Odessa, TX

Aggregate U.S. imports of oil storage tanks are negligible.

TA-W-18,708; Exeter Drilling Co., Denver, CO

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-18,692; Ranger Fuel Corp., Bolt Preparation Plant, Wyoming County, WV

Aggregate U.S. imports of coal are negligible.

TA-W-18,436; BTA Oil Producers, Midland, TX

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-18,702; Halliburton Services, Hays, KS

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-18,025; Pennzoil Co., Headquartered in Houston, TX

Aggregate U.S. imports of gasoline distillate fuel oil, lubricants, and natural gas did not increase as required for certification.

TA-W-18,049; Falcon Refinery, Ingleside, TX

Aggregate U.S. imports of gasoline distillate fuel oil did not increase as required for certification.

TA-W-17,998; Consolidated Cigar Co., Berwick, PA

Aggregate U.S. imports of cigars did not increase as required for certification.

TA-W-18,090; Cannelton Industries, Peytona, WV

Aggregate U.S. imports of coal are negligible.

TA-W-17,983; Weyerhauser, Plywood Plant Springfield, OR

Aggregate U.S. imports of softwood plywood and veneer are negligible.

TA-W-18,438; Pennsylvania Mines Corp., Barnesboro, PA

Aggregate U.S. imports of coal are negligible.

TA-W-18,263; Coastal Tank Lines, Marysville, MI

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-18,401; Del Penn Steel Sales Corp., Philadelphia, PA

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-18,282; Hydrill Co., Houston, TX

Aggregate U.S. imports of pipe and tubing did not increase as required for certification.

TA-W-18,578; Ryan-Beth Coal Co., Man, WV

Aggregate U.S. imports of coal are negligible.

TA-W-17,518; General Motors Corp., Linden, NJ

U.S. imports did not contribute importantly to employment and production declines at the subject plant.

TA-W-17,975; Twilight Industries, Belle Vernon, PA

Aggregate U.S. imports of coal are negligible.

TA-W-18,239; Wheeling, Pittsburgh Steel Corp., Allenport, PA

Aggregate U.S. imports of cold Rolled sheet and carbon steel pipe and tubing did not increase as required for certification.

TA-W-18,223; Elkay Mining Co., Rita, WV

Aggregate U.S. imports of coal are negligible.

TA-W-18,206; Westmoreland Coal Co., Clothier, WV

Aggregate U.S. imports of coal are negligible.

TA-W-18,605; Dresser Industries, Magcobar Group, Olney, IL

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-18,391 and TA—W-18,595; Waterland Enterprises, Odessa, TX

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-17,617; Rockwell International Corp., Municipal and Utility Div., Uniontown, PA

Aggregate U.S. imports of liquid and gas meters are negligible.

TA-W-18,630; Teledyne Exploration, Houston, TX

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-18,632; M.H. Brackeen Jr. Oilfiled Sales & Service, Inc., Corpus Christi, TX

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-18,634; The Permian Corporation, Hays, KS

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-18,669; Sam's Well Service, Guymon, OK

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-18,681; Don L. Burris, Petroleum, Consultant, Midland, TX

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-18,682; Great Bend Well Service, Inc., Great Bend, KS

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-18,631; Petro-Lewis Corp., Catarina, TX

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-18,635; Equipment Renewal Co., Carrizo Spring, TX

Aggregate U.S. imports of oilfield equipment are negligible.

TA-W-18,186; Allen Testproducts, Kalamazoo, MI

Worker separations at the subject plant are attributable to a transfer of production to another domestic plant.

TA-W-18,609; Stanley Well Service, Inc., Bryan, TX

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-18,615; Wilson Drilling, Ltd, East Albion, IL

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-18,617; BC Service Company, Wickett, TX

The workers' firm does not produce an article as required for certification.

TA-W-18,618; Frontier Petroleum Services, Inc., Levelland, TX

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-18,619; Precision Geophysical, Inc., Houston, TX

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-18,620; Target Geophysical, Inc., Denver, CO

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-18,440; Perfection Services, Inc., Laredo, TX

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-18,442; Halliburton Services, Flora, IL

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-18,443; Welex-A Halliburton Company, Houston, TX

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-18,447; Air Equipment Rental, Inc., Victoria, TX

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-18,453; Mundy Maintenance Circle, Inc., Houston, TX

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-18,454; Daniel International Corp., Greenville, SC

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-18,456 Modern Machine Shop, Inc., Laredo, TX

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-18,458; Alpha Consulting, Inc., Pintex Petroleum Corporation, Bolder, CO

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-18,460; Estate of William G. Helis, A Partnership, Denver, CO

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-18,462; Dresser Atlas, McAllen, TX

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-18,465; Pride Oil Well Service, Alice, TX

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-18,471; TRJ Corporation, Abilene, TX

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-18,472; American Drilling & Exploration Co., Inc., Corpus Christi, TX

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-18,476; Lance Drilling Corporation, Laredo, TX

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-18,477 Emphasis Oil Operations, Russell, KS

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-18,480; Drilling Chemicals, Inc., Carthage, TX

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-18,481; Lloyd Schoenheit Truck and Tractor Service, Inc., Grayville, IL

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

Affirmative Determinations

TA-W-17,592; Punxsutawney Sportswear, Punxsutawney, PA

A certification was issued covering all workers of the firm separated on or after June 11, 1985.

TA-W-18,244; GTE Sylvania, Winchester, KY

A certification was issued covering all workers of the firm separated on or after September 16, 1985.

TA-W-17,531; Newton Garment Co., Newton, NJ

A certification was issued covering all workers of the firm separated on or after May 27, 1985 and before June 1, 1986.

TA-W-17,994; Hilla's Fashions, Sheppton, PA

A certification was issued covering all workers of the firm separated on or after August 26, 1985.

TA-W-17,200; Printronix/Data Printer Division, Malden, MA

A certification was issued covering all workers of the firm engaged in employment related to the assembly of printed circuit boards and those engaged in employment related to the subassembly of hammer actuators and the electro mechanical subassembly separated on or after September 12, 1985.

TA-W-17,378; RCA Consumer Electronics Ferrites Division, Indianapolis, IN

A certification was issued covering all workers of the firm separated on or after October 2, 1985.

TA-W-17,773; El Paso Assemblies, Inc., Auto Assemblies, Inc., El Paso, TX

A certification was issued covering all workers of the firm separated on or after June 17, 1985.

TA-W-17,238; Wheeling-Pittsburgh Steel Corp., Monessen, PA

A certification was issued covering all workers of the firm separated on or after September 12, 1985.

TA-W-17,356; Nunn Bush Shoe Co., Edgerton, WI

A certification was issued covering all workers of the firm separated on or after September 26, 1985.

TA-W-18,204; Johnson Steel & Wire Co., Inc., Worcester, MA

A certification was issued covering all workers of the firm separated on or after September 2, 1985.

TA-W-18,348; Arrow Womenswear, Brantley, AL

A certification was issued covering all workers of the firm separated on or after September 30, 1985.

TA-W-17,820; C.G. Conn. Ltd, Abilene, TX

A certification was issued covering all workers of the firm separated on or after July 15, 1985.

TA-W-17,948; Stratojac Corp., Hammond, IN

A certification was issued covering all workers of the firm separated on or after August 13, 1986.

TA-W-18,333; Leblond Makino Machine Tool Co., Cincinnati, OH

A certification was issued covering all workers of the firm separated on or after September 24, 1985.

TA-W-18,452; Carter-Day Co., Fridley Plant, Minneapolis, MN

A certification was issued covering all workers of the firm separated on or after September 30, 1985.

TA-W-17,664; Scottdale Machine Foundry and Construction Co., Scottdale, PA

A certification was issued covering all workers of the firm separated on or after June 20, 1985.

TA-W-18,007; Tran-Spectra, Inc., Greenfield, TN

A certification was issued covering all workers of the firm separated on or after August 4, 1985.

TA-W-17,486; Energy Manufacturing Co., St. Paul, MN

A certification was issued covering all workers of the firm separated on or after May 1, 1986 and before August 1, 1986.

TA-W-18,284; Teleflex, Inc., Marine Division, Limerick, PA

A certification was issued covering all workers of the firm separated on or after September 23, 1985.

TA-W-18,126; Bassin Drilling Corp., Odessa, TX

A certification was issued covering all workers of the firm separated on or after September 4, 1985.

TA-W-17,925; American Valve Manufacturing Corp., Coxsackie, NY

A certification was issued covering all workers of the firm separated on or after August 26, 1985.

TA-W-17,662; Berkel, Inc., Versailles, IN

A certification was issued covering all workers of the firm separated on or after June 17, 1985.

TA-W-17,649; Westinghouse Electric Corp., Attica, NY

A certification was issued covering all workers of the Attica, New York plant separated on or after June 26, 1985.

TA-W-17,609; Westinghouse Electric Corp., Cheektowaga, NY

A certification was issued covering all workers of the Cheektowaga, New York plant separated on or after June 2, 1985.

TA-W-18,055; Pel-Tex Oil Co., Inc., Houston, TX

A certification was issued covering all workers of the firm separated on or after July 30, 1985.

TA-W-17,626; Aluminum Co. of America Logan's Ferry Works, New Kensington, PA

A certification was issued covering all workers of the firm separated on or after July 1, 1985.

TA-W-17,710; Century Electric, Inc., McMinnville, TN

A certification was issued covering all workers of the firm separated on or after June 23, 1985.

TA-W-17,621; American Shallow Den, Inc., Waskom, TX

A certification was issued covering all workers of the firm separated on or after June 17, 1985.

TA-W-17,616; Wood Industrial Products Co., Conshohocken, PA

A certification was issued covering all workers of the firm separated on or after June 24, 1985.

TA-W-17,698; Peerless Footwear, Inc., Telford, PA

A certification was issued covering all workers of the firm separated on or after June 16, 1985.

TA-W-17,815; Cooper Industries, Arrow Hart Div., Hartford, CT

A certification was issued covering all workers of the firm separated on or after July 29, 1985.

TA-W-17,682; Happ Manufacturing Co., Division of Oxford Industries, Macon, GA

A certification was issued covering all workers of the firm separated on or after July 9, 1985 and before December 14, 1986.

TA-W-17,713; Mountain City Manufacturing Vandling, PA

A certification was issued covering all workers of the firm separated on or after July 3, 1985 and before August 31, 1986.

TA-W-17,985; Murata Erie North America, Inc., Ceramic Disc Capacitor Div., Rockmart, GA

A certification was issued covering all workers of the firm separated on or after August 19, 1985.

TA-W-18,279; Hanna Nickel Smelting Co., Riddle, OR

A certification was issued covering all workers of the firm separated on or after September 23, 1985.

TA-W-17,590; Good Luck Glove Co., Georgiana, AL

A certification was issued covering all workers of the firm separated on or after June 12, 1985 and before July 27, 1986.

TA-W-17,718; Good Luck Glove Co., Hugo, OK

A certification was issued covering all workers of the firm separated on or after October 1, 1985 and before November 3, 1986.

TA-W-18,357; Dorr-Oliver, Inc., Fogelsville, PA

A certification was issued covering all workers of the firm separated on or after September 26, 1985.

TA-W-17,851; Cullman Lingerie Corp., Cullman, AL

A certification was issued covering all workers of the firm separated on or after October 1, 1985 and before December 31, 1986.

TA-W-17,412; Active Generation, Inc., Trenton, TN

A certification was issued covering all workers of the firm separated on or after October 15, 1985.

TA-W-17,553; Ronco Manufacturing Co., Ronco, PA

A certification was issued covering all workers of the firm separated on or after May 7, 1985 and before April 10, 1986.

TA-W-18,288; W.A. Mancrief & Sons, Kamay, TX

A certification was issued covering all workers of the firm separated on or after September 4, 1985.

TA-W-18,308; B-J Oil Company, Plainsville, KS

A certification was issued covering all workers of the firm separated on or after September 18, 1985.

TA-W-17,747; Ramsey Piston Division, TRW Automotive Products, Manchester, MO

A certification was issued covering all workers of the firm separated on or after July 15, 1985.

TA-W-18,485; Southern Union Exploration Co., Dallas, TX

A certification was issued covering all workers of the firm separated on or after September 29, 1985.

TA-W-17,829 and TA-W-17,875; Clark Material Systems Technology Co., Battle Creek MI and Georgetown, KY

A certification was issued covering all workers of the Battle Creek MI plant of the firm separated on or after October 14, 1985 and covering all workers of the Georgetown, KY plant of the firm separated on or after July 31, 1985.

TA-W-17,686; Rovan Dress, Jersey City, NJ

A certification was issued covering all workers of the firm separated on or after July 8, 1985 and before May 28, 1986.

TA-W-17,613; Muench-Kreuzer Candle, Syracuse, NY

A certification was issued covering all workers of the firm separated on or after June 24, 1985.

TA-W-17,712; Tennessee Fan Co., Fayetteville, TN

A certification was issued covering all workers of the firm separated on or after June 17, 1985.

I hereby certify that the aforementioned determination were issued during the period December 1, 1986–December 5, 1986 and December 8, 1986–December 12, 1986. Copies of these determinations are available for inspection in Room 6434, U.S. Department of Labor 601 D Street, NW., Washington, DC 20213 during normal business hours or will be mailed to persons who write to the above address.

Dated: December 16, 1986.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 86-29085 Filed 12-24-86; 8:45 am]

BILLING CODE 4510-30-M

Investigations Regarding Certifications of Eligibility to Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment

Assistance, at the address shown below, not later than January 7, 1987.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 7, 1987.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street, NW., Washington, DC 20213.

Signed at Washington, DC, this 16th day of December 1986.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers/firm	Location	Date received	Date of petition	Petition No.	Articles produced
General Electric (IUE)	Pittsfield, MA	12/4/86	12/1/86	TA-W-18, 747	Large power transformers.
Rochester Film Division of Poulenc, Inc. (UAW)	Rochester, NY	12/8/86	12/1/86	TA-W-18, 748	Microfilm.
Cabot Corporation (Workers)	Pampa, TX	12/8/86	12/1/86	TA-W-18, 749	Natural gas.
Broughton Lumber Co. (Company)	Cooks, WA	12/5/86	11/14/86	TA-W-18, 750	Softwood lumber and logging operations.
Broughton Lumber Co. (Company)	Underwood, WA	12/5/86	11/14/86	TA-W-18, 751	Softwood lumber.
Geophysical Service, Inc. (Workers)	Denver, CO	12/8/86	11/25/86	TA-W-18, 752	Seismic data services.
Medical Products Corp. (Workers)	Racine, WI	12/8/86	11/25/86	TA-W-18, 753	Silicon rubber catheters.
Conoco, Incorporated (Workers)	Great Bend, KA	12/8/86	12/9/86	TA-W-18, 754	Crude oil.
Alliance Drop Forge (Workers)	Alliance, OH	12/8/86	12/2/86	TA-W-18, 755	Conveyor chains, industrial hardware.
Technicare, A Division of Johnson and Johnson (Workers)	Solon, OH	12/8/86	11/25/86	TA-W-18, 756	Medical diagnostic machines.
Sabine Corporation (Workers)	Midland, TX	12/5/86	11/24/86	TA-W-18, 757	Crude oil and natural gas.
Western Tank Company (Workers)	Odessa, TX	12/10/86	11/26/86	TA-W-18, 758	Welded steel storage tank.
Walverine World Wide, Inc. (Workers)	Hannibal, MO	12/10/86	12/1/86	TA-W-18, 759	Men's shoes and boats.
Atlas Crankshaft Corp. (UAW)	Fostoria, OH	12/10/86	11/29/86	TA-W-18, 760	Crankshafts, gears and valves.
Do-Ray Lamp Company (Company)	Colorado City, CO	12/10/86	11/25/86	TA-W-18, 761	Automotive safety lighting and accessories.
Conveyor Belt Service Inc. (Workers)	Virginia, MN	12/11/86	12/3/86	TA-W-18, 762	Repair and splice conveyor belts.
Weyerhaeuser Company (IWWA)	North Bend, OR	12/9/86	12/2/86	TA-W-18, 763	Softwood logs.
Rio Grande Drilling (Workers)	Port O'Connor, TX	12/5/86	11/24/86	TA-W-18, 764	Offshore oil drilling.
Cantera Petroleum, Inc. (Workers)	Denver, CO	12/11/86	11/3/86	TA-W-18, 765	Crude oil and natural gas.
General Portland, Inc. (Workers)	Forth Worth, TX	12/11/86	11/18/86	TA-W-18, 766	Oil well cement and portland cement.
J.W. McCutchen Drilling (Workers)	Wichita Falls, TX	12/11/86	12/1/86	TA-W-18, 767	Oil drilling.
Switches, Inc. (USAW)	Logansport, IN	12/11/86	12/1/86	TA-W-18, 768	Solenoids, voltage regulations.
American Pipe & Steel (Workers)	Houston, TX	12/11/86	11/20/86	TA-W-18, 769	Service-thread and couple steel tubing.
Mannesmann Demag Wean (Workers)	Youngstown, OH	12/11/86	12/3/86	TA-W-18, 770	Heavypresses, tube mills.
Amerada Hess (Workers)	Midlan, AK	12/12/86	12/5/86	TA-W-18, 771	Exploration of oil and gas.
French Tool and Mfg (Workers)	Midland, TX	12/12/86	12/1/86	TA-W-18, 772	Blenders, acid pumpers slurry mixers.
Geophysical Services (Workers)	Midland, TX	12/12/86	12/4/86	TA-W-18, 773	Seismic expoloration for oil.
Marathon Oil Co. (Workers)	Midland, TX	12/12/86	12/3/86	TA-W-18, 774	Oil and gas production.
Injection Footwear (Workers)	Miami, FL	12/12/86	12/4/86	TA-W-18, 775	Shoes.
Blake Drilling Inc. (Workers)	Midland, TX	12/12/86	12/2/86	TA-W-18, 776	Drills oil wells.
Sedco Forex Schlumberger (Workers)	Ventura, CA	12/2/86	11/25/86	TA-W-18, 777	Offshore oil drilling.
Jones & Lamson Machine Co., Inc. (UE)	Springfield, VT	12/15/86	11/19/86	TA-W-18, 778	Lathes.
Camel Outdoor Products (UTWA)	Knoxville, TN	12/15/86	12/1/86	TA-W-18, 779	Tents and camping gear.
LTV Steel Corp. (Workers)	Houston, TX	12/15/86	12/1/86	TA-W-18, 780	Sells steel.
MP Industries (Workers)	Tyler, TX	12/15/86	11/24/86	TA-W-18, 781	Molded rubber oil field equipment.

[FR Doc. 86-29087 Filed 12-29-86; 8:45 am]

BILLING CODE 4510-30-M

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR Part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR Part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedeas decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the

geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon and Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, NW., Room S-3504, Washington, DC 20210.

Modifications to General Wage Determination Decisions

The numbers of the decisions listed in the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" being modified are listed by Volume, State, and page number(s). Dates of publication in the Federal Register are in parentheses following the decisions being modified.

Volume I

New Jersey:
NJ 86-2 (Jan. 3, 1986) ..... pp. 562, 589.
NJ 86-3 (Jan. 3, 1986) ..... pp. 601, 611.
Pennsylvania:
PA 86-24 (Jan. 3, 1986) ..... p. 954

Volume II

Arkansas: AR86-7 (Jan. 3, 1986). pp. 21-22.

Volume III

None

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon and Related Acts". This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the Country. Subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 783-3238.

When ordering subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the three separate volumes, arranged by State. Subscriptions include an annual edition (issued on or about January 1) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed at Washington, DC this 19th day of December 1986.

James L. Valin,
Assistant Administrator.

[FR Doc. 86-28939 Filed 12-24-86; 8:45 am]

BILLING CODE 4510-27-M

Bureau of Labor Statistics

Response to Comments on Changes in Local Area Unemployment Statistics (LAUS) Procedures

AGENCY: Bureau of Labor Statistics, Labor.

ACTION: Changes in local area unemployment statistics methodology.

SUMMARY: As a result of the comments received during the **Federal Register** comment period, the Bureau of Labor Statistics has confirmed its intention to introduce the methodological improvements cited in its **Federal Register** Notice, dated October 24, 1986 and republished on November 7, 1986 at 51 FR 40527. The improvements include the mandatory introduction of new procedures for multi-county employment disaggregation and the estimation of unemployed exhaustees. Optional methodological revisions will be introduced in the estimation of agricultural employment and the estimation of Federal and Railroad unemployment. The optional changes may be made mandatory in 1988.

FOR FURTHER INFORMATION CONTACT: Sharon Brown 202-523-1807.

Dated at Washington, DC., this 19th day of December 1986.

Janet L. Norwood,
Commissioner.

[FR Doc. 86-29094 Filed 12-24-86; 8:45 am]

BILLING CODE 4510-24-M

Mine Safety and Health Administration

[Docket No. M-86-216-C]

South Ridge Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

South Ridge Coal Company, P.O. Box 2, Sacramento, Pennsylvania 17968 has filed a petition to modify the application of 30 CFR 75.1400 (hoisting equipment; general) to its Little Diamond Slope (I.D. No. 36-07780) located in Schuylkill County, Pennsylvania. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that cages, platforms or other devices which are used to transport persons in shafts and slopes be equipped with safety catches or other approved devices that act quickly and effectively in an emergency.

2. Petitioner states that no such safety catch or device is available for the steeply pitching and undulating slopes with numerous curves and knuckles present in the main haulage slopes of this anthracite mine.

3. Petitioner further believes that if "makeshift" safety devices were installed they would be activated on knuckles and curves when no emergency existed and cause a tumbling effect on the conveyance.

4. As an alternate method, petitioner proposes to operate the man cage or steel gunboat with secondary safety connections securely fastened around the gunboat and to the hoisting rope, above the main connecting device. The hoisting ropes would have a factor of safety in excess of the design factor as determined by the formula specified in the American National Standard for Wire Rope for Mines.

5. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before January 28, 1987. Copies of the petition are available for inspection at that address.

Dated: December 18, 1986.

Patricia W. Silvey,

Associate Assistant Secretary for Mine Safety and Health.

[FR Doc. 86-29095 Filed 12-24-86; 8:45 am]

BILLING CODE 4510-43-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 86-88]

NASA Advisory Council, Space Systems and Technology Advisory Committee (SSTAC); Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Space Systems and Technology Advisory Committee, Reliability, Diagnostics and Quality Assurance Ad Hoc Task Team.

DATE AND TIME: January 13, 1987, 8:30 a.m. to 4:30 p.m.; January 14, 1987, 8:30 a.m. to 12:30 p.m.

ADDRESS: Building 1219, Room 225, Langley Research Center, Hampton, VA 23665.

FURTHER INFORMATION CONTACT: Mr. John Smith, Office of Aeronautics and Space Technology, National Aeronautics and Space Administration, Washington, DC 20546, 202/453-2834.

SUPPLEMENTARY INFORMATION: The NAC Space Systems and Technology Advisory Committee was established to provide overall guidance and direction to the space systems research and technology activities in the Office of Aeronautics and Space Technology (OAST). The purpose of the team is to ensure that the technology program has the necessary design base to support development of the predictive techniques, design tools, and test methods required for future spaceflight missions. The meeting will be open to the public up to the seating capacity of the room (approximately 30 persons including the task team members and other participants).

Type of Meeting: Open.

Agenda

January 13, 1987.

8:30 a.m.—Review and assess the OAST technology program which contributes to the development of predictive techniques, design tools, and test methods for support of future spaceflight missions.

4:30 p.m.—Adjourn.

January 14, 1987.

8:30 a.m.—Discussion and preparation of interim report.

12:30 p.m.—Adjourn.

Richard L. Daniels,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

December 18, 1986.

[FR Doc. 86-29006 Filed 12-24-86; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Agency Information Collection Activities Under OMB Review

AGENCY: National Endowment for the Arts.

ACTION: Notice.

SUMMARY: The National Endowment for the Arts (NEA) has sent to the Office of Management and Budget (OMB) the following proposal for the collection of information under the provisions of the Paperwork Reudction Act (44 U.S.C. Chapter 35).

DATES: Comment on this information must be submitted by January 19, 1987.

ADDRESSES: Send comments to Mrs. Judy Egan, Office of Management and Budget, New Executive Office Building, 726 Jackson Place, N.W., Room 3208, Washington, DC 20503; (202-395-6880). In addition, copies of such comments may be sent to Ms. Marianna Dunn, National Endowment for the Arts, Administrative Services Division, Room 203, 1100 Pennsylvania Avenue, NW., Washington, DC 20506; (202-682-5464).

FOR FURTHER INFORMATION CONTACT: Ms. Marianna Dunn, National Endowment for the Arts, Administrative Services Division, Room 203, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, (202-682-5464); from whom copies of the documents are available.

SUPPLEMENTARY INFORMATION: The Endowment requests approval for the revision of a currently approved collection. The entry is issued by the Endowment and contains the following information: (1) The title of the form; (2) how often the required information must be reported; (3) who will be required or asked to report; (4) what the form will be used for; (5) an estimate of the number of responses; (6) an estimate of the total number of hours needed to prepare the form. This entry is not subject to 44 U.S.C. 3504(h).

Title: Challenge III Grants Application Guidelines FY 1988/89.

OMB Number: 3135-0046

Frequency of Collection: One-time.

Respondents: Non-profit institutions

Use: Guideline instructions and applications elicit relevant information from nonprofit organizations that apply for funding under specific Program categories. This information is necessary for the accurate, fair and thorough consideration of competing proposals in the peer review process.

Estimated Number of Respondents: 250.

Estimated Hours for Respondents to Provide Information 25,000.

Murray R. Welsh,

Director, Administrative Services Division, National Endowment for the Arts.

[FR Doc. 86-29084 Filed 12-24-86; 8:45 am]

BILLING CODE 7537-01-M

Humanities Panel; Meetings

AGENCY: National Endowment for the Humanities.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at the Old Post Office, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, DC 20506; telephone 202/786-0322.

SUPPLEMENTARY INFORMATION: The proposed meetings are for the purpose of panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meetings will consider information that is likely to disclose: (1) Trade secrets and commercial or financial information obtained from a person and privileged or confidential; (2) information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; or (3) information the disclosure of which would significantly frustrate implementation of proposed agency action, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee meetings, dated January 15, 1978, I have determined that these meetings will be closed to the public pursuant to

subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

1. Date: January 12, 1987
   Time: 8:00 a.m. to 5:00 p.m.
   Room: 415
   Program: This meeting will review applications submitted for Museums and Historical Organizations, submitted to General Programs, for projects beginning after July 1, 1987.
2. Date: January 15–16, 1987
   Time: 8:00 a.m. to 5:00 p.m.
   Room: 415
   Program: This meeting will review applications submitted for Museums and Historical Organizations, submitted to General Programs, for projects beginning after July 1, 1987.
3. Date: January 22–23, 1987
   Time: 8:00 a.m. to 5:00 p.m.
   Room: 415
   Program: This meeting will review applications submitted for Museums and Historical Organizations, submitted to General Programs, for projects beginning after July 1, 1987.
4. Date: January 29–30, 1987
   Time: 8:00 a.m. to 5:00 p.m.
   Room: 415
   Program: This meeting will review applications submitted for Museums and Historical Organizations submitted to General Programs, for projects beginning after July 1, 1987.

Stephen J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 86–29011 Filed 12–24–86; 8:45 am]

BILLING CODE 7536–01–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee on General Electric Reactors (ABWR)/Safety Philosophy, Technology, and Criteria; Revised

The **Federal Register** published on Friday, December 19, 1986 (51 FR 45571) contained notice of a joint meeting of the ACRS Subcommittees on General Electric Reactors (ABWR)/Safety philosophy, Technology, and Criteria to be held on Wednesday, January 7 1987, 9:00 a.m., Room 1046, 1717 H Street, NW., Washington, DC. To the extent practical the meeting will be open to public attendance. However, portions of the meeting may be closed to discuss information provided the agency from a foreign source (FOIA Exemption (b)1 and safeguards information (FOIA Exemption (b)4). All other items regrading this meeting remain the same as previously announced.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telophone call to the cognizant ACRS staff member, Mr. Richard Major (telephone: 202/634–1414) between 8:15 a.m. and 5:00 p.m. Persons planning to attend this meeting are urged to contact the above mamed individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., which may have occurred.

Dated: December 19, 1986.

Thomas G. McCreless,

Assistant Exective Director for Technical Activities.

[FR Doc. 86–29074 Filed 12–24–86; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards, Nuclear Regulatory Commission; Meeting Agenda

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reaction Safeguards will hold a meeting on January 8–10, 1987, in Room 1046, 1717 H Street, NW., Washington, DC. Notice of this meeting was published in the **Federal Register** on November 20, 1986.

Thursday, January 8, 1987

8:30 a.m.–8:40 a.m.: Report of ACRS Chairman (Open)—The ACRS Chairman will report briefly regarding items of current interest to the Committee.

8:40 a.m.–10:45 a.m.: General Electric Advanced BWR (Open/Closed)—Discuss scope of review, applicable criteria, etc., regarding the prelicensing agreement for consideration of this project.

Portions of this session will be closed as necesary to discuss Proprietary Information applicable to this project.

11:00 a.m.–12:00 Noon: Meeting with NRC Director, Office of Nuclear Reactor Regulation (Open)—Discuss items of mutual interest regarding the NRC regulatory process and safety-related matters.

1:00 p.m.–2:30 p.m.: Implementation of NRC Sofety Goal Policy (Open)—Subcommittee report and briefing regarding the status of NRC activities regarding implementation of the NRC Safety Goal Policy.

2:30 p.m.–2:50 p.m.: Future Activities (Open)—Discuss anticipated ACRS subcommittee activities and topics proposed for consideration by the full Committee. Discuss topics for future meeting with NRC Commissioners.

2:50 p.m.–3:15 p.m.: ACRS Subcommittee Activity (Open)—Hear and discuss ACRS subcommittee report regarding seismic reevaluation of the Diablo Canyon Nuclear Plant.

3:30 p.m.–6:30 p.m.: Improved Light Water Reactors (Open)—Discuss proposed ACRS report to the NRC regarding the characteristics of improved light water reactors.

Friday, January 9, 1987

8:30 a.m.–9:30 a.m.: Meeting with NRC Executive Director for Operations (Open/Closed)—Discuss proposed NRC Staff Reorganization and assignment of personnel and its impact on ACRS activities.

Portions of this session will be closed as necessary to discuss internal NRC personnel rules and practices as well as information the release of which would represent a clearly unwarranted invasion of personal privacy.

9:30 a.m.–10:30 a.m.: Systems Interactions (Open)—Briefing and discussion of NRC Staff resolution of ACRS comments in its report of May 13, 1986 on Proposed Resolution of USI A–17, Systems Interactions in Nuclear Power Plants.

10:45 a.m.–11:15 a.m.: Suppression Pool Bypass (Open)—Discuss proposed priority for resolution of Generic Issue 61, SRV Discharge Line Break in the Airspace of Mk I/Mk II Containments.

11:15 a.m.–12:00 Noon: Appointment of New ACRS Member (Closed)—Discuss the qualifications of candidates proposed for appointment to the ACRS.

This session will be closed as necessary to discuss internal agency personel policies and practices as well as information the release of which would represent a clearly unwarranted invasion of personal privacy.

1:00 p.m.–6:30 p.m.: Improved Light Water Reactors (Open)—Discuss proposed ACRS report to the NRC regarding the characteristics of improved light water reactors.

Saturday, January 10, 1987

8:30 a.m.–12:30 p.m.: ACRS Reports to NRC (Open/Closed)—Discuss proposed ACRS reports to the NRC regarding items considered during this meeting.

Portions of this session will be closed as necessary to discuss Proprietary Information applicable to the matters being discussed.

1:30 p.m.–2:30 p.m.: ACRS Subcommittee Activities (Open/Closed)—Hear and discuss reports of designated ACRS subcommittees regarding safety-related activities

including activities of NRC regional offices, performance of solid state devices under adverse environmental conditions, TVA management problems and the proposed NRC Safety Research Program. Allocation of ACRS resources will also be discussed.

Portions of this session will be closed as necessary to discuss Proprietary Information applicable to the matter being discussed and to discuss information the release of which would be likely to significantly frustrate the NRC in the performance of its statutory function.

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 20, 1986 (51 FR 37241). In accordance with these procedures, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Committee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS Executive Director as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements. Use of still, motion picture and television cameras during this meetings may be limited to selected portions of the meeting as determined by the Chairman. Information regarding the time to be set aside for this purpose may be obtained by a prepaid telephone call to the ACRS Executive Director, R. F. Fraley, prior to the meeting. In view of the possibility that the schedule for ACRS meeting may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the ACRS Executive Director if such rescheduling would result in major inconvenience.

I have determined in accordance with subsection 10(d) Pub. L. 92-463 that it is necessary to close portions of this meeting as noted above to discuss information that involves the internal personnel rules and practices of the NRC [5 U.S.C. 552b(c)(2)], information that involves Proprietary Information [5 U.S.C. 552b(c)(4)] applicable to the facility being discussed, information the release of which would represent a clearly unwarranted invasion of personal privacy [5 U.S.C. 552b(c)(6)], and information the premature release of which would be likely to significantly frustrate the NRC in the performance of its statutory function per 5 U.S.C. 552b(c)(9).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to prevent oral statements and the time allotted can be obtained by a prepaid telephone call to the ACRS Executive Director, Mr. Raymond F. Fraley (telephone 202/634-3265), between 8:15 a.m. and 5:00 p.m.

Dated: December 19, 1986.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 86-29075 Filed 12-24-86; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-266 and 50-301]

Wisconsin Electric Power Co.; Point Beach Nuclear Plant; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from the technical requirements of Appendix R to 10 CFR Part 50 to Wisconsin Electric Power Company (the licensee), for the Point Beach Nuclear Plant, Units 1 and 2, located in Manitowoc County, Wisconsin.

Environmental Assessment

Identification of Proposed Action

The Exemption would allow alternatives to the following requirements of 10 CFR Part 50 Appendix R, Section III.G:

1. Service Water Pump Room, Elevation 7 feet 0 inch, to the extent that 20 feet separation free of intervening combustibles is not provided in this zone pursuant to III.G.2.b.

2. Residual Heat Removal Pump Fire Zone, Elevation 19 feet 3 inches, to the extent that an automatic fire suppression system is not installed within this zone pursuant to III.G.2.b.

3. Auxiliary Building Fire Area, Elelvations −19 feet 3 inches; −5 feet 3 inches; 8 feet; 26 feet; and 46 feet, to the extent that an automatic fire suppression system is not installed throughout the area pursuant to III.G.2.b.

4. Auxiliary Building, Elevation 46 feet, to the extent that a 3-hour fire rated floor barrier is not provided in the central part of the zone pursuant to III.G.2.a.

The Need for the Proposed Action

The proposed Exemption is needed because the features described in the licensee's request regarding the existing level of fire protection and proposed modifications at the plant are the most practical method of meeting the intent of Appendix R and literal compliance would not significantly enhance the fire protection capability.

Environmental Impacts of the Proposed Action

The proposed Exemption would provided a degree of fire protection equivalent to that required by Appendix R such that there would be no increase in the risk of fires at this facility. Consequently, the probability of fires would not be increased and the post-fire radiological releases would not be greater than previously determined. Neither would the proposed Exemption otherwise affect radiological plant effluents. Therefore, the Commission concludes that there are no significant radiological environmental impacts associated with the proposed Exemption.

With regard to potential non-radiological impacts, the proposed Exemption involves features located entirely within the restricted area as defined in 10 CFR Part 20. It does not affect non-radiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant non-radiological environmental impacts associated with the proposed Exemption.

Alternatives to the Proposed Action

Since we have concluded that the environmental effects of the proposed action are negligible, any alternatives with equal or greater environmental impacts need not be evaluated.

The principal alternative would be to deny the requested Exemption. This would not reduce the environmental impacts or significantly enhance the fire protection capability in meeting the intent of Appendix R.

Alternative Use of Resources

This action does not involve the use of resources not previously considered in the Final Environmental Statement related to the operation of the Point Beach Nuclealr Plant Units 1 and 2.

Agencies and Persons Consulted

The NRC staff reviewed the licensee's request and did not consult other agencies. The staff did retain Franklin Research Center as a consultant during the review of the proposed Exemption.

Finding of No Significant Impact

Based upon the foregoing environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the

human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed Exemption.

For further details with respect to this action, see the application for Exemption dated April 28, 1983, and the supplements dated October 26, 1983, December 11, 1985, May 9, 1986 and October 10, 1986 which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and at the Joseph P. Mann Library, 1516 Sixteenth Street, Two Rivers, Wisconsin.

Dated at Bethesda, Maryland, this 19th day of December, 1986.

For the Nuclear Regulatory Commission.

Richard F. Dudley,

Acting Director, Project Directorate No. 1, Division of PWR Licensing-A

[FR Doc. 86-29073 Filed 12-24-86; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-416 and 50-417]

Mississippi Power and Light Co., Middle South Energy and South Mississippi Electric Power Association (Grand Gulf Nuclear Station, Units 1 and 2), Exemption Providing for Control of all Activities Within the Site Exclusion Area

I

Mississippi Power and Light Company (MP&L), Middle South Energy (MSE, recently renamed System Energy Resources, Inc., SERI) and South Mississippi Electric Power Association (SMEPA), (joint licensess) are the holders of Facility Operating License No. NPF-29 and Construction Permit No. CPPR-119, which authorize the operation and the construction of the Grand Gulf Nuclear Station Units 1 and 2, respectively, (the facility). The facility consists of boiling water reactors located in Claiborne County, Mississippi.

II

The Commission's regulations in 10 CFR 100.11 require that the site exclusion area should be determined of such size that an individual located on its boundary during a postulated accident would not receive radiation doses greater than those specified. The Commission's regulations in 10 CFR 100.3 define the exclusion area, in this regard, to be an area within ". . . which the reactor licensee has the authority to determine all activities including exclusion or removal of personnel and property from the area . . .," and also "Activities unrelated to Operation of the reactor may be permitted in an exclusion area under appropriate limitations, provided that no significant hazard to the public health and safety will result."

The NRC staff had based its previous findings, as set forth in the Safety Evaluation Report, NUREG-0831, September 1981, that the licensees met the requirements of 10 CFR Part 100 in this regard on the basis, provided in the FSAR, that the licensees owned all of the mineral rights within the exclusion area. By letter dated December 2, 1986 the licensees advised that there were inaccuracies in the FSAR regarding ownership of mineral rights. That letter indicated that SERI and SMEPA own substantial, but not all of the mineral rights in the exclusion area.

III

By letter dated December 10, 1986 the licensees requested an exemption up until April 30, 1987 from the requirements for exclusion area control of 10 CFR Part 100 and specifically from the 10 CFR 100.3 definition of exclusion area. Inasmuch as the definition of exclusion area pertains to its incorporation by reference in the requirements of 10 CFR 100.11(a)(1), the staff has treated this submittal as a request for partial exemption from 10 CFR 100.11(a)(1) insofar as it incorporates by reference the definition of "exclusion area" in 10 CFR 100.3(a). The request for exemption relies on an interim basis for the licensees' control of activities while the licensees prepare further information to demonstrate long term control of activities and full compliance with 10 CFR Part 100.

For the interim period the licensees state that the licensee to be responsible for licensed activities, System Energy Resources, Inc., has and will continue to have complete control of the surface rights within the exclusion area and thus complete control of ingress to and egress from the exclusion area. The present ownership of the GGNS facilities, the exclusion area surface rights and the mineral rights will be unchanged by the transfer of control of licensed activities from MP&L to SERI. There are no known current attempts to exploit the mineral rights within the exclusion area. The licensee states further that pursuers of mineral rights could be denied access to the GGNS site unit such time as legal action had been taken to settle any issues in this regard.

The licensee describes the process, under the laws of the State of Mississippi, that a mineral rights owner is required to follow and concludes that this process would provide ample prior notification and adequate time to either resolve the matter with pursuers of mineral rights or to take action to ensure protection of the public health and safety.

The licensee states that under the law of the State of Mississippi mineral owners and lessees have no legal right to use physical force or to create a public disturbance to gain access to property in order to explore for or extract minerals.

The licensee states that the potential for exploitation of mineral rights on the GGNS site appears remote due to past unsuccessful exploratory activities in the vicinity of the site.

The licensee has also provided a commitment to expeditiously notify the NRC in the event any party requests permission from SERI to conduct seismic operations, file an application for a permit to drill a well, or take any other action indicating an intent to explore for minerals on the GGNS site.

The NRC staff concludes that on the basis of there being no current attempts to exploit mineral rights, the licensee's control of the surface rights, and the substantial amount of time and effort required for a mineral rights owner to gain the necessary approvals and prepare for any actual activities affecting the exclusion area, that there is a vanishingly small probability that any such activities would occur during an interim period proposed by the licensee for the finalization of this issue. Accordingly, the NRC staff concludes that SERI does have sufficient authority during this interim period to control activities within the exclusion area consistent with the underlying purpose of 10 CFR Part 100. For these reasons the staff finds that the requested exemption is acceptable.

The staff will continue its review of the licensee's basis, to be provided in early January 1987, for establishing long term control of activities within the exclusion area related to the ownership of mineral rights. The NRC staff will require, as the resolution to this matter, that the licensee demonstrate, consistent with the requirement of 10 CFR Part 100, that it has the authority on a permanent basis to determine all activities within the exclusion area including the exclusion and removal of personnel and property from the area and the control of other activities so as not to interfere with the normal operations of the facility.

IV

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12(a)(1) this exemption is authorized

by law, 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, as provided in 10 CFR 50.12(a)(2)(ii) are present justifying this partial temporary exemption, namely that application of the regulation in the particular circumstances is not necessary to achieve the underlying purpose of the rule. The purpose of the rule is to require that the licensees be able to control all activities within the exclusion area including the exclusion or removal of personnel and property and those activities unrelated to reactor operation which could pose a significant hazard to the public health and safety. The interim measures cited by the licensee are sufficient to achieve this underlying purpose up until April 30, 1987, pending receipt and review of the licensees' proposed long term solution to the matter in early January 1987.

Accordingly, the Commission hereby grants a partial exemption as described in Section III above from 10 CFR 100.11(a)(1) insofar as it incorporates the 10 CFR 100.3 definition of exclusion area, until April 30, 1987.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this Exemption will have no significant impact on the environment (December 16, 1986, 51 FR 45072).

This Exemption is effective upon issuance.

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

For the Nuclear Regulatory Commission.

Robert M. Bernero,

Director, Division of BWR Licensing.

[FR Doc. 86-29076 Filed 12-24-86; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-417]

Mississippi Power & Light Co.; System Energy Resources, Inc.; South Mississippi Electric Power Association; Issuance of Amendment to Construction Permit

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 8 to Construction Permit No. CPPR-119 for the Grand Gulf Nuclear Station, Unit 2 (GGNS) to reflect transfer of control and performance of licensed activities from Mississippi Power and Light Company (MP&L) to System Energy Resources, Inc. (formerly named Middle South Energy, Inc.).

By letters dated September 2, 1986, as amended by letters dated October 4, 13 and 24, and as supplemented on November 20, 21 and December 2 and 3, 1986, MP&L, System Energy Resources, Inc. (SERI) and the South Mississippi Electric Power Association (SMEPA), the joint licensees, requested that the Construction Permit CPPR-119 be amended to substitute SERI for MP&L as the licensee authorized to construct GGNS Unit 2.

The issuance of this amendment to Construction Permit No. CPPR-119 complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commissions' regulations in 10 CFR Chapter I, which is set forth in Amendment No. 8. Prior public notice of Amendment No. 8 was not required, since the amendment does not involve a significant hazards consideration. Notice of the proposed transfer of control was published in the **Federal Register** on December 3, 1986 (51 FR 43695), and the Commission has, pursuant to 10 CFR 50.80, duly authorized transfer of control over activities licensed under CPPR-119 by letter dated December 20, 1986.

For further details with respect to this action see: (1) The application for amendment, dated September 2, 1986 and October 4, 13, 24, November 20, 21, December 2 and 3, 1986, (2) Amendment No. 8 to Construction Permit No. CPPR-199, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, 20555, and at the Local Public Document Room at the Hinds Junior College, McLendon Library, Raymond, Mississippi 39154.

In addition, a copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC, 20555, Attention: Director, Division of BWR Licensing, Office of Nuclear Reactor Regulation.

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

For the Nuclear Regulatory Commission.

Walter R. Butler,

Director, BWR Project Directorate No. 4, Division of BWR Licensing.

[FR Doc. 86-29077 Filed 12-24-86; 8:45 am]

BILLING CODE 7590-01-M

POSTAL RATE COMMISSION

[Docket No. C87-1; Order No. 732]

Complaint of National Manufactured Housing Federation; Order on Filing of Complaint of National Manufactured Housing Federation

Issued: December 19, 1986.

Before Commissioners: Janet D. Steiger, Chairman; Bonnie Guiton, Vice Chairman; John W. Crutcher; Henry R. Folsom; Patti Birge Tyson.

On December 11, 1986, National Manufactured Housing Federation (NMHF) filed a complaint with the Commission under 39 U.S.C. 3662. NMHF asserts that the Postal Service's policy to provide delivery equipment at the Service's expense to developments of detached single-family homes while refusing to provide this service to developments containing predominantly single-section manufactured homes (*i.e.*, "mobile or trailer homes") violates the policy in the Postal Reorganization Act prohibiting unreasonable discrimination among mail users in the provision of postal services. 39 U.S.C. 403(c). NMHF requests that the Commission "work with NMHF and the Postal Service" to change the policy so that "mobile or trailer home developments" receive the same treatment with respect to the Postal Service's provision of delivery equipment received by other developments of detached, single-family homes.

NMHF states that it represents the interests of the manufactured housing industry which includes developers and owners of manufactured housing developments and wholesalers, retailers, and producers of manufactured homes. NMHF states that it is also an advocate for residents that live in manufactured home developments. NMHF alleges that the interest of those it represents is adversely affected by Postal Service's policies concerning the provision of delivery equipment [*i.e.*, parcel lockers and Neighborhood Delivery Collection Box Units (NDCBU's)] at the Service's expense to residential developments that exercise the option to receive mail by centralized delivery. NMHF cites a Postal Service directive which states that in residential delivery areas where a builder or owner chooses to receive mail by centralized delivery, "the Postal Service will . . . purchase, install and maintain pedestal mounted neighborhood delivery and collection boxes and parcel lockers." (Message No. 8080 from Eugene C. Hagburg, Assistant Postmaster General, Delivery Services, October 2, 1984). That same directive also states that the

Postal Service will not provide delivery equipment to trailer parks. When NMHF sought clarification of this policy, in a letter dated August 18, 1986, addressed to NMHF President H.E. Blogram from Assistant Postmaster General Andrew S. Walker, USPS explained that its policy not to provide delivery equipment to mobile or trailer home developments did not apply to modular or manufactured housing assembled on site. NMHF complains that under this policy, postal patrons in developments of detached, single-family homes are spared the expense of purchasing and installing centralized delivery equipment while patrons in developments of predominantly single-section manufactured homes must bear the expense.

NMHF estimates that there are approximately 12 million residents of manufactured homes and about half of this figure live in single-section manufactured homes. Thus, NMHF argues that the Postal Service's policy refusing to provide delivery equipment to residents of single-section manufactured home developments has a substantial nationwide impact.

NMHF complains that the Postal Service's treatment of single-section manufactured housing communities is unduly discriminatory and arbitrary. NMHF argues that the Postal Service has no rational basis relevant to postal service purposes for making a distinction between manufactured single-section housing developments and other kinds of detached single family housing developments in the provision of delivery equipment. NMHF charges that the Postal Service's refusal to provide centralized delivery equipment to single-unit manufactured home developments violates section 403(c) of the Postal Reorganization Act that prohibits the Postal Service from making ". . . undue or unreasonable discrimination among users of the mails . . .," or granting ". . . any undue or unreasonable preference to any such user . . ." in the provision of postal services. (39 U.S.C. 403(c)).

Under the Commission's rules of practice (39 CFR 3001.84) the Postal Service has 30 days to file an answer to a complaint. As explained below, we are invoking rule 85 (39 CFR 3001.85) with respect to informal methods of resolution. We will thus postpone the formal answer until the outcome of informal approaches is clear. The Postal Service and the parties will be notified of the date for filing an answer to the complaint of NMHF.

It is Commission policy and practice "to encourage the resolution and settlement of complaints by informal procedures . . ." (39 CFR 3001.85). Taking this into consideration and noting that NMHF has not specifically requested a hearing in its complaint filing but has merely requested the Commission's assistance in bringing about the proposed change, we believe that informal procedures would be the best route to take at this time. Therefore, pursuant to rule 85, the Chairman will appoint a coordinator of informal resolution efforts. The scheduling of any formal procedures such as hearing dates and due date for petitions of intervention will be postponed, until it is clear that such procedures are needed.

Although the issue of whether formal hearings will be needed is undecided, at this time we are appointing Stephen A. Gold, Director of the Office of the Consumer Advocate, to represent the public in this proceeding.

It is ordered:

(1) The Commission will employ informal procedures, pursuant to section 85 of the rules of practice, in this case.

(2) Stephen A. Gold, Director of the Office of the Consumer Advocate, is appointed to represent the interests of the general public in this proceeding.

By the Commission.

Charles L. Clapp,

Secretary.

[FR Doc. 86-28959 Filed 12-24-86; 8:45 am]

BILLING CODE 7715-01-M

RAILROAD RETIREMENT BOARD

Termination of the Milwaukee Railroad Restructuring Administration Account and the Payment of Supplemental Unemployment Insurance Benefits and Administrative Costs

Pursuant to 31 U.S.C. 1555, the Railroad Retirement Board has determined that the purposes for which these appropriations were made have been fulfilled, that on further obligations will be incurred against these appropriations and the unobligated balances of $186,280.62 in the Milwaukee Railroad Restructuring Administration Account and $545,416.37 available for the payment of supplemental unemployment insurance benefits and administrative costs will be withdrawn and redeposited in the general fund of the Treasury.

By Authority of the Board.

Dated December 17, 1986.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 86-28984 Filed 12-24-86; 8:45 am]

BILLING CODE 4310-10-M

SECURITIES AND EXCHANGE COMMISSION

Agency Information Collection Activities Under OMB Review

Agency Clearance Officer: Kenneth Fogash (202) 272-2142.

Upon written request, copy available from: Securities and Exchange Commission, Office of Consumer Affairs and Information Services, Washington, DC 20549.

Revision; Regulation S-K, Form 20-F; SEC File No. 270-3.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission has submitted for approval a proposed amendment regarding the elimination of the requirement for registrants to disclose quantified information on the effects of inflation and changes in prices.

The potential respondents include all entities that file registration statements or reports pursuant to the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, or the Investment Company Act of 1940.

Submit comments to OMB Desk Officer: Robert Neal (202) 395-3785, Office of Information and Regulatory Affairs, Room 3235, NEOB, Washington, DC 20503.

Jonathan G. Katz,

Secretary.

December 18, 1986.

[FR Doc. 86-29043 Filed 12-24-86; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 34-23902; File No. SR-BSECC-86-02]

Self-Regulatory Organizations; Boston Stock Exchange Clearing Corp.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78(b)(1), notice is hereby given that on November 3, 1986, the Boston Stock Exchange Clearing Corporation ("BSECC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change described below. The Commission is publishing notice to solicit comment on the rule change.

The proposed rule change revises BSECC's Institutional Services Fee Schedule. The revised fees allow BSECC to recover increased costs resulting from fee increases of the Depository Trust

Company. The proposal also has been revised to reflect different costs associated with different transaction volumes and, when possible, to identify and price services more discreetly.

BSECC believes that the proposal is consistent with Section 17A of the Act, because it will provide for the equitable allocation of fees and other charges among BSECC members. BSECC stated in its filing that the proposal also is consistent with BSECS's policy that service fees fairly cover associated costs.

The rule change has become effective, pursuant to Section 19(b)(3)(A) of the Act and Rule 19b-4. The Commission may summarily abrogate the rule change at any time within 60 days of its filing if it appears to the Commission that abrogation is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

You may submit written comment within 21 days after notice is published in the **Federal Register**. Please file six copies of your comment with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, with accompanying exhibits, and all written comments, except for material that may be withheld from the public under 5 U.S.C. 552, will be available at the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, DC. Copies of the filing also will be available for inspection and copying at the principal office of BSECC. All submissions should refer to File No. SR-BSECC-86-02 and should be submitted by January 20, 1987.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Dated: December 16, 1986.

Jonathan G. Katz,

Secretary.

BOSTON STOCK EXCHANGE CLEARING CORPORATION INSTITUTIONAL SERVICE FEE SCHEDULE

[Additions *italicized* and deletions [bracketed]]

	Fees
[Settlement items]	[$10.50]
Transaction charges:	
Trade settlement:	
First 1 to 200 trades	*$12.50*
From 201 to 400 trades	*10.00*
From 401 to 600 trades	*7.50*
From 601 to 800 trades	*5.00*
Over 800 trades	*3.50*

BOSTON STOCK EXCHANGE CLEARING CORPORATION INSTITUTIONAL SERVICE FEE SCHEDULE—Continued

[Additions *italicized* and deletions [bracketed]]

	Fees
Securities movements for no money:	
First 1 to 400 items	*4.00*
From 401 to 600 items	*2.00*
601 items and over	*1.00*
Accounts will be billed a minimum of $750 per month for transactions:	
[Withdrawals]	[*$10.50*]
Other activity charges:	
Urgent withdrawal (nominee)	*15.00*
Withdrawal by transfer	*7.50*
Regular deposit	*3.50*
Legal deposit	*10.00*
Reorganization	*35.00*
[Maintenance (per issue per month)]	[.50]
Monthly maintenance:	
DTC eligible issues	(1)
DTC ineligible items	(2)
Miscellaneous charges (e.g. postage, communications, etc.) incurred by the corporation on behalf of member	(3)

[1] *At DTC Rate.*
[2] *At DTC Rate for Eligible Issues.*
[3] Direct Bill-back.

[FR Doc. 86-29044 Filed 12-24-86; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 34-23905; Filed No. SR-CBOE-86-35]

Self-Regulatory Organizations; Proposed Rule Change by the Chicago Board Options Exchange, Inc.; Relating to Liability of Exchange for Actions of Order Book Officials

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on October 28, 1986, the Chicago Board Options Exchange, Incorporated ("CBOE" or the "Exchange") filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change for interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change modifies the liability provisions relating to order book disputes. Currently, members may bring claims in arbitration against the Exchange for losses relating to the Exchange's operation of the order book, but the Exchange does not have a reciprocal right to bring actions against members. The rule change would confer such a right upon the Exchange. The proposed rule change would also waive the specific dollar limit on Exchange liability. The rule as amended would limit a party's liability to the lesser of (1) the loss which would have been incurred by the claimant if an uncompared trade had been closed out at the opening of trading on the day provided under exchange rules; or (2) the actual loss realized by the claimant.

Next, the rule proposal would extend from one day to ten days the period within which any party, absent reasonable justification or excuse, must submit to the opposing party a writing of the claim. This requirement is not jurisdictional and does not abrogate the time limits set forth in Chapter XVIII, relating to arbitration in general.

Included as well is a specific incorporation by reference of the Exchange's arbitration rules. Finally, there is a new section which would preclude Exchange liability for claims arising from use of certain technological facilities provided by the Exchange, including electronic order routing, file, trade match, trade processing, price reporting, quotation and execution systems.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below and is set forth in sections (A), (B), and (C) below.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

There are two substantive purposes to the proposed rule change. First, while members may now bring claims in arbitration against the Exchange for losses relating to the Exchange's operation of the order book, the Exchange does not have a reciprocal right to bring actions against members. The proposed rule change would confer such a right upon the Exchange. Second, in the past when the Exchange has received requests from members for arbitration against the Exchange it has, as a matter of policy, routinely waived

the rule's one day time limitation on submission of a writing. It appears reasonable to extend the time period from one day to ten days, and to apply this time period to all parties, absent reasonable justification or excuse. This requirement is intended to ensure that notice is given after a party becomes aware of a complaint, and to avoid undue delays. This requirement is not jurisdictional and does not abrogate the time limits set forth in Chapter XVIII.

The new Section (b)(4) of the Rule states the existing practice of applying the regular arbitration rules of Chapter XVIII to arbitrations involving the Exchange.

Section (c), relating to limits on exchange liability, has been substantially revised. Sections (c)(1)–(c), which spell out specific limits on Exchange liability, are deleted for two reasons. First, because the Exchange will now have the ability to arbitrate against members, it is not equitable to limit the Exchange's liability to a greater extent than a member's liability in member-Exchange disputes. Second, trading conditions have changed dramatically since the Exchange's liability limits were set. For example, average order size and overall volume have increased substantially. Thus, the exposure in order handling has increased. It seems appropriate, therefore, to experiment with a waiver of these liability limits. Section (c) has been modified to conform with the revisions permitting a member or the Exchange to be a claimant.

New Section (f) reaffirms that the Exchange is not liable to a member for systems-related claims, per Rule 6.7.

The proposed rule change is consistent with the Securities Exchange Act of 1934, and in particular Section 6(b)(5) thereof because it will protect investors and the public interest.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that this proposed rule change will impose any burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period: (i) As the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change; or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by January 20, 1987.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: December 17, 1986.

Jonathan G. Katz,

Secretary.

[FR Doc. 86–29045 Filed 12–24–86; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. 34–23903; SR–NASD–86–32]

Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Order Approving Proposed Rule Change

The National Association of Securities Dealers, Inc. ("NASD"), on October 29, 1986, submitted copies of a proposed rule change pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") and Rule 19b–4 thereunder, to amend Schedule G of the NASD By-Laws to require transactions in listed securities executed off an exchange in the United States between 4:00 and 4:30 p.m. Eastern Time to be reported to the Consolidated Tape Association ("CTA") through the NASDAQ system.

Notice of the proposed rule change was given in Securities Exchange Act Release No. 23780, published in the **Federal Register** (51 FR 41555; November 17, 1986). A complete description of the amendments is contained in that release. No comments were received with respect to the proposed rule change.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the NASD, and in particular, the requirements of section 15A and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority. 17 CFR 200.30–3(a)(12).

Dated: December 17, 1986.

Jonathan G. Katz,

Secretary.

[FR Doc. 86–29046 Filed 12–24–86; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–23897; File No. SR–PCC–86–07]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by Pacific Clearing Corp. Amending Its Officer's Certificate, and Certificate of Incumbency

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on November 18, 1986, the Pacific Clearing Corporation ("PCC") filed with the Commission the proposed rule change described below. The Commission is publishing this notice to solicit comments on the proposed rule change.

PCC's proposed rule change revises the wordings of its current Participant Certificates to provide clearer language.

PCC states the proposed rule change is consistent with section 17A9b)(3)(F) of the Act in that the proposal promotes the prompt and accurate clearance and settlement of securities transactions.

The foregoing rule change has become effective pursuant to section 19(b)(3) of the Act and subparagraph (e) of the Securities Exchange Act Rule 19b–4. At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate

the change if it appears to the Commission that it is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Interested persons are invited to submit written data, views and arguments concerning the proposal. Persons making written submissions should file six copies with the Secretary, Securities and Exchange Commission, 450 Fifth St., NW., Washington, DC 20549. Copies of the filing, all subsequent amendments, all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth St., NW., Washington, DC 20549. Copies of the filing will also be available for inspection and copying at the principal office of PCC. All submissions should refer to File No. SR-PCC-86-07 and should be submitted by January 20, 1987.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: December 16, 1986.

Jonathan G. Katz,

Secretary.

[FR Doc. 86-29047 Filed 12-24-86; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 34-23898; File No. SR-PSDTC-86-11]

Self-Regulatory Organizations; Filing and Immediate Effectiveness of Proposed Rule Change by Pacific Securities Depository Trust Co. Amending Its Pledgeholder Agreement

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on October 31, 1986, the Pacific Securities Depository Trust Company ("PSDTC") filed with the Commission the proposed rule change described below. The Commission is publishing this notice to solicit comments on the proposed rule change.

PSDTC's proposed rule change amends its current Pledge-holder Agreement. PSDTC states that its current Pledgeholder Agreement has been in use since 1975 and has never been updated to reflect changes made to its By-laws, Rules, and Procedures.

Furthermore, PSDTC states that the proposed rule change is consistent with section 17A(b)(3)(F) of the Act in that the proposal assures the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible and fosters cooperation and coordination with persons engaged in the clearance and settlement of securities transactions.

The foregoing rule change has become effective pursuant to section 19(b)(3)(A) of the Act and subparagraph (e) of the Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate the change if it appears to the Commission that it is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Interested persons are invited to submit written data, views and arguments concerning the proposal. Persons making written submissions should file six copies with the Secretary, Securities and Exchange Commission, 450 Fifth St., NW., Washington, DC 20549. Copies of the filing, all subsequent amendments, all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth St., NW., Washington, DC 20549. Copies of the filing will also be available for inspection and copying at the principal office of PSDTC. All submissions should refer to File No. SR-PSDTC-86-11 and should be submitted by January 20, 1987.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: December 16, 1986.

Jonathan G. Katz,

Secretary.

[FR Doc. 86-29048 Filed 12-24-86; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 34-23896; File No. SR-PSDTC-86-12]

Pacific Securities Depository Trust Co.; Self Regulatory Organizations

In the matter of Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by Pacific Securities Depository Trust Company Amending Its Certificate As To Beneficial Ownership and Indemnity Agreement, Certificate As To Beneficial Ownership of Foreign Securities, Officer's Certificate, And Certificate of Incumbency.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on November 18, 1986, the Pacific Securities Depository Trust Company ("PSDTC") filed with the Commission the proposed rule change described below. The Commission is publishing this notice to solicit comments on the proposed rule change.

PSDTC's proposed rule change revises the wordings of its current Participant Certificates to provide clearer language.

PSDTC states the proposed rule change is consistent with section 17A(b)(3)(F) of the Act in that the proposal promotes the prompt and accurate clearance and settlement of securities transactions.

The foregoing rule change has become effective pursuant to section 19(b)(3) of the Act and subparagraph (e) of the Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate the change if it appears to the Commission that it is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Interested persons are invited to submit written data, views and arguments concerning the proposal. Persons making written submissions should file six copies with the Secretary, Securities and Exchange Commission, 450 Fifth St., NW., Washington, DC 20549. Copies of the filing, all subsequent amendments, all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth St., NW., Washington DC 20549. Copies of the filing will also be available for inspection and copying at the principal office of PSDTC. All submissions should refer to File No. SR-PSDTC-86-12 and should be submitted by January 20, 1987.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: December 16, 1986.

Jonathan G. Katz,

Secretary.

[FR Doc. 86-29049 Filed 12-24-86; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

ACTION: Notice of reporting requirements submitted for review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission.

DATE: Comments should be submitted within 21 days of this publication in the Federal Register. If you intend to comment but cannot prepare comments promptly, please advise the OMB Reviewer and the Agency Clearance Office before the deadline.

Copies: Request for clearance (S.F. 83), supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer. Submit comments to the Agency Clearance Officer and the OMB Reviewer.

FOR FURTHER INFORMATION CONTACT:

Agency Clearance Officer: Elizabeth M. Zaic, Small Business Administration, 1441 L Street, NW., Room 200, Washington, DC 20416. Telephone: (202) 653-6623

OMB Reviewer: Robert Neal, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503, Telephone: (202) 395-7340

Title: Request for Fixed Program Participation Term (FPPT) Extension

Frequency: On occasion

Description of Respondents: 8(a) firms wishing an extension of its FPPT must provide a narrative summary detailing the firms progress.

Annual Responses: 300

Annual Burden Hours: 2,400

Type of Request: Reinstatement

Dated: December 19, 1986.

Elizabeth M. Zaic,

Deputy Director, Office of Administrative Services, Small Business Administration.

[FR Doc. 86-29001 Filed 12-24-86; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice 989]

Certification by the Secretary of State To make Available Assistance to the Public Security Forces of El Salvador

Pursuant to section 660(d) of the Foreign Assistance Act of 1961, as amended, I hereby certify, under the authority delegated by Presidential Determination 86-2, that the Government of El Salvador has made significant progress during the six-month period preceding this determination in eliminating any human rights violations, including torture, incommunicado detention, detention of persons solely for the non-violent expression of their political views, or prolonged detention without trial.

This certification shall be reported to the Congress immediately, together with a full description of the assistance to be provided and of the purposes to which it is to be directed. None of the assistance so provided shall be furnished until 30 days after this notification is made to the Congress, as required by law.

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

Dated: November 22, 1986.

George P. Shultz,

Secretary of State.

Justification for Determination To Provide Assistance to Public Security Forces of El Salvador

Section 660(d) of the Foreign Assistance Act of 1961 authorizes the President to provide assistance to public security forces of El Salvador, upon determination that there has been significant progress during the preceding six months in eliminating any human rights violations, including torture, incommunicado detention, detention of persons solely for the nonviolent expression of their political views, or prolonged detention without trial. The authority to make this determination has been delegated to the Secretary of State by the President.

Human Rights Overview

During the past six months, the Salvadoran Government has continued its program to eliminate human rights abuses by extremists of both the far left and the far right. This is strongly demonstrated by the continued reduction in the level of political violence. Between January and July 1986, according to press reports monitored by our embassy, there were 151 civilian deaths due to possible political violence by the left, the right, abusers of authority, unidentified assailants, and civilians caught in crossfire in military actions. This compares with 205 deaths due to political violence during the same period of 1985. A large proportion of the apparently politically motivated murders were apparently committed by the guerrillas. It is possible, given the circumstances of the incidents, that some of the deaths were criminally rather than politically motivated. Similar progress is expected in the July 16 to November 16 period; the reports are still being analyzed.

The government of President Jose Napoleon Duarte is committed to protecting the civilian population as much as possible from the violence of the internal conflict. In September 1984, President Duarte issued stringent rules of engagement for the use of aerial firepower, intended to reduce as much as possible the loss of civilian lives. These guidelines have been effective. Although guerrilla sources have alleged that "indiscriminate bombing" has taken place near civilian populations, we are unaware of any claim, even by the rebels' clandestine radio stations, of civilians killed by aerial bombs during 1986, even though major military operations with heavy air support have occurred during this period.

The FMLN, however, continue and are increasing their practice of indiscriminate placing of guerrilla fabricated, pressure-detonated or wire-tripped land mines and booby traps in roads, trails, and fields. In addition to killing and injuring military personnel, the explosions kill or maim innocent civilians. From January through July, the press reported 53 civilians killed and 172 wounded by these devices. Many of the victims were children, and many lost a limb. Although El Salvador's respected Archbishop Monsignor Arturo Rivera y Damas has repeatedly called upon the guerrillas to cease this practice, indiscriminate land mine warfare is now the major source of civilian death and injuries in El Salvador.

The guerrilla organizations have continued their periodic "traffic bans" during which the insurgents set up roadblocks, burn vehicles which try to transit the roads, mechinegun private vehicles and passenger buses which do not heed their signal to halt, and rob and sometimes murder civilians who do stop. The latest traffic stoppage was initiated August 24, 1986.

Torture, Incommunicado Detention, Prolonged Detention Without Trial

Very few allegations of physical abuse have been brought against the public security forces during the past six

months. Most allegations involve sleep or food deprivation, standing for long periods of time, forced exercise, threats, and "psychological pressure," rather than the gross physical abuse previously alleged. Salvadoran law calls for immediate notification of family members, the governmental Human Rights Commission (CDH) and the International Committee of the Red Cross (ICRC) whenever a detention occurs. All parties agree that compliance by the security forces is excellent. The committee of political prisoners, an FMLN support organization in Salvadoran prisons, has made a number of allegations of torture while in police custody. Examinations and interviews by neutral human rights monitoring organizations have not revealed credible evidence to support the allegations. There have been no verifiable allegations of physical torture in police custody during the six-month period covered by this report.

Incommunicado detention under Legislative Decree 50, which covers "State of Emergency" crimes against national security, may last no more than eight days, at which time the ICRC, the CDH, and the Archbishopric's Office of Legal Aid and Human Rights (Tutela Legal) have access to the detainee in private interviews. In a substantial number of cases these organizations are permitted access before the eighth day. Prompt notification to these organizations of detentions has greatly reduced claims of persons "disappearing" after arrest. Though the security forces try to contact the families of arrestees, sometimes the telegram carriers cannot locate the address given by the arrestee. In these cases, the organizations which receive notification can pass on the notification when contacted by the family, or sometimes locate the family themselves.

Inadequate investigative skills and facilities have led in the past to prolonged detention before trial and, in some cases, to abuse of prisoners to obtain confessions. Because of a shortage of trial judges, antiquated procedures, and statutory anachronisms, prolonged detention is still a problem for many prisoners. The Salvadoran government's Revisory Commission is addressing the problems of procedures and statutes in its ongoing work. There are now three Decree 50 judges, instead of just one, who are working to reduce the backlog of state of emergency cases.

Archbishop Rivera y Damas noted in a September 29, 1986, interview on Salvadoran television that human rights were now "truly respected" although he added that under wartime conditions individual violations still do occur. Although isolated abuses of authority by individual military, security or rural defense force personnel remain an area of concern, arrests and prosecutions in such cases now occur. In February 1986, for example, four members of a civil defense unit in San Ramon, a suburb of San Salvador, were arrested for the murders of there brothers which they allegedly committed in late January. In May, a soldier was arrested and turned over to the courts for the rape of a young girl near Nejapa, San Salvador Department. In July, two municipal policemen from Mexicanos, San Salvador Department, were convicted of two 1983 murders.

Under the Duarte Administration, investigation and prosecution of past abuses has continued. Witnesses were presented in the Romero case in 1986, though the court did not consider their evidence conclusive; the Las Hojas case was kept open past its July deadline by the presentation of new evidence; the triggermen in the Sheraton case were convicted last February and new evidence was presented by the government on November 10 in a move to reopen the case against the alleged intellectual author of the crime. The Special Investigative Unit's most publicized operation was the May 1986 excavation of the well in Armenia, where local civil defensemen are alleged to have thrown the bodies of a number of their victims between 1980–1982. With local residents and TV cameras recording the events, SIU personnel were lowered some 150 feet into the dry well and excavated several meters of earth and debris, locating four human skulls and other bones, some of which were identified on the scene by dental fillings and other physical evidence. This evidence, together with new testimony provided by local residents impressed with the professionalism of the SIU, has enabled the reinstatement of charges against the defendants.

The most politically significant prosecution undertaken by the Duarte Administration in 1986 is the kidnapping-for-ransom case in which several well-known Salvadorans, including active-duty army officers and a former officer against whom charges had been dismissed in the Sheraton case, have been detained or are the subjects of arrest warrants. The case has reached the first instance (trial) level of the Decree 50 court system.

Detention of Persons for Non-violent Expression of Views

As noted in the previous report, interviews with high officials of the Revolutionary Democratic Front (FDR), political arm of the guerrillas, are frequently broadcast in Salvadoran radio stations and paid advertisements by the FDR and other groups opposed to the government. Peaceful strikes and anti-government demonstrations proceed without interference from the authorities. Restrictions on freedom of press, which were not being enforced in any case, were removed from the state-of-emergency legislation in May. Many publications, including those of the nation's universities, frequently publish polemical attacks against the government. San Salvador's University of Central America (UCA) magazine, ECA, recently published a long article by Joaquin Villalobos, leader of the guerrilla Peoples Revolutionary Army (ERP).

Ten members of ostensible human rights groups were arrested between May 20–29, partly on the basis of information collected by the police, and partly on the basis of statements by the first arrestee, identified herself as a member of the National Resistance (political arm of one of the guerrilla groups fighting the government), and detailed in public and in private the organizations' ties to the guerrillas. The detainees were arrested as members of guerrilla groups, not for membership in these "human rights" organizations, which three of the ten arrestees asserted were infiltrated and manipulated by the insurgency. Allegations that the detainees were tortured or "brainwashed" into making the confessions are without foundation. Though under police protective custody, they have complete freedom of movement. Two of the three, without security force escorts of presence, in October 1986 attended an informal Embassy-sponsored discussion by an American journalist, Salvadoran labor leaders, U.S. Embassy officers, and the director of the Tutela Legal. It was clear from their conversations that they were speaking of their own free will.

Description of Assistance

Counterterrorism operations in El Salvador combine police and military techniques. The close relationship between counterterrorism and the fight against guerrilla insurgents is demonstrated by the armed left's clear capacity to use materiel and training in their urban campaign, their ability to mass forces, their ability to plan strategically and tactically, and the priority placed on the terror campaign in a national strategy to destabilize the government.

In response to the terrorist threat, which combines elements of guerrilla

warfare with open criminality in urban and rural areas, training was provided during FY 1986 to more than 2,000 members of the Salvadoran public security forces. This training, primarily by Salvadoran cadre under the supervision of U.S. military trainers, focused on paramilitary skills in an effort to upgrade the capability of the security force personnel to meet safely and effectively the terrorist threat. Training included instruction on human rights presented by Salvadoran chaplains, lawyers and psychologists. The training has begun to prepare the security forces to face the existing terrorist threat. Significant progress to date has been noted in professionalism, notably in awareness of the rights of innocent citizens and the international norms for human rights.

In addition to the training, 85 crew cab trucks and 25 heavy duty police cars with associated spare parts support and radio equipment were provided. Additional hand-held radios with repeaters were also supplied. To support the vehicles, a military trainer was provided to upgrade the vehicle maintenance capability of the security force shops.

Approximately $3.1 million was used for the counterterrorism support provided in FY 1986. The majority of this, approximately $2.5 million, was from previously unobligated FYs 1984 and 1985 Foreign Military Sales credits. The remainder, mainly trainer costs, came from FY 1986 MAP funds.

Assistance Program in FY 1987

The program for FY 1987 is intended to parallel and complement the assistance provided in FY 1986. Training will continue to focus heavily on paramilitary skills to provide the public security forces the basic capability to serve as an effective deterrent to terrorist activity and guerrilla insurgent action. These forces will have the capability to counter successfully the threat in a manner consistent with accepted human rights practices, protection of citizens and internal discipline. All three factors will continue to be emphasized as an integral part of all instruction programs.

Salvadoran cadre will again provide most of the instruction under the supervision of U.S. military trainers. U.S. participation is primarily monitoring and ensuring that program goals are met. The security forces are developing self-sufficiency in training and will be able to continue in the future with professional police training modeled on U.S. standards. Training will involve both active security force personnel and training for recruits. Additionally, refresher training emphasizing critical skills will be conducted for some personnel previously trained during FY 1986.

The Training Curriculum

Basic Skills

—Public Relations/Human Rights
—Physical Fitness
—Personal Hygiene
—Weapons Marksmanship
—Weapons Maintenance
—First Aid
—Individual Movement Techniques
—Use and Maintenance Of Radios
—Reporting Procedures
—Prisoner Handling
—Challenge And Password
—Map Reading/Land Navigation
—Vehicle Maintenance

Advanced Techniques

—Target discrimination, to ensure maximum safety to civilians and fellow public security forces in congested areas and in rural operations with heavy cover;
—Counterambush techniques, to permit greater security while patrolling in both urban and rural environments;
—Roadblock security and conduct, to permit safer and more effective control of streets and highways, a prime terrorist target;
—Safe entry of buildings, to improve techniques in raids on safehouses, headquarters and other terrorist strongholds;
—Urban search techniques using cordon procedures, to permit rapid response and seizure of persons fleeing or in hiding; and
—Rappelling techniques for egress from a helicopter, to permit insertion of forces at key points in a coordinated operation, to ensure that discovery of unexpected guerrilla strength can be met with a rapid response.

As a means to link the distinct areas of the counterterrorism training and the related security force training accomplished through the Department of State's Anti-Terrorism Assistance Program, continued training programs oriented toward basic patrolman skills are considered essential. Two or three civilian personnel, with extensive knowledge of day-to-day precinct operations, may be used to conduct this area of training.

Equipment

In coordination with this training, the following equipment will be provided under the FY 1987 Military Assistance Program:

Transportation Equipment

—Two-ton dual cab pickup trucks
—Heavy duty patrol vehicles, outfitted to standard police specifications
—Vehicle spares and test equipment

Communications Equipment

—Repeaters, fixed
—Repeaters, mobile
—Vehicle radios
—Hand-held radios and associated equipment
—Communications test equipment

Weapons

—12 gauge shotguns for use in patrol vehicles
—9mm pistols for use as a sidearms

Equipment is helping to meet the transportation (patrol) requirements for the three largest cities, San Salvador, Santa Ana and San Miguel, where the greatest urban threat exists. Communications, so vital to an effective counterterrorist program, are being provided at a minimum, effective level to permit the security forces to conduct patrol and defensive operations and to better provide security for the Salvadoran populace.

Moreover, Salvadoran public security force officials are constant targets for both terrorists and common criminals. Since the Zona Rosa murders, 33 public security personnel have been killed and 60 wounded in terrorist incidents. The guerrillas possess advanced weapons such as the M–16 assault rifle. The public security forces defend themselves and the public using the G–3 rifle and the outdated Argentine 9mm submachine gun, both ill-suited for in-city use. Acquisition of standard 12 gauge shotguns and pistols would vastly improve the ability of the public security forces to defend themselves while minimizing the risk to bystanders. Suitable weapons training should also be provided.

Funding

Not more than $6.8 million of MAP funds will be devoted to training and equipment costs of which not more than $5.6 million will be devoted to equipment, divided almost equally between transportation and communications items and including a limited number of defense weapons. Approximately $0.5 million is marked for U.S. trainers in-country. The remaining funds will be used as necessary to support the police academy and scientific laboratory.

Assistance provided to the security forces in FY 1986 and that projected for FY 1987 will only meet the most pressing

needs. Actual needs would require funding at levels more than three times the amounts we have been able to provide out of scarce security assistance resources.

[FR Doc. 86-28985 Filed 12-24-86; 8:45 am]

BILLING CODE 4710-06-M

[Public Notice No. 988]

Certification To Authorize Military Assistance and Sales for Guatemala

Subject

Certification to Authorize Military Assistance and Sales for Guatemala.

Pursuant to section 703(a) of the International Security and Development Cooperation Act of 1985 (Pub. L. 99-83), and the authority vested in me by Executive Order 12163, as amended, I hereby certify that:

(1) An elected civilian government is in power in Guatemala and has submitted a formal written request to the United States for the assistance, sales, or financing to be provided.

(2) The Government of Guatemala made demonstrated progress during the preceding year—

(A) in achieving control over its military and security forces,

(B) toward eliminating kidnappings and disappearances, forced recruitment into the civil defense patrols, and other abuses by such forces of internationally recognized human rights, and

(C) in respecting the internationally recognized human rights of its indigenous Indian population.

This certification shall be reported to the Congress immediately and shall be published in the **Federal Register**.

December 8, 1986.

George P. Shultz,

Secretary of State.

[FR Doc. 86-28986 Filed 12-24-86; 8:45 am]

BILLING CODE 4710-06-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Reports, Forms, and Recordkeeping Requirements; Submitttals to OMB on December 17, 1986

AGENCY: Office of the Secretary, DOT.

ACTION: Notice.

SUMMARY: This notice lists those forms, reports, and recordkeeping requirements imposed upon the public which were transmitted by the Department of Transportation on December 17, 1986, to the Office of Management and Budget (OMB) for its approval in accordance with the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35).

FOR FURTHER INFORMATION CONTACT: John Chandler, Annette Wilson, or Cordelia Shepherd, Information Requirements Division, M-34, Office of the Secretary of Transportation, 400 Seventh Street SW., Washington, DC 20590, telephone (202) 366-4735, or Gary Waxman or Sam Fairchild, Office of Management and Budget, New Executive Office Building, Room 3228, Washington, DC 20503, (202) 395-7340.

SUPPLEMENTARY INFORMATION:

Background

Section 3507 of Title 44 of the United States Code, as adopted by the Paperwork Reduction Act of 1980, requires that agencies prepare a notice for publication in the **Federal Register**, listing those information collection requests submitted to the Office of Management and Budget (OMB) for initial, approval, or for renewal under that Act. OMB reviews and approves agency submittals in accordance with criteria set forth in that Act. In carrying out its responsibilities, OMB also considers public comments on the proposed forms, reporting and recordkeeping requirements. OMB approval of an information collection requirement must be renewed at least once every three years.

Information Availability and Comments

Copies of the DOT information collection requests submitted to OMB may be obtained from the DOT officials listed in the "For Further Information Contact" paragraph set forth above. Comments on the requests should be forwarded, as quickly as possible, directly to the OMB officials listed in the "For Further Information Contact" paragraph set forth above. If you anticipate submitting substantive comments, but find that more than 10 days from the date of publication are needed to prepare them, please notify the OMB officials of your intent immediately.

Items Submitted for Review by OMB

The following information collection requests were submitted to OMB on December 17, 1986.

DOT No: 2834
OMB No: 2120-0507
By: Federal Aviation Administration
Title: SFAR-36 Development of Major Repair Data
Form(s): None
Frequency: On occasion
Respondents: Repair stations, air carriers, air taxis, and commercial operators

Need/Use: SFAR-36 relieves qualifying applicants (repair stations, air carriers, air taxis, and commercial operators) of the burden of obtaining FAA approval of data developed by them for major repairs on a case-by-case basis and provides for one time approvals.

DOT No: 2835
OMB No: 2125-0065
By: Federal Highway Administration
Title: Driver Qualification Files (Regularly Employed Drivers and Intermittent, Casual, or Occasional Drivers)
Form(s): None
Frequency: Other: While employed or 3 years
Respondents: Motor carriers operating in the interstate or foreign commerce

Need/Use: To meet FHWA requirements that motor carriers maintain a qualification file for regular drivers and nonregular drivers to assure that a driver is qualified and continues to be qualified at all times to drive a commercial vehicle in the interstate or foreign commerce.

DOT No.: 2836
OMB No.: 2125-0037
By: Federal Highway Administration
Title: Inspection, Repair and Maintenance, and Driver Vehicle Inspection Report
Form(s): None
Frequency: On occasion
Respondents: Drivers and Motor Carriers

Need/Use: Used to identify defects likely to affect safety of operation and to record inspection.

DOT No.: 2837
OMB No.: 2120-0065
By: Federal Aviation Administration
Title: Airport Development Aid Program/Planning Grant Program (ADAP/PGP)
Form(s): FAA Forms 5100-100/60/61/62/63
Frequency: On occasion, quarterly and annually
Respondents: Airport sponsors and planning agencies

Need/Use: The FAA collects information from airport sponsors and planning agencies in order to administer the Airports Grants programs. Data is used to determine eligibility, assure proper use of Federal funds and assure project accomplishment.

DOT No.: 2838

OMB No.: New
By: National Highway Traffic Safety Administration
Title: 49 CFR Part 544, Insurer Reporting Requirements—Motor Vehicle Theft Law Enforcement Act of 1984
Form(s): None
Frequency: Annually
Respondents: Businesses/small businesses

Need/Use: Insurance companies and rental/leasing companies are required to provide information to NHTSA on comprehensive insurance premiums charged by insurers of motor vehicles due to vehicle thefts and distribution of stolen vehicle parts.

DOT No.: 2839
OMB No.: 2125-0528
By: Federal Highway Administration
Title: Marketing of Vehicles—HM Private Carriers
Form(s): None
Frequency: Recordkeeping/one time requirement
Respondents: Motor Carriers

Need/Use: To meet FHWA requirement that a motor vehicle operated by a private carrier transporting hazardous materials must be marked or placecarded on both sides with the carrier's name and address.

DOT No.: 2840
OMB No.: 2120-0508
By: Federal Aviation Administration
Title: SFAR 27-5, Fuel Venting and Exhaust Emission Requirements for Turbine Engine Powered Airplanes
Form(s): None
Frequency: On occasion (Labeling Requirement)
Respondents: Manufacturers of Turbine Engine Powered Airplanes

Need/Use: Date of manufacture and compliance status stamped on nameplate of each turbojet engine permit rapid determination by FAA inspectors, owners, and operators whether an engine can legally be installed and operated on an aircraft in the USA.

DOT No.: 2841
OMB No.: 2115-0096
By: United States Coast Guard
Title: Oil Pollution Prevention Records, Alternatives and Exemptions
Form(s): N/A
Frequency: On occasion
Respondents: Bulk oil facilities and vessel operators

Need/Use: This information collection requirement consolidates two previously submitted collections—(1) Oil Pollution Prevention Records and (2) Oil Pollution Prevention Alternatives. The collection is needed to allow vessel or terminal operators flexibility in complying with the Pollution Prevention Regulations. The recordkeeping requirement is needed and used by Coast Guard inspectors to determine whether the vessel or facility operator is complying with the regulatory requirements for testing, inspections, designations and other requirements.

DOT No: 2842
OMB No: 2115-0089
By: United States Coast Guard
Title: Recordkeeping/Reporting Requirements in Rules for Ships Carrying Hazardous Liquids
Form(s): CG-4602B
Frequency: On occasion
Respondents: Chemical Tanker Operators

Need/Use: This information collection requirement is needed to aid in controlling safety and pollution hazards arising from bulk liquid cargo shipments. The information is used by the Coast Guard for the following purposes: (1) To assist technical officers in evaluating vessel designs; and (2) to assist port safety and marine inspection personnel responsible for enforcing the regulations. It is also used by (1) crewmembers to maintain safety of operations related to the cargoes and (2) other people boarding the vessels to avoid danger from cargo operations.

DOT No: 2843
OMB No: 2115-0064
By: United States Coast Guard
Title: Certificate of Registration
Form(s): CG-4510
Frequency: On occasion
Respondents: U.S. Registered Pilots of the Great Lakes

Need/Use: This is a recordkeeping requirement used by registered pilots for identification purposes. The pilots are required to carry this document at all times when in the service of a vessel.

DOT No: 2844
OMB No: New
By: Urban Mass Transportation Administration
Title: Telephone Survey of Private Sector Organizations
Form(s): None
Frequency: One-time only
Respondents: Businesses or other for-profit or non-profit institutions

Need/Use: The survey is needed to study the experience of private organizations in providing transportation services to the elderly and handicapped. Special attention is to be given to funding sources and the relationships existent between private sector organizations, particularly the management and organization of transportation services for the elderly and handicapped whose programs have been successful.

DOT No: 2845
OMB No: New
By: Maritime Administration
Title: Determination of Fair and Reasonable Rates for the Carriage of Dry Bulk Preference Cargoes in less than full shiploads on U.S.-Flag Commercial Liner Vessels (46 CFR Part 383)
Form(s): N/A
Frequency: Annually/quarterly
Respondents: Ship owners/ship operators

Need/Use: Data needed to calculate rates for U.S.-Flag vessels carrying preference cargoes. Data will verify accuracy and completeness of rates and make it possible to determine the lowest cost of Government cargoes.

Issued in Washington, DC on December 17, 1986.

John E. Turner,
Director of Information Resource Management.

[FR Doc. 86-28956 Filed 12-24-86; 8:45 am]
BILLING CODE 4910-62-M

Aviation Proceedings; Agreements Filed During the Week Ending December 12, 1986

The following agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. 408, 409, 412, and 414. Answers may be filed within 21 days of date of filing.

Docket No. 44549

Parties: Members of International Air Transport Association.
Date Filed: December 8, 1986.
Subject: Bank Settlement Plan—Jamaica.
Proposed Effective Date: January 1, 1987.

Docket No. 44553

Parties: Members of International Air Transport Association.
Date Filed: December 9, 1986.
Subject: TC3 Specific Commodity Rates Board.
Proposed Effective Date: January 1, 1987.

Phyllis T. Kaylor,
Chief, Documentary Services Division.

[FR Doc. 86-28957 Filed 12-24-86; 8:45 am]
BILLING CODE 4910-62-M

Coast Guard

[CGD-86-073]

Policy for Implementing the Vessel Load Line Amendments of 1986

ACTION: Notice.

SUMMARY: The laws related to the assignment of load lines for vessels have been revised and renumbered, ultimately requiring a revision of Coast Guard regulations. Until promulgation of new regulations, the present regulations continue in effect under the corresponding provision of this legislation. This notice sets forth Coast Guard policy applicable during the transition period and information on future rulemaking.

FOR FURTHER INFORMATION CONTACT: Mr. W.A. Cleary, Jr., Room 1308, U.S. Coast Guard Headquarters, Marine Technical and Hazardous Materials Division (G-MTH-3), 2100 Second St. SW., Washington, DC 20593-0001, 202/267-2988.

SUPPLEMENTARY INFORMATION: On October 21, 1986, the President signed into law the Omnibus Reconciliation Act of 1986 (Pub. L. 99-509), which included provisions to revise and consolidate laws related to load lines and measurement of vessels as parts C and J of Subtitle II of Title 46, United States Code. Though the primary purpose of this legislation was to codify existing law, certain substantive changes were incorporated in Part C—Load Lines of Vessels. Because of these changes and the complete renumbering and consolitation of provisions, ultimately the Coast Guard will have to amend the existing load line regulations to conform to Part C. However, until new regulations are promulgated, the existing regulations will continue to apply under authority of the corresponding provisions of the new Act.

Major Changes to the Law as Codified in Title 46, United States Code

(a) The definition of "domestic voyage" section (5101 (1)) has been expanded to include, in general, all places subject to the jurisdiction of the United States.

(b) The $50.00 per inch overloading penalty has been changed to a new flexible penalty based on the "economic benefit from overloading" (section 5116(b)).

(c) The application of load line law is now based on vessel length rather than tonnage and includes all vessels of 79 ft. or more in length in the navigable waters of the United States or, if U.S. owned or registered, anywhere in the world (section 5102). Exceptions from applicability include those previously authorized, such as inland vessels not operating beyond the boundary lines of the U.S. (except those in the Great Lakes), and the three following new exceptions: public vessels of the U.S. on a domestic voyage, small passenger vessels on a domestic voyage, and vessels of the working fleet of the Panama Canal Commission not on a foreign voyage.

(d) Sections 5104 (b) and (e) and 5108 authorize the Secretary of Transportation to consider certain extenuating factors and to grant special exemptions. These exemptions apply to vessels whether on domestic or international voyages, although vessels on international voyages remain limited to the exemptions permitted under Article 6 of the International Convention of Loadlines, 1966.

(e) Section 5105 sets forth the standard functional safety areas which have been used in load line surveying since the International Load Line Convention, 1930. This section provides the rationale for, and the responsibility to carry out, load line surveys.

(f) Section 5110 provides a basis in law for special regulations for submersible vessels.

(g) Section 5116 increases the monetary penalties for violating the law or regulations, for submerging the load line, for failing to record a change in loading or stability conditions, for violating a detention order, and for altering, concealing, or removing a mark. This is the first monetary civil penalty increase since these penalties were introduced in 1929 and 1935.

Coast Guard Policy

Until superseded by new regulations, the Coast Guard will apply existing regulations and the following policies:

(a) Under the expanded exemption authority in section 5108, the Coast Guard will continue to honor the exemption for river barges on fair weather voyages in southern Lake Michigan specifically authorized by Congress in 1984. This exemption will be retained in future Coast Guard regulations.

(b) The increased penalties in section 5116 will be applied to violations of the appropriate existing regulations.

(c) New vessels on domestic voyages which are under 150 gross tons but 79 feet or more in length may be assigned a load line but are not required to have one until the implementing regulations are promulgated. However, when the new regulations have been promulgated and are in effect, all such vessels built after January 1, 1986, will have to comply with the load line regulations applicable to vessels engaging on international voyages. All vessels of 79 feet or more in length on international voyages have been required to have a load line since 1968.

(d) Whether on international or domestic voyages, surveys of vessels under 79 feet in length will not be conducted, because existing standards are not considered appropriated for vessels of that size. Since vessels under 79 feet in length are not required to have load lines the Coast Guard is not planning to develop standards for these vessels.

(e) The existing load line certificate forms will continue to be used until revised by regulation. Citations in the existing forms are deemed to refer to the corresponding provisions in the new Act.

Future Regulations

Because the new law provides for the continued applicability of existing regulations, an immediate regulatory revision is not critical to the operation of the load line program. However, as rulemaking project (CGD86-013) has been initiated to eventually conform Coast Guard regulations to the requirements and section designations of the new law. Certain portions of the regulations which require little or no change, such as those relating to international voyages under International Convention on Load Lines, 1966, may be handled separately for earlier promulgation. Further notice of these rulemakings and an opportunity to comment on all proposals will be provided.

J.W. Kime,

Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Safety, Security and Environmental Protection.

December 22, 1986

[FR Doc. 86-29054 Filed 12-24-86; 8:45 am]

BILLING CODE 4910-14-M

Federal Aviation Administration

[Summary Notice No. PE-86-22]

Petitions for Exemption; Summary and Dispositions

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and

participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and must be received on or before: January 19, 1987.

ADDRESS: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. ———, 800 Independence Avenue, SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-3132.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

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

John H. Cassady,

Assistant Chief Counsel, Regulations and Enforcement Division.

PETITIONS FOR EXEMPTION

Docket No.	Petitioner	Regulations affected	Description of relief sought, disposition
25129	American Flyers, Inc	14 CFR 141.5(b)	To allow petitioner to operate its pilot training school in Cleveland, Ohio, as a fully accredited pilot ground school without meeting the requirement that this school be operated as a provisional school for two years.
20894	Trans-Colorado Airlines	14 CFR 135.181(a)(2)	To allow petitioner to operate its Swearingen SA 226TC and SA 227AC aircraft under instrument flight rules or visual flight rules over-the-top using the manufacturer's approved performance data.
25122	Wings West Airlines, Inc	14 CFR 135.181	To allow petitioner to utilize drift down procedures in lieu of meeting the requirements of the regulations.
24283	American Flyers, Inc	14 CFR 141.65	Extension of Exemption No. 4287 to allow petitioner to hold examining authority for flight instruction and airline transport pilot written tests.
25103	Air Wisconsin	14 CFR 121.371(a) and 121.378	To allow petitioner to use on its British Aerospace, Fokker F-27, and Short Brothers, Ltd., aircraft certain engines, components, and spare parts that have been manufactured, repaired, tested, or inspected by persons outside of the United States who do not hold U.S. airman certificates.
25137	Meadowlark Soaring School	14 CFR 91.42	To allow the petitioner to rent the JANUS CM, operating under an experimental certificate, exclusively for instruction purposes.
23290	Air Transport Association of America	14 CFR 121.311(f) and 121.391(d)	Extension of Exemption No. 4298 to allow certain of petitioner's member airlines' and other similarly situated certificate holders' required flight attendants in the B767 aircraft to have a seat for takeoff and landing in the passenger compartment that meets the seat requirements of § 25.785 of the FAR and is located near the overwing exits rather than being located near required floor level emergency exits.
25111	Holcomb, Timothy O	14 CFR 61.39(a)(1)	To allow petitioner to extend the 24-hour limitation to be eligible for a flight test until he returns to the United States or receives approval to take the flight test outside of the United States.
25108	Classic Aircraft Corporation	14 CFR 45.21 and 45.29	To allow petitioner to install 2-inch high N-numbers on its Waco YMF-5 open cockpit biplane rather than the 12-inch high N-numbers required by the regulations.
24427	United States Ultralight Foundation	14 CFR 103.1(a), (b), (e)(1), and (e)(4)	Extension of Exemption No. 4274 to allow petitioner to operate a two-place powered ultralight vehicle of not more than 350 pounds empty weight for the purpose of flight instruction.
25119	Chicago Airlines, Inc	14 CFR 121.371(a) and 121.378	To allow petitioner to use on its Netherlands-built Fokker F-27 and SAB 340 aircraft certain engines, components, and appliances that have been manufactured, repaired, tested, overhauled, or inspected by persons outside of the United States who do not hold U.S. airmen certificates.
20816 and 20817	Zephyrhills Parachute Center	14 CFR 91.15 (a)(2), 105.43(a)(2), and 91.47.	Extension of Exemption No. 4301 to allow foreign nationals to participate in petitioner's skydiving events without complying with the parachute equipment and packing requirements and to allow petitioner to transport 40 parachutists in the Lockheed L-18 aircraft during parachute competitions.
23908	Piedmont Airlines, Inc	14 CFR 121.371(a) and 121.378	To allow petitioner to purchase components and services from original equipment manufacturers in support of its Boeing 737-300 aircraft.
23717	Garrett Turbine Engine Co	14 CFR § 87.21(e)	To amend Exemption No. 4228A to extend the exemption as it applies to the TFE731-5 engine series until August 9, 1989. The present exemption extends from August 9, 1985, to August 9, 1987, and exempts all models of the Garrett Turbine Engine Company TFE731 engines from the smoke standards set forth in 40CFR87 and enforced under SFAR 27. The maximum smoke number is limited to fifty (50) by the exemption.
22473	Ransome Airlines	14 CFR 93.123	Petitioner requests an extension of current Exemption No. 3752B, which permits two additional commuter operators per hour at Washington National Airport. The additional slots may be used only by STOL aircraft. Continuation of the exemption would permit further evaluation of RNAV approaches to the cross runways at National Airport.
013NM	British Aerospace	14 CFR 25.571(e)(e)	To allow type certification of the Model BAE ATP without showing that the airplane is capable of successfully completing a flight during which likely structural damage occurs as a result of propeller blade impact.
24441	Northern Pacific Transport, Inc	14 CFR 91.31(a)	Reconsideration or amendment of Exemption No. 4666 to allow petitioner to operate four leased McDonnel Douglas DC-6A aircraft, S/N 44644, 44649, 44660, and 44675, at a 5 percent increased zero fuel and landing weight for the purpose of hauling fish of the Alaskan fishing industry, fuel, and private carriage of property. Petitioner seeks the removal of the geographic limitation of Exemption No. 466. *GRANTED, December 1, 1986.*
25098	American Trans Air	14 CFR 121.310 and 25.812(e)	To allow petitioner a 1-month extension from the compliance date of November 26 for meeting emergency exit lighting requirements. *DENIED, December 1, 1986.*
25124	Executive Air Charter, Inc	14 CFR 121.310 and 25.812(e)	To allow petitioner a 4-day extension from the compliance date of November 26 for meeting emergency exit lighting requirements. *DENIED, December 1, 1986.*
25078	SkyWest Airlines, Inc	14 CFR 135.337 and 135.339	To allow petitioner to use certain instructor pilots of Embraer Aircraft Corporation to train its initial cadre of pilots in the Embraer 120 aircraft without holding U.S. certificates and ratings and without meeting all of the applicable training requirements of Subpart H of Part 135. *GRANTED, December 1, 1986.*
25014	Shields Aviation	14 CFR 141.65	To allow petitioner's chief flight instructor to conduct final course check rides in lieu of the FAA district office's designated pilot examiners. *DENIED, November 26, 1986.*

PETITIONS FOR EXEMPTION—Continued

Docket No.	Petitioner	Regulations affected	Description of relief sought, disposition
25053	Crew Pilot Training	14 CFR 61.63(d)(2) and (3), 61.157(d)(1), and 121.407(a)(1)(i).	To allow petitioner to operate a DC-9, FAA-approved flight training school by utilizing FAA flight simulators for a portion of the training and flight check without petitioner holding a Part 121 certificate. *GRANTED, November 26, 1986.*
22708	40-Mile Air, Inc.	14 CFR 135.261(b)(1) and (c)	To allow petitioner to conduct operations under the provisions of § 135.267 relating to pilot flight time limitations and rest requirements in scheduled operations, in lieu of the more stringent requirements of § 135.261(b) and (c). *DENIED, November 24, 1986.*
24839	Burke and Burke	14 CFR 45.29	To allow petitioner to operate a Hughes Model 500C rotorcraft that displays 6-inch high N-numbers in place of the 12-inch high N-numbers on the fuselage or tail rotor boom. *DENIED, November 12, 1986.*
21789	Air Transport Association of America	14 CFR 61.49	Extension of Exemption No. 3474 to allow petitioner's member airlines and similarly situated Part 121 certificate holders to allow their airman employees to retake a written or flight test without waiting 30 days provided that the Part 121 authorized instructor has given the applicant flight or ground instruction, as appropriate, and finds that applicant competent to pass the test. *GRANTED, November 14, 1986.*
25025	Continental Airlines, Inc.	14 CFR 121.371(a) and 121.378	To allow petitioner to contract with original equipment manufacturers and foreign repair stations which are certificated and appropriately rated under the French, Italian, West German, and United Kingdom civil aviation authorities for inspection, repair, and overhaul of selected aircraft parts to support its Airbus Industrie (Airbus) A-300 B4 aircraft program. *GRANTED, November 5, 1986.*
028CE	Beech Aircraft Corp	14 CFR § 23.2	A one-year temporary exemption from the effective date of Amendment 23-32 which states that all airplanes manufactured after December 12, 1985 must meet requirements of Section 23.785(g) relative to restraint systems on side-facing seats. *DENIED, December 9, 1986.*

[FR Doc. 86-29003 Filed 12-24-86; 8:45 am]
BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement; Genessee County, NY

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 proposed a highway project in Genessee County, New York.

FOR FURTHER INFORMATION CONTACT: Roger H. Edwards, Director, Facilities Design Division, New York State Department of Transportation, State Campus, 1220 Washington Avenue, Albany, New York 12232, Telephone: (518) 457-6452.

or

Victor E. Taylor, Division Administrator, Federal Highway Administration, New York Division, Leo W. O'Brien Federal Building, 9th Floor, Clinton Avenue and North Pearl Street, Albany, New York 12207, Telephone: (518) 472-3616.

SUPPLEMENTARY INFORMATION: The Federal Highway Administration, in cooperation with the New York State Department of Transportation, is preparing an Environmental Impact Statement on a proposal to replace the existing bridge carrying Walnut Street over the Tonawanda Creek in the City of Batavia, Genessee County.

The alternatives being considered include replacement of the bridge on new alignment, replacement of the bridge on existing alignment, and taking no action.

The scoping process for this project has begun and includes coordination with interested public and private agencies, organizations and individuals to identify issues to be addressed during the course of the project. The draft EIS will be available for public and agency review and comment. No formal scoping meeting is planned at this time.

Agencies and individuals interested in submitting comments or questions should contact the NYSDOT or FHWA at the addresses 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 progam)

Victor E. Taylor,

Division Administrator, Federal Highway Administration, Albany, New York.

December 16, 1986.

[FR Doc. 86-28987 Filed 12-24-86; 8:45 am]
BILLING CODE 4910-22-M

Research and Special Programs Administration

Pipeline Safety User Fees

This notice states the policies and practices that the Research and Special Programs Administration (RSPA) has adopted to implement the pipeline safety user fee provisions of the Consolidated Omnibus Reconciliation Act of 1985 (Reconciliation Act) (Pub. L. 99-272; April 7, 1986). The policies and practices are in effect for fiscal year 1987, which began October 1, 1986. They will also apply to ensuing fiscal years unless changed by further notice.

Background

Section 7005(a)(1) of the Reconciliation Act requires the Secretary of Transportation (whose responsibility in the matter is executed by RSPA) to establish "a schedule of fees based on the usage, in reasonable relationship to volume-miles, miles, revenues, or an appropriate combination thereof, of natural gas and hazardous liquid pipelines." The Secretary is to "take into consideration the allocation of departmental resources" in establishing such schedule. Procedures for the collection of fees must be established under section 7005(a)(2).

According to section 7005(a)(3) of the Reconciliation Act, the fees are to be assessed to persons operating:

(A) All pipeline facilities subject to the Hazardous Liquid Pipeline Safety Act of 1979 [HLPSA] (49 U.S.C. app. 2001 *et seq.*); and

(B) All pipeline transmission facilities and all liquefied natural gas [LNG] facilities subject to the jurisdiction of the Natural Gas Pipeline Safety Act of 1968 [NGPSA] (49 U.S.C. app. 1671 *et seq.*).

However, under section 7005(c) the use of the fees collected is restricted to "activities" authorized by these two safety statutes. Thus, the fee assessments are limited to persons who operate pipeline facilities that are subject to RSPAS's pipeline safety regulations. In category (A) above, these facilities include those interstate and intrastate pipelines carrying petroleum, petroleum products, or anhydrous ammonia covered by 49 CFR Part 195.

Category B includes interstate and intrastate natural gas transmission lines subject to 49 CFR Parts 191 and 192, and liquefied natural gas facilities to which 49 CFR Part 193 applies. Because the jurisdiction of the HLPSA is broader than the current scope of Part 195, if RSPA were to issue regulations under the HLPSA for liquid pipeline facilities not now covered by Part 195, the operators of these facilities would then become liable for user fees. Such facilities might include pipelines carrying liquids not now classified as hazardous under Part 195; pipelines carrying petroleum, petroleum products, or anhydrous ammonia by gravity or at a stress level of 20 percent or less of the specified minimum yield strength of the pipe; and terminal storage facilities associated with hazardous liquid pipelines.

On July 16, 1986, RSPA published a notice in the **Federal Register** (51 FR 25782) announcing its user fee policies and collection procedures for fiscal year 1986. Adopting an alternative permitted by the Reconciliation Act, RSPA established the fee schedule for pipelines as a pro rata share of total program costs based on the number of miles of pipeline (gas transmission or hazardous liquid) each operator had in service at the beginning of fiscal year 1986. The mileage of gas transmission lines was determined from calendar year 1984 annual reports filed in accordance with Part 191. Adjustments were permitted for any overcharge due to mileage discrepancies between calendar year 1984 and fiscal year 1986. The current mileage of hazardous liquid pipelines was determined by operator inquiry.

The Reconciliation Act sets a limit on fee assessments of 105 percent of fiscal year appropriations. However, for fiscal year 1986, user fees were based on 105 percent of projected total program costs, since these costs could be accurately determined at the time of assessment, which was late in the fiscal year. In accordance with the directive to consider the allocation of departmental resources, total program costs were divided 80 percent for gas and 20 percent for liquid, less the costs of State grants-in-aid, in accordance with fiscal year 1986 budget estimates.

Thus allowing for the 95 percent/5 percent authorized split of appropriated grant-in-aid funds between gas and liquid State programs and the 5 percent of gas program costs allocable to LNG activities, the fiscal year 1986 fee schedule for pipelines was as follows:

User fee per mile equals Gas (liquid) pipeline user fees divided by Total gas transmission (liquid) miles

Gas pipeline user fees equals (1.05)(gas program costs) minus Total LNG user fees

Liquid pipeline user fees equals (1.05)(liquid program costs)

Gas program costs equals (.8)(Total program cost minus total grants) plus (.95)(total grants)

Liquid program costs equals (.2)(total program costs minus total grants) plus (.05)(total grants)

To save disproportionate collection costs, operators with less than 10 miles of gas transmission lines or 30 miles of hazardous liquid pipelines were exempted from any fee assessment.

The user fee schedule for LNG facilities was established on the basis of storage capacity and number of LNG plants.

LNG facility storage capacity (bbl.)		Number of plants	Operator assessment
At least	But less than		
	10,000	22	$1,250
10,000	100,000	16	2,500
100,000	250,000	18	3,750
250,000	500,000	24	5,000
500,000		14	7,500

This schedule resulted in a reasonable distribution of total fees, which were determined approximately as follows:

Total LNG user fees equals (1.05) (.05) (Gas program costs)

Public Participation

The relatively short time between enactment of the Reconciliation Act (Apil 17, 1986) and the deadline for collection of fees (September 30, 1986) made it impracticable for RSPA to provide a suitable period for public comment before the policies and practices for fiscal year 1986 fee assessments were formulated and adopted as final. In its notice of fiscal year 1986 policies, RSPA did, however, invite interested persons to comment on them to help determine whether they should be continued, modified, or replaced for use in fiscal year 1987.

RSPA received written comments from 33 persons on its policies and practices for assessing user fees. Most of the comments came from pipeline companies in the form of a protest letter accompanying payment of the fee and objecting to any assessment of a user fee. The others, from pipeline companies, trade associations, and State agencies, were in response to the invitation to comment included in the notice.

Assessing Local Distribution Companies

About 40 percent of the commenters objected to assessment of fees against intrastate pipelines that are under the safety regulatory jurisdiction of a State agency. Of this group, some contended that Congress did not intend to impose pipeline user fees on local gas distribution companies. They based their arguments on the legislative history. In particular, an excerpt from House Report 99–300 was cited, wherein at page 497 the Energy and Commerce Committee (the Committee) states the following with reference to a Committee print which formed the basis for the pipeline user fees provision of the Reconciliation Act:

> In addition, under paragraph (a)(2), the Secretary may establish such procedures as are necessary for ease of administration and to prevent inefficient, duplicative, or counter-productive collection costs. The Committee expects that DOT will not ordinarily impose user fees on local distribution companies. Some of these companies are so small that the cost of collecting the fee may equal or even exceed the company's fair share of total program costs. Moreover, to the extent that transmission pipelines serving them lawfully pass on user fees to them in their rates, local gas distribution companies are in reality contributing to DOT's safety program costs.

These commenters focused attention on the Committee's expection that "DOT will not ordinarily impose user fees on local distribution companies." Of course, even when viewed out of context, "not ordinarily" does not mean never, leaving room for assessment in some cases. When viewed in its proper context though, it's clear that the Committee had something in mind other than wholesale exemption of local distribution companies. The Committee was concerned that the Secretary's collection procedures be designed to minimize the costs of collecting fees. This RSPA did by exempting from assessment operators with less than 10 miles of transmission lines. Had the Committee intended that all local distribution companies be exempt from paying fees, it certainly could have included in the bill specific language that would have exempted them, but it did not.

Furthermore, the Reconciliation Act, as reported out by conference and enacted, eliminated much of the discretion the Committee originally provided the Department in its bill in regard to imposition of fees. In the Act the scope of assessment was narrowed to operators of transmission facilities and LNG facilities. Based on a reasonable reading of section 7005(a)(3) of the Reconciliation Act, which clearly

imposes fee liability on persons that operate all pipeline transmission facilities, RSPA does not agree that Congress intended to exclude local distribution companies from user fee assessments. Section 7005(a)(3) further supports this conclusion by extending liability for fees to operators of LNG facilities. Most of these facilities are operated by local distribution companies.

Another argument often raised by local distribution companies was that the fee assessments were unfair, since they would have to pay twice: once directly, and then indirectly when their gas suppliers, the interstate transmission companies, pass their assessments to them in the form of increased rates. Although it is not a foregone conclusion that all assessments to interstate transmission companies will simply be passed to local distribution companies and industrial customers, RSPA believes that this is a likely result. However, it is equally likely that any costs passed through to the local distribution companies will in turn be passed to their customers, the consumers of gas. This ability of local distribution operators to pass fee costs to consumers significantly lessens the alleged inequity of having to pay twice.

In considering this fairness issue, RSPA notes that Congress left the Department little discretion in making assessments, by declaring which facilities are subject to user fees. Furthermore, Congress was aware of the fairness issue. As reported on page 494 of House Report 99–300, the Committee recognized RSPA's concern about "whether it would be fair to assess fees against just the largest users." In addition, the Committee recognized the General Accounting Office view: "We believe that it is equitable for interstate pipeline operators and their customers to finance DOT's safety inspections, because the risks that these inspections reduce are entirely created by the pipeline operations." (It is important to understand that the customers of interstate pipeline operators that GAO thought it equitable to assess are to a very large extent local distribution companies). The Committee resolved the equity concern by concluding that "imposition of such fees would be an extremely small financial burden on pipeline operators, and customers."

Pipeline Transmission Facilities

A few local distribution companies also argued that the "transmission lines" in their systems are not the type of "pipeline transmission facilities" that Congress intended to subject to user fees. They said that their pipelines only meet the structural definition of "transmission line" for reporting purposes under Part 191 (i.e., operates at a hoop stress of 20 percent or more of specified minimum yield strength). Accordingly, they do not meet the functional aspects of the definition (i.e., transmit gas from production to storage or between storage fields, or for making wholesale sales). (The definition of "transmission line" is contained in the instructions for completing the Annual Report for transmission and Gathering Systems, Form RSPA 7100.2–1, which under 49 CFR 191.13 must be filed with RSPA by operators of intrastate distribution systems that contain transmission lines. The same definition appears in 49 CFR Part 192.) These commenters, however, did not explain how the structural versus functional distinction is significant under the Reconciliation Act and RSPA can discern no significance.

In the absence of a definition of "pipeline transmission facilities" in the Reconciliation Act or any discussion of the meaning of the term in the legislative history, RSPA applied the established regulatory definition of "transmission line." Applying the term in this way constitutes a reasonable interpretation of its meaning. It also facilitates the administration of users fees by enabling RSPA to use available mileage data for transmission lines. Considering that fees collected from operators of "pipeline transmission facilities" are to fund RSPA's activities under the NGPSA, it is fair to assume Congress meant the term to be applied consistent with the terminology of regulations issued under the NGPSA.

Jurisdiction Over Intrastate Pipelines

Some commenters who operate intrastate pipelines that are under the safety jurisdiction of a certified State agency argued that these pipelines are not legally subject to pipeline user fees because they are not subject to the NGPSA or the HLPSA. The notion that these pipelines are not under the jurisdiction of the NGPSA or the HLPSA comes from a provision in each statute which excludes them from DOT's authority "to prescribe safety standards and enforce compliance with such standards." (49 USC app. 1674 and 2004).

The purpose of this provision, however, is to allow certified State agencies, rather than DOT, to enforce the Federal safety standards against intrastate pipelines under State jurisdiction. It by no means removes these intrastate pipelines from DOT's general regulatory authority under each statute. This general regulatory authority includes the power to issue safety standards applicable to intrastate pipelines that are later adopted and enforced by certified State agencies, the power to issue and enforce hazardous facility orders against intrastate pipelines, the authority to collect information or require accident reports from operators of intrastate pipelines, and the authority to inspect intrastate pipelines to monitor the performance of certified State agencies in enforcing compliance with the Federal standards. Inasmuch as intrastate pipelines under the enforcement authority of a certified State agency still come under the NGPSA or HLPSA for these general regulatory purposes, and DOT conducts activities to carry out these purposes, the user fee assessments against these intrastate pipelines are legitimate under the Reconciliation Act.

Relating Fees to Grants-in-aid

Some intrastate operators and State agencies contended that DOT user fees for intrastate pipelines were unfair because they were not assessed in proportion to DOT's share of State enforcement costs as represented by the grant-in-aid payments to the State. These commenters were concerned that in States that pay more of their enforcement costs than other States, because they receive less grant-in-aid funds than other States, the fees DOT collects in excess of its grant-in-aid expenditures go to subsidize the enforcement programs of other States.

This alleged inequity arose because in fiscal year 1986 each pipeline operator was assessed a pro rata share, based on mileage, of DOT's total gas or liquid program costs, including total State grant-in-aid costs. Thus, in South Carolina, for example, which elects not to receive grant-in-aid funds, intrastate gas operators may have paid for some small portion of DOT's total gas program costs that were not actually incurred in South Carolina. This situation would have been minimized, of course, had South Carolina accepted the grant-in-aid funds that were available to it.

RSPA believes, however, that the Reconciliation Act does not allow the fee schedule to be established in relation to State-by-State grant-in-aid expenditures. The Act tightly controls RSPA's discretion in setting fees. Fees must be based on miles, volume-miles, or revenue, and in "consideration of the allocation of departmental resources." This last control on RSPA's discretion allows higher fees for facilities that demand a disproportionate share of DOT resources and allocation according to whether costs are due to gas or liquid

lines. However, it would greatly expand the intent of this provision to establish fees on the basis of grants to State agencies.

No doubt more grant money is allocated to some States than others, but State sharing of Federal program costs is inherent in the Federal system of government. Any attempt to introduce State based expenditures into the fee schedules would require complex formulations that would only serve parochial not Federal interests. Moreover, it would require mileage or other data on a State basis, which is not available except through further industry inquiries. In enacting user fees, Congress did not intend any formulation that would be unduly burdensome to administer. In view of these considerations and the controls on discretion, RSPA has not changed its assessment policy to allocate fees according to State grant-in-aid allocations.

Mileage as Fee Basis

About 30 percent of the commenters objected to pipeline mileage as the basis for assessing fees. There were two main arguments raised against using mileage as the fee basis: (1) Volume-miles is a more accurate indicator of the pipeline "usage" for which fees are assessed. (2) Mileage alone does not reflect DOT's enforcement expenditures which are focused more on pipelines of large capacity in populated areas, than on long, low pressure, small diameter lines in slightly populated areas.

RSPA recognizes there are good arguments in favor of using volume-miles rather than mileage as an assessment basis. However, in determining an appropriate assessment basis, RSPA favors pipeline mileage because it is simple to administer and serves as an indication of the allocation of resources. In RSPA's experience, long pipelines of small diameter require just as much if not more enforcement effort than shorter pipelines of large diameter. Furthermore, mileage was supported by the trade associations representing the industry that commented on the notice. Therefore, RSPA continues to believe that mileage is the best method for assessments, and will use mileage for the fiscal year 1987 fee assessments.

Administrative Procedure

A few commenters argued that the administrative procedure by which the user fee schedule was adopted was improper. These commenters objected to the lack of a comment period in advance of establishment of the fee schedule. RSPA regrets that because of the relatively short time between enactment of the Reconciliation Act (April 7, 1986) and the statutory deadline by which RSPA had to collect pipeline mileage data and assess and collect fees (September 30, 1986), it was impracticable to permit public participation in the development of the fee assessment and collection policies for fiscal year 1986. It was decided, however, to announce the fee assessment and collection policies in the **Federal Register** before formal assessment notices were mailed, and to request comments that would be considered for future fiscal year assessments. A comment period in advance of assessment was not required by the Reconciliation Act, and RSPA believes that publication of the July 16 **Federal Register** notice satisfied all legal obligations under the Administrative Procedure Act for publication of statements of agency policy and interpretation developed to implement the pipeline user fee provisions of the reconciliation Act.

Jointly Owned Pipelines

One of the commenters requested that jointly owned (or leased), or partnership pipelines, with undivided interests, be assessed only once. After payment of the fee, its cost would then be shared by agreement among the individual owners. RSPA did not deliberately assess a single pipeline more than once. But, this result could have occurred if the same pipeline was reported by each of the joint owners in annual reports submitted under Part 191 or in response to the mileage inquiries RSPA made last summer. Joint operators in this situation who believe they were overcharged for fiscal year 1986 may request an adjustment. To prevent any similar overcharges for fiscal year 1987, RSPA suggests that the operators involved notify RSPA as soon as possible which of them is to pay the fee. RSPA will then delete the overlapping mileage from its calculation of assessment per mile.

Method of payment

One commenter remarked that RSPA's policy of requiring certified checks or money orders within 30 days of assessment was too burdensome. The 30-day period was needed in 1986 to meet the Congressional intent that collections be made in the same fiscal year as costs incurred. Since this should not cause a problem in 1987, RSPA will allow operators at least 60 days after assessment before payment is due and interest charges begin to run. Also, upon further consideration, RSPA believes that payment by personal or corporate check is acceptable, and will be allowed in 1987 as an alternative to certified checks or money orders.

Hearing

Several operators requested an opportunity to meet with RSPA to discuss the arguments they made against the user fee policies. These requests have not been granted because the issues raised were not unusual, and adequate non-conflicting information germane to the issues was available from other sources without holding an individual or public hearing.

Fiscal year 1987 Assessments and Collection Procedures

In consideration of the foregoing, RSPA has adopted the 1986 fee schedule for use in fiscal year 1987 and later years, with the exception that the amounts actually assessed will be based on fiscal year appropriations instead of projected total program costs.

Mileage data for gas transmission lines will continue to be taken from the calendar year annual reports. For liquid pipelines, however, the mileage collected in the summer of 1986 will be used until updated mileage information becomes available through establishment of an annual report requirement, which will be proposed next year.

The LNG assessments will be the same, but may vary proportionately in future years as expenditures changes.

The procedures for collecting fees will not change in 1987 except with regard to the payment method, as noted above, and in making necessary adjustments. Adjustments for mileage discrepancies will be made by subtracting the amount of recognized overcharge from the amount due or by remitting any over-payment, instead of making a deduction from the subsequent fiscal year assessment. However, if at the end of a fiscal year the actual program costs are less than the fiscal year assessments based on appropriations, the difference will be applied as a credit to reduce the next year's assessments.

The assessments for fiscal year 1987 shoud be mailed in February 1987. Mailings in future years will depend on the timing of fiscal year appropriations, but should not be sooner than February of the fiscal year concerned.

Issued in Washington, DC on December 22, 1986.

Robert L. Paullin,

Director, Office of Pipeline Safety.

[FR Doc. 86-29002 Filed 12-24-86; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[Notice No. 614]

Commerce In Explosives; List of Explosive Materials

Pursuant to the provisions of section 841(d) of Title 18, United States Code, and 27 CFR 55.23, the Director, Bureau of Alcohol, Tobacco, and Firearms, must publish and revise at least annually in the **Federal Register** a list of explosives determined to be within the coverage of 18 U.S.C. Chapter 40, Importation, Manufacture, Distribution and Storage of Explosive Materials. This Chapter covers not only explosives, but also blasting agents and detonators, all of which are defined as explosive materials in section 841(c) of Title 18, United States Code.

Accordingly, the following is the 1987 List of Explosive Materials subject to regulation under 18 U.S.C. Chapter 40, which includes both the list of explosives (including detonators) required to be published in the **Federal Register** and blasting agents. The list is intended to also include any and all mixtures containing any of the materials in the list. Materials constituting blasting agents are marked by an asterisk. While the list is comprehensive, it is *not* all inclusive. The fact that an explosive material may not be on the list does not mean that it is not within the coverage of the law if it otherwise meets the statutory definitions in section 841 of Title 18, United States Code. Explosive materials are listed alphabetically by their common names followed by chemical names and synonyms in brackets. This revised list supersedes the List of Explosive Materials dated December 10, 1985 (50 FR 50578) and will be effective as of January 1, 1987).

List of Explosive Materials

A

Acetylides of heavy metals.
Aluminum containing polymeric propellant.
Aluminum ophorite explosive.
Amatex.
Amatol.
Ammonal.
Ammonium nitrate explosive mixtures (cap sensitive).
*Ammonium nitrate explosive mixtures (non cap sensitive).
Aromatic nitro-compound explosive mixtures.
Ammonium perchlorate having particle size less than 15 microns.
Ammonium perchlorate composite propellant.
Ammonium picrate [picrate of ammonia, Explosive D].
Ammonium salt lattice with isomorphously substituted inorganic salts.
*ANFO [ammonium nitrate-fuel oil].

B

Baratol.
Baronol.
BEAF [1, 2-bis (2, 2-difluoro-2-nitroacetoxyethane)].
Black powder.
Black powder based explosive mixtures.
*Blasting agents, nitro-carbo-nitrates, including non cap sensitive slurry and water-gel explosives.
Blasting caps.
Blasting gelatin.
Blasting powder.
Blasting [bis (trinitroethyl) carbonate].
BTNEN [bis (trinitroethyl) nitramine].
BTTN [1,2,4 butanetriol trinitrate].
Butyl tetryl.

C

Calcium nitrate explosive mixture.
Cellulose hexanitrate explosive mixture.
Chlorate explosive mixtures.
Composition A and variations.
Composition B and variations.
Composition C and variations.
Copper acetylide.
Cyanuric triazide.
Cyclotrimethylenetrinitramine [RDX].
Cyclotetramethylenetetranitramine [HMX].
Cyclotol.

D

DATB [diaminotrinitrobenzene].
DDNP [diazodinitrophenol].
DEGDN [diethyleneglycol dinitrate].
Detonating cord.
Detonators.
Dimethylol dimethyl methane dinitrate composition.
Dinitroethyleneurea.
Dinitroglycerine [glycerol dinitrate].
Dinitrophenol.
Dinitrophenolates.
Dinitrophenyl hydrazine.
Dinitroresorcinol.
Dinitrotoluene-sodium nitrate explosive mixtures.
DIPAM.
Dipicryl sulfone.
Dipicrylamine.
DNDP [dinitropentano nitrile].
DNPA [2, 2-dinitropropyl acrylate].
Dynamite.

E

EDDN [ethylene diamine dinitrate]
EDNA.
Ednatol.
EDNP [ethyl 4, 4-dinitropentanoate].
Erythritol tetranitrate explosives.
Esters of nitro-substituted alcohols.
EGDN [ethylene glycol dinitrate].
Ethyl-tetryl.
Explosive conitrates.
Explosive gelatins.
Explosive mixtures containing oxygen releasing inorganic salts and hydrocarbons.
Explosive mixtures containing oxygen releasing inorganic salts and nitro bodies.
Explosive mixtures containing oxygen releasing inorganic salts and water insoluble fuels.
Explosive mixtures containing oxygen releasing inorganic salts and water soluble fuels.
Explosive mixtures containing sensitized nitromethane.
Explosive mixtures containing tetranitromethane (nitro form).
Explosive nitro compounds of aromatic hydrocarbons.
Explosive organic nitrate mixtures.
Explosive liquids.
Explosive powders.

F

Fulminate of mercury.
Fulminate of silver.
Fulminating gold.
Fulminating mercury.
Fulminating platinum.
Fulminating silver.

G

Gelatinized nitrocellulose.
Gem-dinitro aliphatic explosive mixtures.
Guanyl nitrosamino guanyl tetrazene.
Guanyl nitrosamino guanylidene hydrazine.
Guncotton.

H

Heavy metal azides.
Hexanite.
Hexanitrodiphenylamine.
Hexanitrostilbene.
Hexogene or octogene and a nitrated N-methylaniline.
Hexolites.
HMX [cyclo-1,3,5,7-tetramethylene-2,4,6,8-tetranitramine; Octogen].
Hydrazinium nitrae/hydrazine/aluminum explosive system.
Hydrazoic acid.

I

Igniter cord.
Igniters.
Initiating tube systems.

K

KDNBF [potassium dinitrobenzo-furoxane].

L

Lead azide.
Lead mannite.
Lead mononitroresorcinate.
Lead picrate.
Lead salts, explosive.
Lead styphnate [styphnate of lead, lead trinitroresorcinate].
Liquid nitrated polyol and trimethylolethane.
Liquid oxygen explosives.

M

Magnesium ophorite explosives.
Mannitol hexanitrate.
MDNP [methyl 4,4-dinitropentanoate].
MEAN [monoethanolamine nitrate].
Mercuric fulminate.
Mercury oxalate.
Mercury tartrate.
Metriol trinitrate.
Minol-2 [40% TNT, 40% ammonium nitrate, 20% aluminum].
MMAN [monomethylamine nitrate]; methylamine nitrate.

Mononitrotoluene-nitroglycerin mixture.
Monopropellants.

N

NIBTN [nitroisobutametriol trinitrate].
Nitrate sensitized with gelled nitroparaffin.
Nitrated carbohydrate explosive.
Nitrated glucoside explosive.
Nitrated polyhydric alcohol explosives.
Nitrates of soda explosive mixtures.
Nitric acid and a nitro aromatic compound explosive.
Nitric acid and carboxylic fuel explosive.
Nitric acid explosive mixtures.
Nitro aromatic explosive mixtures.
Nitro compounds of furane explosive mixtures.
Nitrocellulose explosive.
Nitroderivative of urea explosive mixture.
Nitrogelatin explosive.
Nitrogen trichloride.
Nitrogen tri-iodide.
Nitroglycerine [NG, RNG, nitro, glyceryl trinitrate, trinitroglycerine].
Nitroglycide.
Nitroglycol (ethylene glycol dinitrate, EGDN)
Nitroguanidine explosives.
Nitroparaffins Explosive Grade and ammonium nitrate mixtures.
Nitronium perchlorate propellant mixtures.
Nitrostarch.
Nitro-substituted carboxylic acids.
Nitrourea.

O

Octogen [HMX].
Octol [75 percent HMX, 25 percent TNT].
Organic amine nitrates.
Organic nitramines.

P

PBX [RDX and plasticizer].
Pellet powder.
Penthrinite composition.
Pentolite.
PYX (2,6-bis(picrylamino)-3,5-dinitropyridine
Perchlorate explosive mixtures.
Peroxide based explosive mixtures.
PETN [nitropentaerythrite, pentaerythrite tetranitrate, pentaerythritol tetranitrate].
Picramic acid and its salts.
Picramide.
Picrate of potassium explosive mixtures.
Picratol.
Picric acid (explosive grade).
Picryl chloride.
Picryl fluoride.
PLX [95% nitromethane, 5% ethylenediamine].
Polynitro aliphatic compounds.
Polyolpolynitrate-nitrocellulose explosive gels.
Potassium chlorate and lead sulfocyanate explosive.
Potassium nitrate explosive mixtures.
Potassium nitroaminotetrazole.

R

RDX [cyclonite, hexogen, T4, cyclo-1,3,5,-trimethylene-2,4,6,-trinitramine; hexahydro-1,3,5-trinitro-S-triazine].

S

Safety fuse.
Salts of organic amino sulfonic acid explosive mixture.
Silver acetylide.
Silver azide.
Silver fulminate.
Silver oxalate explosive mixtures.
Silver styphnate.
Silver tartrate explosive mixtures.
Silver tetrazene.
Slurried explosive mixtures of water, inorganic oxidizing salt, gelling agent, fuel and sensitizer (cap sensitive).
Smokeless powder.
Sodatol.
Sodium amatol.
Sodium azide.
Sodium dinitro-ortho-cresolate.
Sodium nitrate-potassium nitrate explosive mixture.
Sodium picramate.
Squibs.
Styphnic acid.

T

Tacot [tetranitro-2,3,5,6-dibenzo-1,3a,4,6a-tetrazapentalene].
TATB [triaminotrinitrobenzene].
TEGDN [triethylene glycol dinitrate].
Tetrazene [tetracene, tetrazine, 1(5-tetrazolyl)-4-guanyl tetrazene hydrate].
Tetranitrocarbazole.
Tetryl [2,4,6 tetranitro-N-methylaniline].
Tetrytol.
Thickened inorganic oxidizer salt slurried explosive mixture.
TMETN (trimethylolethane trinitrate).
TNEF [trinitroethyl formal].
TNEOC [trinitroethylorthocarbonate].
TNEOF [trinitroethyl orthoformate].
TNT [trinitrotoluene, trotyl, trilite, triton].
Torpex.
Tridite.
Trimethylol ethyl methane trinitrate composition.
Trimethylolthane trinitrate-nitrocellulose.
Trimonite.
Trinitroanisole.
Trinitrobenzene.
Trinitrobenzoic acid.
Trinitrocresol.
Trinitro-meta-cresol.
Trinitronaphthalene.
Trinitrophenetol.
Trinitrophloroglucinol.
Trinitroresorcinol.
Tritonal.

U

Urea nitrate.

W

Water bearing explosives having salts of oxidizing acids and nitrogen bases, sulfates, or sulfamates (cap sensitive).
Water-in-oil emulsion explosive compositions.
Xanthamonas hydrophilic colloid explosive mixture.

FOR FURTHER INFORMATION CONTACT: Firearms and Explosives Operations Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226 (202-566-7591).

Stephen E. Higgins,
Director.
December 18, 1986.
[FR Doc. 86-29056 Filed 12-24-86; 8:45 am]
BILLING CODE 4810-31-M

VETERANS ADMINISTRATION

Advisory Committee on Cemeteries and Memorials; Meeting

The Veterans Administration gives notice that a meeting of the Administrator of Veterans Affairs' Advisory Committee on Cemeteries and Memorials, authorized by 38 U.S.C. 1001, will be held at the Central Office of the Veterans Administration, 810 Vermont Avenue, NW., Washington, 20420, on February 13, 1987, in Room 1010.

The session will begin at 9:00 a.m. to conduct routine business. The meeting will be open to the public up to the seating capacity which is about twenty persons. Those wishing to attend should contact Mrs. Ann Stone in the Office of the Chief Memorial Affairs Director (phone 202-223-2396) not later than 12 noon, EST January 23, 1987.

Any interested person may attend, appear before, or file a statement with the Committee. Individuals wishing to appear before the Committee should indicate this in a letter to the Chief Memorial Affairs Director (40) at 810 Vermont Avenue, NW., Washington, DC 20420. In any such letters, the writers must fully identify themselves and state the organization or association or person they represent. Also, to the extent practicable, letters should indicate the subject matter they want to discuss. Oral presentations should be limited to 10 minutes in duration. Those wishing to file written statements to be submitted to the Committee must also mail, or otherwise deliver, them to the Chief Memorial Affairs Director. Letters and written statements as discussed above must be mailed or delivered in time to reach the Chief Memorial Affairs Director by 12 noon EST January 23, 1987. Oral statements will be heard only between 9 and 10 a.m.

Dated: December 9, 1986.

By direction of the Administrator.

Rosa Maria Fontanez,
Committee Management Officer.
[FR Doc. 86-29030 Filed 12-24-86; 8:45 am]
BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 51, No. 248
Monday, December 29, 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).

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., January 2, 1987.

PLACE: 2033 K St., NW., Washington, DC, 8th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Market Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,
Secretary of the Commission.

[FR Doc. 86–29102 Filed 12–23–86; 11:06 am]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10:00 a.m., January 6, 1987.

PLACE: 2033 K St., NW., Washington, DC, 5th Floor Hearing Room.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Application of the Chicago Mercantile Exchange for designation as a contract market in Feeder Cattle Options

Termination of the pilot status for agricultural options and options on physicals

Addendum to the second Quarter Goals—Cattle Survey

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,
Secretary of the Commission.

[FR Doc. 86–29103 Filed 12–23–86; 11:07 am]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10:00 a.m., January 13, 1987.

PLACE: 2033 K St., NW., Washington, DC, 5th Floor Hearing Room.

STATUS: Open.

MATTERS TO BE CONSIDERED: Briefing by the National Futures Association.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,
Secretary of the Commission.

[FR Doc. 86–29104 Filed 12–23–86; 11:08 am]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10:30 a.m., January 13, 1987.

PLACE: 2033 K St., NW., Washington, DC, 8th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Rule enforcement review.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,
Secretary of the Commission.

[FR Doc. 86–29105 Filed 12–23–86; 11:09 am]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., January 13, 1987.

PLACE: 2033 K St., NW., Washington, DC, 8th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Enforcement Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,
Secretary of the Commission.

[FR Doc. 86–29106 Filed 12–23–86; 11:10 am]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., January 16, 1987.

PLACE: 2033 K St., NW., Washington, DC, 8th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Market Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,
Secretary of the Commission.

[FR Doc. 86–29107 Filed 12–23–86; 11:11 am]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10:00 a.m., January 21, 1987.

PLACE: 2033 K Street, NW., Washington, DC, 5th Floor Hearing Room.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Application of the New York Futures Exchange for designation as a futures contract market in the Russell 1000, 2000, 3000 Indices

Application of the Chicago Mercantile Exchange for designation as a contract market in Random Length Lumber options

Proposed amendments to Part 9—Rules relating to the review of Exchange disciplinary or other adverse action

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,
Secretary of the Commission.

[FR Doc. 86–29108 Filed 12–23–86; 11:12 am]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., January 21, 1987.

PLACE: 2033 K St., NW., Washington, DC, 8th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Rule enforcement review.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,
Secretary of the Commission.

[FR Doc. 86–29109 Filed 12–23–86; 11:13]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:30 a.m., January 21, 1987.

PLACE: 2033 K St., NW., Washington, DC, 8th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Enforcement Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,
Secretary of the Commission.

[FR Doc. 86–29110 Filed 12–23–86; 11:14 am]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., January 23, 1987.

PLACE: 2033 K St., NW., Washington, DC, 8th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Market Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 86–29111 Filed 12–23–86; 11:15 am]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., January 30, 1987.

PLACE: 2033 K St., NW., Washington, DC, 8th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Market Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 86–29112 Filed 12–23–86; 8:45 am]

BILLING CODE 6351-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 4:40 p.m. on Thursday, December 18, 1986, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to:

(A) adopt a resolution: (1) Making funds available for the payment of insured deposits made in First Bank & Trust Co., Booker, Texas, which was closed by the Acting Banking Commissioner for the State of Texas on Thursday, December 18, 1986; (2) accepting the bid of The First National Bank of Perryton, Perryton, Texas, for the transfer of the insured and fullyt secured or preferred deposits of the closed bank; and (3) designating The First National Bank of Perryton, Perryton, Texas, as the agent for the Corporation for the payment of insured and fully secured or preferred deposits of the closed bank;

(B)(1) accept the highest acceptable bid which may be submitted in accordance with the "Instructions for Bidding" for the transfer of the insured deposits made in Lago Vista National Bank, Lago Vista, Texas, which was closed by the Deputy Comptroller of the Currency, Office of the Comptroller of the Currency, on Thursday, December 18, 1986, or (2) in the event no acceptable bid for an insured deposit transfer transaction is submitted, make funds available for the payment of the insured deposits of the closed bank; and

(C)(1) accept the highest acceptable bid which may be submitted in accordance with the "Instructions for Bidding" for the purchase of assets of and the assumption of the liability to pay deposits made in Landmark National Bank, Denver, Colorado, which was scheduled to be closed later in the day by the Deputy Comptroller of the Currency, Office of the Comptroller of the Currency, or (2) in the event no acceptable bid for a purchase and assumption transaction is submitted, accept the highest acceptable bid for an insured deposit transfer transaction which may be submitted, or (3) in the event no acceptable bid for either type of transaction is submitted, make funds available for the payment of the insured deposits of the closed bank.

In calling the meeting, the Board determined, on motion of Director C.C. Hope, Jr. (Appointive), seconded by Chairman L. William Seidman, that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: December 22, 1986.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 86–29141 Filed 12–23–86; 12:04 pm]

BILLING CODE 6714-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 10:07 a.m. on Friday, December 19, 1986, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to: (1) Accept the highest acceptable bid which may be submitted in accordance with the "Instructions for Bidding" for a purchase an assumption transaction, or (2) in the event no acceptable bid for a purchase and assumption transaction is submitted, accept the highest acceptable bid for an insured deposit transfer transaction which may be submitted, or (3) in the event no acceptable bid for either type transaction is submitted, make funds available for the payment of the insured deposits of the closed bank, with respect to each of the following: (a) Farmers State Bank, Lueders, Texas, an insured State nonmember bank scheduled for closing later in the day by the Acting Banking Commissioner for the State of Texas, and (b) Lakeland State Bank, Pequot Lakes, Minnesota, an insured State nonmember bank scheduled for closing later in the day by the Commissioner of Commerce for the State of Minnesota.

At that same meeting, the Board of Directors also considered a personal matter.

In calling the meeting, the Board determined, on motion of Director C.C. Hope, Jr. (Appointive), seconded by Director Robert L. Clarke (Comptroller of the Currency), concurred in by Chairman L. William Seidman, that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(2), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: December 22, 1986.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 86–29142 Filed 12–23–86; 12:04 pm]

BILLING CODE 6714-01-M

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

TIME AND DATE: 11:00 a.m., Monday, January 5, 1987.

PLACE: Marriner S. Eccles Federal Resereve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposed purchase of check-sorter equipment within the Federal Reserve System.
2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204. You may call (202) 452–3207, beginning at approximately 5 p.m., two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: December 23, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86–29150 Filed 12–23–86; 12:36 pm]

BILLING CODE 6210-01-M

NATIONAL LABOR RELATIONS BOARD

Notice of Meeting

TIME AND DATE: 11:30 a.m., Thursday, December 18, 1986.

PLACE: Board Conference Room, Sixth Floor 1717 Pennsylvania Avenue, NW.

STATUS: Part of this meeting will be closed to the public. The rest of the meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Portion Closed to the Public

Selection of Officer-in-Charge of Subregion 36

Portion Open to Public

Procedures for selection of Regional Directors and Officers-in-Charge

CONTACT PERSON FOR MORE INFORMATION: John C. Truesdale, Executive Secretary, Washington, D.C. 20570, Telephone: (202) 254–9430.

Dated, Washington, DC 18 December 1996.

By direction of the Board.

John C. Truesdale,

Executive Secretary, National Labor Relations Board.

[FR Doc. 86–29171 Filed 12–23–86; 3:23 pm]

BILLING CODE 7545-01-M

POSTAL SERVICE BOARD OF GOVERNORS

Notice of Meeting

The Board of Governors of the United States Postal Service, pursuant to its Bylaws (39 CFR 7.5) and the Government in the Sunshine Act (5 U.S.C. section 552b), hereby gives notice that it intends to hold meetings at 1:00 p.m. on Monday, January 5, 1987, in Washington, DC, and at 8:30 a.m. on Tuesday, January 6, 1987, in the Benjamin Franklin Room, U.S. Postal Service Headquarters, 475 L'Enfant Plaza, SW., Washington, DC. As indicated in the following paragraph, the January 5 meeting is closed to public observation. The January 6 meeting is open to the public. The Board expects to discuss the matters stated in the agenda which is set forth below. Requests for information about the meeting should be addressed to the Secretary of the Board, David F. Harris, at (202) 268–4800.

At its meeting on December 1, 1986, the Board voted in accordance with the provisions of the Government in the Sunshine Act to close to public observation its meeting scheduled for January 5, 1987, to consider: (1) A new Deputy Postmaster General and (2) the Postal Rate Commission's Recommended Decision on Destination-BMC Parcel Post. (See 51 FR 44711, December 11, 1986.)

Agenda

Monday Session

January 5, 1987—1:00 p.m. (Closed)

1. Consideration of a new Deputy Postmaster General.
2. Consideratin of Postal Rate Commission's Recommended Decision on Destination-BMC Parcel Post.

Tuesday Session

January 6, 1987—8:30 a.m. (Open)

1. Minutes of the Previous Meeting, December 1–2, 1986.
2. Remarks of the Postmaster General.
3. Selection of Chairman and Vice Chairman.
4. Appointment of Audit Committee Members by Chairman.
5. Annual Report on Open Meeting Compliance.
6. Briefing on Procurement Study.
7. Annual Report of the Postmaster General.
8. Capital Investments:
   a. Mid-Hudson, New York, GMF.
   b. Computerized Forwarding System II.
   c. Integrated Logistics Support System.
9. Tentative agenda for February 2–3, 1987, meeting in Washington, DC.

David F. Harris,

Secretary.

Paul J. Kemp,

Alternate Liaison Officer for the U.S. Postal Service.

[FR Doc. 86–29131 Filed 12–23–86; 8:45 am]

BILLING CODE 7710-12-M

Corrections

Federal Register
Vol. 51, No. 248
Monday, December 29, 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 COMMERCE

International Trade Administration

Carnegie-Mellon University; Decision on Application for Duty-Free Entry of Scientific Instrument; Carnegie-Mellon University

Correction

In notice document 86-28415 appearing on page 45368 in the issue of Thursday, December 18, 1986, make the following correction:

In the second column, following the first paragraph, the docket number should read "86-279".

BILLING CODE 1505-01-D

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 261

[SW-FRL-3130-5]

Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Extension of Comment Period

Correction

In proposed rule document 86-28493 beginning on page 45485 in the issue of Friday, December 19, 1986, make the following correction:

On page 45486, in the second column, in the last paragraph, in the tenth line, "not" should read "now".

BILLING CODE 1505-01-D

ENVIRONMENTAL PROTECTION AGENCY

[OPP-100032; FRL-3129-1]

Arthur D. Little, Inc.; Transfer of Data

Correction

In notice document 86-28246 beginning on page 45171 in the issue of Wednesday, December 17, 1986, make the following correction:

On page 45172, in the first column, in the second line, "dicortophos" should read "dicrotophos".

BILLING CODE 1505-01-D

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY-060-07-4212-14]

Realty Action; Direct Sale of Public Lands in Campbell County, WY

Correction

In notice document 86-27802 appearing on page 44690 in the issue of Thursday, December 11, 1986, make the following correction:

On page 44690, under the table "Parcels", in column two, the fifth line should read "Section 27: Lot 1".

BILLING CODE 1505-01-D

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY-060-07-4212-14]

Realty Action; Modified Competitive Sale of Public Lands in Johnson, Campbell, and Crook Counties, WY

Correction

In notice document 86-27801 beginning on page 44690 in the issue of Thursday, December 11, 1986, make the following correction:

On page 44690, under the table "Parcels", in the second column, the sixth line should read "Section 1: NE¼SW¼".

BILLING CODE 1505-01-D

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Federal Register

Vol. 51, No. 248

Monday, December 29, 1986

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FEDERAL REGISTER PAGES AND DATES, DECEMBER

CFR PARTS AFFECTED DURING DECEMBER

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

LIST OF PUBLIC LAWS

Note: The listing of public laws enacted during the second session of the 99th Congress has been completed.

Last listing: November 20, 1986.

The listing will be resumed when bills are enacted into public law during the first session of the 100th Congress which convenes on January 6, 1987.

CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, prices, and revision dates.

An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

New units issued during the week are announced on the back cover of the daily **Federal Register** as they become available.

A checklist of current CFR volumes comprising a complete CFR set, also appears in the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

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1, 2 (2 Reserved)	$5.50	Jan. 1, 1986
3 (1985 Compilation and Parts 100 and 101)	14.00	[6] Jan. 1, 1986
4	11.00	Jan. 1, 1986
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210-299	21.00	Jan. 1, 1986
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400-699	19.00	Jan. 1, 1986
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1060-1119	9.50	Jan. 1, 1986
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1945-End	23.00	Jan. 1, 1986
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10 Parts:		
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200-399	13.00	Jan. 1, 1986
400-499	14.00	Jan. 1, 1986
500-End	23.00	Jan. 1, 1986
11	7.00	Jan. 1, 1986
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14 Parts:		
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15 Parts:		
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300-399	20.00	Jan. 1, 1986
400-End	15.00	Jan. 1, 1986
16 Parts:		
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150-999	10.00	Jan. 1, 1986
1000-End	18.00	Jan. 1, 1986
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1-239	26.00	Apr. 1, 1986
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1-149	15.00	Apr. 1, 1986
150-399	25.00	Apr. 1, 1986
400-End	6.50	Apr. 1, 1986
19	29.00	Apr. 1, 1986
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500-End	23.00	Apr. 1, 1986
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26 Parts:		
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32 Parts:		
1–39, Vol. I	15.00	[4] July 1, 1984
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1–189	17.00	July 1, 1986
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41 Chapters:		
1, 1–1 to 1–10	13.00	[5] July 1, 1984
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[1] No amendments to this volume were promulgated during the period Apr. 1, 1980 to March 31, 1986. The CFR volume issued as of Apr. 1, 1980, should be retained.

[2] No amendments to this volume were promulgated during the period July 1, 1984 to June 30, 1986. The CFR volume issued as of July 1, 1984, should be retained.

[3] No amendments to this volume were promulgated during the period July 1, 1985 to June 30, 1986. The CFR volume issued as of July 1, 1985 should be retained.

[4] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[5] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

[6] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

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