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Federal Register

Tuesday
December 17, 1985

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

Selected Subjects

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Selected Subjects

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

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

How To Cite This Publication: Use the volume number and the page number. Example: 50 FR 12345.

Privacy
Justice Department

Radio Broadcasting
Federal Communications Commission

Trade Practices
Federal Trade Commission

Wages
Personnel Management Office

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 17; at 9 am.

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

RESERVATIONS: Howard Landon 202-523-5227 (Voice)
Melanie Williams 202-523-5229 (TDD)

FUTURE WORKSHOPS: Additional workshops are scheduled bimonthly in Washington and on an annual basis in Federal regional cities. Dates and locations will be announced later.

NOTE: There will be a sign language interpreter for hearing impaired persons at this briefing.

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DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Parts 422, 430, 434, 436, and 443

[Doc. No. 0047A]

Crop Insurance Regulations—Various

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Interim rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) hereby amends the Potato, Sugar Beet, Tobacco (Dollar Plan), Tobacco (Guaranteed Plan), and Hybrid Seed Crop Insurance Regulations (7 CFR Parts 422, 430, 434, 436, and 443), effective for the 1985 calendar year only, by extending the date for filing contract changes specified in the policies for insuring such crops. The intended effect of this rule is to provide additional time in which to file changes made in the Actuarial Tables for such crops. The authority for the promulgation of this rule is contained in the Federal Crop Insurance Act, as amended.

DATES: Effective date: December 31, 1985.

Comment date: Written comments, data, and opinions on this interim rule must be submitted not later than February 18, 1986, to be sure of consideration.

ADDRESS: Written comments on this interim rule should be sent to the Office of the Manager, Federal Crop Insurance Corporation, Room 4096, South Building, U.S. Department of Agriculture, Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, DC 20250, telephone (202) 447-3325.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established by Departmental Regulation No. 1512-1 (December 15, 1983). This action does not constitute a review as to the need, currency, clarity, and effectiveness of these regulations under those procedures.

Merritt W. Sprague, Manager, FCIC, (1) has determined that this action is not a major rule as defined by Executive Order 12291 because it will not result in: (a) An annual effect on the economy of $100 million or more; (b) major increases in costs or prices for consumers, individual industries, federal, State, or local governments, or a geographical region; or (c) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets; and (2) certifies that this action will not increase the federal paperwork burden for individuals, small businesses, and other persons.

This action is exempt from the provisions of the Regulatory Flexibility Act; therefore, no Regulatory Flexibility Analysis was prepared.

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.450.

This program is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR Part 3015, Subpart V, published at 48 FR 29115, June 24, 1983.

This action is not expected to have any significant impact on the quality of the human environment, health, and safety. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

Section 16 of the policy for each of the crops affected provides that any changes in the contract must be placed on file in the service office by a certain date. The contract consists of the application, the policy, and the actuarial table. Due to the workload involved in making changes on the Actuarial Table for each crop insured in each county where such insurance is offered requires that in the countries where changes in the contract must be on file by December 31, 1985, the date must be extended to February 15, 1986.

FCIC is currently reviewing the actuarial tables for the regulations referred to herein to determine whether the adequacy of current actuarial structures and rate levels offered under each crop insurance policy are consistent with sound actuarial principles and if not to make adjustments where necessary. This is an annual review conducted on all crops. The amount of work involved is such that these reviews will not be completed prior to the date for filing such actuarial data in the service offices for the crops and counties involved unless the filing date is extended.

Merritt W. Sprague, Manager, FCIC, has determined that an emergency situation exists which warrants publication of this rule without providing for a period for public comment before such publication. Without this review, the statutory mandate that the program be actuarially sound could not be met. The workload involved in these actuarial changes will not permit filing of these actuarial tables by the present contract change date of December 31. There is not sufficient time to provide for public comment and implement these changes prior to December 31. It has been determined that the date by which such changes are required to be placed on file in the service office shall be extended from December 31, 1985, until February 15, 1986, and made effective for the 1985 calendar year only for Potatoes, Sugar Beets, Tobacco (Dollar Plan), Tobacco (Guaranteed Plan), and Hybrid Seed.

The changes in the actuarial tables for the crops affected by this rule may be beneficial in some instances and detrimental in others. All policyholders should be aware of the changes in the actuarial table affecting their individual crop insurance contract and of the additional time provided for FCIC to file such changes.

FCIC is soliciting public comment on this rule for 60 days after publication in the **Federal Register**. This rule will be scheduled for review in order that any amendment made necessary by public comment may be published in the **Federal Register** as quickly as possible.

Any comments received pursuant to this rule will be available for public inspection in the Office of the Manager, Federal Crop Insurance Corporation, Room 4096, South Building, U.S. Department of Agriculture, Washington, DC, 20250, during regular business hours, Monday through Friday.

List of Subjects in 7 CFR Parts 422, 430, 434, 436, and 443

Crop insurance, Potato, Sugar beets, Tobacco (Dollar Plan), Tobacco (Guaranteed Plan), Hybrid seed.

Interim Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby amends the Potato, Sugar Beets, Tobacco (Dollar Plan), Tobacco (Guaranteed Plan), and Hybrid Seed Crop Insurance Regulations, effective for the 1985 calendar year only (7 CFR Parts 422, 430, 434, 436, and 443, respectively) in the following instances:

1. The Authority Citations for 7 CFR Parts 422, 430, 434, 436, and 443 continue to read as follows:

Authority: Secs. 506, 516, Pub. L. 75–430, 52 Stat. 73, 77, as amended (7 U.S.C. 1506, 1516).

* * * * *

PART 422—[AMENDED]

2. 7 CFR 422.7(d)16 (3) is revised to read as follows:

§ 422.7 Application and Policy.

* * * * *

16. Contract Changes.

* * * * *

(1) * * *

(3) December 31 preceding the cancellation date for counties with an April 15 cancellation date, except that, for the 1985, 1986 transition only, all contract changes will be available at your service office by February 15, 1986.

* * * * *

PART 430—[AMENDED]

3. 7 CFR 430.7(d)16 is revised to read as follows:

§ 430.7 Application and Policy.

* * * * *

16. Contract Changes.

We may change any terms and provisions of the contract from year to year. If your price election at which indemnities are computed is no longer offered, the actuarial table will provide the price election which you are deemed to have elected. All contract changes will be available at your service office by December 31 preceding the cancellation date for counties with an April 15 cancellation date (February 15, 1986 for the 1985, 1986 transition) and by May 31 preceding the cancellation date for all other counties. Acceptance of any changes will be conclusively presumed in the absence of any notice from you to cancel the contract.

* * * * *

PART 434—[AMENDED]

4. 7 CFR 434.7(d)16 is revised to read as follows:

§ 434.7 Application and Policy.

* * * * *

16. Contract changes.

We may change any terms and provisions of the contract from year to year. All contract changes will be available at your service office by December 31 preceding the cancellation date, except that for the 1985, 1986 transition only, all contract changes will be available in your service office by February 15, 1986. Acceptance of any changes will be conclusively presumed in the absence of any notice from you to cancel the contract.

* * * * *

PART 436—[AMENDED]

5. 7 CFR 436.7(d)16 is revised to read as follows:

§ 436.7 Application and Policy.

* * * * *

16. Contract changes.

We may change any terms and provisions of the contract from year to year. If your price election at which indemnities are computed is no longer offered, the actuarial table will provide the price election which you are deemed to have elected. All contract changes will be available at your service office by December 31, preceding the cancellation date except that, for the 1985, 1986 transition only, all contract changes will be available at your service office by February 15, 1986. Acceptance of any changes will be conclusively presumed in the absence of any notice from you to cancel the contract.

* * * * *

PART 443—[AMENDED]

6. 7 CFR 443.7(d)16 is revised to read as follows:

§ 443.7 Application and Policy.

* * * * *

16. Contract changes.

We may change any terms and provisions of the contract from year to year. If your amount of insurance is no longer offered, the actuarial table will provide the amount of insurance which you are deemed to have elected. All contract changes will be available at your service office by December 31, preceding the cancellation date, except that for the 1985, 1986 transition only, all contract changes will be available at your service office by February 15, 1986. Acceptance of any changes will be conclusively presumed in the absence of any notice from you to cancel the contract.

* * * * *

Done in Washington, DC, on November 15, 1985.

Merritt W. Sprague

Manager, Federal Crop Insurance Corporation.

[FR Doc. 85–29753 Filed 12–16–85; 8:45 am]

BILLING CODE 3410–08–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 85–AWP–31]

Alteration of Alturas, CA, Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to final rule.

SUMMARY: On October 31, 1985, (50 FR 45401), the Federal Aviation Administration (FAA) amended the transition area at Alturas, California. This amendment was necessary to provide controlled airspace for aircraft executing Standard Instrument Approach Procedures (SIAP) at Alturas Municipal Airport. In the description of the airspace amendment, the words "along the west edge of V–165" were inadvertently included. This action will correctly describe the transition area.

EFFECTIVE DATE: 0901 G.M.T., March 13, 1986.

FOR FURTHER INFORMATION CONTACT: Bill Reidy, Airspace Branch, Air Traffic Division, Federal Aviation Administration (FAA), 15000 Aviation Boulevard, Lawndale, California 90261; telephone (213) 297–1186.

SUPPLEMENTARY INFORMATION:

History

On August 16, 1985, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) that will alter the transition area at Alturas, California, (50 FR 33055). Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. This amendment is the same as that proposed in the notice. The proposed amendment to the SIAP to Alturas, California, requires controlled airspace commencing at 700 feet for the procedure turn area. Without this additional controlled airspace, the minimum descent altitude would be raised. This amendment will enhance airport usage and safety. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6A dated January 2, 1985.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations lowers the controlled airspace to contain the proposed amendment to the SIAP at

Alturas, California. This additional airspace is required to contain the procedure turn within controlled airspace.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Transition areas.

Adoption of the Amendment

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

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

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

2. Section 71.181 is amended as follows:

Alturas, CA—[Revised]

That airspace extending upward from 700 feet above the surface beginning at lat. 41°34'00" N., long. 120°46'20" W.; to lat. 41°37'00" N., long. 120°28'40" W.; to lat. 41°11'30" N., long. 120°21'00" W.; to lat. 41°08'45" N., long. 120°38'10" W.; thence to the point of beginning; that airspace extending upward from 1200 feet above the surface beginning at lat. 41°22'10" N., long. 120°58'00" W.; to lat. 41°28'20" N., long. 120°44'20" W.; to lat. 41°19'10" N., long. 120°41'30" W.; to lat. 41°15'00" N., long. 120°51'00" W.; thence along the east edge of V-452 to the point of beginning; and that airspace extending upward from 1200 feet above the surface beginning at lat. 41°33'30" N., long. 120°27'40" W.; to lat. 41°34'30" N., long. 120°20'00" W.; to lat. 41°25'50" N., long. 120°18'30" W.; to lat. 41°25'00" N., long 120°25'00" W.; thence to the point of beginning."

Issued in Los Angeles, California on December 3, 1985.

B. Keith Potts,

Acting Director, Western-Pacific Region.

[FR Doc. 85-29745 Filed 12-16-85; 8:45 am]

BILLING CODE 4910-13-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Parts 1 and 16

Commercial Categories for Option Traders

AGENCY: Commodity Futures Trading Commission.

ACTION: Rule related notice.

SUMMARY: On January 10, 1983, the Commission published in the **Federal Register** notification of its revised list of occupation categories for option contracts (48 FR 1047). This list, as amended on February 3, 1984 (49 FR 4200), October 15, 1984 (49 FR 40159) and October 26, 1984 (49 FR 43048) forms the basis from which the Commission will measure commercial participation in the pilot program for domestic exchange-traded commodity options. Futures commission merchants and members of contract markets are required under Commission Rule 1.37(a), 17 CFR 1.37(a) (1982), to record for each option customer account they carry an appropriate occupation category from a list of such categories set forth by the Commission and a symbol indicating whether the option customer is commercial or noncommercial. In order to accommodate options on cocoa, frozen concentrated orange juice and copper, the Commission has determined to revise its current list of occupation categories.

FOR FURTHER INFORMATION CONTACT: Fred Linse, Chief, Agricultural Commodities Unit, Division of Economic Analysis, (202) 254-7303, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581.

SUPPLEMENTARY INFORMATION: The Commission has revised the list of occupation categories for determining commercial participation in its pilot program for options as follows:

Commodity	Occupation Categories
Sugar and Cocoa	1. Producer. 2. Merchant or Dealer. 3. Refiner/Processor of Raw Commodities. 4. Manufacturer of Intermediate or Final Products. 5. Other Commercial.
Metals/Precious Metals	6. Miner/Producer. 7. Primary or Secondary Refiner. 8. Dealer (Metal Merchant).
Petroleum	9. Commercial End User. 46. Fabricator or Alloyer. [1]11. Other Commercial. 39. Crude Oil Producer. 40. Crude Oil Reseller. 12. Refiner. 13. Product Marketer and/or Distributor. 14. End User. 15. Other Commercial.
Financial Instruments/ Foreign Exchange	16. Savings and Loan, Mortgage Bank or Thrift Institution. 17. Commercial Bank. 18. Insurance Company. 19. Pension and Retirement Fund. 20. Mutual Fund. 21. Broker/Dealer. 22. Foundation or Endowment. 23. Other Commercial. 24. Importer/Exporter of Goods and Services. 25. Investor/Issuer of Foreign Currency Denominated Securities.
Grains and Soybeans	26. Grain or Soybean Producer. 27. Producer Cooperative. 28. Elevator Operator or Merchant Other Than a Producer Cooperative. 29. Processor, Including Feed Manufacturing and Crushing. 30. Livestock Feeder or Producer. 31. Other Commercial.
Livestock	32. Farmer or Rancher. 33. Commercial Feedlot Operator. 34. Other Livestock Feeder. 35. Marketing Agency and/or Commission Merchant. 36. Packer or Other Meat Processor. 37. Meat Wholesaler, Retailer, or Buyer. 38. Other Commercial.
Cotton and Frozen Concentrated Orange Juice	41. Producer/Grower. 42. Producer/Grower Cooperative. 43. Merchant/Wholesaler. 44. Mill Operator/Processor. 45. Other Commercial.

[1] Category 10 intentionally blank.

Under the revisions, Categories 1 through 5, which are currently applicable to sugar options, have been modified to reflect occupation categories for sugar and cocoa options. In connection with this change, Category 3 has been changed from "Refiner" to "Refiner/Processor of Raw Commodities." In addition, Category 4 has been changed from "Manufacturer or Processor" to "Manufacturer of Intermediate or Final Products."

In order to accommodate options on frozen concentrated orange juice, Categories 41 through 45 which are currently applicable to cotton options have been changed to reflect occupation categories for cotton and frozen concentrated orange juice options. In conjunction with this revision, Category 41 has been changed from "Producer" to "Producer/Grower" and Category 42 has been changed from "Producer Cooperative" to "Producer/Grower Cooperative." In addition, Category 43 has been changed from "Merchant" to "Merchant/Wholesaler" and Category

44 has been changed from "Mill Operator" to "Mill Operator/Processor."

With respect to options on copper, Categories 6 through 9 and Category 11 which currently relate to options on precious metals have been amended to reflect occupation categories for metals and precious metals options. To accommodate this amendment, Category 6 has been changed from "Producer" to "Miner/Producer" and Category 7 has been changed from "Refiner" to "Primary or Secondary Refiner." In addition, existing Category 8 has been changed from "Dealer" to "Dealer (Metal Merchant)" and a new Category 46 is being established to include the occupation Category "Fabricator or Alloyer."

As is the case with the existing categories, the appropriate classification for a customer is based on the primary activity of the customer in using the option market in conjunction with its cash market activities.

Issued in Washington, DC on December 12, 1985.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 85-29793 Filed 12-16-85; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Parts 19, 240, 245, 270, 285, and 295

[T.D. ATF-219]

Implementation of Form 5000.24, Excise Tax Return

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.

ACTION: Final rule (Treasury decision).

SUMMARY: This final rule, which is being issued without notice, amends ATF regulations to implement a new form, Form 5000.24, Excise Tax Return. Form 5000.24, Excise Tax Return, is prescribed for use in conjunction with both the prepayment and deferred payment of excise taxes on distilled spirits, wines, beer, cigars, cigarettes, and cigarette papers and tubes. With the exception of taxpayers in Puerto Rico filing returns under the provisions of 27 CFR Part 250 or 27 CFR Part 275, Form 5000.24 shall be used by all persons required to file ATF tax returns covering the payment of excise taxes on alcoholic beverages, tobacco products, and cigarette papers and tubes. This document also deletes from 27 CFR Parts 270 and 285 outdated transitional rules which are applicable only to taxable removals made prior to January 1, 1983.

EFFECTIVE DATE: January 1, 1986.

FOR FURTHER INFORMATION CONTACT: Harriet S. Bobo, Procedures Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW., Washington, DC. 20226 (202-566-7602).

SUPPLEMENTARY INFORMATION:

Background

26 U.S.C. 5061(a) and 5703(b) require that the excise taxes on distilled spirits, wines, beer, cigars, cigarettes, and cigarette papers and tubes be collected on the basis of a return. Currently, ATF regulations in 27 CFR Parts 19, 240, 245, 270, and 285 prescribe the use of 8 different return forms for the collection of these taxes. In order to simplify returns processing, ATF consolidated these 8 returns into one new form, Form 5000.24, Excise Tax Return.

Obsolete Forms

Implementation of Form 5000.24, Excise Tax Return, makes the following forms obsolete.

ATF 5110.32—Prepayment Return—Distilled Spirits Tax.

ATF F 5110.35—Distilled Spirits Tax Returns—Deferred Payment.

ATF F 2050 (5120.27)—Wine Tax Return.

ATF F 2052 (5120.37—Prepayment Return—Wine Tax.

ATF F 2034 (5130.7)—Beer Tax Return.

ATF F 3071 (5210.7)—Tax Return—Manufacturer of Tobacco Products.

ATF F 2617 (5210.11)—Prepayment Tax Return—Manufacturer of Tobacco Products.

ATF F 2137 (5230.1)—Monthly Tax Return—Manufacturer of Cigarette Papers and Tubes.

These 8 forms may not be used for the payment of tax liabilities incurred after December 31, 1985.

Regulatory Changes

Implementation of Form 5000.24, Excise Tax Return, requires many regulatory changes. Every regulation in Title 27 of the Code of Federal Regulations containing an obsolete form number has to be amended. In addition, some sections of regulations are being revised to clarify the fact that Form 5000.24 is to be used as both a prepayment and a deferred payment or semimonthly return. Instructions for preparing tax return forms are being deleted from regulations in those cases where the same or similar instructions appear on Form 5000.24.

Unlike many of the forms that it replaces, Form 5000.24 will not require the taxpayer to show quantities of taxable commodities removed subject to tax during the period covered by the tax return. Therefore, all regulations requiring the taxpayer to include such information on his tax returns are being revised to delete this reporting requirement.

Regulations in 27 CFR Part 270 and 27 CFR Part 285 are also being revised to delete transitional rules applicable only to taxable removals made before January 1, 1983.

Administrative Procedures Act

As authorized by section 553 of Title 5 of the United States Code, the regulatory changes in this final rule are being made without prior notice. Public participation in these changes is deemed unnecessary because the changes are minor, liberalizing, and non-controversial in nature. This decision merely consolidates 8 different tax return forms into one and deletes requirements that were applicable only before January 1, 1983. For these reasons, ATF has determined that it is impractical and unnecessary to issue this rule with notice and public procedure under 5 U.S.C. 553(b) or subject to the effective date limitation of 5 U.S.C. 553(d).

Executive Order 12291

It has been determined that this final rule is not classified as a "major rule" within the meaning of Executive Order 12291, 46 FR 13193 (1981), because it will not have an annual effect on the economy of $100 million or more; it will not result in a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 604) are not applicable to this final rule because the agency was not required to publish a general notice of proposed rulemaking under 5 U.S.C. 553 or any other law.

Paperwork Reduction Act

The requirement to collect information imposed by this final rule has been approved by the Office of Management and Budget under Sec. 3507 of the Paperwork Reduction Act of 1980, Pub.

L. 96-511, 44 U.S.C. Chapter 35 (control number 1512-0467).

Drafting Information

The principal author of this document is David Purcell, Procedures Branch, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects

27 CFR Part 19

Administrative practice and procedure, Alcohol and alcoholic beverages, Authority delegations, Claims, Chemicals, Customs duties and inspection, Electronic fund transfers, Excise taxes, Exports, Gasohol, Imports, Labeling, Liquors, Packaging and containers, Puerto Rico, Reporting and recordkeeping requirements, Research, Security measures, Spices and flavorings, Surety bonds, Transportation, Virgin Islands, Warehouses, Wine.

27 CFR Part 240

Administrative practice and procedure, Authority delegations, Claims, Electronic fund transfers, Excise taxes, Exports, Food additives, Fruit juices, Labeling, Liquors, Packaging and containers, Reporting and recordkeeping requirements, Research, Scientific equipment, Spices and flavorings, Surety bonds, Transportation, Vinegar, Warehouses, Wine.

27 CFR Part 245

Administrative practice and procedure, Authority delegations, Beer, Claims, Electronic fund transfers, Excise taxes, Labeling, Packaging and containers, Reporting and recordkeeping requirements, Research, Surety bonds, Transportation.

27 CFR Part 270

Administrative practice and procedure, Authority delegations, Cigars and cigarettes, Claims, Electronic fund transfers, Excise taxes, Labeling, Packaging and containers, Penalties, Reporting and recordkeeping requirements, Seizures and forfeitures, Surety bonds.

27 CFR Part 285

Administrative practice and procedure, Authority delegations, Cigarette papers and tubes, Cigars and cigarettes, Claims, Customs duties and inspection, Electronic fund transfers, Excise taxes, Packaging and containers, Penalties, Reporting and recordkeeping requirements, Seizures and forfeitures, Surety bonds.

27 CFR Part 295

Administrative practice and procedure, Authority delegations, Cigarette papers and tubes, Cigars and cigarettes, Excise taxes, Labeling, Packaging and containers, Reporting and recordkeeping requirements.

Authority and Issuance

PART 19—[AMENDED]

27 CFR Part 19—Distilled Spirits Plants is amended as follows:

Paragraph 1. The authority citation for Part 19 is revised to read as follows:

Authority: 19 U.S.C. 81c, 1311; 26 U.S.C. 5001, 5002, 5004-5006, 5008, 5041, 5061, 5062, 5066, 5101, 5111-5113, 5171-5173, 5175, 5176, 5178-5181, 5201-5207, 5211-5215, 5221-5223, 5231, 5232, 5235, 5236, 5241-5243, 5271, 5273, 5301, 5311-5313, 5362, 5370, 5373, 5501-5505, 5551-5555, 5559, 5561, 5562, 5601, 5612, 5682, 6001, 6065, 6109, 6302, 6311, 6676, 7510; 31 U.S.C. 9301, 9303, 9304, 9306.

Paragraph 2. The authority citations in Part 19 are amended by removing the citation "26 U.S.C. 5103", whenever it appears; by replacing the citation "6 U.S.C. 6", wherever it appears, with the citation "31 U.S.C. 9304"; by replacing the citation "6 U.S.C. 7", wherever it appears, with the citation "31 U.S.C. 9306"; and by replacing the citation "6 U.S.C. 15", wherever it appears, with the citation "31 U.S.C. 9301, 9303".

§ 19.461 [Amended]

Paragraph 3. Section 19.46 is amended by removing the words "distilled spirits tax return" inserting in their place the words "excise tax return".

§ 19.515 [Amended]

Paragraph 4. Section 19.515 is amended by removing the words "paid on Form 5110.32" and inserting in their place the words "prepaid on Form 5000.24".

§ 19.519 [Amended]

Paragraph 5. Section 19.519 is amended by removing the words "on Form 5110.32 or on Form 5110.35" and inserting in their place the words "on Form 5000.24".

§§ 19.520 and 19.521 [Amended]

Paragraph 6. Sections 19.520 and 19.521 are amended by removing the words "Form 5110.32 or Form 5110.35", wherever they appear, and inserting in their place the words "Form 5000.24".

Paragraph 7. Section 19.522 is amended by revising paragraphs (a) and (c) to read follows:

§ 19.522 Taxes to be collected by returns.

(a) *Deferred taxes.* The tax on spirits to be withdrawn from bond for deferred payment of tax shall be paid pursuant to a semimonthly return on Form 5000.24. The periods to be covered by semimonthly returns on Form 5000.24 shall run from the 1st day through the 15th day of each month, and from the 16th day through the last day of each month. A return, Form 5000.24, shall be executed and filed for each semimonthly return period notwithstanding that no tax is due for payment for such period. The proprietor of each bonded premises shall include, for payment, on his semimonthly return on Form 5000.24, the full amount of distilled spirits tax determined in respect of all spirits released for withdrawal from the bonded premises on determination of tax during the period covered by the return (except spirits on which tax has been prepaid).

* * * * *

(c) *Prepaid taxes.* The tax on distilled spirits shall be paid pursuant to a prepayment return on Form 5000.24 in all cases where the tax is required to be paid before the spirits are withdrawn from bond. A single prepayment return on Form 5000.24 may cover one or more transactions. The proprietor shall note the serial number of the Form 5000.24 and the date and time such prepayment return was filed on the individual record of tax determination.

Paragraph 8. Section 19.523 is revised to read as follows:

§ 19.523 Time for filing returns.

(a) *Payment pursuant to semimonthly return.* Where the proprietor of bonded premises has withdrawn spirits from such premises on determination and before payment of tax, he shall file a semimonthly tax return covering such spirits on Form 5000.24, and remittance as required by § 19.524 or § 19.525, not later than the last day of the second succeeding return period. Where the due date for filing a return falls on a Saturday, Sunday, or legal holiday, the time for filing is extended to the first succeeding day which is not a Saturday, Sunday, or legal holiday.

(b) *Payment pursuant to prepayment return.* If the proprietor of a distilled spirits plant desires to withdraw spirits from bonded premises on determination of tax and does not have on file an approved withdrawal or unit bond of sufficient penal sum to cover the withdrawal, if there is default by him in any payment of tax under this part, or the proprietor is notified by the regional director (compliance) as provided in § 19.522(b)(2), the proprietor shall not remove the spirits from the bonded premises until the tax thereon has been paid. To pay the tax, the proprietor of the bonded premises shall file a prepayment return on Form 5000.24, and

remittance as required by § 19.524 or § 19.525, before removal of the spirits.

§ 19.524 [Amended]

Paragraph 9. Section 19.524 is amended by removing the words "ATF F 5110.32 or ATF F 5110.35", wherever they appear, and inserting in their place the words "ATF F 5000.24".

§ 19.525 [Amended]

Paragraph 10. Section 19.525 is amended by removing the words "ATF F 5110.32 or 5110.35" and the words "Form 5110.32 or Form 5110.35" and inserting in their place the words "Form 5000.24".

§ 19.561 [Amended]

Paragraph 11. Section 19.561 is amended by replacing the nunber "508", which appears in the authority citation, with the number "5008".

§ 19.565 [Amended]

Paragraph 12. Section 19.565 is amended by deleting the first sentence of the section and by inserting in its place the following: "An unexplained shortage of bottled distilled spirits shall be taxpaid: (a) Immediately on a prepayment return on Form 5000.24, or (b) on the semimonthly return on Form 5000.24 for the return period during which the shortage was ascertained."

Paragraph 13. Section 19.703 is revised to read as follows:

§ 19.703 Taxpayment of samples.

When tax is required to be paid on samples:

(a) If the proprietor is qualified to defer payment of tax, the tax shall be included in the proprietor's semimonthly tax return on Form 5000.24.

(b) If the proprietor is not qualified to defer the payment of tax, the tax shall be paid on a prepayment tax return on Form 5000.24.

PART 240—[AMENDED]

27 CFR Part 240—Wine is amended as follows:

Paragraph 1. The authority citation for Part 240 is revised to read as follows:

Authority: 5 U.S.C. 552(a); 26 U.S.C. 5001, 5008, 5041, 5042, 5044, 5061, 5062, 5111–5113, 5121, 5122, 5142, 5143, 5173, 5206, 5214, 5215, 5332, 5351, 5353, 5354, 5356-5358, 5361, 5362, 5364–5373, 5381–5388, 5391, 5392, 5551, 5552, 5661, 5662, 5684, 6065, 6091, 6109, 6301, 6302, 6311, 6651, 6676, 7011, 7302, 7342, 7502, 7503, 7606, 7805, 7851; 27 U.S.C 205; 31 U.S.C. 9301, 9303, 9304, 9306.

Paragraph 2. The authority citations in Part 240 are amended by removing the citations "18 U.S.C. 926", "22 U.S.C. 2778", "26 U.S.C. 5011", and "26 U.S.C. 5082", wherever they appear; by replacing the citation "6 U.S.C. 6", wherever it appears, with the citation "31 U.S.C 9304"; by replacing the citation "6 U.S.C. 7", wherever it appears, with the citation "31 U.S.C 9306"; and by replacing the citation "6 U.S.C. 15", wherever it appears, with the citation "31 U.S.C 9301, 9303".

Paragraph 3. The table of contents is amended by revising the title of § 240.901 to read as follows and by removing § 240.902:

* * * * *

Subpart UU—Records and Reports

* * * * *

240.901 Form 5000.24.

* * * * *

§ 240.590a [Amended]

Paragraph 4. Section 240.590a is amended by removing the number "2050", whenever it appears, and inserting in its place the number "5000.24".

Paragraph 5. Section 240.591 is amended by revising paragraphs (a) and (c) to read as follows:

§ 240.591 Payment of tax by check, cash, or money order.

(a) *General.* The tax on wine shall (unless prepaid) be paid by semimonthly return on Form 5000.24, which shall be filed with remittance, for the full amount of tax due as shown on the return in a manner authorized under 26 CFR 301.6311–1 (Payment by check or money order). All entries in the return shall be fully supported by accurate and complete records satisfactory to the regional director (compliance). The proprietor shall include for payment on his return, Form 5000.24, the full amount of tax required to be determined (and not prepaid) on all wine removed daily from the bonded wine cellar premises (or transferred to a taxpaid room on the premises) for consumption or sale during the period covered by the return. Prepayments of tax on wine during the period covered by the return shall be separately shown thereon. Except as provided in § 240.592, a return on Form 5000.24 shall be executed and filed to cover each return period, notwithstanding that no tax is due for such period.

* * * * *

(c) *Time for filing returns and paying tax.* Semimonthly returns on Form 5000.24, with remittances, shall, unless the proprietor is qualified for extended deferral, be filed not later than the third calendar day next succeeding the last day of each return period, excluding any Saturday, Sunday, or legal holiday in the District of Columbia, or any statewide holiday of the State in which the return is required to be filed.

* * * * *

§ 240.591a [Amended]

Paragraph 6. Section 240.591a is amended by removing the words "Form 2050 or Form 2052", whenever they appear, and inserting in their place the words "Form 5000.24".

§ 240.592 [Amended]

Paragraph 7. Section 240.592 is amended by removing the number "2050" and inserting in its place the number "5000.24".

Paragraph 8. Section 240.594 is revised to read as follows:

§ 240.594 Prepayment of tax; general.

(a) A proprietor shall, before removal of the wine for consumption or sale, file a prepayment tax return on Form 5000.24, with remittance, where (1) he is required to prepay tax under § 240.595, (2) his tax deferral bond (or bonds), Form 2053, is not in the maximum penal sum and the tax determined and unpaid at any one time exceeds the penal sum of such bond by more than $100, or (3) he does not have an approved tax deferral bond, Form 2053, and the total amount of tax unpaid at any one time exceeds $100. The return, with remittance, shall be filed by forwarding or delivering it to the district director or the director of the service center in accordance with the instructions on the form. For the purposes of complying with this section, the term "forwarding" shall mean deposit in the U.S. mail, properly addressed to the Internal Revenue Service.

(b) However, when a proprietor is required by § 240.591a to deliver payment of tax by electronic fund transfer, the proprietor shall prepay the tax before any wine can be removed for consumption or sale by (1) completing a prepayment return on Form 5000.24, and by mailing it, as instructed on the return, to the district director, the director of the service center, or the regional director (compliance) and (2) by directing the proprietor's bank to effect an EFT.

§§ 240.594a, 240.594b, and 240.594c [Amended]

Paragraph 9. Sections 240.594a, 240.594b, and 240.594c are amended by removing the words "Form 2050 or Form 2052" and the words "Forms 2050 or 2052", wherever they appear, and inserting in their place the words "Form 5000.24".

§240.596 [Amended]

Paragraph 10. Section 240.596 is amended by removing the words "Form

2052 or Form 2050, as the case may be" and inserting in their place the words "Form 5000.24".

§ 240.806 [Amended]

Paragraph 11. Section 240.806 is amended by removing the words "wine tax return" and inserting in their place the words "excise tax return".

Paragraph 12. Section 240.901 is revised to read as follows:

§ 240.901 Form 5000.24.

(a) *General.* Form 5000.24 shall be prepared and filed in accordance with the instructions on the form.

(b) *Semimonthly return.* The proprietor of every bonded wine cellar removing wine subject to tax shall, except as provided in §240.592, prepare semimonthly returns on Form 5000.24, showing thereon the total tax due. There shall also be shown any increases or decreases in tax due to errors in previous returns, or credit under the provisions of Subpart OO for unmerchantable wines returned to bond, or credit under the provisions of Part 252 of this chapter where such credit is authorized by the regional director (compliance) on Form 2639, and credit for the prepayment of tax.

(c) *Prepayment return.* When a proprietor is required to prepay tax, as provided in §§ 240.594(a) and 240.595, the proprietor shall first prepare Form 5000.24 in an amount sufficent to cover the tax on the quantity of wine proposed to be removed that day. Prior to removal of the wine, the proprietor shall forward or deliver Form 5000.24 with remittance as provided in § 240.594(a) or, the case of prepayment by electronic fund transfer, shall file the return and pay the tax as provided in § 240.594(b).

PART 245—[AMENDED]

Paragraph 13. Section 240.902 is removed.

27 CFR Part 245—Beer is amended as follows:

Paragraph 1. The authority citation for Part 245 is revised to read as follows:

Authority: 5 U.S.C. 552(a); 26 U.S.C. 5002, 5051–5054, 5056, 5061, 5113, 5142–5144, 5146, 5222, 5401, 5402, 5411–5417, 5551, 5552, 5555, 5556, 5571, 5673, 5684, 6011, 6061, 6065, 6091, 6109, 6151, 6301, 6302, 6302(c), 6311, 6313, 6402, 6676, 7011, 7342, 7606, 7805; 31 U.S.C. 9301, 9303–9306.

Paragraph 2. The authority citations in Part 245 are amended by replacing the citation "6 U.S.C. 6", wherever it appears, with the citation, "31 U.S.C. 9304"; by replacing the citation "6 U.S.C. 7", wherever it appears, with the citation "31 U.S.C. 9306"; by replacing the citation "6 U.S.C. 8", wherever it appears, with the citation "31 U.S.C. 9305"; and by replacing the citation "6 U.S.C. 15", wherever it appears, with the citation "31 U.S.C. 9301, 9303".

Paragraph 3. The table of contents is amended by revising the title of § 245.227 to read as follows:

* * * * *

Subpart AA—Records, Reports, and Returns

* * * * *

§245.227 Excise tax return, Form 5000.2.

* * * * *

Paragraph 4. Sections 245.110b, 245.110c, 245.110d, 245.112, 245,117a, 245.117e, 245.117f, 245.227g, and 245.166 are amended by removing the numbers "2034" and "2034 (5130.7)", wherever they appear, and inserting in their place the number "5000.24".

§245.117 [Amended]

Paragraph 5. Section 245.117 is amended by removing the number "2034 (5130.7)", wherever it appears, and inserting in its place the number "5000.24"; by removing paragraph (c); and by redesignating paragraphs (d), (e), and (f) as paragraphs (c), (d), and (e), respectively.

§ 245.117d [Amended]

Paragraph 6. Section 245.117d is amended by removing the number "2034 (5130.7)" and inserting in its place the number "5000.24" and by removing the last sentence of paragraph (b)(1).

Paragraph 7. Section 245.227 is revised to read as follows:

§ 245.227 Excise tax return, Form 5000.24.

All entries in the return, Form 5000.24, shall be fully supported by accurate and complete records.

PART 270—[AMENDED]

27 CFR Part 270—Manufacture of Cigars and Cigarettes is amended as follows:

Paragraph 1. The authority citation for Part 270 is revised to read as follows:

Authority: 5 U.S.C. 552(a); 26 U.S.C. 5701, 5703–5705, 5711–5713, 5721–5723, 5741, 5751, 5753, 5761–5763, 6109, 6301, 6302, 6311, 6313, 6402, 6404, 6423, 6676, 7212, 7325, 7342, 7502, 7503, 7606, 7805; 27 U.S.C. 205; 31 U.S.C. 9301, 9303, 9304, 9306.

Par. 2. The authority citations in Part 270 are amended by removing the citations "18 U.S.C. 926", "22 U.S.C. 778" and "26 U.S.C. 5707", wherever they appear; by replacing the citation "6 U.S.C. 6", wherever it appears, with the citation "31 U.S.C. 9304"; by replacing the citation "6 U.S.C. 7", wherever it appears, with the citation "31 U.S.C. 9306"; and by replacing the citation "6 U.S.C. 15", wherever it appears, with the citation "31 U.S.C. 9301, 9303".

Par. 3. The table of contents is amended by removing section titles for §§ 270.141, 270.142, and 270.164.

§ 270.141, 270.142 and 270.164 [Removed]

Par. 4. Sections 270.141, 270.142, and 270.164 are removed.

Par. 5. Section 270.162 is revised to read as follows:

§ 270.162 Semimonthly tax return.

Every manufacturer of tobacco products shall file, for each of his factories, a semimonthly tax return on Form 5000.24 for each return period, including any period during which a manufacturer begins or discontinues business. The return shall be filed with the district director or the director of the service center in accordance with the instructions on the form. The manufacturer shall file the return at the time specified in § 270.165 regardless of whether cigars or cigarettes are removed or whether tax is due for that particular return period. However, when the manufacturer requests by letter and the regional director (compliance) grants specific authorization, the manufacturer need not during the term of such authorization file a tax return for which tax is not due or payable.

Par. 6. Section 270.165 is revised to read as follows:

§ 270.165 Times for filing semimonthly return.

(a) *General.* Semimonthly returns on Form 5000.24 shall be filed, for each return period, not later than the 10th day after the end of the first succeeding return period.

(b) *Definitions, etc.* When the manufacturer sends the tax return with or without remittance by U.S. mail to the district director or the director of the service center in accordance with the instructions on the form, the official postmark of the U.S. Postal Service stamped on the cover in which the return was mailed shall be considered the date of delivery of the tax return and, if the return was accompanied by a remittance, the date of delivery of the remittance. When the postmark is illegible, the manufacturer shall prove when the postmark was made. When the proprietor sends the tax return with or without remittance by registered mail or by certified mail, the date of registry or the date of the postmark on the sender's receipt of certified mail, as the case may be, shall be treated as the date of delivery of the tax return and, if accompanied, of the remittance. If the last day for filing a return under this

section falls on Saturday, Sunday, or a legal holiday in the District of Columbia, or on a statewide legal holiday in the State wherein the return is required to be filed, the filing of the tax return and remittance required with the return shall be considered timely if accomplished on the next succeeding day which is not a Saturday, Sunday, or legal holiday.

§ 270.165a [Amended]

Paragraph 7. Section 270.165a is amended by removing the words "Form 3071 or Form 2617", wherever they appear, and inserting in their place the words "Form 5000.24".

Paragraph 8. Section 270.167 is amended by revising paragraph (a) to read as follows:

§ 270.167 Prepayment tax return.

(a) To prepay the tax on cigars and cigarettes, a manufacturer shall file a prepayment tax return on Form 5000.24 showing the tax to be paid on the cigars and cigarettes prior to removal. The return shall be executed and filed, prior to the removal of such products, with the district director, director of the service center, or regional director (compliance), in accordance with the instructions on the form. A manufacturer prepaying the taxes on cigars and cigarettes under the provisions of this section shall continue to file semimonthly returns as required by § 270.162.

* * * * *

Paragraph 9. Section 270.169 is revised to read as follows:

§ 270.169 Employer identification number.

The employer identification number (defined at 26 CFR 301.7701–12) of a manufacturer of tobacco products who has been assigned such a number shall be shown on each tax return, Form 5000.24. Failure of the manufacturer to include his employer identification number on Form 5000.24 may result in assertion and collection of the penalty specified in 26 CFR 301.6676–1.

§ 270.217 [Amended]

Paragraph 10. Section 207.217 is amended by replacing the number "23 U.S.C. 5723", which appears in the authority citation, with the number "26 U.S.C. 5723".

PART 285—[AMENDED]

27 CFR Part 285—Manufacture of Cigarette Papers and Tubes is amended as follows:

Paragraph 1. The authority citation for Part 285 is revised to read as follows:

Authority: 5 U.S.C. 552(a); 26 U.S.C. 5701, 5703–5705, 5711, 5721–5723, 5741, 5751, 5753, 5761–5763, 6109, 6302, 6402, 6404, 6676, 7212, 7325, 7342, 7606; 31 U.S.C. 9301, 9303, 9304, 9306.

Paragraph 2. The authority citations in Part 285 are revised by replacing the citation "6 U.S.C. 6", wherever it appears, with the citation "31 U.S.C. 9304" by replacing the citation "6 U.S.C. 7", wherever it appears, with the citation "31 U.S.C. 9306"; and by replacing the citation "6 U.S.C. 15", wherever it appears, with the citation "31 U.S.C. 9301, 9303".

Paragraph 3. Section 285.25 is revised to read as follows:

§ 285.25 Return of manufacturer.

(a) *Requirement of filing.* Every manufacturer of cigarette papers and tubes shall file, for each of his factories, a monthly tax return on Form 5000.24. A return shall be filed for each month regardless of whether cigarette papers and tubes were removed subject to tax or whether tax is due for that particular month. However, when a manufacturer so requests by letter, and the regional director (compliance) grants specific authorization, the manufacturer, need not, during the term of that authorization, file a tax return for any month for which tax is not due or payable.

(b) *Preparation and filing.* The return shall be executed and filed with the district director, director of the service center, or regional director (compliance) in accordance with the instructions on the form.

(c) *Remittance of tax.* Except as provided in §285.27, remittance of the tax, if any, shall accompany the return.

(d) *Time of filing.* For each month, the return shall be filed not later than the tenth day after the end of the first succeeding month. When the last day for filing a tax return falls on a Saturday, Sunday, or legal holiday in the District of Columbia or in the State where the return is required to be filed, the filing of the return (and remittance of the tax) shall be considered timely if done on the next succeeding day which is not a Saturday, Sunday, or such legal holiday.

§ 285.26 [Amended]

Paragraph 4. Section 285.26 is amended by removing the words "manufacturer's monthly tax return, Form 2137" and inserting in their place the words "tax return, Form 5000.24".

§ 285.27 [Amended]

Paragraph 5. Section 285.27 is amended by removing the number "2137", wherever it appears, and inserting in its place the number "5000.24".

Paragraph 6. Section 285.29 is revised to read as follows:

§ 285.29 Employer identification number.

The employer identification number (defined at 26 CFR 301.7701–12) of a manufacturer of cigarette papers or tubes who has been assigned such a number shall be shown on each monthly tax return, Form 5000.24, filed by a manufacturer of cigarette papers or tubes pursuant to the provisions of this part. Failure of the manufacturer to include his employer identification number on Form 5000.24 may result in assertion and collection of the penalty specified in 26 CFR 301.6676–1.

PART 295—[AMENDED]

27 CFR Part 295—Removal of Cigars, Cigarettes, and Cigarette Papers and Tubes, Without Payment of Tax, For Use of the United States is amended as follows:

Paragraph 1. The authority citation for Part 296 is revised to read as follows:

Authority: 26 U.S.C. 5703–5705, 5711, 5723, 5741, 5751, 5762, 5763, 6313, 7212, 7342, 7606.

§ 295.36 [Amended]

Paragraph 2. Section 295.36 is amended by removing the words "semimonthly tax return, Form 3071, or his monthly tax return, Form 2137, as the case may be" and inserting in their place the words "semimonthly or monthly tax return, Form 5000.24".

Signed: November 21, 1985.

Stephen E. Higgins,

Director.

Approved: December 6, 1985.

David D. Queen,

Acting Assistant Secretary (Enforcement and Operations).

[FR Doc. 85–29762 Filed 12–16–85; 8:45 am]

BILLING CODE 4810–31–M

DEPARTMENT OF LABOR

Office of the Secretary

29 CFR Part 14

Security Regulations

AGENCY: Office of the Secretary, Labor.

ACTION: Final rule.

SUMMARY: In compliance with Executive Order No. 12356 of April 2, 1982, (47 FR 14874) entitled National Security Information, the Department of Labor publishes its policy concerning declassification of agency information, its guidelines for systematic declassification review and its guidelines for dissemination of such

information to persons outside the executive branch, including historical researchers and former Presidential appointees.

EFFECTIVE DATE: This document is effective January 16, 1986.

ADDRESS: The Department of Labor Manual Series (DLMS), referred to in the Supplementary Information, are available for inspection at the Directorate of Management Policy and Systems, Department of Labor, Room N1313, 200 Constitution Avenue NW., Washington, DC 20210, (202) 523-6421.

FOR FURTHER INFORMATION CONTACT: William J. McLaughlin, Director , Office of Emergency Preparedness Planning, Room S1524, 200 Constitution Avenue NW., Washington, DC 20210, (202) 523-6963.

SUPPLEMENTARY INFORMATION: Section 5-3b of Executive Order No. 12356 of April 2, 1982, (47 FR 14874) provides as follows:

> Any unclassified regulation that establishes agency information security policy shall be published in the **Federal Register** to the extent that these regulations affect members of the public.

In order to comply with this requirement, the Department of Labor has herein excerpted from its Dept. of Labor Manual Series (DLMS-2 Administration, Chapter 300—Security Regulations) the policies and procedures concerning agency information security and its guidelines for systematic declassification review. These excerpts also include internal guidelines for dissemination of such information to persons outside the executive branch, including historical researchers and former Presidential appointees. The complete Dept. of Labor Manual Series (DLMS-2 Administration, Chapter 300—Security Regulations) are not published herein because they contain internal procedures which are public but which are not of a nature warranting publication in the **Federal Register** due to the fact that they effectuate the policy set forth in the attached document. However, the complete DLMS-2 Administration Series, Chapter 300—Security Regulations is available for public inspection and copying. Interested persons should make inquiries to the Contact Office shown or write to the indicated address.

The Department of Labor has had no authority to classify documents since December 1, 1978. Accordingly, this part applies only to documents classified by the Department of Labor before that date. This procedure does not apply to information in the Department's possession which was classified by other agencies.

Publication in Final

The Department has determined that this rule need not be published as a proposed rule, as generally required by the Administrative Procedure Act (APA, 5 U.S.C. 553). This is because section 553(a)(1) of Title 5 of the U.S.C. (5 U.S.C. 553(a)(1)) exempts military affairs functions from public participation in the rulemaking process. This rule concerns matters of national security information and is thus related to military affairs.

In addition to the aforesaid determination, there is a second basis for publishing this rule in final form. The Department finds that good cause exists for waiving notice and comment because such action is unnecessary. This is because the rule implements requirements for publication which are mandated by Executive Order 12356 and leave the agency no discretion. See 5 U.S.C. 553(b)(B).

Executive Order 12291

The rule establishes agency information security policy and does not have a significant economic impact upon the economy. Therefore, this rule is not classified as a "major rule" under Executive Order 12291 on Federal Regulations, because it is not likely to result in (1) an annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions, (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign based enterprises in domestic or export markers. Accordingly, no regulatory impact analysis is required.

Regulatory Flexibility Act

Because no notice of proposed rulemaking is required for this rule under section 553(b) of the APA, the requirements of the Regulatory Flexibility Act (5 U.S.C. 601) pertaining to regulatory flexibility analysis do not apply to this rule. See 5 U.S.C. 601(2).

Paperwork Reduction Act

This final rule is not subject to section 3404(h) of the Paperwork Reduction Act (44 U.S.C. 3501) since it does not contain a collection of information requirement.

List of Subjects in 29 CFR Part 14

Security measures, Classified information, Archives and records.

Accordingly, Part 14 of Subtitle A of Title 29 of the Code of Federal Regulations is revised to read as follows:

PART 14—SECURITY REGULATIONS

Subpart A—Introduction to Security Regulations

Subpart B—Review of Classified Information

Subpart C—Transmission of Classified Information

Authority: Executive Order No. 12356 of April 2, 1982 (47 FR 14874).

Subpart A—Introduction to Security Regulations

§ 14.1 Purpose.

These regulations implement Executive Order 12356, entitled National Security Information, dated April 2, 1982, and directives issued pursuant to that Order through the National Security Council and the Atomic Energy Act of 1954, as amended.

§ 14.2 Policy.

The interests of the United States and its citizens are best served when information regarding the affairs of Government is readily available to the public. Provisions for such an informed citizenry are reflected in the Freedom of Information Act (5 U.S.C. 552) and in the current public information policies of the executive branch.

(a) *Safeguarding national security information.* Some official information within the Federal Government is directly concerned with matters of national defense and the conduct of foreign relations. This information must, therefore, be subject to security constraints, and limited in term of its distribution.

(b) *Exemption from public disclosure.* Official information of a sensitive nature, hereinafter referred to as national security information, is expressly exempted from compulsory public disclosure by Section 552(b)(1) of Title 5 U.S.C. Persons wrongfully disclosing such information are subject to prosecution under United States criminal laws.

(c) *Scope.* To ensure that national security information is protected, but only to the extent and for such a period as is necessary, these regulations:

(1) Identify information to be protected.

(2) Prescribe procedures on classification, declassification, downgrading, and safeguarding of information.

(3) Establish a monitoring system to ensure the effectiveness of the Department of Labor (DOL) security program and regulations.

(d) *Limitation.* The need to safeguard national security information in no way implies an indiscriminate license to withhold information from the public. It is important that the citizens of the United States have access, consistent with national security, to information concerning the policies and programs of their Government.

§ 14.3 DOL Classification Review Committee.

A DOL Classification Review Committee is hereby established.

(a) *Composition of committee.* The members of this Committee are:

Chairperson—Director, Directorate or Administrative Service and Safety and Health Programs, OASAM
Member—Director, Office of Management, Administration and Planning, Bureau of International Labor Affairs
Member—Security Officer, Bureau of Labor Statistics
Member—Security Officer, Occupational Safety and Health Administration
Member—Director, Office of Management, Office of the Solicitor
Member—Assistant Inspector General for Investigations.

(b) *Responsibilities.* The Committee is responsible for:

(1) Acting on all suggestions and complaints arising with respect to the DOL's information security program.

(2) Reviewing all requests for records under the Freedom of Information Act, 5 U.S.C. 552, when a proposed denial is based on classification under Executive Order 1356 to determine if such classification is current.

(3) Recommending to the Secretary of Labor appropriate administrative actions to correct abuses or violations of any provision of Executive Order 12356 or directives thereunder. Recommended administrative actions may include notification by warning letter, formal reprimand, and, to the extent permitted by law, suspension without pay and removal. Upon receipt of any such recommendation, the Secretary shall immediately advise the Committee of the action taken.

§ 14.4 Definitions.

The following definitions apply under these regulations:

(a) *Primary organization unit*—refers to an agency headed by an official reporting to the Secretary or Under Secretary.

(b) *Classify*—to assign information to one of the classification categories after determining that the information requires protection in the interest of national security.

(c) *Courier*—an individual designated by appropriate authority to protect classified and administratively controlled information in transit.

(d) *Custodian*—the person who has custody or is responsible for the custody of classified information.

(e) *Declassify*—the authorized removal of an assigned classification.

(f) *Document*—any recorded information regardless of its physical form or characteristics, including (but not limited to):

(1) Written material—(whether handwritten, printed or typed).

(2) Painted, drawn, or engraved material.

(3) Sound or voice recordings.

(4) Printed photographs and exposed or printed films (either still or motion picture).

(5) Reproductions of the foregoing, by whatever process.

(g) *Downgrade*—to assign lower classfication than that previously assigned.

(h) *Derivative classification*—a determination that information is in substance the same as information that is currently classified. It is to incorporate, paraphrase, restate or generate in new form information that is already classified (usually by another Federal agency).

(i) *Information Security Oversight Office (ISOO)*—an office located in the General Services Administration (GSA) that monitors the implementation of E.O. 12356.

(j) *Marking*—the physical act of indicating the assigned security classification on national security information.

(k) *Material*—any document, product, or substance on or in which information is recorded or embodied.

(l) *Nonrecord material*—extra copies and duplicates, the use of which is temporary, including shorthand notes, used carbon paper, preliminary drafts, and other material of similar nature.

(m) *Paraphrasing*—a restatement of the text without alteration of its meaning.

(n) *Product and substance*—any item of material (other than a document) in all stages of development, processing, or construction and including elements, ingredients, components, accessories, fixtures, dies, models, and mockup associated with such items.

(o) *Record material*—all books, papers, maps, photographs, or other documentary materials, regardless of physical form or characteristics, made or received by the U.S. Government in connection with the transaction of public business; this includes material preserved by an agency or its legitimate successor as evidence of its organization, functions, policies, decisions, procedures, or other activities, or because of the informational data contained herein.

(p) *True reading*—the paraphrased literal text.

(q) *Upgraded*—to assign a higher classification than that previously assigned.

Subpart B—Review of Classified Information

§ 14.10 Mandatory Review for Declassification.

(a) *Scope of review.* The mandatory review procedures apply to information originally classified by the DOL when it had such authority, i.e., before December 1, 1978. Requests may come from members of the public or a government employee or agency. The procedures do not apply to information originated by other agencies and merely held in possession of the DOL. Requests for disclosure submitted under provisions of the Freedom of Information Act are to be processed in accordance with provisions of that Act.

(b) *Where requests should be directed.* Requests for mandatory review for declassification should be directed to the Department of Labor, Office of the Assistant Secretary for Administration and Management (OASAM), Washington, DC 20210. Requests should be in writing and should reasonably describe the classified information to allow identification. Whenever a request does not reasonably describe the information sought, the requestor will be notified that unless additional information is provided or the scope of the request is narrowed, no further action will be undertaken.

(c) *Processing.* The OASAM will assign the request for information to the appropriate DOL office for declassification consideration. A

decision will be made within 60 days as to whether the requested information may be declassified and, if so, made available to the requestor. If the information may not be released in whole or in part, the requestor will be given a brief statement as to the reasons for denial, and a notice of the right to appeal the determination to the DOL Classification Review Committee, Office of the Assistant Secretary for Administration and Management, Washington, DC 20210. The requestor is to be told that such an appeal must be filed with the DOL within 60 days.

(d) *Appeals procedure.* The DOL Classification Review Committee will review and act within 30 days on all applications and appeals for the declassification of information. The Committee is authorized to overrule on behalf of the Secretary, Agency determinations in whole or in part, when it decides that continued protection is not required. It will notify the requestor of the declassification and provide the information. If the Committee determines that continued classification is required, it will promply notify the requestor and provide the reasons for the determination.

(e) *Burden of proof.* In evaluating requests for declassification the DOL Classification Review Committee will require the DOL office having jurisdiction over the document to prove that continued classification is warranted.

(f) *Fees.* If the request requires a service for which fair and equitable fees may be charged pursuant to Title 5 of the Independent Office Appropriation Act, 31 U.S.C. 483a (1976), the requestor will be notified and charged.

Subpart C—Transmission of Classified Information

§ 14.20 Dissemination to individuals and firms outside the executive branch.

Request for classified information received from sources outside the executive branch of the Federal Government, provided the information has been originated by the DOL, will be honored in accordance with the following guidelines:

(a) *Top Secret Information.* All requests for Top Secret information by an individual or firm outside the executive branch must be referred promptly to the OASAM for consideration on an individual basis.

(b) *Secret and Confidential Information.* Subject to the restrictions below, Secret or Confidential information may be furnished to an individual or firm outside the executive branch if the action furthers the official program of the organization unit in which the information originated. The official furnishing such information must ensure that the individuals to whom the information is to be furnished have the appropriate DOL clearance, or at least clearance for the same or higher classification for another Federal department, or outside agency whose security clearances are acceptable to the DOL. The official must also ensure that the person to whom the classified information is being furnished possess the proper facilities for safeguarding such information. No Secret or Confidential information may be furnished to an individual or firm outside the executive branch without written concurrence from the primary organizational unit head or the Security Officer of that unit.

(c) *Unauthorized knowledge of classified information.* Upon receipt of a request for classified information which raised a suspicion that an individual or organization outside the executive branch has unauthorized knowledge of the existence of Confidential, Secret, or Top Secret information, a report providing all available details must be immediately submitted to the DOL Document Security Officer for appropriate action and disposition.

(d) *Requests from outside the United States.* All requests from outside the United States for Top Secret, Secret or Confidential information, except those received from foreign offices of the primary organizational unit or from U.S. embassies or similar missions, will be referred to the Deputy Under Secretary for International Affairs.

(e) *Access by historical researchers.* Individuals outside the executive branch engaged in historical research may be authorized access to classified information over which the DOL has jurisdiction provided:

(1) The research and need for access conform to the requirements of Section 4-3 of Executive Order 12356.

(2) The information requested is reasonably accessible and can be located and compiled with a reasonable amount of effort.

(3) The researcher agrees to safeguard the information in a manner consistent with E.O. 12356 and directives thereunder.

(4) The researcher agrees to a review of the notes and manuscript to determine that no classified information is contained therein.

Authorization for access is valid for the period required but no longer than two years from the date of issuance unless it is renewed under the conditions and regulations governing its original authorization.

(f) *Access by former presidential appointees.* Individuals who have previously occupied policymaking positions to which they were appointed by the President may be authorized access to classified information which they originated, reviewed, signed, or received while in public office. Upon request, information identified by such individuals will be reviewed for declassification in accordance with the provisions of these regulations.

§ 14.21 Release of classified information to foreign governments.

National security information will be released to foreign governments in accordance with the criteria and procedures stated in the President's Directive entitled "Basic Policy Governing the Release of Classified Defense Information to Foreign Governments" dated September 25, 1985. All requests for the release of such information will be referred to the Deputy Under Secretary for International Affairs.

§ 14.22 Availability of classified information to persons not employed by the Department of Labor.

(a) *Approval for access.* Access to classified information in the possession or custody of the primary organizational units of the Department by individuals who are not employees of the executive branch shall be approved in advance by the DOL Document Security Officer.

(b) *Access to Top Secret Material.* Access to Top Secret Information within the primary organizational units of the DOL by employees of other Federal agencies must be approved in advance by the Top Secret Control Officer of the primary organizational unit.

(c) *Access to Secret and Confidential Information.* Secret and Confidential information may be made available to properly cleared employees of other Federal departments or outside agencies if authorized by the primary organizational units having custody of the information.

Signed at Washington, DC on this December 10, 1985.

Thomas C. Komarek,

Assistant Secretary for Administration and Management.

[FR Doc. 85-29819 Filed 12-16-85; 8:45 am]

BILLING CODE 4510-23-M

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Parts 357, 358, 361, and 362

Government Losses in Shipment Act, Claims and Declaration of Valuables; Technical Amendments

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

ACTION: Final rule; technical amendments.

SUMMARY: The Bureau intends to publish in the **Federal Register** notice of proposed rulemaking concerning Book-entry Treasury Bonds, Notes and Bills and regulations for offering these securities. These new and proposed regulations will be placed in 31 CFR Parts 357 and 358 because the subject matter of the preceding Parts is similar. Therefore, it is necessary to move the currently existing Parts 357 and 358. Also, the Bureau's proper mailing address should be added to the newly redesignated Parts.

EFFECTIVE DATE: December 17, 1985.

FOR FURTHER INFORMATION CONTACT: Sandy Dyson, Attorney-Advisor, Office of the Chief Counsel, Bureau of the Public Debt, (202) 376-4320.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

Because this document relates to agency management it is not subject to Executive Order 12291. Accordingly, a regulatory impact analysis is not required.

Paperwork Reduction Act

The Paperwork Reduction Act, Pub. L. 96-511, 94 Stat. 2812 (44 U.S.C. Chapter 35) does not apply to this rule because it does not contain information collection requirements which necessitate approval by the Office of Management and Budget.

Regulatory Flexibility Act

Because no notice of proposed rulemaking is required for this document, it is not subject to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601).

Administrative Procedure Act

This regulation relates to agency management and is therefore not subject to the notice and public comment procedures and the delayed effective date requirements of the Administrative Procedure Act (5 U.S.C. 553(a)(2)).

Accordingly, 31 CFR, Chapter II, Subchapter B, is amended as follows:

1. The authority citation for newly redesignated Part 361 continues to read:

Authority: Sec. 6, 50 Stat. 480; 40 U.S.C. 728.

2. The authority citation for newly redesignated Part 362 continues to read:

Authority: Secs. 6, 7, 50 Stat. 480; 40 U.S.C. 728, 729.

3. Part 357—Claims Pursuant to the Government Losses in Shipment Act, and Part 358—Declaration of Valuables Under the Government Losses in Shipment Act, are redesignated as Parts 361 and 362 respectively.

4. In newly redesignated §§ 361.7 and 361.8 add ", Division of Financial Management, Room 446, E Street Building, Washington, DC 20239-0001." after "Bureau of the Public Debt".

Gerald Murphy,

Acting Fiscal Assistant Secretary.

[FR Doc. 85-29575 Filed 12-16-85; 8:45 am]

BILLING CODE 4810-10-M

GENERAL SERVICES ADMINISTRATION

48 CFR Parts 513 and 553

[APD 2800.12 CHGE 22]

General Services Administration Acquisition Regulation; Revised GSA Forms

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Final rule.

SUMMARY: The General Services Administration Acquisition Regulation (GSAR), Chapter 5 is amended to revise section 513.505-2 to provide for the use of GSA Form 1458, Motor Vehicle Shop Work Order, Repair and Purchase Order; to revise section 553.173(c) to delete GSA Form 1056, Notice of Shipment and GSA Form 3433, Marking and Shipping Instructions, which have been incorporated in the revised GSA Form 3186, Order for Supplies or Services, and to add GSA Form 1458; to revise section 553.270-1 to prescribe GSA Form 3518, Representation and Certification (Acquisition of Leasehold Interests in Real Property); to revise section 553.270-2 to prescribe GSA Form 3516, Solicitation Provisions (Acquisition of Leasehold Interests in Real Property); to revise section 553.270-3 to prescribe GSA Form 3517, General Clauses (Acquisition of Leasehold Interests in Real Property); to revise section 553.272 to provide for the use of GSA Form 1458; to revise section 553.274 to require Federal Supply Service Central Office (FSS) and regional contracting activities to use GSA Form 1602, Notice Concerning Solicitation; to delete section 553.276; and to illustrate the revised GSA forms. The intended effect is to update the regulatory coverage on the use of various GSA forms.

EFFECTIVE DATE: December 6, 1985.

FOR FURTHER INFORMATION CONTACT: Ms. Ida Ustad, Office of GSA Acquisition Policy and Regulations (VP), (202) 523-4754.

SUPPLEMENTARY INFORMATION: This rule will not have a significant cost or administrative impact on contractors or offerors. Therefore, it was not published for public comment in the **Federal Register.**

The Director, Office of Management and Budget (OMB), by memorandum dated December 14, 1984, exempted certain agency procurement regulations from Executive Order 12291. The exemption applies to this rule. The General Services Administration (GSA) certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). Various GSA Forms which are already in use have been revised to conform to revised regulatory requirements. The information collection requirements contained in this rule have been approved by OMB under the Paperwork Reduction Act (44 U.S.C. 3501 et seq.).

List of Subjects in 48 CFR Parts 513 and 553

Government procurement.

1. The authority citation for 48 CFR Parts 513 and 553 continues to read as follows:

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

2. Section 513.505-2 is revised to read as follows:

513.505-2 Agency order forms in lieu of Optional Forms 347 and 348.

(a) Unless another form is prescribed, the GSA Form 300, Order for Supplies and Services, shall be used instead of the OF 347, Order for Supplies or Services, when making purchases payable through the National Electronic Accounting and Reporting (NEAR) System. The GSA Form 3025, Receiving Report, shall be used to certify receipt of supplies or services ordered using GSA Form 300.

(b) The GSA Form 1458, Motor Vehicle Shop Work Order, Repair and Purchase Order, shall be used instead of the OF 347, Order for Supplies or Services, when making purchases in connection with the maintenance,

servicing or repair of GSA motor pool vehicles.

(c) The GSA Form 3186, Order for Supplies or Services, shall be used instead of the OF 347, Order for Supplies or Services, when making purchases through the FSS–19 system.

3. The table of contents for Part 553 is amended to add entries for sections 553.370–1458, 553.370–3186, and 553.370–3517; to delete entries for 553.276 and 553.370–1056; and to revise the entry for 553.370–1602 as set forth below:

PART 553—FORMS

Sec.

Subpart 553.3—Illustration of Forms

* * * * *

553.370–1458 GSA Form 1458, Motor Vehicle Shop Work Order, Repair and Purchase Order.

* * * * *

553.370–1602 GSA Form 1602, Notice Concerning Solicitation.

* * * * *

553.370–3186 GSA Form 3186, Order for Supplies or Services.

* * * * *

553.370–3517 GSA Form 3517, General Clauses (Acquisition of Leasehold Interests in Real Property).

* * * * *

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

Editorial Note: GSAR forms are not published in the **Federal Register** or the Code of Federal Regulations.

4. Section 553.173(c) is amended by removing and adding the following table entries.

§ 553.173 Responsibility for the maintenance of forms.

* * * * *

(c) * * *

GSA form No.	Responsible office
* * * * *	
1056	F [Removed].
* * * * *	
1458	F [Added].
* * * * *	
3433	F [Removed].
* * * * *	

5. Section 553.270–1 is revised to read as follows:

§ 553.270–1 Representations and certifications.

(a) GSA Form 3503, Representations and Certifications, may be used as a part of all solicitations and contracts, except contracts for utilities and leases of real property. The form may also be used for small purchases when Standard Form 33, Solicitation, Offer, and Award, or Standard Form 1442, Solicitation, Offer, and Award, is used.

(b) GSA Form 3518, Representations and Certifications (Acquisition of Leasehold Interests in Real Property), is used as a part of solicitations for leases of real property.

6. Section 553.270–2 is amended by adding paragraph (c) to read as follows:

§ 553.270–2 Solicitation provisions.

* * * * *

(c) GSA Form 3516, Solicitation Provisions (Acquisition of Leasehold Interests in Real Property), is for use in leases of real property.

7. Section 553.270–3 is amended by adding paragraph (f) to read as follows:

§ 553.270–3 Contract clauses.

* * * * *

(f) GSA Form 3517, General Clauses (Acquisition of Leasehold Interests in Real Property), is for use in leases of real property.

8. Section 553.272 is revised to read as follows:

§ 553.272 Purchase/Delivery orders.

Except as otherwise indicated, each of the following forms is designed for use as a purchase order (small purchases) with applicable provisions and clauses printed on the reverse of the form, or as a delivery order to place orders under established contracts.

(a) The GSA Form 300, Order for Supplies or Services, is used for purchases payable through the National Electronic Accounting and Reporting (NEAR) System. This form may also be used in other situations, unless a specific form is prescribed for use. GSA Form 300–A, Order for Supplies or Services (Continuation), is available for use with the GSA Form 300. Pending revision of the April 1984 edition of the GSA Form 300, Block 8A of the form may be revised to delete the sentence which reads as follows: "This purchase is negotiated under the authority of:"

(b) The GSA Form 1458, Motor Vehicle Shop Work Order, Repair and Purchase Order, is used to procure services and/or repairs of GSA motor pool vehicles.

(c) The GSA Form 3186, Order for Supplies or Services, is used to make purchases through the FSS–19 system.

(d) The GSA Form 8002, Motor Vehicle Delivery Order, is used to order motor vehicles. This form is not intended for use as a purchase order for small purchases, and does not include provisions and clauses on the reverse.

9. Section 553.274 is revised to read as follows:

§ 553.274 Solicitation cover page.

GSA Form 1602, Notice Concerning Solicitation, must be used by FSS Central Office and regional contracting offices and may be used by other offices to: (a) Indicate the solicitation number; (b) Describe the type of contract, the duration of the contract, and the identity of the supplies or services being procured; (c) Direct the attention of prospective offerors to special requirements which, if overlooked, may result in rejection of the offer; (d) Highlight significant changes from previous solicitations covering the same commodity or service; and (e) Include other special notices, as appropriate.

§ 553.276 [Removed]

10. Section 553.276 is removed.

Dated: December 6, 1985.

Patricia A. Szervo,

Associate Administrator for Acquisition Policy.

[FR Doc. 85–29748 Filed 12–16–85; 8:45 am]

BILLING CODE 6820–61–M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

48 CFR Parts 705 and 706

[AIDAR Notice 85–11 (Final)]

Acquisition Regulation Concerning Noncompetitive Contracting Authorities

AGENCY: Agency for International Development, IDCA.

ACTION: Final rule.

SUMMARY: The AID Acquisition Regulation (AIDAR) is being amended to finalize an interim rule (AIDAR Notice 85–11, published in the October 8, 1985 **Federal Register**). This action re-establishes three AID-specific noncompetitive contracting authorities and a related publicizing exception previously authorized under Section 7–3.107–50 of the AID Procurement Regulation (41 CFR 703.107–50).

EFFECTIVE DATE: October 8, 1985.

FOR FURTHER INFORMATION CONTACT: GC/CCM, Kenneth Fries, telephone (202) 632–1170.

SUPPLEMENTARY INFORMATION: On October 8, 1985, AIDAR Notice 85–11 was published in the **Federal Register** (50 FR 40976) as an interim rule and request for comment. The AIDAR Notice amended the AIDAR to re-establish three AID-specific noncompetitive contracting authorities and a related

publicizing exception. It provided that full and open competition need not be obtained when it has been determined that it would impair foreign assistance objectives. This authority may be used:

—For award under Sec. 636(a)(3) of the Foreign Assistance Act of a contract for personal services abroad.

—For award of a contract of $100,000 or less by an overseas contracting activity.

—For awards where an Assistant Administrator has determined that use of full and open competition would impair foreign assistance objectives and would be inconsistent with fulfillment of the foreign assistance program, or for awards for countries, regions, projects or programs where the Administrator has made such determinations and findings.

The rule was approved by the Office of Federal Procurement Policy and the Office of Management and Budget as required by OMB Bulletin 85–7.

The Small Business Administration has, under section 8(g)(3) of the Small Business Act, found that the synopsizing exception in the Notice will not be detrimental to small business interests.

Only 2 comments were received regarding AIDAR Notice 85–11. One agreed with the rule as proposed. The other took exception to the finding of AID and the Small Business Administration that the rule would not significantly affect small businesses, but offered no explanation or argument. We therefore have determined to reaffirm the finding underlying the rule.

As required by the Regulatory Flexibility Act, it is hereby certified that AIDAR Notice 85–11 (Final) will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 48 CFR Parts 705 and 706

Government procurement.

The interim rule published as AIDAR Notice 85–11 in the October 8, 1985 **Federal Register** (50 FR 40976) is adopted as final, without change.

Dated: December 4, 1985.

John F. Owens,

AID Procurement Executive.

[FR Doc. 85–29751 Filed 12–16–85; 8:45 am]

BILLING CODE 6116–01–M

Proposed Rules

Federal Register
Vol. 50, No. 242
Tuesday, December 17, 1985

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.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 530

Special Salary Rate Schedules for Recruitment and Retention

AGENCY: Office of Personnel Management.

ACTION: Proposed rule.

SUMMARY: The Office of Personnel Management (OPM) proposes to establish higher minimum rates and rate ranges for Computer Scientists, GS–1550, at grades GS–5/ 7/9/11, at the Naval Air Development Center, Warminster, Pennsylvania. This action is based on a review of current staffing conditions through which OPM has determined, after considering competing salary rates in private enterprise, that establishment of special salary rates is necessary to ensure that the subject positions are adequately staffed by well-qualified employees. The special salary rates have been established at levels deemed necessary to achieve this outcome.

DATE: Comments are invited and must be received on or before January 16, 1986.

ADDRESSES: Send or deliver written comments to: Office of Personnel Management, Compensation Group, Allowances and Special Rates Division (FR), Room 3353, 1900 E Street, NW., Washington, DC 20415.

The data OPM used in coming to its conclusions in this case are available for public inspection in the OPM Library, Room 5H27, which is located at 1900 E Street, NW., Washington, DC 20415.

FOR FURTHER INFORMATION CONTACT: Vincent E. Donahue, (202) 632–7858.

SUPPLEMENTARY INFORMATION: Section 5303 of title 5, United States Code, authorizes the President to establish special minimum rates of basic pay for one or more grades, occupational groups, series, classes, or subdivisions of classes subject to statutory pay schedules in one or more areas or locations, when the pay rates in private enterprise are so substantially above the statutory pay rates for the positions concerned as to handicap significantly the Government's recruitment or retention of well-qualified persons.

Section 301(a) of Executive Order 11721 of May 23, 1973, as amended, authorizes OPM to exercise the authority conferred upon the President. The rates proposed in this notice were determined in accordance with § 530.303 of title 5, Code of Federal Regulations.

E.O. 12291, Federal Regulation

I have determined that this is not a major rule as defined under section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because it applies only to selected Federal Employees in Warminster, Pennsylvania.

List of Subjects in 5 CFR Part 530

Administrative practice and procedure, Government employees, Wages.

U.S. Office of Personnel Management.

Constance Horner,

Director.

OPM is proposing to amend Part 530 as follows:

PART 530—PAY RATES AND SYSTEMS (GENERAL)

1. The authority citation for Part 530 continues to read as follows:

Authority: 5 U.S.C 5303, and Chapter 54; E.O. 11721, as amended.

2. In § 530.307 (proposed at 50 FR 39698, September 30, 1985), the "Local Authorization" table is amended by adding the following item in numerical order by GS number as follows:

LOCAL AUTHORIZATIONS

Occupational series	Geographic coverage	Grade	1st step rate	10th step rate	Within grade increase	Table No.	Proposed action
*	*	*	*		*		
GS–1550, Computer Scientist	Naval Air Development Center Warminster, PA	GS–5	$18,710	$23,030	$480	004	Establish
		GS–7	23,170	28,516	594		
		GS–9	25,980	32,298	702		
		GS–11	28,039	35,689	850		
*	*	*	*		*		

[FR Doc. 85–29766 Filed 12–16–85; 8:45 am]

BILLING CODE 6325–01–M

5 CFR Part 530

Special Salary Rate Schedules for Recruitment and Retention

AGENCY: Office of Personnel Management.

ACTION: Proposed rule.

SUMMARY: The Office of Personnel Management (OPM) proposes to establish higher minimum rates and rate ranges for Inhalation Therapy Technicians, GS–7, at the Walter Reed Army Medical Center in Washington, DC. This action is based on a review of current staffing conditions through which OPM has determined, after considering competing salary rates in private enterprise, that establishment of special salary rates is necessary to ensure that the subject positions are adequately staffed by well-qualified employees. The special salary rates have been established at levels deemed necessary to achieve this outcome.

DATE: Comments are invited and must be received on or before January 16, 1986.

ADDRESSES: Send or deliver written comments to: Office of Personnel Management, Compensation Group, Allowances and Special Rates Division (FR), Room 3353, 1900 E Street, NW., Washington, DC 20415.

The data OPM used in coming to its conclusions in this case are available for public inspection in the OPM Library, Room 5H27, which is located at 1900 E Street, NW., Washington, DC 20415.

FOR FURTHER INFORMATION CONTACT: Ronald Genua, (202) 632–7858.

SUPPLEMENTARY INFORMATION: Section 5303 of title 5, United States Code, authorizes the President to establish special minimum rates of basic pay for one or more grades, occupational groups, series, classes, or subdivisions of classes subject to statutory pay schedules in one or more areas or locations, when the pay rates in private enterprise are so substantially above the statutory pay rates for the positions concerned as to handicap significantly the Government's recruitment or retention of well-qualified persons.

Section 301(a) of Executive Order 11721 of May 23, 1973, as amended, authorizes the OPM to exercise the authority conferred upon the President. The rates proposed in this notice were determined in accordance with § 530.303 of title 5, Code of Federal Regulations.

E.O. 12291, Federal Regulation

I Have determined that this is not a major rule as defined under section 1(b) of E.O 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities, because it applies only to selected Federal employees in Washington, D.C.

List of Subjects in 5 Part 530

Administrative practice and procedure, Government employees, Wages.

U.S. Office of Personnel Management.

Constance Horner,

Director.

OPM is proposing to amend Part 530 as follows:

PART 530—PAY RATES AND SYSTEMS (GENERAL)

1. The authority citation for Part 530 continues to read as follows:

Authority: 5 U.S.C. 5303, and Chapter 54; E.O. 11721, as amended.

2. In § 530.307 (proposed at 50 FR 39698, September 30, 1984), the "Local Authorization" table is amended by adding the following item in numerical order by GS number as follows:

Occupational series	Geographic coverage	Grade	1st step rate	10th step rate	Within-grade increase	Table No.	Proposed action
•	•	•	•	•	•	•	
GS-649 Inhalation Therapy Technician	Walter Reed Army Medical Center in Washington, DC.	GS-7	$19,606	24,952	$59	007	Establish
•	•	•	•	•	•	•	

[FR Doc. 85-29552 Filed 12-16-85; 8:45 am]

BILLING CODE 6325-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. 9178]

Bass Brothers Enterprises, Inc., et al.; Proposed Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would require, among other things, that Ashland Oil Co., the nation's third-largest producer of carbon black, cancel the proposed sale of its carbon black assets to Bass Brothers Enterprises, Inc. Ashland would also be required to obtain Commission approval before selling any of its domestic carbon black plants to a major competitor.

DATE: Comments must be received on or before February 18, 1986.

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

FOR FURTHER INFORMATION CONTACT: FTC/L-502, Steven B. Feirman, Washington, D.C. 20580, (202) 634–6609.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 3.25(f)] of the Commission's Rules of Practice (16 CFR 3.25(f)), notice is hereby given that the following consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

List of Subjects in 16 CFR Part 13

Carbon black, Trade practices.

In the matter of Bass Brothers Enterprises, Inc., et al.; Docket No. 9178.

Agreement Containing Consent Order

The agreement herein, by and between the corporation Ashland Oil, Inc. by its duly authorized officers, and counsel for the Federal Trade Commission, is entered into in accordance with the Commission's Rules governing consent order procedures. In accordance with those rules the parties hereby agree that:

1. Respondent Ashland Oil, Inc. is a corporation organization and existing under the laws of the State of Kentucky with its corporate headquarters at 1000 Ashland Drive, Russell, Kentucky.

2. Respondent has been served with a copy of the complaint issued by the Federal Trade Commission charging it with violation of section 7 of the Clayton Act, as amended (15 U.S.C. 18), and section 5 of the Federal Trade Commission Act, as amended (15 U.S.C. 45), and has filed an answer to said complaint denying said charges.

3. Respondent admits all the jurisdictional facts set forth in the Commission's complaint in the proceeding.

4. Respondent waives:

(a) Any further procedural steps;

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

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

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

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

6. This agreement is for settlement purposes only and does not constitute an admission by respondent that the law has been violated as alleged in the complaint issued by the Commission.

7. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 3.25(f) of the Commission's Rules, the Commission may, without further notice to respondent, (1) issue its decision containing the following order to cease and desist in disposition of the proceeding, and (2) make information public in respect thereto. When so entered, the order shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the decision containing the agreed-to order to respondent's address as stated in this agreement shall constitute service. Respondent waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the orders, and no agreement, understanding, representation, or interpretation not contained in the order or in the agreement may be used to vary or to contradict the terms of the order.

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

Order

Definitions

For the purposes of this Order the following definitions shall apply:

"Carbon black" means furnace-process and thermal-process carbon black, whether used for rubber or other applications.

"Ashland" means Ashland Oil, Inc., as well as its officers, employees, representatives, agents, parents, divisions, subsidiaries, successors, and assigns.

"Bass Brothers" means Bass Brothers Enterprises, Inc., as well as its officers, employees, representatives, agents, parents, divisions, subsidiaries, successors, and assigns.

"SRCG" means Sid Richardson Carbon & Gasoline Co., as well as its officers, employees, representatives, agents, parents, divisions, subsidiaries, successors, and assigns.

"Production capacity" means the practical annual productive capacity of all units, including units currently in operation and units that could be put into operation with or without time delay or additional investment.

I

It is ordered, That, unless Ashland has already done so, it will, not later than fourteen (14) days after this Order becomes final, terminate any agreement that provides for or contemplates the acquisition of Ashland's carbon black business by Bass Brothers or Sid Richardson, including but not limited to the letter of intent signed on or about November 15, 1983, return or destroy all documents containing or recording confidential information provided to Ashland by Bass Brothers or SRCG, and recover from Bass Brothers and SRCG all documents containing or recording confidential information provided to Bass Brothers and SRCG by Ashland, in connection with acquisition negotiations or agreements. Nothing herein contained shall relieve Ashland from any obligation of confidentiality imposed by agreement among Bass Brothers, SRCG, and Ashland.

II

It is further ordered, That for a period of four (4) years from the date on which the Agreement consenting to the issuance of this Order is signed, Ashland shall not sell, transfer, or divest, either directly or indirectly, any carbon black manufacturing plant in the United States to any person engaged in the production of carbon black in the United States, unless Ashland has filed the notifications set out in Section III of this Order and the waiting period set out in Section III of this Order has expired. *Provided*, however, that such sale, transfer, or divestiture shall not be subject to this Section II: (1) if the sale, transfer, or divestiture is of a single plant, and the acquiring firm's share of carbon black production capacity in the United States in the most recent calendar year preceding the transaction is not greater than fifteen percent; or (2) if notification of the transaction is required to be made, and in fact is made, pursuant to Section 7A of the Clayton Act, 15 U.S.C. 18a.

III

It is further ordered, That the notification required of Ashland by Section II of this Order shall be made to the Director of the Bureau of Competition of the Federal Trade Commission, shall refer to this Order, and shall include such information and be in such form as is required of the acquired person for notification of an acquisition made pursuant to Section 7A of the Clayton Act and any rule promulgated thereunder. After filing such notification, Ashland shall observe the provisions and requirements of paragraphs (a), (b), and (e) of Section 7A of the Clayton act, 15 U.S.C. 18a, and any rules promulgated thereunder, that relate to prohibition of an acquisition prior to expiration of the waiting period, waiting period duration, termination of waiting period, granting of requests for early termination, extension of waiting period, submission of additional information or documentary material, and other governmental action or information requests, that are in effect at the time the notification is filed, which provisions and requirements are incorporated herein by reference. *Provided*, that no party other than Ashland must file notification under this Section III, and the duration of the waiting period shall not be affected by the failure of any party other than Ashland to submit document or information if requested.

IV

It is further ordered, That notification and other documents required to be filed by Ashland with the Director of the Bureau of Competition by Sections II and III of this Order shall not de deemed "compliance reports" within the meaning ofRule 4.9 of the Commission's Rules of Practice, 16 CFR 4.9.

V

It is further ordered, That Ashland shall notify the Commission at least thirty (30) days prior to any proposed corporate change such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporaion that may affect complaince obligations arising out of this Order.

VI

It is further ordered, That if, prior to the expiration of this Order, the Commission dismisses the complaint against Bass Brothers and SRGG, this Order shall be terminated by the Commission upon application by Ashland.

VII

It is further ordered, That Ashland shall, within thirty (30) days after making any sale, transfer, or divestiture of any carbon black manufacturing plant in the United States that is not subject to notification under Section II of this Order, file with the Commission a written report describing such transaction.

VIII

It is further ordered, That Ashland shall, within sixty (60) days after service upon it of this Order, file with the Commission a written report setting forth in detail the manner and form in which it has complied with this Order.

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from Ashland Oil, Inc. ("Ashland").

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interestetd persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The complaint, which was issued May 8, 1984, challenges, as violations of Section 7 of the Clayton Act, 15 U.S.C. 18, and Section 5 of the Federal Trade Commission Act, 15 U.S.C. 45, the proposed acquisition by Bass Brothers Enterprises, Inc. ("Bass Brothers") and Sid Richardson Carbon & Gasoline Co. ("Sid Richardson") of Ashland's United States carbon black industry assets. The complaint alleges that both Sid Richardson and Ashland are substantial competitors in the United States carbon black market, that the United States carbon black market is highly concentrated, and that barriers to entry into the production and distribution of carbon black are substantial. The complaint alleges that the effects of the proposed acquisition would be to eliminate substantial actual competition between Sid Richardson and Ashland, and eliminate Ashland as a substantial competitor in the carbon black market; to substantially increase concentration in an already highly concentrated market and encourage additional mergers or acquisitions in that market, thus increasing the likelihood of collusion; to tend to reduce the desgree of price competition and to reduce the volume of production below competitive levels; and to tend to reduce the actual competition among other companies engaged in the production and distribution of carbon black. The complaint charges that the proposed acquisition constitutes a violation of Section 5 of the Federal Trade Commission Act, and if consummated, would constitute a violation of Section 7 of the Clayton Act.

The proposed order requires Ashland for a period of four years to notify the Director of the Comission's Bureau of Competition in advance of any proposed sale or divestiture of one or more of Ashland's three U.S. carbon black plants to a competitior in the U.S. carbon black industry. In this order, "carbon black" includes both rubber carbon black and "industrial," non-rubber carbon black. No prior notice is required if only one plant is being transferred to a competitor who has less than 15 percent of U.S. production capacity, or if the transaction must be reported under the statutory premerger notification program. Ashland is required to report to the Commission within 30 days any carbon black plant sale for which prior notice is not required.

The order provides that, upon application by Ashland, the order may be terminated if the Commission dismisses the still-pending complaint against Bass Brothers and Sid Richardson, Docket No. 9178.

The agreement is for purposes of settlement only; it does not constitute an admission by Ashland that the law has been violated as alleged in the Complaint.

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

Emily H. Rock,

Secretary.

[FR Doc. 85-29779 Filed 12-16-85; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 201

[Docket No. 85N-0553]

Proposed Labeling for Oral Aspirin-Containing Drug Products

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing to require the labeling of oral over-the-counter (OTC) aspirin and aspirin-containing drug products for human use to bear a warning that such products should not be used to treat chicken pox or flu symptoms in children and teenagers before consulting a doctor about Reye syndrome, a rare but serious illness. FDA is preparing this rule in order to bring uniformity and consistency to the marketplace and to aid in increasing the public awareness about this disease.

DATES: Comments by January 15, 1986. These labeling requirements are proposed to become effective for products initially introduced or initially delivered for introduction into interstate commerce 90 days after the date of publication of any final rule based on this proposal, or May 30, 1986, whichever is later. Further, FDA is proposing that this rule, if promulgated, would expire in 2 years following the effective date unless extended by the agency after publication for notice and comment in the **Federal Register.**

ADDRESS: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Christopher Smith, Office of the Commissioner (HF-9), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5133.

SUPPLEMENTARY INFORMATION: This proposed rule would require that the labeling of oral aspirin and aspirin-containing OTC drug products for human use bear a warning that such products should not be used to treat chicken pox or flu symptoms in children and teenagers before consulting a doctor about Reye syndrome, a rare but serious illness. This rule is being proposed in order to bring uniformity and consistency to the marketplace and to aid in increasing the public awareness about this disease.

I. Background

A. Reye Syndrome

First described by the pathologist Douglas Reye of Australia in 1963, Reye syndrome is classically described as occurring in a child or teenager during the course of or while recovering from a mild respiratory tract infection, flu, chicken pox, or other viral illness. Flu and chicken pox are the mostly commonly associated viral illnesses. The disease is characterized by severe vomiting and irritability or lethargy, which may progress to delirium and coma. The illness is described clinically as having an acute onset in which the initial symptom is usually vomiting, which may be profuse and persistent, and which is often accompanied by a change in mental status. Although the cause of Reye syndrome is unknown, some scientific studies, as described below, have looked at the possible association between the use of aspirin and the onset of the disease.

B. Early Scientific Studies

The Public Health Service (PHS) first initiated nationwide surveillance for Reye syndrome in December 1973. In 1976, the Centers for Disease Control (CDC) and State health departments intensified this surveillance and four CDC-supported case-control studies were conducted by the Arizona, Ohio, and Michigan State Health Departments. These studies, however, raised as many questions as they answered and generated considerable controversy in the medical community over the conclusion to be drawn from the available information.

In the **Federal Register** of December 28, 1982 (47 FR 57886), FDA published an advance notice of proposed rulemaking, which discussed in great detail the disease, the State studies, the findings of a FDA working group review, and a Reye syndrome workshop cosponsored by FDA, CDC, and the National Institutes of Health (NIH). FDA concluded, in the advance notice, that the State studies did not establish a conclusive link between aspirin use and Reye syndrome and that further research was needed to provide definitive data, but, in the interim, the public and the health care community should be educated about the possibility of an asociation between aspirin use and Reye syndrome raised by the State studies. FDA initiated, in the fall of 1982, an educational program aimed at achieving this result. These educational efforts have been renewed in each successive fall since then.

C. The Public Health Service Study

Because FDA determined that additional reserch was needed to study the possible relationship between aspirin use and Reye syndrome, in 1982 and 1983, PHS developed a plan for further research into the possible association between Reye syndrome and various exposure factors, including the use of aspirin. A main study was planned and is now being conducted under the direction of the PHS Reye Syndrome Task Force. The main study was preceded by a pilot phase (methodology study) to determine the study feasibility and to establish the appropriate methodology for the full-scale main investigation.

The methodology study phase was completed in late 1984, and the data were reviewed shortly thereafter by the Institute of Medicine (IOM) of the National Academy of Sciences. HHS is committed to making these data, except for the identification of persons involved and other safeguards, available to specified scientists for further scientific review and analysis. Final discussions are underway regarding the procedures by which these data would be made available.

In the methodology study full report, 90 percent of the identifiable Reye syndrome cases had a history of aspirin use during an antecedent respiratory illness or an episode of chicken pox, compared to 46 percent of the controls who had used aspirin but did not develop Reye syndrome. Moreover, a majority of Reye syndrome cases (73 percent) were patients between the ages of 10 and 18. The methodology study, although not conclusive, reported an association between the use of aspirin and the onset of Reye syndrome in children and teenagers. The study results also highlighted the vulnerability of teenagers to this disease. As noted above, the main study is now underway. The data generated will be reviewed, critiqued, and monitored by IOM as the study progresses.

D. Educational Activities

In January 1985, based on the data from the methodology study, FDA expanded its public education program. Agency efforts included newspaper columns, radio public service announcements (PSA's), and newspaper advertisements. Based on findings in the methodology study, FDA placed specific emphasis in its 1985 educational campaign on teenagers. These educational activities are continuing into the 1985–1986 flu season.

Separately, but in concert with FDA's educational campaign, the aspirin industry developed and implemented its own educational program, beginning in January 1985. The industry's educational efforts consisted of television and radio PSA's, store posters, and revised product labeling.

The American Pharmaceutical Association also distributed Reye syndrome warning posters to its membership. Retail establishments headed by Giant Foods, Safeway, Walgreen, Thrift, Osco, People's Drug Stores, and others initiated similar efforts.

The voluntary nature of the aspirin industry's efforts led to considerable diversity in the specific message being conveyed to consumers, particularly through product labeling. For example, the eight companies making up the Aspirin Foundation of America (Bristol-Meyers Co. (Bufferin; Excedrin); Borroughs Wellcome Co. (Empirin); E.R. Squibb & Sons (Trigesic); Glenbrook Laboratories (Bayer Aspirin); L.T. York Co. (York Aspirin); Miles Laboratories, Inc. (Alka-Seltzer, Alka-Seltzer Plus); Proctor & Gamble Co. (Norwich Aspirin), and Whitehall Laboratories (Anacin)) all agreed to place the following warning on their aspirin labels: "Consult a physician before giving this medicine to children, including teenagers, with chicken pox or flu." In addition, the references to flu as an indication for use on the labels of children's aspirin products were deleted.

In contrast, Plough, Inc. (St. Joseph's Aspirin), which is not a member of the Aspirin Foundation, developed its own voluntary precautionary labeling program. Its program includes labeling revisions for rall its aspirin-containing products to bear the following statement: "WARNING: Reye syndrome is a rare but serious disease which can follow flu or chicken pox in children and teenagers. While the cause of Reye syndrome is unknown, some reports claim aspirin may increase the risk of developing this disease. Consult a doctor before use in children or teenagers with flu or chicken pox." In addition, Plough, Inc., has included the following statement in its patient package insert: "The symptoms of Reye syndrome can include persistent vomiting; sleepiness and lethargy; violent headaches; unusual behavior, including disorientation, combativeness, and delerium. If any of these symptoms occur, especially following chicken pox or flu, call your doctor immediately, even if your child has not taken any medication. REYE SYNDROME IS SERIOUS, SO EARLY DETECTION AND TREATMENT ARE VITAL."

Other companies used additional variations. For example, Publix Super Markets, Eckard Drug Co., and LKS Products use the following statement: "REYE SYNDROME WARNING: Children and teenagers who exhibit signs of chicken pox or flu should consult a physician before using aspirin-containing products."

Giant Foods Inc. has also used its own statement. It says: "REYE SYNDROME WARNING: Consult a doctor before giving this product to children 19 years and under with chicken pox or flu."

Still another example is the approach taken by William H. Rorer Inc., which has elected to use the following statement: "Reye's symdrome Warning: Do not use in children, including teenagers, with chicken pox or flu."

Finally, in the case of Menley and James Laboratories, that firm has elected to use two different statements on its products. In one case, the statement reads: "If under medical care, or with a history of ulcers, or for children, including teenagers, with chicken pox or flu, consult a physician before taking this product." In the other

case, the statement reads: "Individuals being treated for depression, high blood pressure, asthma, heart disease, diabetes, thyroid disease, glaucoma, or an enlarged prostate or children, including teenagers, with chicken pox, or flu, should use only as directed by a physician."

In each case, the manufacturer has chosen where the warning statement appears. In some, it is in the "Warning" section of the labels. Others have placed the statement in different labeling sections or on the package side panel, back panel, or end flap. Some firms have simply flagged the label to "See New Label Directions."

On February 28, 1985, the "Emergency Reye Syndrome Act" (S. 538 and H.R. 1381) was introduced in Congress. On October 29, 1984, H.R. 3640 was introduced to amend H.R. 1381. These bills were introduced to amend the Federal Food, Drug, and Cosmetic Act to require prominent warnings concerning the use by children and teenagers of drugs containing aspirin or another salicylate. S. 538 and H.R. 1381 would require the following labeling: "WARNING: This product should not be given to individuals under the age of 21 years who have chicken pox, influenza, or flu symptoms. This product contains aspirin or another salicylate which has been strongly associated with the development of Reye syndrome, a serious and often fatal childhood disease."

In addition, in January 1985, S. 26 was introduced into the Illinois Senate to amend that State's Food, Drug, and Cosmetic Act to require the labeling of OTC aspirin-containing drug products with a warning statement about the possible association between use of the products and Reye syndrome. Although the bill did not pass, Resolution S. 54 did pass in March 1985 urging the United States Senate and House of Representatives to require labeling on OTC aspirin-containing products with a warning statement concerning Reye syndrome.

More recently, in a letter to the Secretary of Health and Human Services dated September 25, 1985, the American Academy of Pediatrics also expressed its concerns regarding the adequacy of such labeling. The Academy said that many of these warnings were not specific enough because they do not mention the possible link with Reye syndrome, and that in most instances the warnings do not stand out prominently enough on product labels. In its letter, the Academy suggested a warning of its own to be used. It stated: "WARNING: Reye syndrome is a rare but serious illness which can follow influenza or chicken pox in children and teenagers. While the cause of Reye syndrome is unknown, studies indicate that aspirin may increase the risk of developing this illness. Consult a doctor before use in children and teenagers with symptoms of influenza or chicken pox." The Acdemy's concern about the labeling language and its location was reiterated in a second letter to the Secretary on November 14, 1985.

II. Regulatory Evaluation

FDA recognizes that the available data do not establish a definitive cause-and-effect relationship between aspirin-containing products and Reye syndrome. However, the agency has concluded that the studies suggest a possible association between aspirin use and Reye syndrome, prompting a major public education campaign as discussed in the advance notice of proposed rulemaking and in this document. In addition, as also discussed above, in January 1985, the aspirin industry, in response to a request by the Secretary, began an education program of its own, including various types of product labeling as presented above.

The Secretary believes that the voluntary program has made real and substantial progress and has done much more in a relatively brief period of time to inform and caution the general public about Reye syndrome and the possible association of the disease with aspirin use than the most ambitious mandatory program alone could have done in the same time frame. The Secretary also believes that this unprecedented voluntary program has proven itself to be, even in hindsight, the most appropriate response to the possible association between aspirin and Reye syndrome based on the scientific information available from the pilot study. In fact, cases of Reye syndrome have decreased from 422 in the 1980–1981 flu season, before FDA's educational program began, to 171 cases reported during last year's flu season, a 60 percent decline.

The relabeling component of this voluntary program has also been positive. For example, all aspirin and aspirin-containing products shipped since August 31, 1985, by the Aspirin Foundation manufacturers and Plough, Inc., which together represent approximately 75 percent of the U.S. aspirin market, contained a new warning statement. Moreover, these relabled products have worked their way through the pipeline onto retail shelves in increasing quantity with each successive month.

Despite these positive aspects, the diversity of the label messages used is likely to be somewhat confusing. As noted above, the label statements being used now, while similar, differ in several respects. Some do not mention Reye syndrome specifically. The mere multiplicity of warning statements also may cause consumer confusion. Finally the location of the statement on the label varies from product to product. FDA believes it is in the best interest of the consumer, industry, and the marketplace to have uniformity in presentation and clarity of message.

Although the previously mentioned eight Aspirin Foundation companies and Plough, Inc., represent some 75 percent of the aspirin market, FDA is unable to ascertain with certainty whether all aspirin-containing products in the marketplace are being relabeled. Thus, to increase consumer awareness, avoid public confusion, and achieve uniformity in the marketplace, FDA is proposing to require the following statement: "WARNING: Children and teenagers should not use this medicine for chicken pox or flu symptoms before a doctor is consulted about Reye syndrome, a rare but serious illness." Further, FDA is proposing that this warning shall precede any additional warnings that may appear on the product labeling in order to assure the prominence of the message.

III. Labeling Provisions

The agency has concluded that a regulation is necessary to achieve consistency and uniformity with respect to the labeling of oral aspirin-containing products and Reye syndrome. The proposed rule would amend § 201.314 *Labeling of drug preparations containing salicylates* (21 CFR 201.314) by adding a new paragraph (h), which would specify the proposed required OTC warning statement. The warning statement would appear in the labeling, as required by the proposed rule, of all aspirin-containing OTC drugs for human use that are administered orally. The aspirin may be present either as a single ingredient or in combination with one or more other ingredients. Aspirin-containing products that are not included would be those that are administered topically, rectally, vaginally, by aerosol, or those used as a mouthwash, toothpaste, or flavoring. This proposal does not apply to prescription drug products because, by definition, physicians are to be consulted prior to their use.

The warning statement that would be required by the proposed rule would be: "WARNING: Children and teenagers should not use this medicine for chicken pox or flu symptoms before a doctor is

consulted about Reye syndrome, a rare but serious illness."

The proposed rule would require that all OTC drug products subject to the rule prominently bear the required warning statement on the immediate container labeling, such as the outside container or wrapper label, and on all other labeling accompanying the product. If the labeling contains other warnings, the warning statement proposed in this document would be required to appear as the first warning under the hearing "Warning".

In addition to this warning statement, the proposal would amend § 201.314 to require that the labeling for OTC aspirin-containing drug products subject to this proposed rule packaged solely for use by children (pediatric products) would not be permitted to recommend the product for use in flu or chicken pox.

IV. Compliance

It is proposed that these labeling requirements shall become effective for all products initially introduced into interstate commerce 90 days after publication of any final rule based on this proposal, or May 30, 1986, whichever is later. Any aspirin-containing OTC drug product for human use that is covered by this proposed rule that is initially introduced or initially delivered for introduction into interstate commerce on or after the effective date would be required to contain the labeling required by this proposed rule or be subject to regulatory action.

In addition, FDA is proposing that this regulation, if made final, would expire 2 years following the effective date, unless the agency acts to extend it through proposed rulemaking with notice and public comment. This 2-year period should allow completion of the main study now underway that is looking at the association between these products and Reye syndrome.

V. Legal Authority

This proposed rule would provide that oral OTC drugs which contain aspirin would be misbranded under section 502(a) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 352(a)), if the drugs are not labeled with a warning as required by the regulation and are initially introduced or initially delivered for introduction into interstate commerce after the effective date of the regulation.

Section 701(a) of the act (21 U.S.C. 371(a)) provides authority for promulgating substantive rules for the efficient enforcement of the act. See *National Ass'n of Pharmaceutical Manufacturers* v. *FDA*, 637 F.2d 877, 879 (2d Cir. 1981). The courts have upheld FDA's authority to promulgate regulations requiring label warnings. See, *Cosmetic, Toiletry and Fragrance Ass'n* v. *Schmidt*, 409 F. Supp. 57 64 (D.D.C. 1976), *Aff'd without opinion*, No. 75–1715 (D.C. Cir., August 19, 1977).

In proposing this regulation, FDA is aware that the voluntary labeling program undertaken by the aspirin industry together with FDA has been successful and has resulted in the labeling of many of the drugs which would be covered by this proposed regulation. However, FDA is of the view that the public interest would best be served by ensuring that the same warning is used on all products covered by this regulation and that it appear in the same place on all packaging. In addition, there may be a small number of products containing aspirin which have not been relabeled to include a warning as part of the voluntary labeling program. By promulgating this regulation, FDA eliminates the potential for consumers being confused and misled by variant forms of label statements about the important subject of aspirin and Reye syndrome (21 U.S.C. 352)).

FDA has a well-established policy of promoting uniformity in the area of labeling. For example, in requiring a warning directed to pregnant and nursing women on all OTC drugs intended for systemic absorption, FDA addressed the need to have the same language appear in the same manner on all labels. (See 47 FR 54753; December 3, 1982.) This preference for uniformity is also recognized by the judiciary in its construction of the Supremacy Clause of the United States Constitution. One of the four factors used to determine if Federal preemption of State regulation in a particular area exists is whether "the nature of the subject matter regulated * * * is one which demands 'exclusive Federal regulation in order to achieve uniformity vital to national interests.' " *Cosmetic, Toiletry and Fragrance Ass'n* v. *State of Minnesota*, 440 F. Supp. 1216, 1220 (D. Minn. 1977), *aff'd per curiam*, 575 F.2d 1256 (ith Cir. 1978), *quoting, Northern States Power Co.* v. *State of Minnesota*, 447 F.2d 1143, 1146–1147 (8th Cir. 1971), *aff'd* 405 U.S. 1035 (1972).

VI. Economic Impact

FDA has examined the regulatory impact and regulatory flexibility implications of the proposed rule in accordance with Executive Order 12291 and the Regulatory Flexibility Act. The proposal would impose direct one-time costs associated with changing product labels, but that cost is estimated to total less than $3 million.

VII. Environmental Impact

The agency has determined under 21 CFR 25.24(a)(11) (April 26, 1985; 50 FR 16636) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

VII. Comments

Interested persons may, on or before January 16, 1986, submit to the Dockets Management Branch (address above) written comments regarding this proposal. FDA is proposing this rule with a 30-day comment period in order to allow the agency to publish a final rule within the time for products subject to the rule to be properly labeled prior to the 1986–1987 flu season. Accordingly, good cause exists for a comment period of less than 60 days. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 201

Drugs, Labeling.

Therefore, under the Federal Food, Drug, and Cosmetic Act, it is proposed that Part 201 be amended as follows:

PART 201—LABELING

1. The authority citation for 21 CFR Part 201 is revised to read as follows:

Authority: Secs. 201, 502, 505, 701, 52 Stat. 1040–1042 as amended, 1050–1053 as amended, 1055–1056 as amended (21 U.S.C. 321, 352, 355, 371); 21 CFR 5.10 and 5.11.

2. In §201.314 by adding new paragraph (h), to read as follows:

§201.314 Labeling of preparations containing salicylates.

* * * * *

(h)(1) The labeling of an orally administered over-the-counter aspirin-containing drug products subject to this paragraph is required to prominently bear a warning. The warning shall be as follows: "WARNING: Children and teenagers should not use this medicine for chicken pox or flu symptoms before a doctor is consulted about Reye syndrome, a rare but serious illness."

(2) This warning statement shall appear on the immediate container labeling and on all other labeling accompanying such drug products. It shall be the first warning statement

under the heading "Warning" if the labeling contains warnings.

(3) Over-the-counter drug products subject to this paragraph and labeled solely for use by children (pediatric products) shall not recommend the product for use in treating flu or chicken pox.

(4) Any product subject to this paragraph that is not labeled as required by this paragraph and that is initially introduced or initially delivered for introduction into interstate commeree after (effective date to be 90 days after the date of publication of any final rule based on this proposal, or May 30, 1986, whichever is later) is misbranded under sections 201(n) and 502(a) and (f) of the Federal Food, Drug, and Cosmetic Act.

(5) The requirements of this paragraph shall expire (date 2 years after the effective date of the final rule), unless extended by the Food and Drug Administration by publication for notice and comment in the Federal Register.

Dated: December 11, 1985.

Frank E. Young,

Commissioner of Food and Drugs.

Margaret M. Heckler,

Secretary of Health and Human Services.

[FR Doc. 85-29769 Filed 12-16-85; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Parts 625 and 655

[FHWA Docket No. 85-27]

National Standards for Traffic Control Devices; Request for Comments on Proposed Amendments to the Manual on Uniform Traffic Control Devices

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of proposed amendments to the Manual on Uniform Traffic Control Devices; request for comments.

SUMMARY: The FHWA is inviting comments on proposed amendments to the Manual on Uniform Traffic Control Devices (MUTCD). The MUTCD is incorporated by reference in the design standards for Federal-aid Highways found in Part 625 of Title 23, Code of Federal Regulations. It is also recognized in 23 CFR Part 655 as the national standard for traffic control devices on all public roads.

The amendments affect various parts of the MUTCD and are intended to expedite traffic, improve safety, and provide a more uniform application of highway signs, signals, and markings.

DATES: Comments must be received on or before July 19, 1986.

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

The MUTCD is available for inspection and copying as prescribed in 49 CFR Part 7, Appendix D. It may be purchased for $30.00 from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20420, Stock No. 050-001-81001-8.

FOR FURTHER INFORMATION CONTACT: Mr. Philip O. Russell, Office of Traffic Operations, (202) 426-0411, or Mr. Michael J. Laska, Office of the Chief Counsel, (202) 426-0702, 400 Seventh Street SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m. e.t., Monday through Friday, except legal holidays.

SUPPLEMENTARY INFORMATION: The FHWA both receives and initiates requests for amendments to the MUTCD. Each request is assigned an identification number which indicates, by Roman numeral, the organizational part of the MUTCD affected and, by Arabic numeral, the order in which the request was received.

This notice is being issued to provide the public an opportunity to comment on the desirability of proposed amendments to the MUTCD. Based upon comments received in response to this notice and upon its own experience, the FHWA will issue a final rule concerning these requests.

Index of Requests

General Provisions (Part I)

(1) Request I-4(Chng.)—Manual Changes, Interpretations and Authority to Experiment (Section 1A-6).

Signs (Part II)

(2) Request II-106(Chng.)—Use of No Parking Symbol Sign (R8-3a) in Rural Areas.

(3) Request II-107(Chng.)—Standards for and Applications of Lane-Use Control Signs at Intersections.

(4) Request II-109(Chng.)—Cloverleaf With Collector-Distributor Roadways.

(5) Request II-110(Chng.)—Tourist Oriented Directional Signs (TODS).

Markings (Part III)

(6) Request III-30(Chng.)—Wrong Way and Lane Use Pavement Marking Arrows.

(7) Request III-38(Chng.)—Warrants for No-Passing Zones at Curves.

(8) Request III-39(Chng.)—Delineator Placement and Spacing.

Signals (Part IV)

(9) Request IV-52(Chng.)—Median Width Criteria for Pedestrian Signals.

(10) Request IV-58(Chng.)—A Required Yellow Arrow Clearance Interval and Left Turn Signal Displays.

(11) Request IV-60(Chng.)—Warrants for Traffic Signal Installation.

(12) Request IV-67(Chng.)—Accident Experience Warrant.

(13) Request IV-68(Chng.)—Effects of Right Turn On Red on Volume Warrants.

Traffic Control for Street and Highway Construction and Maintenance Operations (Part VI)

(14) Request VI-33(Chng.)—Location of Reflective Collars with Respect to Top of Cones.

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(16) Request VI-35(Chng.)—ROAD (STREET) CLOSED Sign.

(17) Request VI-36(Chng.)—Length of Construction Sign.

Traffic Control Systems for Railroad-Highway Grade Crossings (Part (VIII)

(18) Request VIII-18(Chng.)—Delete Traffic Signal Preemption Drawing. Figure 8-8.

Traffic Control for Bicycle Facilities (Part IX)

(19 Request IX-4(Chng.)—U.S. Bicycle Route Marker (M1-9).

Copies of the proposed text changes to the MUTCD will be distributed to everyone currently appearing on the FHWA mailing list for MUTCD matters. Those wishing to be added to the mailing list or receive copies of the proposed text should write to the Federal Highway Administration, Office of Traffic Operations (HTO-21), 400 Seventh Street SW., Washington, D.C. 20590 or contact Mr. Philip O. Russell (202) 426-0411.

Discussion of Requests

The FHWA proposes to act on the requests for change to the MUTCD as noted below:

General Provisions (PART 1)

(1) *Request I-4(chng.)—Manual Changes, Interpretations and Authority*

to Experiment (Section 1A–6). In FHWA Docket 83–18 (48 FR 30145, June 30, 1983) the FHWA invited comments on the adoption of new procedures concerning MUTCD amendments, interpretations, and experimentations.

The FHWA proposes to modify section 1A–6 of the MUTCD to incorporate these procedures.

These procedures are more detailed, and are designed to improve the timeliness and completeness of amendments, interpretations, and experimentations without imposing additional costs on the FHWA or other highway agencies.

Signs (Part II)

(2) *Request II–106(Chng.)—Use of No Parking Symbol Sign (R8–3a) in Rural Areas.* When no parking zones are established in rural areas it is often desirable to place signs at frequent intervals (100–150 feet) so that a driver attempting to park will see one or more no parking signs at close range.

The FHWA does not support the request from the Michigan Department of Transportation to amend section 2B–33 of the MUTCD to establish the 12 X 12 inch R8–3a Sign as the minimum size no parking symbol sign for use in rural areas. The FHWA believes that the 12 X 12 inch sign does not have adequate target value.

(3) *Request II–107(Chug.)—Standards for, and Applications of, Lane-Use control Signs at Intersections.* In 1983 the City of Aurora, Colorado Requested an interpretation relative to the longitudinal and lateral placement of lane-use control signs at intersections. Their Planning and Traffic Engineer, Mr. Nathan Ficklin P.E. stated that he was aware of the installation of lane-use control signs adjacent to signal heads on the far side of the intersection (across the intersection from the turn lane), and R3–5 and R3–6 signs which are designed for placement over the controlled lane which were being post mounted. He cited lack of uniformity, operational and safety problems, driver confusion, and potential liability as reasons for asking for an interpretation.

On March 14, 1983 the FHWA issued the following interpretation:

"II–82(Intr.)—Positioning of Overhead Lane-Use Control Signs. Lane-Use Control signs are not designed for, nor are they intended for use adjacent to a signal face. Such use could lead to unnecessary motorist confusion. When the MUTCD refers to overhead positioning of Lane-Use Control signs it means directly above and normally at the begnning of the lane to which it applies, not across the intersection.

Lane-Use Control signs shall be used whenever it is desired to require vehicles in certain lanes to turn, or to permit turns from an adjacent lane, except where turning bays, designed so as to not entrap through traffic, are provided and only the auxiliary lane is permitted to turn."

Serious concerns have been voiced because of this interpretation. It is contended that these signs are, in fact, intersection signs and, if this interpretation stands, a valuable tool will be lost to traffic engineers. Many signs presently in use within intersections will ipso facto become non-conforming. Because of these concerns it is proposed to change the MUTCD to allow the use of these signs within an intersection as well as over the approach lane to the intersection.

The above interpretation was published as an Official Ruling and included in Revision 3 of the MUTCD. Subsequently the National Committee on Uniform Traffic Control Devices (NCUTCD) received the interpretation and has suggested that the following changes that relate to the application of lane-use control signs rather than their placement should also be made to the MUTCD to clarify its language:

"1. Section 2B–17—

a. Delete the first sentence.

b. Second sentence—delete "these", insert "Lane-Use control Signs".

2. Section 2B–18—

a. Delete first paragraph and insert new first paragraph: "Lane-Use control signs shall be used to require drivers in certain lanes to turn, or to permit turns from a lane where such turns otherwise would be illegal unless:

(a) Turning bays, designed to not entrap through traffic, have been provided by physical construction or pavement markings and b) only the drivers using such turning bay are permitted to turn."

b. Delete the last sentence, second paragraph."

The FHWA proposes to revise sections 2B–17 and 2B–18 in accordance with the NCUTCD recommendations with the exception that the first paragraph of 2b–18 would read:

"Lane-Use control signs shall be used to require drivers in certain lanes to turn, or to permit turns from a lane where such turns otherwise would be illegal. Lane-Use control signs are not required where:

(a) turning bays, designed not to entrap through traffic, have been provided by physical construction or pavement markings, and (b) only the drivers using such turning bays are permitted to turn."

This proposed amendment will impose no additional cost on State and local highway agencies.

(4) *Request II–109(Chng.)—Cloverleaf with Collector-Distributor Roadway.* Section 2F–27 of the MUTCD states that exists from the collector distributor road shall not be numbered. Some States have numbered these exits with no apparent safety problems. Therefore, the FHWA proposes to amend section 2F–27 to change the "shall" to a "may" condition that would allow the highway agencies to determine whether or not to use exit numbers

This proposed change will impose no additional costs.

(5) *Request II–110(Chng.)—Tourist Oriented Directional Signs (TODS).* The FHWA proposes to add a new section 2I to the MUTCD to incorporated standards for tourist oriented directional signs. The proposed signs would provide business identification and directional information for businesses, services, and activities of interest to tourists. The signs could be installed by highway agencies within the right-of-way of highways other than freeways and expressways.

The Highway Beautification Act of 1965 provided for the control and removal of certain outdoor advertising signs (billboards) adjacent to highways on the Federal-aid Primary Highway System including Interstate highways. Additional, a number of States have adopted equally or more stringent billboard controls applicable to these and other highways. As a consequence, a traditional system for providing motorists with the business identification and directional information for goods and services in the interest of the traveling public (that is, billboards) was severely restricted. In order to relieve this restriction on useful information, many States developed information centers, usually rest areas.

where information about a great variety of goods and services may be displayed by the business facilities. However, since the construction of rest areas is often economically limited to high traffic volume highways, such as Interstate highways and other freeways, the need for business directional information on many highways has not yet been satisfactorily resolved.

The primary purpose of many motor vehicle trips is to reach business enterprises, such as sporting and recreational areas, developed natural phenomena and historical sites, cultural activities, etc. that have been established in unique rural areas specifically to serve these and similar interests of the public. Other businesses, such as gift and craft shops, guided tours, sporting events and facilities, entertainment facilities, etc., are also important destinations during recreational and business travel. Essential services such as gas, food and lodging serve the immediate needs of all motorists. These businesses, when located in rural areas and not visible to directly accessible from freeway interchanges, can become difficult for motorists to find. Equally important, many of these businesses derive their principle income from travelers and have a serious need to make their location and services known.

Current MUTCD standards regarding motorist information systems provide that motorists, while traveling on Interstate highways and most other freeways, may be given convenient excess to business directional information for an extensive variety of goods and services at information centers, and may be given direct access, through LOGO signs at interchanges, to business directional information for essential gas, food, lodging, and camping services. The FHWA believes that the business directional information needs of freeway users is or can be adequately served within the system presently allowed by the MUTCD and 23 U.S.C. 131(i). However, once motorists leave a freeway, sources of business directional information are greatly reduced.

Recognizing that detailed maps to locations for goods and services are not always readily available or easily interpreted by all motorists, and that direction finding from maps is often difficult for the solitary motorist, the FHWA is proposing a system of business directional signs for tourist oriented businesses for application in rural areas on highways other than freeways.

The use of this system of signs would be entirely voluntary on the part of the State highway agencies. The proposed signs would be rectangular in shape and limited to a size sufficient to accommodate two lines of text providing the business identification and directional information. The use of logograms and standard highway symbols would be permitted. Other physical details of the signs would be standardized to a degree appropriate for highway use. The number of signs that could be installed on the approach to an intersection would be limited and spacing requirements for the signs would be provided. States that elect to use these tourist oriented directional signs (TODS) would be expected to adopt criteria for use, including criteria to determine which specific types of businesses would be eligible for signing. The States would also be urged to provide a means for displaying (in mini-information centers for example) the directional information for eligible businesses excluded from the TODS to the limitations on the number of signs that may be displayed.

The FHWA has been seriously concerned for many years with the business direction needs of motorists in rural areas and has sponsored five experimental projects on the subject. The reports of the projects evaluated to date show that experimental TODS have generally met the goals of the signing with minimal impact on either the environment or safety. These evaluation reports and the experimental signing form the basis of the FHWA TODS proposal. Over 3,000 experimental TODSs have been installed in five States. The majority of these signs have been installed for more than 2 years. Many have been in place for more than 8 years. Additionally, after extensive study, an FHWA task force recommended [1] the development of national standards, for business directional signs for travel related facilities and attractions for use on highways other than freeways. This task force study was made pursuant to section 122(b) of the Federal-Aid Highway Act of 1976 (23 U.S.C. 131(q)(1)). This section, in effect, called for a study of directional information about facilities providing goods and services in the interest of the traveling public.

In view of the foregoing, the FHWA believes that motorists in rural areas, on highways other than freeways, have a need for additional business directional information. The FHWA further believes that this information can be best provided by the use of highway signs. Therefore, the FHWA is proposing to amend the MUTCD to authorize the voluntary installation of tourist oriented business directional signs. The FHWA is soliciting comments on both the concept of signing for this purpose and on the details provided for the proposed signs. Commenters are asked to specifically address the following questions:

1. What types of business, service, and activity should be considered or eligible for signing with Tourist Oriented Directional Signs?

2. Should businesses producing or offering certain products be prohibited from eligibility for Tourist Oriented Directional Signs? An example might be those businesses whose principal product is producing promoting, or selling alcoholic beverages which appears contradictory to State and National concerns about alcohol and driving.

3. Should businesses, services, and activities be open to the general public a minimum number of hours a day, and a minimum number of days per week, to qualify for Tourist Oriented Directional Signs?

4. Should Specific Services Information (LOGO) Signing [2] and Tourist Oriented Directional Signs be allowed to be installed at the same intersection? If yes, what is the number of sign panels, and the number of businesses, services, and activities allowed on each panel on a specific intersection approach?

Marking (Part III)

(6) *Request III–30 (Chng.)—Wrong Way and Lane Use Pavement Marking Arrows.* The NCUTCD requests that several revisions be made to sections 2E and 3B to improve the design and placement of the pavement marking arrows and to better detail the role of arrows in wrong way and lane use control.

The FHWA supports the recommendations of the NCUTCD. The proposed amendments will not place any new mandates on highway agencies but will improve the uniformity and effectiveness of pavement marking arrows at no additional cost.

(7) *Request III–38 (Chng.)—Warrants for No-Passing Zones at Curves.* The North Carolina Department of Transportation through the NCUTCD requests that section 3B–5 be amended so that the speed portion of the warrant

[1] *Options for Assuring Adequate Motorist Travel Information Systems.* Report of the Task Force to Restudy Directional and Informational Signing, May 1979, FHWA. Available for inspection and copying at the Federal Highway Administration, Office of Traffic Operations, Room 3419, 400 Seventh Street SW., Washington, DC 20590.

[2] As contained in 23 CFR Part 655, Subpart C of MUTCD Sec. 2G–5 (Page changes not yet printed).

will be based on the off-peak 85 percentile or the posted speed limit, whichever is higher. The request further recommends that the table in section 3B–5 be expanded to include speeds (and corresponding minimum passing sight distances) in 5 MPH increments, with rounding recommended to the next higher 5 MPH increment.

The FHWA proposes to amend the MUTCD as recommended. This proposed amendment imposes no additional mandates on highway agencies and in some cases should reduce the number of speed studies required.

(8) *Request III–39 (Chng.)—Delineator Placement and Spacing.* The FHWA proposes to amend section 3D–5 by changing the "shall" to a "may" condition in the first paragraph.

This proposed change will allow the use of engineering judgment when placing roadside delineators without imposing any additional costs.

Signals (Part IV)

(9) *Request IV–52 (Chng.)—Median Width Criteria for Pedestrian Signals.* The FHWA proposes that the references in Sections 4D–7 and 4C–5 relative to median width be replaced with the words "Sufficient for pedestrian to wait."

The City and County of San Francisco pointed out the inconsistency relative to median width between Sections 4D–7 and 4C–5. Section 4D–7 requires a median of six feet in width, before the two directions of a roadway may be considered separately for timing purposes. The Traffic Signal Warrant 3, Minimum Pedestrian Volume, contained in section 4C–5, on the other hand, provides differing vehicular volume criteria when the median width provides differing vehicluar volume criteria when the median width is four feet or more in width.

The City and County requested that the inconsistency be resolved be revising the median width reference (for timing purposes) in Section 4D–7 to 4 feet (from the present 6 feet).

The NCUTCD reviewed the request and agreed with the need for consistency. However, they recommended that in each instance engineering judgment relative to site specific conditions, be used to determine whether a given median was sufficient enough to serve as a pedestrian refuge.

The proposed amendment increase the latitude to shorten the pedestrain clearance interval when there is a 4 foot median but will impose no additional cost.

(10) *Request IV–58 (Chng.)—A Required Yellow Arrow Clearance Interval and Left Turn Signal Displays.* The FHWA proposes to require a yellow arrow indication for a clearance display following a Green Arrow, by eliminating the optional use of the circular yellow indication for this purpose; allow the use of a flashing arrow indication; and provide design requirement for Left Turn displays. These proposed changes will require modifications to MUTCD sections 4B–5, 4B–6 and 4B–12, and 4B–18. The City of Milwaukee, Wisconsin and the State of California pointed out that presently, the MUTCD in section 4B–15, 5th paragraph requires that "a clearance interval shall be provided between the termination of a Green Arrow indication and the showing of a green indication to any conflicting traffic movement." Paragraph 4B–6.5(c) presently provides that this clearance indication may be via a steady YELLOW ARROW indication, or optionally a CIRCULAR YELLOW indication in signal faces used exclusively to control a single directional movement. This proposal would eliminate the optional CIRCULAR YELLOW indication. The purpose is to provide increased uniformity in left turn displays.

By requiring the use of the Yellow Arrow, a change will be required in the MUTCD to allow the use of flashing arrows under certain conditions and to define their meaning. The change will allow the user to flash either a red or yellow arrow depending on the specific circumstance, engineering judgment would be exercised.

The MUTCD has a number of requirements that pertain to left-turn signals. However, these are fragments and therefore not well understood. As a result, left turn signals are not always installed in accordance with these uniform standards and there have been several requests for interpretations and changes. The NCUTCD, therefore, in reviewing IV–58 (Change) also developed recommendations for section 4B–12 and 4B–18 that would clarify the intent of the MUTCD relative to left turn signals.

Section 4B–18 pertains to the flashing operation of traffic control signals. The NCUTCD recommended that the following modifications be made in order to provide clarification relative to the requirements of flashing operation and to provide for flashing arrows.

1. The word "automatic" will be deleted from the first sentence of the 4th paragraph.

2. The 5th paragraph which pertains to the change from flashing to stop-and-go operation will be deleted entirely.

3. The word "automatic" will be deleted from the 1st sentence of the 6th paragraph.

4. A new paragraph 7 will be added to explain the design requirements for flashing arrows.

The NCUTCD reviewed this request and agreed with the need for modification and recommended additional changes.

The proposed amendment will cause some financial impact where existing 8" circular yellows will have to be replaced with 12" yellow arrows but reduce the likelihood of distraction to through traffic. An implementation period of 10 years will be provided to mitigate the increased costs.

(11) *Request IV–66 (Chang.)—Warrants for Traffic Signal Installation.* The NCUTCD recommended that section 4C–2 of the MUTCD be modified to make it clear that the satisfaction of a warrant is not, in itself a mandate for a signal. There is also a need for an engineering study, considering factors, other than those outlined in the warrant, to indicate whether installation of a signal will improve safety and/or operations.

The proposed change will impose no additional cost.

(12) *Request IV–67 (Chang.)—Accident Experience Warrant.* The NCUTCD recommended a change in section 4C–8 to delete "property damage to an apparent extent of $100 or more" and to add "reportable property damage."

The FHWA is proposing the wording "or property damage apparently exceeding the applicable requirements for a reportable accident."

Various agencies now have different criteria for reporting property damage accidents. In those jurisdictions where an accident report must not be filed when damage exceeds $250, for example, there is no information available on the total number of accidents having an apparent damage of $100 or more. Therefore, it is proposed to change the wording in Warrant 6 so that it is compatible with a variety of reporting levels. The FHWA proposes to adopt this NCUTCD request (with some editorial changes) and to amend the MUTCD accordingly.

This proposed change will increase the usefulness of the Accident Experience Warrant but imposes no additional cost.

(13) *Request IV–68 (Chang.)—Effect of Right Turn on Red on Volume Warrant.* The FHWA proposes to modify section 4C–2 of the MUTCD to allow consideration of Right Turn Movements on the Volume Warrants.

The NCUTCD recommended that the MUTCD be modified to inform the user as to how to apply the warrants when there is heavy right turning movements.

This proposed amendment will increase the usefulness of the volume warrants but will impose no additional cost.

Traffic Control for Street and Highway Construction and Maintenance Operations (Part VI).

(14) *Request VI-33 (Chang.)—Location of Reflective Collars With Respect to Top of Cones.* The NCUTCD requests that Section 6C-3 be revised to provide an unobstructed minimum 3 inch hand hold at the top of cones.

The FHWA supports this request as it would improve the handling characteristics of cones, keep reflective collars cleaner, and provide a larger area of reflective material at no cost to highway agencies. A 3 year implementation period is proposed to offset the impact on contractors and collar suppliers.

(15) *Request VI-34 (Chng.)—Size and Location of Additional Reflective Bands on Cones.* The NCUTCD requests that Section 6C-3 be amended to provide an additional 4 inch band of reflective material to be placed 2 inches below the present standard 6 inch band on 28 inch cones. Their request is based on the recommendation in National Cooperative Highway Research Program (NCHRP) Report 236, "Evaluation of Traffic Controls for Highway Work Zones",[3] for a minimum of 150 square inches of reflective material on 28 inch cones. The NCUTCD recommended configuration will provide a total area of 165 square inches of reflective material.

The FHWA supports this recommendation to improve the visibility of 28 inch cones at a negligible cost to highway agencies. A 3 year implementation period is proposed to offset the impact on highway agencies, contractors and suppliers.

(16) *Request VI-35 (Chng.)—ROAD (STREET) CLOSED Sign.* There are many situations where the ROAD (STREET) CLOSED Sign is quite redundant and serves little, if any, purpose. Examples include, a well-marked and signed detour or a properly barricaded, closed city street. The FHWA proposes to amend Section 6B-8 by changing the "shall" to a "may" condition to provide more flexibility in determining where to use this sign.

This proposed change will impose no additional costs on highway agencies.

(17) *Request VI-36 (Chng.)—Length of Construction Sign.* The Length of Construction Sign has merit when used as intended, to inform the motorists of where the actual construction activity is and the length of that activity. However, too often the signs are erected at the termini at the time the project starts and remain there until the project is complete, even though the type of construction has minimal impact on the motorists or the site of actual construction activity shifts frequently within the termini.

The FHWA proposes to amend section 6B-36 to a "may" condition. This will allow highway agencies to use the sign only where needed to give motorists specific guidance information.

The proposed change will impose no additional costs on highway agencies.

Traffic Control Systems for Railroad-Highway Grade Crossings (Part VIII)

(18) *Request VIII-18 (Chng.)—Delete Traffic Signal Preemption Drawing, Figure 8-8.* The NCUTCD requests that section 8C-6 be modified by deleting Figure 8-8. The figure does not represent a standard application, is technical in nature, and the subject of preemption is more appropriately and thoroughly discussed in the Traffic Control Devices Handbook (TCDH).[4]

The FHWA supports the NCUTCD request. The proposed deletion will impose no additional cost on highway agencies.

Traffic Control for Bicycle Facilities (Part IX)

(19) *Request IX-4 (Chng.)—U.S. Bicycle Route Marker (M1-9).* The American Association of Highway and Transportation Officials through the NCUTCD requests that section 9B-20 and the M1-9 sign be amended by switching the location of symbol and route number and reducing the size of the numbers in the route number. These changes will emphasize the bicycle route aspect of the sign rather than the bicycle route number. Reducing the size of the numbers should eliminate confusion by motorists who may mistake the bicycle route number for a highway route number and still be large enough to satisfactorily fill the bicyclist's needs.

The FHWA proposes to amend section 9B-20 as recommended. To offset the minimal added costs associated with this, a 3 year implementation period is proposed.

This notice of proposed amendments to the MUTCD is issued under the authority of 23 U.S.C. 109(d), 315, and 402(a), and the delegation of authority in 49 CFR 1.48(b).

The FHWA has determined that this document contains neither a major rule under Executive Order 12291 nor a significant proposal under the regulatory policies and procedures of the Department of Transportation. For the reasons stated herein under the criteria of the Regulatory Flexibility Act, it is certified that this action will not have a significant economic impact on a substantial number of small entities. Due to the preliminary nature of this inquiry, a regulatory evaluation has not been prepared at this time. The expected impact of the changes requested is so minimal that a full regulatory evaluation does not appear to be warranted. The need to further evaluate economic consequences will be reviewed on the basis of the comments submitted in response to this notice.

List of Subjects in 23 CFR Parts 625 and 655

Design standards, Grant programs-transportation, Highways and roads, Signs, Traffic regulations.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: December 5, 1985.

R. A. Barnhart,

Federal Highway Administrator, Federal Highway Administration.

[FR Doc. 85-29758 Filed 12-16-85; 8:45 am]

BILLING CODE 4910-22-M

[3] NCHRP Report 236 is available for inspection and copying at the Federal Highway Administration, Office of Traffic Operations, Room 3419, 400 7th Street SW., Washington DC 20590. The report (ISBN 0-309-03163-X) may be purchased for $12.00 from the Transportation Research Board, Publications Office, 2101 Constitution Avenue NW., Washington, DC 20418.

[4] Available for $20.00 from the Government Printing Office, Washington DC 20402, Stock No. 050-001-00270-1. Copies are also available for inspection at the Federal Highway Administration, Office of Traffic Operations (HTO-21), Room 3419, 400 7th St. SW., Washington, DC 20590.

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Parts 5 and 19

[Notice No. 575]

Distilled Spirits Plants—Mixtures of Distilled Spirits and Wine

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Treasury.

ACTION: Proposed rulemaking.

SUMMARY: This notice proposes the amendment of the definition of "Spirits or distilled spirits" as contained in T.D. ATF-198, 50 FR 8456 (1985) to exclude those mixtures of wine and spirits which are removed and sold as wine. The amended definition would conform the regulation to 26 U.S.C. 5362(b)(2) which prohibits wines from being removed from the bonded premises of a distilled spirits plant for consumption or sale as wine.

DATE: Written comments must be received by January 16, 1986.

ADDRESSES: Send written comments to: Chief, Distilled Spirits and Tobacco Branch, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044-0385.

Copies of written comments received in response to this notice will be available during normal business hours at: ATF Reading Room, Office of Public Affairs and Disclosure, Room 4405, Federal Building, 12th and Pennsylvania Avenue NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Richard C. Langford or J.R. Whitley, Distilled Spirits and Tobacco Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226, (202) 566-7531.

SUPPLEMENTARY INFORMATION:

1. Regulatory Analysis

Prior to the Distilled Spirits Tax Revision Act of 1979, (Pub. L. No. 96-39, Stat. 273 (1979)) taxpaid wine could be received on the bottling/rectifying premises of a distilled spirits plant (DSP) for bottling or rectifying as a wine or wine product or for use in the manufacture of a distilled spirits product. If the DSP proprietor used the wine for a wine or wine product, he may have become liable for additional wine taxes for (1) the increase in volume of the wine, (2) an increase in the taxable grade of the wine, or (3) the manufacture of a wine product.

With the all-in-bond concept, enacted in the Distilled Spirits Tax Revision Act of 1979, the bottling and rectifying operations of a DSP were required to be conducted on the bonded premises of a DSP. However, the Congress made it clear that a wine transferred to the bonded premises of a DSP could only be used in the production of a distilled spirits product and that a wine product was to be produced only on bonded wine cellar premises. Accordingly, the Congress amended 26 U.S.C. 5362(b) to provide that wine could be transferred from a bonded wine cellar to the bonded premises of a DSP, but "Any wine transferred to the bonded premises of a distilled spirits plant . . . may not be removed from such bonded premises for consumption or sale as wine."

Congressional intent was stated in the Senate Report (S. Rept. No. 96-249, on H.R. No. 4537, 96th Cong., 1st Sess. 226 (1979)) as follows: "such wine (which has been transferred to the bonded premises of a DSP) must be used solely in the manufacture of a distilled spirits product . . . All other operations involving the rectification or bottling of wines formerly done on the premises of a distilled spirits plant will be required to be conducted on the premises of a bonded wine cellar or taxpaid wine bottling house."

In promulgating the final rule for 27 CFR Part 19, the Bureau took the position that mixtures of distilled spirits and wine which contain more than 50 percent wine on a proof gallon basis and which are bottled at 48° proof or less were excepted from the requirements relating to liquor bottles, labels and strip stamps; however, such mixtures were subject to the formula requirements in 27 CFR Part 5 and the labeling, advertising and standards of fill regulations as wine under the Federal Alcohol Administration Act, 27 CFR Part 4. The effect of this position was to tax such mixtures as distilled spirits, and required such products to be labeled as wines. Presently, the Bureau has become aware that such a position produces a serious adverse effect on the excise tax revenues derived from such mixtures. This is so because such mixtures, when taxed as a distilled spirits product, on a proof gallon basis, may be taxed at a rate as little as 7 cents a gallon, whereas a like product would be taxed at 17 cents or $2.40 a gallon if produced at a winery. This result may occur because the product may be increased in volume by dilution of proof or even carbonated on a DSP premises without increasing its tax liability.

The Bureau believes that the law and legislative history make it clear that Congress never intended such a result. Therefore, the Bureau has determined that such products are clearly wines and section 5362(b) precludes the removal of such products as a wine from a distilled spirits plant.

Accordingly, this proposal would change the definition of "Spirits or distilled spirits" to make it clear that mixtures of distilled spirits and wine which contain more than 50 percent wine on a proof gallon basis and which are bottled at 48° proof or less would not be a distilled spirits product for tax purposes. Such products would be wines and §§ 19.36 and 19.381 would be amended to prohibit the removal of such wines from the bonded premises of a distilled spirits plant for consumption or sale as wine.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this proposal because the notice of proposed rulemaking, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities. The proposal will not impose, or otherwise cause, a significant increase in reporting, recordkeeping, or other compliance burdens on a substantial number of small entities. The proposal is not expected to have significant secondary or incidental effects on a substantial number of small entities.

Accordingly, it is hereby certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that this notice of proposed rulemaking, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities.

Executive Order 12291

In compliance with Executive Order 12291, ATF has determined that this proposal is not a "major rule" since it will not result in:

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

(b) A major increase in costs or prices for consumers, individual industries, Federal, state, or local government agencies, or geographic regions; or

(c) 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.

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1980, Pub. L. 96-511, 44 U.S.C. Chapter 35, and its implementing regulations, 5 CFR Part 1320, do not apply to this notice because no requirement to collect information is proposed.

Public Participation—Written Comments

ATF requests comments concerning this proposed rule from all interested persons. Comments received before the closing date will be carefully considered. Comments received after the closing date and too late for consideration will be treated as possible suggestions for future ATF action.

ATF will not recognize any material or comments as confidential. Comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriate for disclosure should not be included in the comment. The name of the person submitting the comment is not exempt from disclosure.

Drafting Information

The principal author of this document is Richard C. Langford, Distilled Spirits and Tobacco Branch, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects

27 CFR Part 5

Advertising, Consumer protection, Customs duties and inspection, Imports, Labeling, Liquors, Packaging and containers.

27 CFR Part 19

Administrative practice and procedure, Alcohol and alcoholic beverages, Authority delegations, Claims, Chemicals, Customs duties and inspection, Electronic funds transfers, Excise taxes, Exports, Gasohol, Imports, Labeling, Liquors, Packaging and containers, Puerto Rico, Reporting and recordkeeping requirements, Research, Security measures, Spices and flavorings, Surety bonds, Transportation, Virgin Islands, Warehouses, Wine.

Authority and Issuance

Accordingly, the Director proposes the amendment of Title 27 of the Code of Federal Regulations as follows:

Section A:

PART 5—LABELING AND ADVERTISING OF DISTILLED SPIRITS

Paragraph 1. The authority citation for Part 5 is revised to read as follows:

Authority: 26 U.S.C. 5301, 7805, 27 U.S.C. 205.

Para. 2. Section 5.11 is amended by removing the last sentence of the definition of "Distilled spirits."

Section B:

PART 19—DISTILLED SPIRITS PLANTS

Paragraph 1. The authority citation for Part 19 is revised to read as follows:

Authority: 19 U.S.C. 81c, 1311; 26 U.S.C. 5001, 5002, 5004–5006, 5008, 5041, 5061, 5062, 5066, 5101, 5111–5113, 5171–5173, 5175, 5176, 5178–5181, 5201–5207, 5211–5215, 5221–5223, 5231, 5232, 5235, 5236, 5241–5243, 5271, 5273, 5301, 5311–5313, 5262, 5370, 5373, 5501–5505, 5551–5555, 5559, 5561, 5562, 5601, 5612, 5682, 6001, 6065, 6109, 6302, 6311, 6676, 7510, 7805; 31 U.S.C. 9301, 9303, 9304, 9306.

Para. 2. Section 19.11 is amended by revising the definition of "Spirits or distilled spirits" to read as follows:

§ 19.11 [Amended]

* * * * *

Spirits or distilled spirits. That substance known as ethyl alcohol, ethanol, or spirits of wine in any form (including all dilutions and mixtures thereof, from whatever source or by whatever process produced) but not denatured spirits unless specifically stated. The term does not include mixtures of distilled spirits and wine, bottled at 48° proof or less, if the mixture contains more than 50 percent wine on a proof gallon basis.

* * * * *

Para. 3. Section 19.36 is amended by adding the following sentence at the end of paragraph (a) to read as follows:

§ 19.36 [Amended]

(a) * * * Wines may not be removed from the bonded premises of a distilled spirits plant for consumption or sale as wine.

* * * * *

Para. 4. Section 19.381 is amended by adding the following sentence immediately after the first sentence in paragraph (e) to read as follows:

§ 19.38 [Amended]

* * * * *

(e) * * * However, wines may not be removed from the bonded premises of a distilled spirits plant for consumption or sale as wine. * * *

Signed: September 24, 1985.

Stephen E. Higgins,

Director.

Approved: November 5, 1985.

David D. Queen,

Acting Assistant Secretary, Enforcement and Operations.

[FR Doc. 85–29761 Filed 12–16–85; 8:45 am]

BILLING CODE 4810–31–M

DEPARTMENT OF JUSTICE

28 CFR Part 16

[AAG/A Order No. 23–85]

Privacy Act; Exemption of Records Systems

AGENCY: Department of Justice.

ACTION: Proposed rule.

SUMMARY: The Department of Justice, Criminal Division, proposes to exempt certain portions of a new system of records entitled "Office of Special Investigations Displaced Persons Listings, JUSTICE/CRM–027" from subsection (d) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2). The exemption is required because access to these records could inform the subject of the identity of witnesses and informants. Thus, the release of such information could present a serious impediment to effective law enforcement by endangering the physical safety of witnesses or informants; by leading to the improper influencing of witnesses, the destruction of evidence, or the fabrication of testimony; or by otherwise preventing the successful completion of an investigation.

DATES: All comments must be received by January 16, 1986.

ADDRESS: Address any comments to J. Michael Clark, Acting Assistant Director, General Services Staff, Justice Management Division, Department of Justice, Room 9002, 601 D Street, NW., Washington, DC 20530.

FOR FURTHER INFORMATION CONTACT: J. Michael Clark, 272–6474.

SUPPLEMENTARY INFORMATION: A description of the new system is published in the Notice Section of today's **Federal Register.** This order relates to individuals rather than small business entities. Nevertheless, pursuant to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601–612, it is hereby stated that the order will not have "a significant economic impact on a substantial number of small entities."

List of Subjects in 28 CFR Part 16

Administrative practice and procedure, Courts, Freedom of Information, Privacy, and Sunshine Act.

Pursuant to the authority vested in the Attorney General by 5 U.S.C. 552a and delegated to me by Attorney General Order No. 793–78, 28 CFR 16.91 is amended to add paragraphs (s) and (t) as set forth below.

Dated: October 2, 1985.

W. Lawrence Wallace,

Assistant Attorney General for Administration.

PART 16—[AMENDED]

1. The authority for Part 16 continues to read as follows:

Authority: 28 U.S.C. 509, 510; 5 U.S.C. 301, 552, 552a; 31 U.S.C. 483a unless otherwise noted.

2. It is proposed to amend 28 CFR 16.91 by adding paragraphs (s) and (t).

§ 16.91 Exemption of Criminal Division Systems—Limited Access, as indicated.

* * * * *

(s) The following system of records is exempted from 5 U.S.C. 552a(d).

(1) Office of Special Investigations Displaced Persons Listings (JUSTICE/CRM–027)

This exemption applies to the extent that the records in this system are subject to exemption pursuant to 5 U.S.C. 552a(k)(2).

(t) Exemption from subsection (d) is justified for the following reasons:

(1) Access to records contained in this system could inform the subject of the identity of witnesses or informants. The release of such information could present a serious impediment to effective law enforcement by endangering the physical safety of witnesses of informants; by leading to the improper influencing or witnesses, the destruction of evidence, or the fabrication of testimony; or by otherwise preventing the successful completion of an investigation.

[FR Doc. 85–29651 Filed 12–16–85; 8:45 am]

BILLING CODE 4410–01–M

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28 CFR Part 16

[AAG/A Order No. 25–85]

Privacy Act; Exemption of Records Systems

AGENCY: Department of Justice.

ACTION: Proposed rule.

SUMMARY: The United States Marshals Service (USMS), Department of Justice, proposes to exempt four systems of records from certain provisions of the Privacy Act.

Specifically, the USMS proposes to exempt the Threat Analysis Information System (JUSTICE/USM–009) from subsections (c) (3) and (4), (d), (e) (1), (2) and (3), (e)(4) (G) and (H), (e)(5), (e)(8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2). These exemptions are necessary because adherence to these provisions of the Act would present a serious impediment to security measures necessary for the fulfillment of law enforcement and the protection of participants in the judicial process, including but not limited to judges, witnesses, U.S. Attorneys, etc. For example, persons who have directly threatened or pose a violent threat to USMS protecteees could learn that countermeasures to specific threat situations are being developed and implemented. The exceptions will preclude such knowledge and thereby deny threat sources the opportunity to circumvent law enforcement and security efforts.

The USMS also proposes to exempt from subsections (c)(3) and (d) of the Privacy Act a system entitled "Judicial Facility Security Index System (JUSTICE/USM–010)" pursuant to 5 U.S.C. 552a(k)(5). This exemption is necessary to protect the identity of confidential sources.

Finally, the USMS also proposes to exempt from subsections (c) (3) and (4), (d), (e) (1), (2) and (3), (e)(4) (G) and (H), (e)(5), (e)(8), (f) and (g) of the Privacy Act a system entitled "U.S. Marshals Service Freedom of Information/Privacy Act (FOIA/PA) Files (JUSTICE/USM–012)" and from subsections (c) (3) and (4), (d), (e) (2), and (3), (e)(4) (G) and (H), (e)(8), (f), and (g) of the Privacy Act a system entitled "U.S. Marshals Service Administrative Proceedings, Claims and Civil Litigation Files (JUSTICE/USM–013)". The exemptions are needed to protect the integrity of civil litigation, criminal investigatory information, the privacy of third parties and the identity of confidential sources.

DATE: Submit comments by January 16, 1986.

ADDRESS: Address comments to J. Michael Clark, Acting Assistant Director, General Services Staff, Justice Management Division, Room 9002, Department of Justice, 601 D Street, NW., Washington, DC 20530.

FOR FURTHER INFORMATION CONTACT: J. Michael Clark, (202) 272–6474.

SUPPLEMENTARY INFORMATION: All of the above-named systems are being published in full text in the Notice Section of today's **Federal Register**.

This Order relates to individuals rather than small business entities. Nevertheless, pursuant to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601–612, it is hereby stated that the order will not have "a significant economic impact on a substantial number of small entities."

List of Subjects in 28 CFR Part 16

Administrative practice and procedure, Courts, Freedom of Information, Privacy, Sunshine Act.

Pursuant to the authority vested in the Attorney General by U.S.C. 552a and delegated to me by Attorney General order 793–78, it is proposed that 28 CFR 16.101 be amended as set forth below.

Dated: November 12, 1985.

W. Lawrence Wallace,

Assistant Attorney General for Administration.

PART 16—[AMENDED]

1. The authority for Part 16 continues to read as follows:

Authority: 28 U.S.C. 509, 510; 5 U.S.C. 301, 552, 552a; 31 U.S.C. 483a unless otherwise noted.

2. Section 16.101 is amended by redesignating existing paragraph (g) as paragraph (o), by revising the last sentence of newly redesignated paragraph (o), and by adding new paragraphs (g) through (n).

§ 16.101 Exemption of U.S. Marshals Service Systems—Limited access, as indicated.

* * * * *

(g) The following system of records is exempt from 5 U.S.C. 552a (c)(3) and (4), (d), (e)(1), (2) and (3), (e)(4)(G) and (H), (e)(5), (e)(8), (f) and (g):

(1) U.S. Marshals Service Threat Analysis Information System (JUSTICE/USM–009).

These exemptions apply only to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a(j)(2).

(h) Exemptions from the particular subsections are justified for the following reasons:

(1) From subsection (c)(3) because to release the disclosure accounting would permit a person to determine whether he or she has been identified as a specific threat to USMS protectees and to determine the need for countermeasures to USMS protective activities and thereby present a serious impediment to law enforcement.

(2) From subsection (c)(4) because it is inapplicable since an exemption is being claimed for subsection (d).

(3) From subsection (d) because to permit access to records would inform a person of the nature and scope of information obtained as to his or her threat-related activities and of the identity of confidential sources, and afford the person sufficient information to develop countermeasures to thwart protective arrangements and endanger lives of USMS protectees, informants, etc. To permit amendment of the records would interfere with ongoing criminal law enforcement and impose an impossible administrative burden requiring criminal investigations to be continuously reinvestigated.

(4) From subsections (e)(1) and (5) because the collection of investigatory used to access the existence, extent and likelihood of a threat situation necessarily includes material from which it is impossible to identify and segregate information which may not be

important to the conduct of a thorough assessment. It is often impossible to determine in advance if all information collected is accurate, relevant, timely and complete but, in the interests of developing effective protective measures, it is necessary that the U.S. Marshals Service retain this information in order to establish patterns of activity to aid in accurately assessing threat situations. The restrictions of subsections (e)(1) and (5) would impede the protective responsibilities of the Service and could result in death or serious injury to Marshals Service protectees.

(5) From subsection (e)(2) because to collect information from the subject individual would serve notice that he or she is identified as a specific threat to USMS protectees and would enable the subject individual to develop countermeasures to protective activities and thereby present a serious impediment to law enforcement.

(6) From subsection (e)(3) because to inform individuals as required by this subsection would enable the subject individual to develop countermeasures to USMS protective arrangements or identify confidential sources and thereby present a serious impediment to law enforcement.

(7) From subsections (e)(4)(G) and (H) because they are inapplicable since an exemption is being claimed for subsections (d) and (f) of the Act.

(8) From subsection (e)(8) because to serve notice would give persons sufficient warning to develop countermeasures to protective arrangements and thereby present a serious impediment to law enforcement through compromise of protective procedures, etc.

(9) From subsection (f) because this system of records is exempt from the provisions of subsection (d).

(10) From subsection (g) because it is inapplicable since an exemption is being claimed for subsections (d) and (f).

(i) The following system of records is exempt from 5 U.S.C. 552a(c)(3) and (d):

(1) Judicial Facility Securjty Index System (JUSTICE/USM–010).

These exemptions apply only to the extent that information in this system is exempt pursuant to 5 U.S.C. 552a(k)(5).

(j) Exemptions from the particular subsections are justified for the following reasons:

(1) From subsection (c)(3) only to the extent that release of the disclosure accounting would reveal the identity of a confidential source.

(2) From subsection (d) only to the extent that access to information would reveal the identity of a confidential source.

(k) The following system of records is exempt from 5 U.S.C. 552a (c)(3) and (4), (d), (e)(1), (2) and (3), (e)(4)(G) and (H), (e)(5), (e)(8), (f) and (g):

(1) U.S. Marshals Service Freedom of Information/Privacy Act (FOIA/PA) Files (JUSTICE/USM–012).

These exemptions apply only to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a (j)(2), (k)(2) and (k)(5).

(l) Because this system contains Department of Justice civil and criminal law enforcement, investigatory records, exemptions from the particular subsections are justified for the following reasons:

(1) From subsection (c)(3) because to release the disclosure accounting would permit the subject of an investigation to obtain valuable information concerning the existence and nature of the investigation and present a serious impediment to law enforcement.

(2) From subsection (c)(4) because that portion of this system which consists of investigatory records compiled for law enforcement purposes is being exempted from the provisions of subsection (d), rendering this provision not applicable.

(3) From subsection (d) because to permit access to investigatory records would reveal the identity of confidential sources and impede ongoing investigative or law enforcement activities by the premature disclosure of information related to those efforts. To permit amendment of the records would interfere with ongoing criminal law enforcement and impose an impossible administative burden by requiring criminal investigations to be continuously reinvestigated.

(4) From subsections (e)(1) and (5) because it is often impossible to determine in advance if investigatory records contained in this system are accurate, relevant, timely and complete but, in the interests of effective law enforcement, it is necessary to retain this information to aid in establishing patterns of activity and provide leads in criminal investigations.

(5) From subsection (e)(2) because to collect information from the subject individual would serve notice that he or she is the subject of criminal investigative or law enforcement activity and thereby present a serious impediment to law enforcement.

(6) From subsection (e)(3) because to inform individuals as required by this subsection would enable the subject individual to identify confidential sources, reveal the existence of an investigation, and compromise law enforcement efforts.

(7) From subsection (e)(4)(G) and (H) because they are inapplicable since an exemption is being claimed for subsections (d) and (f) for investigatory records contained in this system.

(8) From subsection (e)(8) because to serve notice would give persons sufficient warning to evade law enforcement efforts.

(9) From subsection (f) because investigatory records contained in this system are exempt from the provisions of subsection (d).

(10) From subsection (g) because it is inapplicable since an exemption is being claimed for subsections (d) and (f).

(m) The following system of records is exempt from 5 U.S.C. 552a (c)(3) and (4), (d), (e)(2) and (3), (e)(4)(G) and (H), (e)(8), (f) and (g):

(1) U.S. Marshals Service Administrative Proceedings, Claims and Civil Litigation Files (JUSTICE/USM–013)

These exemptions apply only to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a (j)(2) or (k)(5).

(n) Exemptions from the particular subsections are justified for the following reasons:

(1) From subsection (c)(3) because to release the disclosure accounting for disclosures pursuant to the routine uses published for this system would permit the subject of a criminal or civil case or matter under investigation, or a case or matter in litigation, or under regulatory or administrative review or action, to obtain valuable information concerning the nature of that investigation, case or matter, and present a serious impediment to law enforcement or civil legal activities, or reveal a confidential source.

(2) From subsection (c)(4) because the exemption claimed for subsection (d) will make this section inapplicable.

(3) From subsection (d) because to permit access to records contained in this system woud provide information concerning litigation strategy, or case development, and/or reveal the nature of the criminal or civil case or matter under investigation or administrative review, or in litigation, and present a serious impediment to law enforcement or civil legal activities, or reveal a confidential source.

(4) From subsection (e)(2) because effective legal representation, defense, or claim adjudication necessitates collecting information from all individuals having knowledge of the

criminal or civil case or matter. To collect information primarily from the subject individual would present a serious impediment to law enforcement or civil legal activities.

(5) From subsection (e)(3) because to inform the individuals as required by this subsection would permit the subject of a criminal or civil matter under investigation or administrative review to compromise that investigation or administrative review and thereby impede law enforcement efforts or civil legal activities.

(6) From subsections (e)(4)(G) and (H) because these provisions are inapplicable since this system is exempt from subsection (d) and (f) of the Act.

(7) From subsection (e)(8) because to serve notice would give persons sufficient warning to compromise a criminal or civil investigation or administrative review and thereby impede law enforcement or civil legal activities.

(8) From subsection (f) because this system of records is exempt from the provisions of subsection (d).

(9) From subsection (g) because it is inapplicable since an exemption is claimed for subsections (d) and (f).

(o) * * * The decisions to release information from these systems will be made on a case-by-case basis.

[FR Doc. 85-29652 Filed 12-16-85; 8:45 am]

BILLING CODE 4410-01-M

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28 CFR Part 16

[AAG/A Order No. 27-85]

Privacy Act; Exemption of Records Systems

AGENCY: Department of Justice.

ACTION: Proposed rule.

SUMMARY: The United States Marshals Service (USMS), Department of Justice, proposes to exempt a system of records entitled "Warrant Information System, JUSTICE/USM-007" from subsections (e)(1) and (e)(5) of the Privacy Act. These exemptions are necessary because the relevancy, necessity, accuracy, timeliness and completeness provisions of subsections (e)(1) and (e)(5) would present a serious impediment to law enforcement in that it is impossible to determine in advance what information collected in the course of a criminal investigation will be important or crucial to the apprehension of Federal fugitives or to the law enforcement activities of other agencies. These exemptions will permit the USMS to retain seemingly irrelevant, untimely or inaccurate information which, with the passage of time, would gain new significance in the criminal investigation. In addition, because a new paragraph has been added to exempt the system from the additional subsections (e)(1) and (e)(5), the USMS is also republishing existing paragraphs which reflect existing exemptions from other subsections. The existing paragraphs are being republished only to accomplish paragraph redesignation and clarity in Title 28, Part 16, of the Code of Federal Regulations. Their republication has no effect on the public because such republication does not effect any new exemptions.

DATE: Submit any comments by January 16, 1986.

ADDRESS: Address all comments to J. Michael Clark, Acting Assistant Director, General Services Staff, Justice Management Division, United States Department of Justice, Room 9002, 601 D Street NW., Washington, DC 20530.

FOR FURTHER INFORMATION CONTACT: J. Michael Clark, (202-633-4414).

SUPPLEMENTARY INFORMATION: A description of the Warrant Information System is published in the Notice Section of today's **Federal Register**.

This order relates to individuals rather than small business entities. Nevertheless, pursuant to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601-612, it is hereby stated that the order will not have "a significant economic impact on a substantial number of small entities."

List of Subjects in 28 CFR Part 16

Administrative practice and procedure, Courts, Freedom of information, Privacy, Sunshine Acts.

Pursuant to the authority vested in the Attorney General by 5 U.S.C. 552a and delegated to me by Attorney General Order No. 793-78, it is proposed that CFR 16.101 be amended as set forth below.

Dated: November 14, 1985.

W. Lawrence Wallace,

Assistant Attorney General for Administration.

PART 16—[AMENDED]

1. The authority for Part 16 continues to read as follows:

Authority: 28 U.S.C. 509, 510; 5 U.S.C. 301, 552, 552a; 31 U.S.C. 483a unless otherwise noted.

2. Section 16.101 is amended by revising the introductory text of paragraph (a); by redesignating paragraphs (b)(4) through (b)(9) as paragraphs (b)(5) through (b)(10); by adding a new paragraph (b)(4); and by revising paragraphs (d)(5) through (7) and (d)(9) and paragraphs (f)(4) through (f)(9).

§ 16.101 Exemption of U.S. Marshals Service Systems—Limited Access, as indicated.

(a) The following system of records is exempt from 5 U.S.C. 552(a) (c)(3) and (4), (d), (e)(1), (2) and (3), (e)(4)(G) and (H), (e)(5), (e)(8), (f) and (g):

* * * * *

(b) * * *

(4) From subsections (e)(1) and (e)(5) because the requirements of these subsections would present a serious impediment to law enforcement in that it is impossible to determine in advance what information collected during an investigation will be important or crucial to the apprehension of Federal fugitives. In the interest of effective law enforcement, it is appropriate in a thorough investigation to retain seemingly irrelevant, untimely, or inaccurate information which, with the passage of time, would aid in establishing patterns of activity and provide investigative leads toward fugitive apprehension and assist in law enforcement activities of other agencies.

* * * * *

(d) * * *

(5) From subsection (e)(3) for the reason stated in (b)(6) of this section.

(6) From subsections (e)(4)(G) and (H) for the reason stated in (b)(7) of this section.

* * * * *

(9) From subsection (g) for the reason stated in (b)(10) of this section.

* * * * *

(f) * * *

(4) From subsection (e)(2) because the requirement that information be collected to the greatest extent practical from the subject individual would present a serious impediment to law enforcement because the subject of the investigation or prosecution would be placed on notice as to the existence of the investigation and would therefore be able to compromise the investigation and avoid detection or apprehension.

(5) From subsection (e)(3) for the reason stated in (b)(6) of this section.

(6) From subsections (e)(4)(G) and (H) for the reason stated in paragraph (b)(7) of this section.

(7) From subsection (e)(8) because the individual notice requirement of this subsection would present a serious impediment to law enforcement in that the subject of the investigation would be alerted as to the existence of the investigation and therefore be able to compromise the investigation and avoid detection, subpoena, etc.

(6) From subsection (f) because procedures for notice to an individual pursuant to subsection (f)(1) as to the existence of records dealing with investigations of criminal or civil law violations would enable the individual to compromise the investigation and evade detection or apprehension. Since an exemption is being claimed for subsection (d) of the Act, the rules required pursuant to subsections (f)(2) through (f)(5) are not applicable to this system.

(9) From subsection (g) for the reason stated in (b)(10) of this section.

* * * * *

[FR Doc. 85-29653 Filed 12-16-85; 8:45 am]

BILLING CODE 4410-01-M

NATIONAL LABOR RELATIONS BOARD

29 CFR Part 102

Procedural Rules; Proposed Revision of Rule

AGENCY: National Labor Relations Board.

ACTION: Notice of proposed rulemaking.

SUMMARY: The schedule of fees charged by the National Labor Relations Board for document search conducted in response to requests for documents made pursuant to the Freedom of Information Act has not been changed since initially established in February 1975. These proposed revisions serve only to change the rule to reflect the direct personnel cost of document searches under current salary levels.

DATE: Comments by January 16, 1986.

ADDRESS: Send or deliver written comments to: John C. Truesdale, Executive Secretary, 1717 Pennsylvania Avenue NW., Room 701, Washington, DC 20570, Telephone: (202) 254-9430.

FOR FURTHER INFORMATION CONTACT: John C. Truesdale, Executive Secretary, 1717 Pennsylvania Avenue NW., Room 701, Washington, DC 20570, Telephone: (202) 254-9430.

SUPPLEMENTARY INFORMATION: Pursuant to its authority under section 6 of the National Labor Relations Act, as amended (49 Stat. 452; 29 U.S.C. 156), and in accordance with the requirements of section 552(a)(4)(A) of the Freedom of Information Act, the National Labor Relations Board hereby gives notice of its intent to promulgate a revision to its rule establishing a uniform schedule of fees to provide for recovery of the direct costs of record search and duplication incurred in responding to requests for Agency records, made pursuant to section 552(a)(2) and (3) of this Freedom of Information Act, as amended (5 U.S.C. 552(a)(2) and (3)).

The present fee schedule as set forth in § 102.117(c)(2)(iv)(a) of the Board's rules was established in 1975 after rulemaking proceedings (40 FR 2591-2592, January 14, 1975; 40 FR 7290-7291, February 19, 1975) and provides for charges of $1.10 for each one-quarter hour or portion thereof of clerical time and $2.85 for each one-quarter hour or portion thereof of professional time. As stated in the rulemaking notice (40 FR 2582) the charges were based upon the cost to the Agency at that time of salary and personnel benefits for clerical employees at the GS-5 salary level and professional employees at the GS-13 salary level. Current experience is that these grade levels continue to represent the average level at which this work is being performed. The 1985 cost to the Agency of salary and personnel benefits for employees at those grade levels, computed on the basis of 225 days (1,800 hours) on-duty time per year, will be $10.15 per hour for clerical employees at Grade 5, Step 5, and $26.51 per hour for a professional employee at Grade 13, Step 5. It is therefore proposed that the schedule of fees be revised to provide for a charge of $2.50 for each one-quarter hour or portion thereof of clerical time and a charge of $6.60 for each one-quarter hour or portion thereof of professional time. The other elements of the schedule of fees, including the 10-cent-per-page charge for duplication of records, will remain unchanged.

List of Subjects in 29 CFR Part 102

Administrative practice and procedure, Freedom of information.

Accordingly, it is proposed to amend 29 CFR Part 102 as follows:

PART 102—RULES AND REGULATIONS, SERIES 8, AS AMENDED

1. The authority citation for 29 CFR Part 102 is revised to read as follows:

Authority: Sec. 6, National Labor Relations Act, 61 Stat. 136, as amended (29 U.S.C. 151, 156). Section 102.117(c) also issued under sec. 552(a)(4)(A) of the Freedom of Information Act, 80 Stat. 383, as amended (5 U.S.C. 552(a)(4)(A).

2. Section 102.117 is amended by revising paragraph (c)(2)(iv)(*a*) to read as follows: The introductory text of (c)(2)(iv) is shown for the convenience of the reader and remains unchanged.

§ 102.117 Board materials and formal documents available for public inspection and copying; requests for described records; time limit for response; appeal from denial of request; fees for document search and duplication; files and records not subject to inspection.

* * * * *

(c) * * *

(2) * * *

(iv) Persons requesting records from this agency shall be subject to a charge of fees for the direct cost of document search and duplication in accordance with the following schedules, procedures, and conditions:

(*a*) Schedule's of charges:

(*1*) For each one-quarter hour or portion thereof of clerical time $2.50

(*2*) For each one-quarter hour or portion thereof of professional time $6.60

(*3*) For each sheet of duplication (not to exceed 8½ by 14 inches) of requested records $0.10

(*4*) All other direct costs of search or duplication shall be charged to the requester in the same amount as incurred by the agency.

* * * * *

Dated, Washington, DC, December 6, 1985.

By direction of the Board.

National Labor Relations Board.

John C. Truesdale,

Executive Secretary.

[FR Doc. 85-29506 Filed 12-16-85; 8:45 am]

BILLING CODE 7545-01-M

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

36 CFR Part 1254

Use of NARA Research Rooms

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of proposed rulemaking.

SUMMARY: NARA proposes to amend its regulations on the use of personal copiers and other types of personal items that may be brought into research rooms in the National Archives Building and Washington National Records Center. NARA also proposes to add procedures for use of the self-service high-volume copies in the National Archives Building. These changes are being made to enhance the security of records being used by the public and to ensure proper handling of records while they are being reproduced.

DATE: Comments must be received by February 18, 1986.

ADDRESS: Comments should be sent to Director, Program Policy and Evaluation

Division, National Archives and Records Administration (NAA), Washington, DC 20408.

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

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

List of Subjects in 36 CFR Part 1254

Archives and records.

For the reasons set forth in the preamble, NARA proposes to amend Part 1254 as follows:

PART 1254—[AMENDED]

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

Authority: 44 U.S.C. 2101–2118.

2. Section 1254.26 is added to read as follows:

§ 1254.26 Additional rules for use of certain research rooms in the National Archives Building and the Washington National Records Center.

(a) The following procedures shall be observed for use of all archival research rooms in the National Archives Building and in the Washington National Records Center except the Microfilm Research Room and the Motion Pictures Research Room in the National Archives Building. These procedures are in addition to the procedures specified elsewhere in this Part.

(b) All researchers entering the National Archives Building shall complete the Equipment Log at the guard's desk in the lobby in order to bring personal typewriters, tape recorders, cameras, etc., into the building. The log will evidence personal ownership and will be checked by the guard when such equipment is removed from the building.

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

(d) Researchers may not bring into the research rooms overcoats, raincoats, hats, personal copying equipment including personal paper to paper copiers, briefcases, purses, notebooks, notepaper, note cards, folders or other containers. These items may be stored on a daily basis at no cost in lockers available in the hallway adjacent to the various research rooms. The following exceptions may be granted:

(1) Small handbags and purses for the storage of currency, credit cards, drivers licenses and other identification cards, etc. may be brought into research rooms, but are subject to inspection when the researcher enters or leaves the room. The guard or research room attendant shall judge whether the handbag or purse may be considered small for purposes of this section;

(2) Notes, references, lists of records to be consulted, and other reference materials may be admitted if the Chief of the branch administering the research room determines they are essential to a researcher's work requirements. Materials approved for admission will be stamped to indicate that they are the researcher's property and will be presented to the guard or attendant when the researcher enters the research room;

(3) Typewriters, personal computers, tape recorders, and hand-held cameras may be admitted by the Reference Service Branch Chief (NNIR) or the Military Field Branch Chief (NNMF) provided that they are inspected, approved, and tagged prior to admittance; and

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

(e) NARA will furnish specially marked lined and unlined notepaper and 5x8 notecards, without charge, to researchers for use in the research rooms. Unused note paper and notecards should be returned to the research room attendent at the end of the day.

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

3. Section 1254.71 is added to read as follows:

§ 1254.71 Use of the self-service high-volume copier in the National Archives Building.

(a) Researchers who wish to make copies of 100 or more pages may use the self-service copier in Room 7W1 of the National Archives Building. To make use of this copier, researchers should follow the procedures outline in paragraphs (b) through (f) of this section.

(b) Researchers should inform a research room attendant of their desire to use the copier and should identify the boxes containing the documents to be copied. Individual documents to be copied should be tabbed in accordance with the procedures governing the tabbing of documents and returned to their container. Generally, requests to use the copier in 7W1 should be made half a day before a researcher wishes to begin copying.

(c) The attendent will examine the records to determine if they can be copied on the 7W1 self-service copier. If the records are suitable for copying on the high-volume copier, the attendant will ensure that the containers are brought to Room 7W1 and will inform researchers when they will be available there.

(d) The self-service copier in Room 7W1 may be used between 9 a.m. and 12 noon and between 1 p.m. and 5 a.m., Monday through Friday. The continuous use by individual researchers of this copier may be limited to 2 hours if other researchers wish to use the machine.

(e) Researchers must purchase a prepaid debit card from the Cashier's Office (Room G–1) between 9 a.m. and 4 p.m., Monday through Friday, to cover the cost of the copies they wish to make. Researchers with deposit accounts may deduct the cost of debit cards from such accounts. These cards, which are available in denominations of $20 and $100, will, when inserted in the copier, enable the user to make a preassigned number of copies; as copies are made, the total value left on the card is reduced until it reaches zero. The fee for self-service copies is found in § 1258.12 of this Chapter.

(f) On completing their copying, researchers shall give their debit card to the copy room attendant, who will verify any remaining value. If the value of the card has not been reduced to zero, the attendant will issue a credit slip for the unused portion. Researchers may obtain a refund for that amount from the Cashiers' Office between 9 a.m. and 4 p.m., Monday through Friday. Researchers with deposit accounts may apply the amount of the refund to such accounts. All cards will be retained by the copy room attendant.

Dated: November 27, 1985.

Frank G. Burke,

Acting Archivist of the United States.

[FR Doc. 85-29810 Filed 12-16-85; 8:45 am]

BILLING CODE 7515-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[A-S-FRL-2940-2]

Designation of Areas for Air Quality Planning Purposes; Attainment Status Designations, Minnesota

AGENCY: U.S. Environmental Protection Agency (USEPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes to change the attainment status designation for Air Quality Control Region 131 (comprised of the seven Counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington) in Minnesota relative to the carbon monoxide (CO) National Ambient Air Quality Standard. The current CO air quality status for all of AQCR 131 is nonattainment of the primary standard. In this notice, USEPA is proposing to retain a primary nonattainment area of approximately 15 square miles within the City of St. Paul and to redesignate the remainder of AQCR 131 to attainment. The purpose of this notice is to discuss the results of USEPA's review of the State's supporting data and to solicit comments on these data and USEPA's proposed action.

DATE: Comments on this revision and on the proposed USEPA action must be received by January 16, 1986.

ADDRESSES: Copies of the redesignation request, technical support documents and the supporting air quality data are available at the following addresses:

U.S. Environmental Protection Agency, Region V, Air and Radiation Branch (5AR-26), 230 S. Dearborn Street, Chicago, Illinois 60604

Minnesota Pollution Control Board, Division of Air Quality, 1935 West County Road B-2, Roseville, Minnesota 55113

Comments on this proposed rule should be addressed to: (Please submit an original and three copies, if possible.) Gary Gulezian, Chief, Regulatory Analysis Section, Air and Radiation Branch (5 AR-26), U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Delores Sieja, (312) 886-6038.

SUPPLEMENTARY INFORMATION: Under section 107(d) of the Clean Air Act (Act) the Administrator of USEPA has promulgated the National Ambient Air Quality Standards (NAAQS) attainment status for each area of every State. See 43 FR 8962 (March 3, 1978) and 43 FR 45993 (October 5, 1978). These area designations may be revised whenever the data warrant.

The primary NAAQS for carbon monoxide (CO), which is set forth at 40 CFR 50.8, is violated if, more than once in a year, CO concentrations exceed either: (1) The maximum allowable 8-hour concentration of 10 milligrams per cublic meter of air (mg/m^3), or (2) the maximum allowable 1-hour concentration of 40 mg/m^3.

USEPA's criteria for supportable redesignation requests, as they pertain to CO, are discussed in the following USEPA memoranda:

1. June 12, 1979, from Richard G. Rhoads, to Directors of Air and Hazardous Materials Divisions, Regions I-X, Subject: Section 107 Redesignation Criteria.

2. April 21, 1983, from Sheldon Meyers, to Directors of Air Management Divisions, Subject: Section 107 Designation Policy Summary.

3. December 23, 1983, from G.T. Helms, to Chiefs of Air Programs Branchs, Region I-X, Subject: Section 107 Questions and Answers.

The USEPA's policy relevant to CO redesignations is summarized as follows:

1. Generally, eight quarters of ambient air quality data showing no violations of the NAAQS are required to support a redesignation to attainment.

2. All available data relative to the attainment status of an area must be reviewed. These data must include the most recent eigth consecutive quarters of quality assured, representative air quality data, plus evidence of an implemented control strategy that USEPA has fully approved. Available modeling data must also be considered.

3. An attainment designation can be supported using the most recent four quarters of exceedance-free ambient data if an acceptable state-of-the-art modeling analysis is providd showing that actual, enforceable emission reductions are responsible for the observed air quality improvement.

On March 3, 1978, (43 FR 9005), USEPA designated Air Quality Control Region (AQCR) 131 (comprised of seven Counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington) as nonattainment for carbon monoxide (CO). On June 18, 1984, the Minnesota Pollution Control Agency (MPCA) requested that AQCR 131 be redesignated to attainment, except for the St. Paul, Snelling and University street corridors up to one block from the intersection of these Avenues. Specifically, the MPCA proposed nonattainment area is defined as follows:

Along Snelling Avenue, the nonattainment area would end at Sherburne Avenue on the north and approximately 200 feet south of the Snelling and University intersection. Along University Avenue, the nonattainment area would end at Asbury Street on the east and Roy Street on the west.

To support their request, the MPCA submitted air quality monitoring and modeling data for the Minneapolis/St. Paul area (Ramsey and Hennepin Counties). No CO data were submitted for the remaining five rural counties because no data are available. Air quality monitoring data were submitted for three monitoring sites in the Minneapolis area, and for five sites in the St. Paul area for the period of 1981-1983. Specifically, for the University and Snelling intersection, a special monitoring sudy as conducted for the period of April and May of 1983. In addition, because of USEPA's previously expressed concerns over the possible existence of isolated, non-monitored CO hotspots (localized areas with CO standard violations), the Minnesota Department of Transportation (MnDOT) conducted modeling for the University and Snelling intersection and three nearby interesections along University and Snelling Avenues. As an explanation of the reason for air quality improvement in AQCR 131, the State discussed the implementation of transportation control measures. On November 7, 1984, in response to USEPA's request, the State submitted traffic distribution and land use maps for the St. Paul area.

USEPA's Evaluation of Technical Support Data

Monitoring

The monitoring data submitted for the period of 1981-1983 for the nine monitoring sites in Minneapolis/ St. Paul area showed no violations of the CO NAAQS for the most recent eight quartes of data, except at the two University Avenue sites, 1549 and 1569, in St. Paul. The requested nonattainment area includes the area around sites 1549 and 1569. The special monitoring study was conducted to determine whether the hotspot nature of the CO problem at the University and Snelling intersection was

just limited to that intersection. The study demonstrated the hotspot nature of the CO problem in the vicinity of the intersection.

Modeling

The State submitted modeling performed by the MnDOT for the University and Snelling intersection and three nearby intersections along University and Snelling Avenues. For the modeling to be technically acceptable, it must conform with USEPA's guidelines which do not allow the calibration of modeling data. Calibration is a forced adjustment of modeled results to match monitored results. For the University and Snelling intersection, MnDOT calibrated the modeling data by forcing the modeling results to match the monitored worse-case concentrations taken from the University and Snelling monitors. For the University and Snelling modeling data to be acceptable uncalibrated use of the model should have been performed. For the other three intersections, MnDOT calibrated the modeling results against the University and Snelling concentration distributions. Thus, MnDOT has assumed that the pattern of CO distribution at all the intersections are identical. This is technically incorrect because a wide variation in concentration distribution patterns may be expected due to intersecion-specific factors such as: traffic control characteristics; intersection/traffic lane geometry; and traffic distribution by lane. For the modeling to be acceptable for these three non-monitored intersections, an intersection-specific analysis should have been performed. In addition to the above concerns, USEPA believes that, for the requested redesignation to be acceptable, modeling must be performed for all of the intersections that might be impacted by high average daily traffic.

Status of Five Rural Counties

As stated above, all the monitoring and modeling analyses have been limited to Hennepin and Ramsey Counties. No CO data were submitted for the remaining five rural counties in AQCR 131 (Anoka, Carver, Dakota, Scott, and Washington) because no data are available. It should be recognized that the original designation of these rural counties as nonattainment for CO in 1978 was based on a conservative assumption by the State and was not based on either monitoring or modeling data specific to these rural counties. USEPA believes it is acceptable to redesignate these five counties to attainment because: (1) The urban population is concentrated in Hennepin and Ramsey Counties. (It is assumed that the highest CO concentrations should be found in these urban counties.); and (2) the worst-case monitors in Hennepin and Ramsey Counties, with the exception of those near Snelling and University Avenues, show no violations of the CO NAAQS.

Evidence of Air Quality Improvement

SIP Status

USEPA approved a CO SIP for AQCR 131 on June 16, 1980 (45 FR 40579) including a State demonstration that implementation of the transportation control measures (TCMs) in the 1979 SIP would result in attainment of the CO NAAQS by December 31, 1982. It is clear from data submitted by the State and USEPA's analysis of MPCA's redesignation request that MPCA has implemented all the committed TCM's except for 1) transit performance funding, to be implemented in the future following the activation of a new Regional Transit Authority, and 2) community-oriented transit demonstration projects. The analysis shows that the probable air quality impacts of not implementing these TCM's is negligible. Even though the majority of the USEPA's approved SIP measures have been implemented, and those not implemented are negligible, portions of AQCR 131 still have not attained the CO NAAQS. This conclusion is based on recent CO monitoring data at the University and Snelling Avenues. As a result of the recent violations monitored at this location, USEPA formally notified the State on February 24, 1984, pursuant to section 110(a)(2)(H) of the CAA, that the current SIP was deficient in the City of St. Paul (Ramsey County) and that it must be revised. On May 20, 1985, the State submitted a revised CO SIP for portions of the City of St. Paul to USEPA for review and approval.

USEPA believes that the CO SIP approved in 1980 is adequate to attain and maintain the CO NAAQS for AQCR 131 with the exception of portions of the City of St. Paul in Ramsey County that it is proposing to maintain as nonattainment in this notice. Therefore, approval of the redesignation of AQCR 131, with the exception of portions of the City of St. Paul, is consistent with USEPA's redesignation policy. The remaining area, however, is subject to further SIP revision and should remain designated nonattainment until USEPA has finally approved the necessary SIP revisions and until the monitoring and other data indicate that the area has attained the CO NAAQS.

Conclusion

USEPA has reviewed all the supporting data and believes the State did not provide sufficient information to justify the State's proposal that the University and Snelling intersection area is the sole hotspot in the area. USEPA believes that a larger area, centered on University and Snelling Avenue, has the potential for air quality violations. To determine the extent of the area where CO hotspots might occur, USEPA reviewed a traffic level map for St. Paul and a land use map for the entire Minneapolis/St. Paul urban area provided by the MPCA. It was assumed that most CO hotspots would occur along arterial streets, rather than freeways, because the lower arterial speeds would result in higher emissions. All of the arterial/arterial intersections with traffic levels equaling or exceeding 30,000 ADT (a traffic level cutpoint which USEPA has estimated has the potential to produce local CO hotspots, based on the CO levels and traffic levels at the University and Snelling intersection) are clustered along University and Snelling Avenues. Along University Avenue, these potential hotspot intersections were found from Eustis on the west to Rice on the east. Along Snelling Avenue, the potential hotspots were found from Larpenteur on the north to Randolph on the south. This analysis implies that the mobile source impacts along these portions of traffic corridors should be given further consideration and that the "reduced" CO nonattainment area should include these corridors. Because the nonattainment area should include all major sources contributing to CO levels, it should be large enough to include any roadways expected to experience traffic changes in the future as a result of transportation control measures. Therefore, USEPA believes the primary nonattainment area should be retained in the following area:

> A two mile wide corridor centered on Snelling Avenue extending from Randolph Avenue on the south to Larpenteur Avenue on the north for a length of approximately five miles intersecting with a second two mile wide corridor centered on University Avenue extending from Eustis Avene on the west to Rice Street on the east for a length of approximately five miles.

The remainder of AQCR 131 can be redesignated to attainment.

It should be noted that the size of the corridors has been selected to insure that future analyses properly consider traffic control impacts on roadways intersecting either Snelling Avenue or University Avenue. The traffic data that

are available imply that a significany potential exists for nonattainment problems in this area. USEPA recognizes that a portion of the above area may not actually be in nonattainment of the CO NAAQS. Further redesignation of this revised non-attainment area would be acceptable if an acceptable modeling analysis is conducted showing that the CO nonattainment problem is limited to more restricted hotspots.

USEPA notes that its final rulemaking action redesignating portions of AQCR 131 from primary nonattainment to attainment for CO will make the CO section 110(a)(2)(I) growth restrictions no longer applicable in these areas.

All interested persons are invited to submit written comments on the proposed redesignation. Written comments received by the date specified above will be considered in determining whether USEPA will approve the redesignation. After review of all comments submitted, the Administrator of USEPA will publish in the **Federal Register** the Agency's final action on the redesignation.

Under 5 U.S.C. 605(b), the Administrator has certified that redesignations do not have a significant economic impact on a substantial number of small entities (See 46 FR 8709).

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 81

Air pollution control, National parks, Wilderness areas.

Authority: 42 U.S.C. 7401–7642.

Dated: June 20, 1985.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 85–29788 Filed 12–16–85; 8:45 am]

BILLING CODE 6560–50–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 405

[BERC–250–P]

Medicare Program; Home Health Agencies; Financial Security Requirements

Correction

In FR Doc. 85–27810 beginning on page 48435 in the issue of Monday, November 25, 1985, make the following correction:

1. On page 48444, in the second column, in § 405.1231(c)(3), in the seventh line, "have to had" should read "have not had".

2. Also on page 48444, in the third column, in § 405.1231(d)(3)(iii), in the sixth line from the top of the column, "position" should read "portion".

3. On page 48445, in the first column, in § 405.1231(e)(3)(ii), in the third line, "to be first" should read "to the first".

BILLING CODE 1505–01–M

FEDERAL MARITIME COMMISSION

46 CFR Part 572

[Docket No. 85–22]

Agreements by Ocean Common Carriers and Other Persons Subject to the Shipping Act of 1984

AGENCY: Federal Maritime Commission.

ACTION: Proposed rule.

SUMMARY: This proposes to amend the Commission's agreement rules to provide that agreements subject to the Shipping Act of 1984 shall affect only future or prospective activities between or among the parties and may not relate to or affect past activities or events. This should remove any confusion as to the activities which are the proper subject of agreements submitted under the 1984 Act.

DATE: Comments on or before February 18, 1986.

ADDRESS: Send comments (original and 15 copies) to: Bruce A. Dombrowski, Acting Secretary, Federal Maritime Commission, Washington, DC 20573, (202) 523–5725.

FOR FURTHER INFORMATION CONTACT:

Joseph C. Polking, Director, Bureau of Agreements and Trade Monitoring, Federal Maritime Commission, Washington, DC 20573, (202) 523–5787.

Robert D. Bourgoin, General Counsel, Office of General Counsel, Federal Maritime Commission, Washington, DC 20573, (202) 523–5740

John Robert Ewers, Director, Office of Regulatory Overview, Federal Maritime Commission, Washington, DC 20573, (202) 523–5860.

SUPPLEMENTARY INFORMATION: The Shipping Act of 1984 (the Act or 1984 Act) (46 U.S.C. app. 1701 *et seq.*) requires that certain agreements among ocean common carriers and among marine terminal operators to engage in specified activities be filed with the Federal Maritime Commission (Commission) (46 U.S.C. app. 1704). Once these agreements become effective, activities undertaken pursuant to them are exempt from the antitrust laws of the United States (46 U.S.C. app. 1706(a) (1) and (2)). In addition, a person is prohibited from operating under an agreement required to be filed under the Act that has not become effective (46 U.S.C. app. 1709(a)(2)).

Following enactment of the 1984 Act, the Commission has received an increasing number of agreements which, in one form or another, contain provisions affecting activities or events which occurred prior to their effective dates. These provisions are particularly pervasive in the area of marine terminal agreements. Under such arrangements, ocean common carriers, which have generally been using port facilities pursuant to the terms of public tariffs or a previously effective agreement, agree with the port for future use of the facilities. These latter agreements often attempt to take into account the use which occurred prior to the effective date of the agreement, *e.g.* in tonnage formulas or by applying a new and lower rate to the previous usage. There appears to be some confusion in the ocean shipping industry over the appropriateness of such provisions. The Commission is therefore initiating this rulemaking proceeding to clarify the matter.[1]

Under section 15 of the Shipping Act, 1916 (1919 Act) (46 U.S.C. app. 801 *et seq.*), it was unlawful, before approval, to carry out in whole or in part, directly or indirectly, any subject agreement (46 U.S.C. app. 814). Pursuant to this mandate, the Commission concluded that it:

> . . . may not approve an agreement in such a way as to render lawful that which the statute explicitly declares unlawful, and therefore the Commission may not approve an agreement so as to validate conduct under the agreement prior to its approval.

Mediterrannean Pools Investigation, 9 F.M.C. 264, 301 (1966). *See also, Carnation Co.* v. *Pacific Westbound Conference*, 383 U.S. 213, 222 (1966); *Pacific Coast European Conference* v. *FMC*, 439 F.2d 514, 520 (D.C. Cir. 1970); *River Plate & Brazil Conference* v. *Pressed Steel Car Co.*, 227 F.2d 60 (2d Cir. 1955).

The principle enunciated in *Mediterranean Pools* was used to condemn clauses in several terminal lease agreements which would have made the terms of such agreements effective from the date the assignee commenced the use of the facilities,

[1] The Commission has received an informal request from the Virginia Port Authority and Virginia International Terminals, Inc. to institute a rulemaking in this area. In addition, the Port of Portland has also expressed a need for addressing retroactivity provisions in agreements.

even if prior to the Commission's approval of the arrangement. *See Agreements Nos. T–2108 and T–2108–A*, 12 F.M.C. 110 (1968); *Agreement No. T–2138* 12 F.M.C. 126 (1968). In the latter case, the Commission further noted that even though the assignee's use of the terminal facilities prior to Commission approval was pursuant to the Port's published tariff, the crediting of payments for such use to a minimum/maximum provision of the preferential use agreement after it was approved constituted giving effect to the provisions of an unapproved agreement. *Agreement No. T–2138*, 12 F.M.C. at 132. *See also, Pouch Terminal Inc.*, 20 F.M.C. 753 (1978). In a later case, the Commission determined that a terminal lease agreement's rental formula could not be applied to cargo handled prior to the date of the Commission's approval of the agreement. *Virginia Port Authority Petition for Declaratory Order*, Docket No. 81–44, 21 S.R.R. 199 (November 6, 1981), *aff'd sub nom., Portsmouth Terminals, Inc.* v. *Federal Maritime Commission*, 694 F.2d 281 (D.C. Cir. 1982) (table).

An exception to the above line of cases is the Commission's decision in *Agreement No. T–3938, Between the City of Los Angeles and American President Lines, Ltd.*, unpublished Order served August 24, 1982. In that case, American President Lines (APL) was using the Port of Los Angeles' facilities under a pre-existing agreement, but entered into a new agreement which contained a provision stating that the compensation terms of the new agreement would replace those then in effect as of the date the parties entered into the agreement and not the date the Commission subsequently approved the agreement. The Commission at first required that the provision be deleted. However, following APL's petition for reconsideration,[2] the Commission concluded that the provision was not the type of retroactivity condemned by *Mediterranean Pools* and its progeny. The Commission noted that, while the particular provision would result in adjustments to compensation already paid under another agreement, those adjustments would not occur until Commission approval, and therefore could be considered prospective payments merely based on past events.

Passage of the 1984 Act has now given the Commission the opportunity to reassess it position *vis-a-vis* provisions which affect activities which occurred prior to the effective date of an agreement. Though, as indicated above, these provisions generally appear in marine terminal agreements, they can potentially be included in any agreement filed with the Commission.

The 1984 Act provisions relating to agreements appear to indicate that the only agreements subject to the Commission's jurisdiction are those which deal with prospective activities, and not those which somehow affect prior events or activities. For example, section 4 states the the Act applies only to agreements "to" engage in certain specified activities (46 U.S.C. app. 1703). This implies that these arrangements will have a prospective impact. In addition, section 10(a) prohibits anyone from operating under an agreement that has not become effective (46 U.S.C. app. 1709(a)). Moreover, the antitrust exemption provided under the Act applies only to agreements on file with the Commission and in effect when the activity took place (46 U.S.C. app. 1706). These provisions support the proposition that Congress intended that the only activities which can be affected by an agreement under the 1984 Act are those of a future or prospective nature. The proposed rule reflects this position.

It should be further noted that one of the primary arguments for including retroactive-type provisions in an agreement under the 1916 Act was the length of time involved in approving an agreement. The parties to agreements asserted that they wanted to put their arrangements into effect once they agreed upon them and not be subject to the vagaries of the section 15 agreement approval process, with the attendant delays. Whatever the merits of this position, it is less compelling under the 1984 Act. Now, agreements generally become effective 45 days after they are filed and, in certain circumstances, can become effective in as little as 14 days after **Federal Register** notice of filing is published.[3] Parties to terminal lease arrangements and other subject activities can thus effectuate their business relationships expeditiously. There should be no need, therefore, to attempt to affect prior events. If the parties to these arrangements somehow desire to reward prior use of facilities, be it either pursuant to a public tariff or a previously approved or effective agreement, it appears that they can accomplish their objectives by varying the rates and charges to be assessed under their new agreement and not by affecting in any way the prior usage.

The Commission has determined that this rule is not a "major rule" as defined in Executive Order 12291, 46 FR 12193, February 27, 1981, because it will not result in:

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

(2) A major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies; or geographic regions; or

(3) Significant adverse effect on competition, employment, investment productivity, innovations, or on the ability of United States-based enterprised to compete with foreign-based enterprises in domestic or export Markets.

The Federal Maritime Commission certifies pursuant to section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.)* that this rule will not have a significant economic impact on a substantial number of small entities, including businesses, small organizational units or small governmental jurisdictions. The primary economic impact of these rules would be on marine terminal operators and ocean common carriers, both of which generaly are not small entities.

List of Subjects in 46 CFR Part 572

Antitrust; Cargo vessels; Contracts; Maritime carriers, Reporting and recordkeeping requirements.

Therefore, pursuant to 5 U.S.C. 553 and sections 4, 5, and 17 of the Shipping Act of 1984 (46 U.S.C. app. 1703, 1704, and 1716), the Federal Maritime Commission hereby proposes to amend Part 572 of Title 46 of the Code of Federal Regulations as follows:

PART 572—[AMENDED]

1. The authority citation for Part 572 continues to read:

Authority: 5 U.S.C 553; 46 U.S.C. app. 1701–1707, 1709–1710, 1712 and 1714–1717.

2. Section 572.103 is amended by adding a new paragraph (h) to read as follows:

§ 572.103 Policies

* * * * *

(h) An agreement filed under the Act shall apply only to prospective, future activities of the parties and may not in any way directly or indirectly affect or rely upon activities, events or payments which occurred prior to the effective data of the agreement.

[2] It should be noted that the petition was filed at a time when the parties were no longer in a posture to file an amendment to their agreement to prospectively achieve what the subject provision was intended to accomplish.

[3] Moreover, the Commission is presently considering exempting certain types of agreements from any waiting period so that they can become effective upon filing.

By the Commission.

Bruce A. Dombrowski,

Acting Secretary.

[FR Doc. 85-29816 Filed 12-16-85; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2, 21, 74, 78, and 94

[Gen. Docket No. 82-334; FCC 85-599]

Establishment of a Spectrum Utilization Policy for the Fixed and Mobile Services Use of Certain Bands Between 947 MHz and 40 GHz

AGENCY: Federal Communications Commission.

ACTION: Proposed rules.

SUMMARY: The Commission proposes to relax eligibility requirements and adjust channeling plans in the bands 1,850–1,990 MHz, 1,990–2,110 MHz, 6,425–6,525 MHz, 6,525–6,875 MHz and 6,875–7,125 MHz and to impose minimum path length requirements on fixed bands above 1 GHz. This action would provide more options for licensees to access the microwave spectrum and lead to more efficient use of the spectrum. It is necessary to accommodate growing use of the spectrum.

DATE: Comments are due January 21, 1986. Replies are due February 17, 1986.

ADDRESS: Federal Communications Commission, 1919 M Street NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Donald Draper Campbell, Office of Science and Technology, Spectrum Management Division, Frequency Allocations Branch, 202-653-8113.

SUPPLEMENTARY INFORMATION:

List of Subjects

47 CFR Part 2

Allocations.

47 CFR Part 21

Communication common carriers, Point-to-point microwave, Transmission.

47 CFR Part 74

Point-to-point microwave.

47 CFR Part 78

Point-to-point microwave.

47 CFR Part 94

Point-to-point microwave.

Second Notice of Proposed Rule Making

In the matter of Establishment of a spectrum utilization policy for the fixed and mobile services' use of certain bands between 947 MHz and 40 GHz; Gen. Docket No. 82-334; FCC 85-599.

Adopted: November 12, 1985.
Released: November 27, 1985.

By the Commission:

Introduction

1. In this *Second Notice of Proposed Rule Making (2nd NPRM)* we address the issues of relaxing eligibility restrictions and adjusting channel plans for the following bands: 1850–1990 MHz (1.8 GHz), 1990–2110 MHz (2 GHz), 6425–6525 MHz (6.4 GHz), 6525–6875 MHz (6.5 GHz) and 6875–7125 MHz (7 GHz). These issues were raised for all bands but the 6.4 GHz band in the first *Notice of Proposed Rule Making (1st NPRM)* in this proceeding.[1] However, due to the Commission's desire to afford immediate and adequate remedies to existing licensees who may be displaced from 12.2–12.7 GHz (12.2 GHz) by the direct broadcasting-satellite (DBS) service, we did not treat more general issues in either the *First Report and Order (1st R&O)*[2] or the *Second Report and Order (2nd R&O)* in this docket.[3]

2. The *1st NPRM* also addressed several other technical issues such as frequency coordination procedures, channel loading standards, minimum path length requirements, and congestion measurements. In adopting the *1st R&O*, the Commission stated that a number of issues raised in the *1st NPRM* would be addressed in a later phase of the proceeding. We believe that some of these issues have been affected by changed circumstances. Additionally, we have further analyzed the use of microwave bands and have determined that some of our proposals warrant minor modification. The following paragraphs discuss our original proposals for bands between 1.8 and 7 GHz and comments to them and present revised proposals for comment. While this *2nd NPRM* deals primarily with the issue of expanding access to the bands, it also takes up the issue of minimum path length requirements and protection to satellites in the geostationary orbit. Remaining technical issues and other bands may be the subject of further notices.

1.8 GHz and 6.5 GHz Private Bands

3. The 1.8 and 6.5 GHz bands are used by private entities, as provided for by Part 94 of the Commission's Rules, primarily for long-haul voice and data transmission. Access to these bands is currently given by § 94.5 to those parties who can establish eligibility under Parts 81, 87 or 90 of the Commission's Rules, except that those whose sole basis for eligibility is established under § 90.75(a)(1), i.e., those who conduct commercial activities in the Business Radio Service, are prohibited from using the bands.[4] The channeling plans for these bands currently provide for 5 and 10 MHz channels.

4. In the *1st NPRM* the Commission proposed to take the following action with regard to the 1.8 and 6.5 GHz bands.

(1) Permit access to the bands by all entities except common carriers.

(2) Revise the existing 5 MHz channeling plan at 6,525–6,875 MHz.

(3) Create five new 1 MHz channel pairs from the band segments 6,525–6,530 MHz and 6,870–6,875 MHz.

(4) Create six new 20 MHz channel pairs at 6,525–6,875 MHz by combining 10 MHz channel pairs together.

(5) Impose minimum path length requirements of the bands.

(6) Prohibit the transmission of video signals at 6,525–6,875 MHz.

5. The comments generally supported the proposal to create five 1 MHz channel pairs from the guard band segments 6525–6530 and 6870–6875 MHz. American Petroleum Institute (API) and Association of American Railroads (ARR) were opposed to the proposal to re-pair the 5 MHz channels in the 6.5 GHz band because of potential coordination problems. The API, *et al.*, also stated that there is no need for a 20 MHz channeling plan at 6.5 GHz. With regard to the proposal to permit commercial Business Radio Service licensees access to these bands, parties such as the Utilities Telecommunications Council (UTC), API and ARR expressed concerns about increased interference and accommodation of future needs of the currently authorized users. These

[1] The *1st NPRM*, adopted January 13, 1983, 48 FR 6730, proposed changes in the Commission's Rules to accommodate private fixed users who might be displaced from the 12.2–12.7 GHz (12.2 GHz) band by the re-allocation of that spectrum to the broadcasting-satellite service [see, *Report and Order* in Gen. Doc. 80-603, 47 FR 31555 (July 21, 1982)] and to provide spectrum for growth by private, broadcast and cablecast entities in certain fixed and mobile bands between 1.85 GHz and 31.3 GHz. A list of commenters is contained in Appendix A.

[2] The *1st R&O*, 48 FR 50722, provided access in the 6525–6875 MHz and 12.7–13.15 GHz bands for the reaccommodation of existing 12.2 GHz private fixed microwave users who may need to vacate that band in order to permit the implementation of the broadcasting-satellite service and also completed the allocation of the17.7–19.7 GHz band (18 GHz) for private, common carrier, broadcast auxiliary and cable operations [see *Second Report and Order* in Gen. Doc. 79-188, 48 FR 50322 (1983)].

[3] The *2nd R&O*, 50 FR 7336 (February 22, 1985) established new rules governing the use of the 31.0–31.3 GHz band.

[4] *See* § 94.61(b) (Note 15).

commenters stated that there is a need to preserve high reliability of communications and argued that the bands are or will become congested by current eligibles, and thus the current eligibility restrictions should remain unchanged. On the other hand, some entities, including business users such as May Department Stores and microwave equipment manufacturers apparently speaking on behalf of business radio users, stated that they need to access the bands to handle their communications requirements.

6. In the *1st R&O* the Commission stated that licensees with authorizations prior to September 9, 1983, in the 12.2 GHz band would have certain special rights to access other bands, including the 6.5 GHz band, even if they would not normally not have eligibility to use the band. The *1st R&O*, however, did not address the question of what spectrum would be used to satisfy new communications requirements generated by parties who would normally use the 12.2 GHz band and who are not eligible for spectrum below 12.2 GHz. In recent years, the Commission has been receiving an increasing number of waiver requests to access the 6.5 GHz band from business service eligibles and from entities who have bandwidth requirements greater than 10 MHz. However, none of the waiver requests so far received have been from licensees of displaced 12.2 GHz links. This indicates that there is a need to provide additional spectrum for new users. We believe that this need should be accommodated by rule rather than by continued use of waivers.

7. Based on review of the comments filed in this proceeding and the waiver requests, it appears that much of the demand for private microwave spectrum below 12.2 GHz could be satisfied by removing the present eligibility restriction on Business Radio entities. The Commission has conducted an analysis of the current usage in the 1.8 and 6.5 GHz bands and several other microwave bands. This analysis indicates that these two bands are capable of accommodating growth in certain geographical areas. In some areas, high performance antennas and additional links would be required to avoid path blockage, but it would appear that substantial additional use can be accommodated by relaxing the current restrictions. Therefore, we are proposing to expand access to the 1.8 and 6.5 GHz bands to permit business use. Similarly, we are proposing to allow entrepreneurs to use the 1.8 and 6.5 GHz bands as well. In PR Doc. 83-426, we concluded that licensing entrepreneurs to use the 1.8 and 6.5 GHz bands to offer private carrier service to Part 94 eligibles generally would effectively negate the prohibition against use of these bands by Business Radio Service eligibles.[5] Therefore, we extended the prohibition to entrepreneurs. In light of our intent to eliminate that restriction and allow access by Business Radio Service eligibles into those bands, we now see no reason to continue to restrict entrepreneurs from using that spectrum to offer a private carrier service to other Part 94 eligibles.[6] We recognize the concerns raised by UTC, API, AAR and some others regarding the importance of communications in the industrial services and the possibilities for congestion raised by their growth. However, without specific and detailed information as to the extent of congestion that might result from our proposed action, we cannont forgo the public benefits to be obtained. Our proposal would enable business eligibles, who are now restricted to use spectrum at GHz and higher, to make better use of the radio spectrum and would extend the economic efficiencies afforded by licensing of entrepreneurs. We request comments on whether access for business users and entrepreneurs should be delayed until September 1988, to permit continued priority for displaced 12.2 GHz users.

8. Basically, these entities need only the capability of transmitting FDM-FM and digital-FM traffic for voice and data, which the existing technical standards will accommodate. We anticipate that with newer technologies, such as new modulation and multiplexing techniques, the 5 and 10 MHz wide channels presently authorized for the bands would be sufficient for a majority of commercial applications.[7]

9. According to the Commission's license data base, the bulk of the 20 MHz channel usage at 6.5 and 12.2 GHz supports the distribution of high quality video educational programs, medical diagnostic activities, corporate communications (video conferencing) and similar types of video transmissions. One example of video distribution is state-wide educational television systems feeding Instruction-Fixed Television Service (ITFS) facilities.[8] These systems typically transmit FM-video signals requiring bandwidths of 18 to 20 MHz. Another type of video use which has been supported at 12.2 GHz is surveillance. This use requires lower signal quality than program distribution and employs 12 MHz double sideband AM transmission as well as 20 MHz FM transmission. Most of these video systems currently use the 12.2 GHz band, though several are using 6.5 GHz frequencies under waiver, or because they were in existence at 6.5 GHz prior to the allocation of the 12.2 GHz band for fixed use in the 1970's.

10. We anticipate that allowing video transmissions in the 6.5 GHz band, by rule, would have a significant adverse impact on the use of the band for the other kinds of services using the band. We are also concerned that accommodating these wideband video requirements could adversely affect the 12.2 GHz reaccommodation process. Our proposals in the *1st NPRM* included consideration of other bands (i.e., the 2 GHz, 7 GHz, and, by comment to the *1st NPRM*, the 6.4 GHz bands) to handle video requirements.[9] Our revised proposals would accommodate video operations in the 2, 6.4 and 7 GHz bands as discussed below.

11. As indicated above, we are presenting revised proposals for comment. Therefore, with respect to the 1.8 and 6.5 GHz bands we request comments on proposals to amend the Commission's Rules to:

(1) Permit all Part 94 eligibles, including entrepreneurs, to access the bands, thus eliminating the business radio service access prohibition.

(2) Create five 1 MHz channel pairs from the guardband segments 6.525–6.530 MHz and 6.870–6.875 MHz, while retaining the existing 5 and 10 MHz channeling plans.

(3) Impose a minimum path length requirement as discussed below.

2 GHz and 7 GHz Television Auxiliary Bands

12. These bands are currently used by television broadcast entities, as provided for by Part 74 of the Commission's Rules, to support the

[5] *First Report and Order* in PR Doc. 83-426 [FCC 85-53], released April 1, 1985, 50 FR 13338 [April 4, 1985].

[6] In the *Further Notice of Proposed Rule Making* in PR Doc. 83-426 [FCC 85-454, adopted August 7, 1985, 50 FR 37879 [September 18, 1985]], we proposed to permit operational-fixed service licensees to lease capacity on their private microwave system for the transmission of common carrier communications by non-dominant common carriers.

[7] According to the Commission's licensing data base, only a few private systems operating at 6.5 GHz employ parallel 10 MHz channels, thus indicating that a 10 MHz wide channel is generally sufficient for most non-video needs.

[8] ITFS facilities operate in the 2500—2690 MHz band and are licensed in accordance with the provisions of Subpart I of Part 74 of the Rules.

[9] The *1st R&O* provided spectrum at 18 GHz that can be used to support both FM-video (20 MHz channels) and AM-video (6 MHz channels) requirements.

transmission of frequency modulated video signals between studios and broadcast transmitters sites (STL's), between facilities in different cities (intercity relay) and between remote locations and broadcast studios (television pick-up, ENG).

13. In the *1st NPRM* we proposed to take the following action with regard to the 2 and 7 GHz bands:

(1) Permit equal access to the bands by private, cable and broadcast entities (common carriers would also have access but only to provide service to cable and broadcast entities).

(2) Pair the existing 25 MHz channels at 7 GHz, which would also be available on an unpaired basis.

(3) Revise the channeling plan at 2 GHz, to provide three 20 MHz channel pairs, which would also be available on an unpaired basis.

(4) Impose antenna standards which would parallel those imposed on the private 1.8 and 6.5 GHz bands.

(5) Permit only frequency modulated video in the bands.

(6) Impose a minimum path length requirement.

14. The broadcast industry was opposed to opening up the bands to non-broadcast entities and felt that the bands should be used on a primary basis to support electronic news gathering (ENG) operations. NAB was opposed to the implementation of minimum path lengths, particularly for mobile/portable operations, and the imposition of antenna standards for mobile operations. It also stated that because of the nature of news gathering operations, coordination with other types of entities would be very difficult, if not impossible.

15. On the other hand, the cable industry supported the concept of permitting like users to utilize the same frequencies.[10] NCTA stated that cable operators need access to these bands to provide ENG and other remote pickup/mobile operations and that cablecasters proposed usage would be no different than the usage currently being made by broadcasters. NCTA was not opposed to the minimum path concept for fixed operations but stated that it should not be imposed on mobile operations. M/A-COM, Inc., an equipment manufacturer, also supported the concept of expanding access to the bands because it feels that inter-service sharing would result in more flexibility in designing communications systems, increased ability to satisfy user needs that cannot now be met, lower equipment and operating costs, and more efficient use of the microwave spectrum.

16. We have conducted utilization analyses of the 2 and 7 GHz bands. Our study shows that about 4,700 links have been authorized in the 7 GHz band to broadcasters, of which 75% of these links support fixed operations (i.e., STL and intercity relay's) and 25% support mobile operations (i.e., ENG). In both cases the traffic is high quality video with accompanying audio employing 25 MHz channels. Our analyses show that about 5070 links (assignments) have been authorized in the 2 GHz band to broadcasters, of which 77% of these links support mobile operations and 23% support fixed operations. In both cases the traffic is high quality video with accompanying audio. The band is channelized for six 17 MHz channels and one 18 MHz channel. The authorized links support normal day-to-day activities such as point-to-point transmission of continuous program material and routine mobile unit coverage of live program materials. However, at random times and random locations, a news event may occur which attracts a large number of mobile units. Given the unpredicatability of these events and the desirability to provide a high quality broadcast signal to the public, it is essential that there be sufficient capacity in the band and that users coordinate use of the band to prevent harmful interference. According to the broadcast industry commenters, most broadcasters prefer to use the 2 GHz band for mobile operations. This is because of ideal propagation characteristics, which include permitting bouncing signals off buildings. Usually it is only in the major television markets that extensive mobile use is made of the 7 GHz band, apparently because there is not sufficient capacity at 2 GHz. Further, it is primarily in rural areas that extensive fixed use is made of the 2 GHz band.

17. In some cases it is not the operator of a broadcast station or cable system who produces program material, rather is a network. For example, there are sports and news networks which provide programming services. These networks also need access to spectrum for mobile services for the delivery in realtime of program material. In the same view, cable system operators that elect to produce their own program material have similar needs. Currently, broadcast networks are eligible for licensing in these bands. We believe such provisions should also extend to cable networks and cable system operators. Therefore, we proposed to extend access to the 1,990–2,110 and 6,876–7,175 MHz bands to cable network entities and cable system operators for mobile remote pickup (ENG) use only.[11] The technical provisions of Part 74, Subpart F would apply to these licensees.[12] Other production entities could apply for operation in the 6,425–6,525 MHz band.

18. Currently, the 2 and 7 GHz bands are allocated on a primary basis to both the fixed and mobile services. This dual allocations has resulted in some complications in carrying out coordination and operations within these bands. Coordination between fixed links is generally static since once a link is installed little change takes place. Coordination involving mobile operations, on the other hand, is dynamic, for as mobile links move about, coordination must be effected again with all fixed and mobile operations. Broadcasters have set up local coordinating committees composed of licensees in the area which act as clearing houses for spectrum requirements on a real time basis using either dedicated wire-lines or radio communications. The close cooperation of licensees in scheduling the shared use of spectrum has worked well in major markets such as Los Angeles and Washington, DC. Considering the circumstances, we will address the coordination of these bands in a separate furture Mass Media docket.

19. One way to reduce coordination complications may be to eliminate mixed co-equal allocations; i.e., have either the fixed service primary or the mobile service primary, but not both. As noted above, 75% of the links authorized in the 7 GHz band are fixed. Likewise, a majority of the assignments in the 2 GHz band are mobile and the band appears better suited propagationally for mobile operations. Therefore, it may prove beneficial to reallocate the 7 GHz band to fixed primary, mobile secondary and to reallocate the 2 GHz band to mobile primary, fixed secondary. We request

[10] On January 7, 1983, Westinghouse filed a *Petition for Rule Making* seeking modification of Part 78 to permit, among other things, access by cable operators to the 1990–2110 MHz and 6875 MHz bands to provide ENG operations. Action on the allocations issue was deferred to Gen. Doc. 82-334. *See* MM Doc. 84-888, Amendment of Part 78 of the Commission's Rules concerning licensing procedures and reporting requirements in the Cable Television Relay Service, i.e., *NPRM*, 49 FR 38160 (September 27, 1984) and *R&O*, 50 FR 23417 (June 4, 1985).

[11] In Docket MM 85-126, we have already proposed to allow cable networks entry to aural broadcast remote pickup spectrum. *Notice of Proposed Rule Making*, FCC 85-215, 50 FR 1955 (May 9, 1985).

[12] We have proposed to modify the channeling plans that broadcasters use for the 2 and 7 GHz bands by dividing the bands into segments. See *Notice of Proposed Rule Making*, FCC 85-64, 50 8172 (February 28, 1985). If we adopt the proposals herein, the channeling arrangement adopted in that proceeding will apply to the new eligibles.

comments on the merits of such an approach.[13]

20. In summary, with respect to the 2 and 7 GHz bands, we are proposing to amend the Commission's Rules to:

(1) Permit cable system operators and network entities to access the bands for transmission of video signals. Use of this spectrum for direct delivery of video programming to the general public or multi-channel cable distribution would not be permitted.[14]

(2) Apply the technical provisions of Parts 74 to the newly eligible entities.

(3) Impose a minimum path length requirement for fixed operations as discussed below.

6.4 GHz Video Band

21. A number of broadcast commenters to the *1st NPRM* stated that expanded access to the 2 and 7 GHz bands for video transmissions by non-broadcasters could not be accommodated due to existing congestion in many of the top metropolitan areas. Further, they stated that the additional spectrum should be allocated to support their own growth requirements. Harris and M/A-COM, two equipment manufacturers, and several other commenters to the *1st NPRM* suggested that access to the 6.4 GHz band should be expanded to support the mobile/portable requirements of broadcasters, cablecasters and others. In particular, M/A-COM suggested that the band should be channelized into 20 MHz bandwidth channels to support FM/video transmission.

22. The 6.4 GHz band is currently allocated to the mobile service. Common carriers have access on a primary basis to provide service to broadcasters for mobile television pickup, as provided for by Subpart J of Part 21, Local Television Transmisison Service (see § 21.801 *et seq.*).[15] Broadcasters also have access to the band, but on a secondary basis, to provide mobile television pickup, as provided for by Subpart F of Part 74, Television Broadcast Auxiliary Stations (see § 74.602 [Note 3]).[16] In comparison to the number of mobile licenses in other bands, there are relatively few licenses in the 6.4 GHz band. It appears that it can support an increased number of authorized users without impairing service. Because of the need to find additional specturm to support mobile video operations, we are proposing to modify eligiblity criteria to permit access on a co-equal basis by common carriers, broadcasters, private users, cable system operators and network entities.[17]

23. Part 21 does not impose a channeling plan on the 6.4 GHz band; it does, however, limit the maximum channel bandwidth to 30 MHz, see § 21.804. Part 74 does impose a channeling plan; it consists of four 25 MHz channels centered on 6,437.5, 6,462.5, 6,487.5 and 6,512.5 MHz, see § 74.602. As indicated above, broadcaster use of this band is secondary to common carrier usage. Channelization of the 6.4 GHz band into 20 MHz channels, as suggested by M/A-COM, would provide five channels. However, if future growth of mobile video operations is to be accommodated, more than five channels may be needed.

24. In a recent paper, one manufacturer indicated that it has developed a 12.7 GHz radio employing AM-video emission (C3F/F3E) which may provide signal qualify as good as FM-video. This new radio uses a narrower bandwidth for the transmisison—7 MHz for the video signal and 1 MHz for the audio signal. Other manufacturers are also working toward using narrow bandwidth AM emission for video transmission.[18] Thus, it appears that narrow band video systems may prove practical for this band in the near future.

25. Therefore, we are proposing an additional plan of six 8 MHz channel pairs, which will support AM-video (C3F/F3E). This form of emission, transmitted over a 8 MHz channel may not now provide the signal quality that many desire; however, we are faced with a shortage of spectrum and use of this emission form appears worthy of pursuit. The proposed six 8 MHz channel pairs would occupy only 96 MHz of the 100 MHz allocated; therefore, we could also create two 1 MHz channel pairs which could be used to support aural braodcast needs. As an alternative to this approach, we request comments on the concept of dividing the band into 1 MHz segments, as discussed above for the 2 and 7 GHz bands, and permitting the stacking of any number of these segments to arrive at a channel width appropriate for the specific application.

26. We are proposing the additional channeling plan in order to accommodate new video transmission requirements and relieve congestion in the top television market areas. Our proposal would permit the transmission of both AM-video (C3F/F3E) and FM-video (F3F) signals in this band. However, in revising and expanding the scope of Bulletin No. 10D, "Interference Criteria for Microwave Systems in the Private Microwave Services," The Electronic Industries Association (EIA) has found that the mixing of these two forms of emission within the same band may not provide for effective use of the spectrum. Therefore, we are seeking comments on whether or not emissions in this band should be restricted to AM-video (C3F/F3E) to conserve spectrum. If so, what would be a reasonable grandfathering provision for FM-video equipments now using the band.

27. In order to provide for coordination in the 6.4 GHz band under the proposed eligibility criteria, we would apply the procedure already in effect for the band. This is set forth in § 21.100 of the Commission's Rules, dealing with common carriers. However, we request comments and suggestions for alternatives to the procedure in light of the foreseen operations. We also request comments on whether a secondary allocation to the fixed service would be useful and appropriate for this band and how coordination could be carried out with such an allocation.

28. In summary, with respect to the 6.4 GHz band, we are proposing to amend the Commission's Rules to:

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[13] We expect that over time, existing mobile operations would migrate to the 2 and 6.4 GHz bands while existing fixed operations would migrate to the 7 GHz band. Comments should be consider appropriate transition procedures.

[14] Spectrum for multi-channel distribution is available in the 12.7—13.15 and 18.14—18.58 GHz bands.

[15] Currently, seventy licenses have been granted to fifty-six carriers, permitting service anywhere within a company's franchise telephone service area or, where no state franchise service area is designated, anywhere in the continental U.S. Common carriers primarily use the band to provide occasional, temporary television service to broadcasters to relay news and sporting events or special programming on a short haul basis for periods up to six months. However, because the Part 21 rules do require notification to the Commission when service is implemented, actual usage of the 6.4 GHz band by the carriers is not known.

[16] Currently nine licenses have been granted to three broadcast entities.

[17] On July 25, 1985, the Commission adopted a *Report and Order* in Doc. 84-689 [FCC 85-388, released September 13, 1985, 50 FR 39101 (September 27, 1985)], which re-allocated the band segment 2483.5-2500.0 MHz to the radiodetermination-satellite service. As a result, new fixed and mobile operations which would have used this spectrum will now have to find other spectrum to satisfy their requirements.

[18] Strauss, Hsu and Morgiotta, "Spectrum Conservation with High Performance SSB Microwave Carriage of Multiple Television Signals," *Proceedings of the 38th Annual Brodcast Engineering Conference*, 1984.

Conner, W.A., "Mixed Video-Message Performance of a Microwave SSB-AM System" *Proceedings of the International Communications Conference*, 1984.

Also see comments of Hughes Aircraft Company, Microwave Communications Products, in Docket MM 85-36.

(1) Permit all Part 21, 74, 78 and 94 eligibles to access the 6.4 GHz band for transmission of video signals only. Use of this spectrum for direct delivery of video programming to the general public or for multi-channel cable distribution would not be permitted.

(2) Provide an 8 MHz channeling plan for all users in addition to the 25 MHz channeling plan existing in Part 74.

(3) Require frequency coordination of proposed links and amendments to existing links as currently required by § 21.100.

Minimum Path Lengths

29. In the *1st NPRM*, the Commission proposed to impose minimum path length requirements on the microwave bands in order to discourage the use of lower microwave bands for short-haul communications paths. With some exceptions, the commenters to the *1st NPRM* generally supported the concept of imposing minimum path length requirements on fixed links in bands below 17.7 GHz. However, they were concerned about the practicality of the scheme proposed, whereby the country would be broken into twenty-one zones for purposes of calculating appropriate path length by frequency band. As an alternative to the scheme proposed in the *1st NPRM*, the EIA suggested that a more simple scheme should be employed, taking into account low power (<1 watt) and high power (>1 watt) systems. EIA suggests the following minimum distances.

Frequency band (gigahertz)	Minimum path length (kilometer)	
	Transmitter power	
	High power (>1 W)	Low power (<1 W)
1,850 to 2,110	17	5
6,525 to 7,125	17	5
12,200 to 13,250	5	2
17,700 to 19,700	0	0

30. The Commission's Rules already contain path length criteria for some bands. In the *Second Report* and *Order* in Doc. 18920,[19] the Commission imposed minimum path length requirements on common carrier usage of bands below 17.7 GHz. These minimum path length requirements are set forth in § 21.710 and repeated in the table below.

Frequency band (gigahertz)	Minimum path length (kilometer)
2,110 to 2,130	5
2,160 to 2,180	5

[19] FCC 74-657, 39 FR 25490 (11 July 1974)

Frequency band (gigahertz)	Minimum path length (kilometer)
3,700 to 4,200	17
5,925 to 6,425	17
10,700 to 11,700	5

31. We have calculated the distribution of average and median path lengths for existing fixed links for several bands. Additionally, calculations were made to determine the percentage of links which were less than either 17 km for operations under 10.7 GHz or 5 km for operations between 10.7 GHz and 17.7 GHz. The results of these calculations are tabulated below:

Frequency band (megahertz)	Path length		Number of fixed links	Percent of links < = min dis		Type of entity (rule part)
	Average (kilometer)	Medium (kilometer)		(kilometer)	(percent)	
1,850 to 1,990	30.7	29.4	7,436	17	27.0	94
1,990 to 2,110	40.3	37.0	307	17	15.3	74
2,110 to 2,130	30.3	26.0	1,395	17	24.5	21
2,130 to 2,150	23.4	19.0	4,162	17	45.7	94
3,700 to 4,200	41.6	41.3	43,930	17	2.8	21
5,925 to 6,425	38.8	37.8	31,572	17	5.7	21
6,425 to 6,525	n/a	n/a	n/a	n/a	a/a	21,74
6,525 to 6,875	32.7	32.2	12,280	17	21.7	94
6,875 to 7,125	30.3	25.5	977	17	31.5	74
10,700 to 11,700	22.5	19.1	11,517	5	5.4	21
12,200 to 12,700	14.4	9.8	2,257	5	32.9	94
12,700 to 13,150	17.1	14.7	70,887	5	3.8	74/78/94
13,150 to 13,250	19.2	16.5	576	5	9.9	21/74/94
17,700 to 19,700	4.0	3.1	462	5	n/a	all
212,00 to 23,600	1.4	0.7	1,198	5	n/a	21 and 94

The Table shows that common carriers (Part 21) have a low percentage of links that do not meet the minimum path distance, since they are placing shorter paths in the higher bands.

32. Our analysis does not indicate that any significant advantage would be gained by having a minimum path length scheme which is dependent on transmitter power, as proposed by EIA. Since it is our goal to encourage the use of the less-used, higher frequency bands, e.g., 18 and 22 GHz where equipment is now readily available, for short path lengths, we propose to adopt the following minimum path length values. These values would be applicable to all fixed links applied for following the adoption of a Report and Order in this proceeding. However, in order not to be unnecessarily restrictive in uncongested areas, we would license links not in accordance with the criteria so long as their operation would not preclude additional links operating in accordance with the criteria.[20] Further, minor modifications to grandfathered systems not in accordance with the criteria would be allowed as well.

[20] This would be similar to the approach taken with antenna standards in these bands. We normally permit the use of less efficient, Category B, antennas in areas not subject to frequency congestion but may require the use of a high performance, Category A, antenna where interference can be resolved by its use.

Frequency band (megahertz)	Minimum path length (kilometer)
Below 1,850	n/a
1,850 to 2,110	11
6,425 to 7,125	17
12,200 to 13,250	5
Above 17,700	n/a

As an exception, these minimums would not apply to reaccommodation of the existing 12.2 GHz links; however, we encourage these users to consider higher frequencies for short-hop requirements.

33. For long-haul networks with multiple links where some links are less than 17 km, some additional costs may be incurred because the shorter links would have to use 18 GHz or higher equipment. Several commenters pointed out that mixing frequency bands in a single network is not preferable. However, mixing of 1.8, 2.1, 6.5 and 12.2 GHz band frequencies in the same system is already a fairly common practice, and we believe that such mixing using 18 GHz or higher frequency equipment would not be unduly burdensome.

Protection of Geostationary Orbit

34. With the United States ratification of the Final Acts of the 1979 World Administrative Radio Conference (1979 WARC) on September 6, 1983, the Commission is obliged to adhere to their provisions. One of these provisions, Article 27 of the international *Radio Regulations*, imposes antenna pointing

restriction and power limitations on terrestrial stations operating in co-equally shared bands with the fixed-satellite service (Earth-to-space). These restrictions are necessary to protect the geostationary orbit from harmful interference caused by terrestrial services. In this *2nd NPRM* we are taking the opportunity to propose appropriate amendments of the Commission's Rules govering the use of spectrum between 6.425 and 7.075 MHz.[21] This spectrum is currently shared both domestically and internationally on a primary basis by space and terrestrial radio services and, therefore, it is appropriate to impose the Article 27 limitations on terrestrial services. The proposed changes would impose antenna pointing restrictions and power limitations on EIRP as well as transmitter power delivered to the antenna.

Conclusion

35. In this *2nd NPRM*, we are proposing to relax eligibility restrictions on access to microwave spectrum between about 2 and 7 GHz in order to satisfy unmet communications requirements. Specifically, the Commission is proposing (1) to permit business service licensees and entrepreneurs access to the 1.8 and 6.5 GHz private bands, (2) to permit cablecasters and network entities access to the 2 and 7 GHz broadcast auxiliary bands and (3) to permit broadcasters, cablecasters, program producers and other video users access to the 6.4 GHz common carrier/broadcast auxiliary band. Our analyses indicate that there is sufficient spectrum to accommodate these expanded uses of the spectrum and we believe that it is in the public interest that they should be permitted. We are also proposing to impose minimum path length criteria on fixed links in order to promote the use of high frequencies for short paths and low frequencies for long paths. Finally, in order to protect satellites on the geostationary orbit from receiving harmful interference, we are proposing to implement in our domestic rules the provisions already adopted internationally for the bands of interest. Comments on these proposals or suggestions for alternatives to these proposals are invited.

[21] We are also proposing a minor amendment to § 94.77 to reflect changes made previously in the allocations for the bands 12.5–12.7 GHz and 12.7–12.75 GHz.

Initial Regulatory Flexibility Analysis

36. Pursuant to the Regulatory Flexibility Act of 1980, the Commission finds as follows:

37. *Reason for Action:* To relax eligibility restrictions on bands between 2 and 7 GHz in order to expand access to the bands; and to impose minimum path length requirements on fixed operations.

38. *Objective:* The Commission is advancing this proposal to accommodate continued growth in the fixed and mobile services use of spectrum above 1 GHz.

39. *Legal Basis:* The proposal action is authorized under section 4(i), 303(f), 303(g), 303(r), and 331(a) of the Communications Act of 1934, as amended, which authorize the Commission to make such rules and regulations as may be necessary to improve the efficiency of spectrum use.

40. *Description, Potential Impact and Number of Small Entities Affected:* The dropping of eligibility barriers will result in increased opportunities for radio users and manufacturers some of which are small business. Additionally, it is ordered that the Secretary shall serve a copy of this notice on the Small Business Administration.

41. *Reporting, Record Keeping and Other Compliance Requirements:* No new requirements are proposed.

42. *Federal Rules Which Overlap, Duplicate or Conflict with this Rule:* To our knowledge, there are no other Federal Rules that overlap, duplicate or conflict with those contained in the notice.

43. *Significant Alternatives:* None.

Initial Paperwork Reduction Analysis

44. The proposal contained herein has been analyzed with respect to the Paperwork Reduction Act of 1980 and found to contain no new or modified form, information collection and/or record keeping, labeling, disclosure, or record retention requirements; and will not increase or decrease burden hours imposed on the public.

Administrative

45. For purpose of this non-restricted rule making proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a notice of proposed rule making until the time a public notice is issued stating that substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex party* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of the presentation of the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation; on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must also state by docket number the proceeding to which it relates. See generally, § 1.231 of the Commission's Rules, 47 CFR 1.231.

46. Interested persons may file comments on this proposal on or before January 21, 1986, and reply comments on or before February 17, 1986. All relevant and timely comments filed in accordance with §§ 1.415 and 1.419 of our rules and regulations (47 CFR 1.1415 and 1.419) will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas no contained in comments, provided that such information is placed in the public file, and provided that the Commission's reliance on such information is noted in its final decision.

47. In accordance with the provisions of § 1.419 of the Rules and Regulations, 47 CFR § 1.419, formal participations shall file an original and five copies of their comments. Participants wishing each Commissioner to have a personal copy of their comments should file an original and eleven copies. Members of the general public who wish to express their interest by partiicpating informally may do so by submitting one copy of their comments without regard to form (as long as the docket number is clearly stated in the heading). All documents will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, DC.

48. For further information concerning this rule making, contact Donald Draper Campbell, 202–653–8113.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix A

List of Commenters

American Blackhawk Broadcast Co. (KTIV)
American Broadcasting Company
American Family Broadcast Group
American Newspaper Publishers Association
American Petroleum Institute
American Telephone and Telegraph Company
American Television and Communications Corp.
Anaconda Ericsson
Apple Valley Broadcasters (KAPP, KEVW)
Arizona Department of Public Safety
Arizona Television Company (KTVK-TV)
Arkansas Television Company (KTVK-TV)
Associated Public-Safety Communications Officers, Inc.
Association of American Railroads
Association of Higher Education of North Texas
Austin Satellite Television
Bell Laboratories
Belo Broadcasting Corp. (WFAA)
Bonneville International Corporation
Buffalo Broadcasting Company
Cable Systems Development Company
Cablevision Industries/Cox Communications
Cablevision Industries/Cox Cable
California Peace Officer's Association
California Public Safety Radio Association
California State of (Communications Division)
California, University of
California, University of (San Diego)
Capital Cities Communications, Inc.
Carson Broadcasting Corp. (KVVU)
CBS, Inc.
Cedar Rapids Television Company
Central California Educational Television, et al
Channel 6, Inc.
Channel Two Television
Circle L Television (KCRL-TV)
Clay Broadcasting Corporation
Community Antenna Television Association
Connecticut Educational Telecommunications Corp.
Cornhusker Television Corp. (KGIN)
Cowles Broadcasting, Inc.
Cox Communications, Inc.
Crane, Robert, Dr.
Daniels, and Associates, et al
Duluth-Superior Area Educational TV Corp.
Educational Broadcasting Corp.
Electronic Industries Association
Eugene Television, Inc. (KVAL)
Evening News Associates (WDVM-TV)
Fetzer Television Corp. (WKZO-TV)
First Charleston Corp. (KCIV-TV)
Fisher Broadcasting, Inc.
Fort Myers Broadcasting Co.
Forward of Iowa (KCAU-TV)
Forward Telecasting, Inc. (WSAW)
Gainesville Television
Gannett Co., Inc. (KARL-TV)
Garryowen Corporation
Gateway Communications, Inc.
Gaylord Broadcasting, Inc.
General Electric Broadcasting Co. (WNGE)
Gill Industries
Global Television, Inc. (KSCI)
Great Lakes Communications (KWTV)
Griffin Television, Inc. (WICU-TV)
GTE Service Corporation
Harris Corporation (Farinon Division and Broadcast Division)
Harte-Hanks Communications, Inc. (KENS)
Hearst Corporation
Heritage Communications, Inc.
Home Entertainment Network (WBTI-TV)
Hubbard Broadcasting, Inc.
Hughes Aircraft Company (Microwave Communications Products)
Illinois Institute of Technology
Independent Broadcasting Co.
Iowa State University
Jackson Cable System
Jefferson Pilot Broadcasting Company (WWBT)
KAAL-TV
KAMR-TV
Kansas State Network (KUTV, Inc.)
KATV
KAYU-TV
Kelly Broadcasting (KCRA-TV)
Kentucky, Commonwealth of
KETV Television, Inc.
KFMB
KID Broadcasting Corporation
KIEM-TV
King Broadcasting Company
KLAS-TV
KMBC-TV
KMSP Television
Knight-Ridder Broadcasting, Inc.
KOSA-TV
KRAL-TV
KSAT-TV
KTAL-TV, Inc.
KTHI-TV, Inc.
KTHV-TV
KTIV-TV
KTSP-TV
KTUL-TV
KTXL-TV
KVOS Television Corp.
KWTV
KXJB-TV
KXLY
KYTV-TV, Inc.
Lee Enterprises, Inc.
Loral Terra Com
Los Angeles Times
Los Angeles Unified School District
Los Angeles, County of (Department of Communications and Office of the Sheriff)
M/A-COM, Inc.
Manufacturers Radio Frequency Advisory Committee
Marsh Media of El Paso (KVIA-TV)
Marsh Media, Inc.
Marston, W. Bernard
Maximum Service Telecasters
May Broadcasting Company (KMTV, KGUN-TV)
May Department Stores
McGraw-Hill Broadcasting Co., Inc. (KGTV)
MCI TeleCommunication Corporation
McIver, W.L.
Meredith Corporation (KPHO)
Metromedia, Inc. (KTTV, et al)
Metropolitan Indianapolis Television Association (KFYI)
Michiana Telecasting Corp.
Micro Communications, Inc.
Mid-Pacific Television Associates (KIKU)
Midcontinent Broadcasting Company
Midwest Television, Inc.
Minnesota-Iowa Television
Missouri, University of
Motorola
Multimedia, Inc. (WXII)
National Academy of Science
National Aeronautics and Space Administration
National Association of Broadcasters
National Association of Business and Educational Radio, Inc.
National Association of Public Television Stations
National Braodcasting Company
National Cable Television Association
National TeleCommunications and Information Administration
Nationwide Communications, Inc.
Nebraska Educational Television Commission
New Jersey Public Broadcasting Authority
New Mexico, Commission on Public Broadcasting of
New Vision, Inc. (WNUV-TV)
New York Times
New York, City of
NTV Network
Nurad Antenna, Inc.
Ohio Education Broadcasting Network
Oklahoma State Regents for Higher Education
Outlet Company (KCPX-TV)
PEC Communications
Pennsylvania Public Television Network
Pennsylvania State University
Perez and Reach
Pikes Peak Broadcast Company (KRDO)
Pikes Peak Broadcasting (KJCT-TV)
Port Communications
Post Corporation
Post-Newsweek Stations, Inc.
Public Service Satellite Consortium
Radio-Television News Directors Association
Rockwell International Corp.
Rogers U.S. Cablesystems, Inc.
Sarkes Tarzian, Inc.
Satellite Television Corporation
Schwartz, Woods & Miller
Scripps-Howard Broadcasting
Smith and Powstenko
Society of Broadcast and Communications Engineers
Society of Broadcast and Communications Engineers (North Texas Chapter)
Society of Broadcast Engineers
South Carolina, State of
Southern Illinois University at Carbondale
Spectrum Planning, Inc.
Springfield Television Corporation (KSTV)
State Telecasting Company
Storer Communications
Suburban Cablevision
Sutro Tower, Inc.
Television Station Licensees
Television Wisconsin, Inc.
Thirty-Three, Inc.
Tichenor Media System
Tribune Company
Turner Broadcasting System
Utilities TeleCommunications Council
ViaCom Broadcasting, Inc. (WVIT-TV)
Viacom International, Inc.
Videoindiana, Inc.
Warner Amex Cable Communications, Inc.

Washington Executive Broadcast Engineers
Washington Post Company
WCBD–TV
WCSC, Inc.
WDBJ Television, Inc.
WEHCO Equipment Corporation
Western Washington Frequency Coordinating Committee
Westinghouse Broadcasting and Cable, Inc.
WFLD–TV
WFMY–TV
WGBH Educational Foundation
WHAG–TV
WHBF–TV
WHEC–TV
Wisconsin TV Nework (WZZM)
WJAR–TV
WJLA–TV
WKFU–TV
WLOX–TV
WMTV
WNNE–TV
Wometco West Michigan TV
WPBN–TV
WPSD–TV
WRC–TV
WREX–TV
WSBT–TV
WSET–TV
WSMV–TV
WTRF–TV
WTVC–TV
WVIA–TV
WWHK Corporation
WXII–TV
WYFF–TV
WYNECO Communications, Inc.

Appendix B

Proposed Rule Changes

Chapter I, Parts 2, 21, 74, 78 and 94 of Title 47 of the Code of Federal Regulations would be amended as follows:

PART 2—FREQUENCY ALLOCATION AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

1. The authority citation for Part 2 continues to read:

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

2. Section 2.106 is amended by revising columns (5) and (6) between 6,425 and 6,525 MHz, and removing note NG122 as follows:

§ 2.106 Table of frequency allocations.

* * * * *

International table			United States table		FCC use frequencies	
Region 1-allocation MHz	Region 2-allocation MHz	Region 3-allocation MHz	Government allocation MHz	Non-Government allocation MHz	Rule part(s)	Special-use frequencies
(1)	(2)	(3)	(4)	(5)	(6)	(7)
*	*	*		*	*	
				6425–6525 Fixed-Satellite (earth to space) Mobile.	Auxiliary Broadcast (74).	
				.....	Cable television (78).	
				.....	Domestic public fixed (21).	
				.....	Private Operational Fixed microwave (94).	
				791 809	.....	.....
*	*	*		*	*	

PART 21—DOMESTIC PUBLIC FIXED RADIO SERVICES (OTHER THAN MARITIME MOBILE)

B. 1. The authority citation for Part 21 continues to read:

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

2. Section 21.107 is amended by revising the Table and notes in paragraph (b) as follows:

§ 21.107 Transmitter power.

* * * * *

(b) * * *

Frequency band (MHz)	Maximum allowable transmitter power		Maximum allowable EIRP	
	Fixed (W)	Mobile (W)	Fixed (dBW)	Mobile (dBW)
Below 30	50.0	50.0	.....	.....
30 to 50	350.0	250.0	.....	.....
50 to 76	50.0	50.0	.....	.....
76 to 512	250.0[3]	250.0[3]	.....	.....
512 to 2,110	20.0	20.0	.....	.....
2,110 to 2,130	20.0	.....	.....	.....
2,150 to 2,160	20.0[2]	.....	+45	.....
2,160 to 2,180	20.0[2]	.....	.....	.....
2,500 to 2,686	10.0	.....	.....	.....
2,686 to 2,690	0.25	.....	.....	.....
3,700 to 4,200	20.0	.....	.....	.....
5,925 to 6,425	20.0	.....	+55	.....
6,425 to 6,525	20.0	20.0	+55	+35
10,550 to 10,565	10.0	.....	.....	.....
10,615 to 10,630	10.0	.....	[4]	.....
10,700 to 11,200	10.0	.....	.....	.....
12,200 to 13,250	10.0	10.0	.....	.....
17,700 to 18,600	10.0	.....	+55	.....
18,600 to 18,800	10.0[1]	.....	+35	.....
18,800 to 19,700	10.0	.....	+55	.....
21,200 to 23,600	10.0	.....	+50	.....
31,000 to 31,300	0.05	0.05	.....	.....
27,500 to 29,500	10.0	.....	+55	.....
38,600 to 40,000	10.0	1.5	+50	.....

[1] The power delivered to the antenna is limited to −3 dBW.

[2] In the band 2,150–2,162 MHz up to 100 watts may be authorized pursuant to § 21.904.

[3] Transmitter rated power output is limited to a maximum of 25 watts of frequencies in the bands 454.6625–455.0000 MHz and 459.6625–460.0000 MHz.

[4] The EIRP of stations in the 10,600–10,680 MHz band must not exceed +40 dBW.

* * * * *

3. Section 21.108 is amended by revising paragraph (e) as follows:

§ 21.108 Directional antennas.

* * * * *

(e) These limitations are necessary to minimize the probability of harmful interference to reception in the bands 5,925–6,525 MHz on board geostationary space stations in the fixed-satellite service (Part 25).

(1) *5,925 to 6,525 MHz.* No directional transmitting antenna utilized by a station operating in these bands shall be aimed within 2 degrees of the geostationary-satellite orbit, taking into account atmospheric refraction. However, exception may be made in unusual circumstances upon a showing that there is no reasonable alternative to the transmission path proposed. If there is no evidence that such exception would cause possible harmful interference to an authorized satellite system, said transmission path may be authorized on waiver basis where the maximum value of the equivalent isotropically radiated power (EIRP) does not exceed: (1) +47 dBW for any antenna beam directed within 0.5 degrees of the stationary satellite orbit or (2) +47 to +55 dBW, on a linear decibel scale (8 dB per degree) for any antenna beam directed between 0.5 degrees and 1.5 degrees of the stationary orbit.

(2) Methods for calculating the azimuths to be avoided may be found in: CCIR Report No. 393 (Green Books), New Delhi, 1970; in "Radio-Relay Antenna Pointing for controlled Interference With Geostationary-

Satellites" by C. W. Lundgren and A. S. May, Bell System Technical Journal, Vol. 48, No. 10, pp. 3387–3422, December 1969; and in "Geostationary Orbit Avoidance Computer Program" by Richard G. Gould, Common Carrier Bureau Report CC–7201, FCC, Washington, DC, 1972. This latter report is available through the National Technical Information Service, U.S. Department of Commerce, Springfield, VA. 22151, in printed form (PB–211 500) or source card deck (PB–211 501).

4. Section 21.801 is amended by revising the Table in paragraph (a), revising note [6] to the Table in paragraph (a), adding new note [7] to the Table in paragraph (a), and adding a new paragraph (g) as follows:

§ 21.801 Frequencies.

(a) * * *

6,425–6,525 MHz [8, 9]
11,700–12,200 MHz [3]
13,200–13,250 MHz [1]
21,200–22,000 MHz [1, 2, 4, 5]
22,000–23,600 MHz [1, 2, 5]
31,000–31,300 MHz [7]

* * * * *

[8] This band is co-equally shared with stations licensed pursuant to Parts 74, 78 and 94 of the Commission's Rules.

[9] Use of this spectrum for direct delivery of video programs to the general public or multi-channel cable distribution is not permitted.

* * * * *

(g) 6425 to 6525 MHz. Mobile Only. Paired and un-paired operations permitted. Use of this spectrum for direct delivery of video programs to the general public or multi-channel cable distribution is not permitted. This band is co-equally shared with stations licensed pursuant to Parts 74, 78 and 94 of the Commission's Rules. The following channel plans apply.

(1) 1 MHz maximum authorized bandwidth channels.

Transmit (or receive) (MHz)	Receive (or transmit) (MHz)
6473.5	6523.5
6474.5	6524.5

(2) 8 MHz maximum authorized bandwidth channels.

Transmit (or receive) (MHz)	Receive (or transmit) (MHz)
6429.0	6479.0
6437.0	6495.0
6445.0	6503.0
6453.0	6511.0
6461.0	6519.0
6469.0	6519.0

(3) 25 MHz maximum authorized bandwidth channels.

Transmit (or receive) (MHz)	Receive (or transmit) (MHz)
6437.5	6487.5
6462.5	6512.5

5. Section 21.804 is amended by revising the Table in paragraph (d) as follows:

§ 21.804 Bandwidth and emission limitations.

* * * * *

(d) * * *

Frequency band (MHz)	Maximum authorized bandwidth (MHz)
3,700 to 4,200	20
5,925 to 6,425	30
6,425 to 6,525	25
10,700 to 12,200	40
13,200 to 13,250	25
22,000 to 23,600	100

* * * * *

PART 74—EXPERIMENTAL, AUXILIARY AND SPECIAL BROADCAST AND OTHER PROGRAM DISTRIBUTION SERVICES

1. The authority citation for Part 74 continues to read:

Authority: Sec. 4, 303, 48 Stat. 1066, as amended, 1082, as amended; 47 U.S.C. 154, 303, unless otherwise noted. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, as amended, 1083, as amended; 47 U.S.C. 301, 303, 307, unless otherwise noted.

2. Section 74.601 is amended by adding a new paragraph (g) as follows:

§ 74.601 Classes of TV broadcast auxiliary stations.

* * * * *

(g) *Network-entity.* For the purpose of this subpart, a network-entity is an organization which produces programs for simultaneous transmission by 10 or more affiliated broadcast stations (or 10 separate franchised communities or its equivalent) and having distribution facilities or circuits available to such affiliated stations or cable systems at least 12 hours of each day.

3. Section 74.602 is amended by revising paragraph (a), removing all entries in Band B, MHz from 6425 through 6525 in the Table in paragraph (a), and removing footnote (3) in paragraph (a) and adding new paragraph (j) as follows:

§ 74.602 Frequency assignment.

(a) The following frequencies are available for assignment to television pickup, television STL, television relay and television translator relay stations. The band segments 17,700–18,580 and 19,260–19,700 MHz are available for broadcast auxiliary stations as described in paragraph (i) of this section. The band segment 6,425–6,525 MHz is available for broadcast auxiliary stations as described in paragraph (j) of this section. Additionally, the band 38.6–40.0 GHz is available for assignment without channel bandwidth limitations to TV pickup stations on a secondary basis to fixed stations.

* * * * *

(j) 6425 to 6525 MHz. Mobile Only. Paired and unpaired operations permitted. Use of this spectrum for direct delivery of video programs to the general public or multi-channel cable distribution is not permitted. This band is co-equally shared with stations licensed pursuant to Parts 21, 78 and 94 of the Commission's Rules. The following channel plans apply.

(1) 1 MHz maximum authorized bandwidth channels.

Transmit (or receive) (MHz)	Receive (or transmit) (MHz)
6473.5	6523.5
6474.5	6524.5

(2) 8 MHz maximum authorized bandwidth channels.

Transmit (or receive) (MHz)	Receive (or transmit) (MHz)
6429.0	6479.0
6437.0	6495.0
6445.0	6503.0
6453.0	6511.0
6461.0	6519.0
6469.0	6519.0

(3) 25 MHz maximum authorized bandwidth channels.

Transmit (or receive) (MHz)	Receive (or transmit) (MHz)
6437.5	6487.5
6462.5	6512.5

4. Section 74.632 is amended by revising the first sentence of paragraph (a) as follows:

§ 74.632 [Amended].

* * * * *

(a) A license for a television pickup, television STL, or television relay station will be issued only to licensees

of television broadcast stations, cable system operators and network-entities and, further, on a secondary basis, to licensees of low power television stations. * * *

* * * * *

5. Section 74.636 is amended by revising the Table in paragraph (a) and removing paragraph (b) as follows:

§ 74.636 Power limitations.

(a) * * *

Frequency band (MHz)	Maximum allowable transmitter power		Maximum allowable EIRP	
	Fixed (W)	Mobile (W)	Fixed (dBW)	Mobile (dBW)
1,990 to 2,110	20.0	12.0		
2,450 to 2,500	20.0	12.0		
6,425 to 6,525		17.0		+35
6,875 to 7,125	20.0	12.0	+55	+35
12,700 to 13,250	5.0	1.5	+55	+45
17,700 to 18,600	10.0		+55	
18,600 to 18,800	[1] 10.0		+35	
18,800 to 19,700	10.0		+55	
31,000 to 31,300	0.05	0.05		
38,600 to 40,000		1.5		

[1] The power delivered to the antenna is limited to −3 dBW.

6. Section 74.637 is amended by replacing the phrase "17,700–19,700 MHz and 31,000–31,300 MHz bands" with the phrase "bands 6,425–6,525 MHz, 17,700–19,700 MHz, and 31,000–31,300 MHz" in paragraph (b), and adding new paragraph (f) as follows:

§ 74.637 Emissions and emission limitations.

* * * * *

(f) The maximum bandwidth which will be authorized per frequency assignment is set out in the table which follows. Regardless of the maximum authorized bandwidth specified for each frequency band, the Commission reserves the right to issue a license for less than the maximum bandwidth if it appears that less bandwidth would be sufficient to support an applicant's intended communications.

Frequency band (MHz)	Maximum authorized bandwidth (MHz)
1,990 to 2,110	18.
6,425 to 6,525	25.
6,875 to 7,125	20.
12,700 to 13,250	25.
17,700 to 19,700	80.
31,000 to 31,300	25 or 50.
38,600 to 40,000	

7. Section 74.638 is amended by revising paragraph (b) as follows:

§ 74.638 Frequency Coordination.

* * * * *

(b) Coordination of assignments in the 6,425–6,525 MHz and 17.7–19.7 GHz bands will be in accordance with the procedure established in § 21.100.

8. Section 74.641 is amended by revising the introductory paragraph (a) and the Table, including the notes, in paragraph (a)(1), and removing and reserving paragraph (a)(4) as follows:

§ 74.641 Antenna systems.

(a) For fixed stations operating between 1,990 MHz and 31.3 GHz and mobile stations operating between 31.0 GHz and 31.3 GHz, the following standards apply:

(1) * * *

Frequency (MHz)	Category	Maximum beamwidth to 3 dB points (included angle in degrees)	Minimum antenna gain (dBi)	Minimum radiation suppression to angle in degrees from centerline of main beam in decibels						
				5° to 10°	10° to 15°	15° to 20°	20° to 30°	30° to 100°	100° to 140°	140° to 180°
1,990 to 2,110	A	5.0	NA	12	18	22	25	29	33	39
	B	8.0	NA	5	18	20	20	25	28	36
6,875 to 7,125	A	1.5	NA	26	29	32	34	38	41	49
	B	2.0	NA	21	25	29	32	35	39	45
12,700 to 13,250	A	1.0	NA	23	28	35	39	41	42	50
	B	2.0	NA	20	25	26	30	32	37	47
17,700 to 18,580	A	NA	38.0	25	29	33	36	42	55	55
	B	NA	38.0	20	24	28	32	35	36	36
19,260 to 19,700	A	NA	38.0	25	29	33	36	42	55	55
	B	NA	38.0	20	24	28	32	35	36	36
31,000 to 31,300	NA	[1] 4.0	38.0							

[1] The minimum front-to-back ratio shall be 38 dB.

Note:—Stations must employ an antenna that meets the performance standards for category A, except that in areas not subject to frequency congestion antennas meeting standards for category B may be employed. Note, however, that the Commission may require the use of a high performance antenna where interference problems can be resolved by the use of such antennas.

* * * * *

PART 74—[AMENDED]

9. Part 74 is amended by adding a new § 74.643 as follows:

§ 74.643 Interference to geostationary-satellites.

These limitations are necessary to minimize the probability of harmful interference to reception in the bands 6,425–6,525 MHz, 6,875–7,075 MHz and 12.7–12.75 GHz on board geostationary space stations in the fixed-satellite service (Part 25).

(a) *6.425 to 6,525 and 6,875 to 7,075 MHz.* No directional transmitting antenna utilized by a station operating in these bands shall be aimed within 2 degrees of the geostationary-satellite orbit, taking into account atmospheric refraction. However, exception may be made in unusual circumstances upon a showing that there is no reasonable alternative to the transmission path proposed. If there is no evidence that such exception would cause possible harmful interference to an authorized satellite system, said transmission path may be authorized on waiver basis where the maximum value of the equivalent isotropically radiated power (EIRP) does not exceed: (1) +47 dBW for any antenna beam directed within 0.5 degrees of the stationary satellite orbit or (2) +47 to +55 dBW, on a linear decible scale (8 dB per degree) for any antenna beam directed between 0.5 degrees and 1.5 degrees of the stationary orbit.

(b) *12.7 to 12.75 GHz.* No directional transmitting antenna utilized by a station operating in this band shall be aimed within 1.5 degrees of the

geostationary-satellite orbit, taking into account atmospheric refraction. However, exception may be made in unusual circumstances upon a showing that there is no reasonble alternative to the transmission path proposed. If there is no evidence that such exception would cause possible harmful interference to an authorized satellite system, said transmission path may be authorized on waiver basis where the maximum value of the equivalent isotropically radiated power (EIRP) does not exceed +45 dBW for any antenna beam directed within 1.5 degrees of the stationary satellite orbit.

(c) Methods for calculating the azimuths to be avoided may be found in: CCIR Report No. 393 (Green Books), New Delhi, 1970; in "Radio-Relay Antenna Pointing for Controlled Interference With Geostationary-Satellites" by C. W. Lundgren and A. S. May, Bell System Technical Journal, Vol. 48, No. 10, pp. 3387–3422, December 1969; and in "Geostationary Orbit Avoidance Computer Program" by Richard G. Gould, Common Carrier Bureau Report CC–7201, FCC, Washington, DC, 1972. This latter report is available through the National Technical Information Service, U.S. Department of Commerce, Springfield, VA 22151, in printed form (PB–211 500) or source card deck (PB–211 501).

10. Part 74 is amended by adding a new § 74.644 as follows:

§ 74.644 Minimum path lengths for fixed operations.

The distance between end points of a fixed link must equal or exceed the value set forth in the table below, except that in areas not subject to congestion shorter paths lengths may be operated. Note, however, that the Commission may require compliance with the values set forth in the table where interference problems can be resolved by application of the criteria.

Frequency range (MHz)	Minimum path length (km)
1,850 to 7,125	17
12,200 to 13,250	5
Above 17,700	0

11. Section 74.661 is revised to read as follows:

§ 74.661 Frequency tolerance.

(a) Stations in this service shall maintain the carrier frequency of each authorized transmitter to within the following percentage of the assigned frequency.

Frequency band (MHz)	Frequency tolerance	
	Fixed (percent)	Mobile (percent)
1,990 to 2,110	[1] 0.005	0.005
6,425 to 6,525		0.005
6,875 to 7,125	[1] 0.005	0.005
12,700 to 13,250	[1] 0.005	0.005
17,700 to 18,820	0.003	
18,920 to 19,700	0.003	
31,000 to 31,300	0.03	0.03
38,600 to 40,000	[2] 0.005	[2] 0.005

[1] Television translator relay stations shall maintain a frequency tolerance of 0.002%.
[2] For transmitters with an output power of 50 mW or less, the frequency tolerance need only be 0.05%.

PART 78—CABLE TELEVISION RELAY SERVICE CHANGES

C. 1. The authority citation for Part 78 continues to read:

Authority: Sec. 2, 3, 4, 301, 303, 307, 308, 309, 48 Stat. as amended, 1064, 1065, 1066, 1081, 1082, 1083, 1084, 1085; 47 U.S.C. 152, 153, 154, 301, 303, 307, 308, 309, unless otherwise note.

2. Section 78.5 is amended by adding a new paragraph (i) as follows:

§ 78.5 Definitions.

* * * * *

(i) Network-entity. For the purpose of this subpart, a network-entity is an organization which produces programs for simultaneous transmission by 10 or more affiliated broadcast stations (or 10 separate franchised communities or its equivalent), and having distribution facilities or circuits available to such affiliated stations or cable systems at least 12 hours of each day.

3. Section 78.18 is amended by adding new paragraph (a)(6) as follows:

§ 78.18 Frequency assignments.

(a) * * *

(6) Frequencies in the bands 1,990–2,110 MHz, 6,425–6,525 MHz and 6,875–7,125 MHz are available for assignment to stations in this service. All operations in these bands are subject to the technical provisions of Part 74, Subpart F of this Chapter.

* * * * *

PART 94—PRIVATE OPERATIONAL-FIXED MICROWAVE SERVICE

1. The authority citation for Part 94 continues to read:

Authority: Sec. 4, 303, 48 Stat. 1066, 1082; 47 U.S.C. 154, 303, unless otherwise noted.

2. Section 94.61 is amended by revising the introductory paragraph (b), amending the Table in paragraph (b) by revising the frequency bands 1850–1990 and 6525 through 6875 and by adding new frequency band 6425–6525; and by removing and reserving note [15] and adding notes [30] and [31] to the Table in paragraph (b) as follows:

§ 94.61 Applicability.

* * * * *

(b) Frequencies in the following bands are available for assignment to stations in the Private Operational-Fixed Microwave Service:

* * * * *

1850–1990	[2, 21]
* * * * *	
6425–6525	[30, 31]
6525–6575	[21, 28]
6575–6625	[2, 21, 28]
6625–6875	[2, 8, 21, 28]
* * * * *	

(15) [Reserved]

* * * * *

(30) This band is co-equally shared with stations licensed pursuant to Parts 21, 74 and 78 of the Commission's Rules.

(31) Use of this spectrum for direct delivery of video programs to the general public or multi-channel cable distribution is not permitted.

§ 94.63 [Amended]

3. Section 94.63 (Interference protection criteria for operation-fixed stations) is amended by replacing the phrase "in the bands 10,550–10,680 MHz," with the phrase "in the bands 6,425–6,525 MHz, 10,550–10,680 MHz," in paragraph (a).

4. Section 94.65 is amended by adding paragraph (g)(3) and adding new paragraph (m) as follows:

§ 94.65 Frequencies.

* * * * *

(g) * * *

(3) 1 MHz maximum authorized bandwidth channels.

Transmit (or receive) (MHz)	Receive (or transmit) (MHz)
6525.5	6870.5
6526.5	6871.5
6527.5	6872.5
6528.5	6873.5
6529.5	6874.5

* * * * *

(m) 6425 to 6525 MHz. Mobile Only. Paired and un-paired operations permitted. Use of this spectrum for direct delivery of video programs to the general public or multi-channel cable distribution is not permitted. This band is co-equally shared with stations licensed pursuant to Part 21, 74 and 78 of the Commission's Rules. The following channel plans apply.

(1) 1 MHZ authorized bandwidth channels.

Transmit (or receive) (MHz)	Receive (or transmit) (MHz)
6473.5	6523.5
6474.5	6524.5

(2) 8 MHz maximum authorized bandwidth channels.

Transmit (or receive) (MHz)	Receive (or transmit) (MHz)
6429.0	6479.0
6437.0	6495.0
6445.0	6503.0
6453.0	6511.0
6481.0	6519.0
6489.0	6519.0

(3) 25 MHz maximum authorized bandwidth channels.

Transmit (or receive) (MHz)	Receive (or transmit) (MHz)
6437.5	6487.5
6462.5	6512.5

5. Section 94.67 is amended by revising the Table between 2,690 MHz and 6,525 MHz in paragraph (a) as follows:

§ 94.67 Frequency tolerance.

(a) * * *

Transmit band (MHz)	Tolerance as percentage of assigned frequency
* * * *	
6,425 to 6,525	0.005
* * * *	

6. Section 94.71 is amended by revising the Table between 2,690.9375 MHz and 6,525 MHz in paragraph (b) as follows:

§ 94.71 Emission and bandwith limitations.

(a) * * *

(b) * * *

Transmit band (MHz)	Maximum authorized bandwith
* * * *	
6,425-6,525	25
* * * *	

7. Section 94.73 is amended by removing the paragraphs (a)(1 and (a)(2) and adding a new Table and notes [1] through [8] in paragraph (a) as follows:

§ 94.73 Power limitations.

(a) * * *

Frequency band (MHz)	Maximum allowable transmitter power		Maximum allowable EIRP [1]	
	Fixed (W)	Mobile (W)	Fixed (dBW)	Mobile (dBW)
928 to 929	5.0		+17	
952 to 960	[2] [3] 20.0		[4] +40	
1,850 to 1,990	20.0		+45	
2,130 to 2,150	20.0		+45	
2,150 to 2,160	20.0		[4] +45	
2,180 to 2,200	20.0		+45	
2,450 to 2,500	20.0	12.0	+45	
2,500 to 2,686	10.0		[5] +45	
2,686 to 2,690	0.25		[6] +45	
6,425 to 6,525	20.0	20.0	[7] +55	+35
6,525 to 6,875	20.0		[8] +50	
10,550 to 10,565	10.0		+40	
10,615 to 10,630	10.0		+40	
12,200 to 12,700 [9]	10.0		+50	
12,700 to 13,250	10.0	1.5	[8] +50	+45
17,700 to 18,600	10.0		+55	
18,600 to 18,800	[10] 10.0		+35	
18,800 to 19,700	10.0		+55	
21,200 to 23,600 [9]	10.0		+40	
31,000 to 31,300	0.05	0.05		
38,600 to 40,000	10.0		+40	

[1] Peak envelope power shall not exceed five times the average power.
[2] When an omnidirectional transmitting antenna is authorized the maximum shall be 100 watts.
[3] Remote alarm units that are part of a multiple address central station protection system are authorized a maximum of 2 watts.
[4] When an omnidirectional transmitting antenna is authorized the maximum shall be +30 dBW.
[5] Also see § 94.77.
[6] For low power operations see § 04.90 and § 94.91
[7] Reserved.
[8] Maximum power delivered to antenna shall not exceed −3 dBW.

8. Section 94.77 is revised to read as follows:

§ 94.77 Interference to geostationary-satellites.

These limitations are necessary to minimize the probability of harmful interference to reception in the bands 2,655–2,690 MHz, 6,425–6,875 MHz, and 12,700–12,750 MHz on board geostationary-space stations in the fixed-satellite service (Part 25). Stations authorized prior to July 1, 1976 in the band 2,655–2,690 MHz, which exceed the power levels in paragraphs (a) and (b) of this section are permitted to operate indefinitely, provided that the operation of such stations does not result in harmful interference to reception in these bands on board geostationary space stations.

(a) *2,655 to 2,690 MHz and 6,425 to 6,875 MHz.* No directional transmitting antenna utilized by a station operating in these bands shall be aimed within 2 degrees of the geostationary-satellite orbit, taking into account atmospheric refraction. However, exception may be made in unusual circumstances upon a showing that there is no reasonable alternative to the transmission path proposed. If there is no evidence that such exception would cause possible harmful interference to an authorized satellite system, said transmission path may be authorized on waiver basis where the maximum value of the equivalent isotropically radiated power (EIRP) does not exceed: (1) +47 dBW for any antenna beam directed within 0.5 degrees of the stationary satellite orbit or (2) +47 to +55 dBW on a linear decibel scale (8 dB per degree) for any antenna beam directed between 0.5 degrees and 1.5 degrees of the stationary orbit.

(b) *12,700 to 12,750 MHz.* No directional transmitting antenna utilized by a station operating in this band shall be aimed within 1.5 degrees of the geostationary-satellite orbit, taking into account atmospheric refraction. However, exception may be made in unusual circumstances upon a showing that there is no reasonable alternative to the transmission path proposed. If there is no evidence that such exception would cause possible harmful interference to an authorized satellite system, said transmission path may be authorized on wavier basis where the maximum value of the equivalent isotropically radiated power (EIRP) does not exceed +45 dBW for any antenna beam directed within 1.5 degrees of the stationary satellite orbit.

(c) Methods for calculating the azimuths to be avoided may be found in: CCIR Report No. 393 (Green Books), New Delhi, 1970; in "Radio-Relay Antenna Pointing for controlled Interference With Geostationary-Satellites" by C.W. Lundgren and A.S. May, Bell System Technical Journal, Vol. 48, No. 10 pp. 3387–3422, December 1969; and in "Geostationary Orbit Avoidance Computer Program" by Richard G. Gould, Common Carrier Bureau Report CC–7201, FCC, Washington, DC, 1972. This latter report is available through the National Technical Information Service, U.S. Department of Commerce, Springfield, VA 22151, in printed form (PB–211 500) or source card deck (PB–211 501).

10. Part 94 is amended by adding a new § 94.79 as follows:

94.79 Minimum path lengths for fixed operations.

The distance between end points of a fixed links should equal or exceed the value set forth in the table below, except that in areas not subject to congestion shorter paths lengths may be operated. Note, however, that the Commission may require compliance with the values set forth in the table where interference problems can be resolved by application of the criteria.

Frequency range (MHz)	Minimum path length (km)
Below 1,850	NA
1,850 to 6,875	17
12,200 to 13,250	5
Above 17,700	NA

[FR Doc. 85–28841 Filed 12–16–85; 8:45 am]
BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 85-375; RM-4972]

FM Broadcast Station in Shingle Springs, CA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes the allotment of Channel 271A to Shingle Springs, California, as that community's first local FM service, in response to a petition filed by Eric R. Hilding.

DATES: Comments must be filed on or before February 3, 1986, and reply comments on or before February 18, 1986.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

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

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

The authority citation for Part 73 continues to read:

Authority: Secs. 4 and 303, 48 Stat. 1066, as amended, 1082, as amended; 47 U.S.C. 154, 303. Interpret or supply secs. 301, 303, 307, 48 Stat. 1081, 1082, as amended, 1083, as amended, 47 U.S.C. 301, 303, 307. Other statutory and executive order provisions authorizing or interpreted or applied by specific sections are cited to text.

Proposed Rule Making

In the matter of Amendment of § 73.202(b), Table of Allotments, FM Broadcast Stations. (Shingle Springs, California); MM Docket No. 85-4375 RM-4972.

Adopted: November 25, 1985.
Released: December 11, 1985.
By the Chief, Policy and Rules Division.

1. The Commission herein considers a petition for rule making filed by Eric R. Hilding ("petitioner") seeking the allotment of Channel 271A to Shingle Springs, California, as that community's first local FM service. Petitioner failed to specifically state that he will apply for the channel, if allotted. He should do so in his comments to this *Notice of Proposed Rule Making.*

2. A staff engineering study indicates that channel 271A can be allotted to Shingle Springs, California, in conformity with the minimum distance separation requirements of § 73.207 of the Commission's Rules.

3. In consideration of the above, we believe that it is appropriate to seek comments on the proposal to amend the FM Table of Allotments, § 73.202(b) of the Commission's Rules, with respect to Shingle Springs, California, as follows:

City	Channel No.	
	Present	Proposed
Shingle Springs, CA		271A

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be allotted.

5. Interested parties may file comments on or before February 3, 1986, and reply comments on or before February 18, 1986, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be seved on the petitioners, or their counsel or consultant, as follows: Eric R. Hilding, P.O. Box 1300, Freedom, California 95019-1300.

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Allotments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules,* 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Nancy V. Joyner, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which not been served on the petitoner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Allotments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed allotment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is allotted and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice,* they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to allot a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file

comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, DC

[FR Doc. 85-29754 Filed 12-16-85; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 85-376; RM-4988]

FM Broadcast Station in Ponte Vedra, FL

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the allotment of Channel 293A to Ponte Vedra Florida, as the community's first FM service, in response to a petition filed by Emision de Radio Balmaseda, Inc.

DATES: Comments must be filed on or before February 3, 1986, and reply comments on or before February 18, 1986.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

The authority citation for Part 73 continues to read:

Authority: Secs. 4 and 303, 48 Stat. 1066, as amended, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, as amended, 1083, as amended, 47 U.S.C. 301, 303, 307. Other statutory and executive order provisions authorizing or interpreted or applied by specific sections are cited to text.

Proposed Rule Making

In the matter of Amendment of § 73.202(b), Table of Allotments, FM Broadcast Stations. (Ponte Vedra, Florida); MM Docket No. 85-376 RM-4988.

Adopted: November 25, 1985.

Released: December 11, 1986.

By the Chief, Policy and Rules Division:

1. A petition for rule making was filed by Emision de Radio Balmaseda, Inc. ("petitioner"), requesting the allotment of Channel 293A to Ponte Vedra, Florida, as that community's first FM service. Petitioner states that if the channel is allotted, it will apply for authority to build and operate a station.

2. Channel 293A can be allotted to Ponte Vedra in compliance with the minimum distance separation requirements. In view of the fact that the proposed allotment could provide a first FM broadcast service to Ponte Vedra, the Commission proposes to amend the FM Table of Allotments, § 73.202(b) of the Rules, as follows:

City	Channel No.	
	Present	Proposed
Ponte Vedra, FL		293A

3. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be allotted.

4. Interested parties may file comments on or before February 3, 1986, and reply comments on or before February 18, 1986, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioners, or their counsel or consultant, as follows: Gary Smithwick, Esq., Keith and Smithwick, 1320 Westgate Drive, Winston-Salem, North Carolina 27103.

5. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

6. For further information concerning this proceeding, contact Montrose H. Tyree, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, consititutes an *ex parte* presentation and shall not be considered in the proceeding.

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division; Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Allotments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed allotment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is allotted and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if

advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to allot a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, DC.

[FR Doc. 85-29755 Filed 12-16-85; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 85-374; RM-5015]

TV Broadcast Station in Twin Falls, ID

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of UHF Television Channel 35 to Twin Falls, Idaho, as its second commercial TV channel in response to a petition filed by Ambassador Media Corporation.

DATES: Comments must be filed on or before February 3 1986, and reply comments on or before February 18, 1986.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Television broadcasting.

The authority citation for part 73 continues to read:

Authority: Secs. 4 and 303, 48 Stat. 1066, as amended, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, as amended, 1083, as amended, 47 U.S.C. 301, 303, 307. Other statutory and executive order provisions authorizing or interpreted or applied by specific sections are cited to text.

Proposed Rule Making

In the matter of Amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations. (Twin Falls, Idaho); MM Docket No. 85-374, RM-5015.

Adopted: November 25, 1985.
Released: December 11, 1985.

By the Chief, Policy and Rules Division.

1. Ambassador Media Corporation ("petitioner") submitted a petition for rule making requesting the assignment of UHF Television Channel 35 to Twin Falls, Idaho, as a second commercial television assignment. Petitioner stated its intent to apply for authority to construct and operate on Channel 35, if assigned.

2. Twin Falls (population 26,209),[1] seat of Twin Falls County (population 52,927) is located in southern Idaho, approximately 185 kilometers (115 miles) southeast of Boise, Idaho. Twin Falls is presently assigned VHF channels 11 and *13.[2] The assignment of Channel 35 to Twin Falls would meet the spacing requirements of § 73.610 of the Rules.

3. We believe that the petition for the assignment of the second commercial television assignment to Twin Falls warrants consideration. Comments are invited on the proposal to amend the Television Table of Assignments, § 73.606(b) of the Rules, with regard to the following city:

City	Channel No.	
	Present	Proposed
Twin Falls, ID	11, *13-	11, *13-, and 35.

4. The Commission's authority to institute rule making proceedings showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before February 3, 1986, and reply comments on or before February 18, 1986, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioners, or their counsel or consultant, as follows: John P. Bankson, Jr., Esq., Hamel and Park, 888-16th Street NW., Washington, DC 20006 (counsel).

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549 published February 9, 1981.

7. For further information concerning this proceeding, contact Montrose H. Tyree, Mass Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

[1] Population figures are taken from the 1980 U.S. Census.

[2] Channel *13, assigned to Twin Falls for noncommercial use, is presently occupied by educational translator Station K13LR.

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Allotments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed allotment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is allotted and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to allot a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular busines hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, DC.

[FR Doc. 85-29756 Filed 12-16-85; 8:45 am]
BILLING CODE 6712-01-M

GENERAL SERVICES ADMINISTRATION

48 CFR Parts 501, 504, 514, 515, 519, and 553

[GSAR Notice No. 5-127]

General Services Administration Acquisition Regulation

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice invites written comments on a proposed change to the General Services Administration Acquisition Regulation (GSAR) which would revise the requirements for training under the contracting officer warrant program in Part 501; clarify the requirements regarding the use of the uniform procurement instrument identification system in Part 504; add sections in Parts 514 and 515 to emphasize the need for confidentiality of Government cost estimates; add Section 514.408-1 to provide for the use of a new postcard type form to notify unsuccessful bidders that their bids were not accepted; add Subpart 519.6 to provide procedures for resolving differences between GSA and the Small Business Administration regarding the issuance of certificates of competency; and revise Part 553 to illustrate the new GSA Form to be used to notify unsuccessful bidders. The intended effect is to improve the regulatory coverage and provide uniform procedures for contracting under the regulatory system.

DATES: Comments are due in writing January 16, 1986.

ADDRESS: Requests for a copy of the proposal and comments should be addressed to Mrs. Marjorie Ashby, Office of GSA Acquisition Policy and Regulations, 18th & F Streets NW., Room 4026, Washington, DC 20405, (202) 523-3822.

FOR FURTHER INFORMATION CONTACT: Ms. Ida Ustad, Office of GSA Acquisition Policy and Regulations on (202) 523-4754.

SUPPLEMENTARY INFORMATION: The Director, Office of Management and Budget (OMB), by memorandum dated December 14, 1984, exempted certain agency procurement regulations from Executive Order 12291. The exemption applies to this proposed rule. The GSA certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et. seq.). This proposed rule primarily relates to the internal operations of the agency and will not have a significant impact on contractors and offerors. Therefore, no regulatory flexibility analysis has been prepared. This proposed rule does not contain any information collection requirements which are subject to OMB approval under the Paperwork Reduction Act (44 U.S.C. 3501 et. seq.).

List of Subjects in 48 CFR Parts 501, 504, 514, 515, 519, and 553

Government procurment.

Dated: December 5, 1985.

Ida M. Ustad,

Director, Office of GSA Acquisition Policy and Regulations.

[FR Doc. 85-29750 Filed 12-16-85; 8:45 am]
BILLING CODE 6820-61-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 652

[Docket No. 51299-5199]

Atlantic Surf Clam and Ocean Quahog Fisheries

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

ACTION: Notice of proposed 1986 fishing quotas and request for comments.

SUMMARY: NOAA issues a notice of proposed quotas for the surf clam and ocean quahog fisheries for 1986 and requests public comment. These quotas have been selected from a range defined as the optimum yield for each fishery. The intended effect of this action is to establish allowable harvests of surf clams and ocean quahogs from the fishery conservation zone in 1986.

DATE: Comments will be accepted until January 16, 1986.

ADDRESS: Comments on the proposed 1986 fishing quotas should be sent to Bruce Nicholls, National Marine Fisheries Service, State Fish Pier, Gloucester, Massachusetts, 01930. A copy of the information used to justify the quotas is available for public inspection at this address; copies may be requested in writing.

FOR FURTHER INFORMATION CONTACT: Bruce Nicholls (Plan Coordinator), 617–281–3600, extension 272.

SUPPLEMENTARY INFORMATION: The Fishery Management Plan for the Atlantic Surf Clam and Ocean Quahog Fisheries (FMP) directs the Secretary of Commerce (Secretary), in consultation with the Mid-Atlantic Fishery Management Council, to specify quotas for surf clams and ocean quahogs on an annual basis from within ranges which have been identified as optimum yield for each fishery.

In establishing the quotas, the Regional Director has considered stock assessments, catch records, and other relevant information concerning exploitable biomass and spawning biomass, fishing mortality rates, stock recruitment, projected effort and catches, and areas likely to be reopened to fishing.

The total surf clam harvest for the Mid-Atlantic Area, as of November 1, 1985, was 2.1 million bushels, out of the quota of 2.65 million. As of July 1985, landings from the Georges Bank Area were 299,600 bushels from a quota of 300,000 bushels; this Area closd in late July. Landings from the Nantucket Shoals Area reached 125,000 bushels on November 1, 1985, from a quota of 200,000 bushels. Harvest of ocean quahogs reached 4.2 million bushels on November 1, 1985, from the quota of 4.4 million bushels.

Analyses of stock assessments, catch records, and all other relevant information indicate stable productivity in the surf clam and ocean quahog fisheries. Overall, adequate resources currently exist to maintain current harvest levels in the surf clam fishery and increase harvest levels in the quahog fishery. The proposed increase in the ocean quahog quota will have negligible impact on the stability of the resource, which has exhibited no sign of fluctuation due to fishing pressure, based on stock assessments conducted from 1965–1972.

The following quotas are proposed for the surf clam and ocean quahog fisheries for 1986:

Fishery areas	1986 quota (in bushels)
Mid-Atlantic surf clam	2,650,000
Georges Bank surf clam	300,000
Nantucket Shoals surf clam	200,000
Ocean quahog	6,000,000

Comments on the proposed quotas will be accepted for 30 days. Comments will be considered by the Secretary, who will determine appropriate final annual quotas for each fishery and publish those quotas in the Federal Register.

Other Matters

This action is taken under authority of 50 CFR 652.21 and is taken in compliance with Executive Order 12291. The action is covered by the certification for Amendment 3 to the Fishery Management Plan for Atlantic Surf Clam and Ocean Quahog Fisheries, and under the Regulatory Flexibility Act, that the authorizing regulations do not have a significant economic impact on a substantial number of small entities.

List of Subjects in 50 CFR Part 652

Fisheries, Recordkeeping and reporting requirements.

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

Dated: December 11, 1985.

Carmen J. Blondin,

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

[FR Doc. 85–29799 Filed 12–12–85; 2:39 pm]

BILLING CODE 3510-22-M

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50 CFR Part 651

[Docket No. 51190–5190]

Northeast Multispecies Fishery

Correction

In FR Doc. 85–28721, beginning on page 49582, in the issue of Tuesday, December 3, 1985, make the following corrections:

1. On page 49582, first column, third line of the **SUMMARY**, "conversion" should have read "conservation".

2. On page 49584, first column, in § 651.2, the fourth line of the definition for *Bottom-tending gill net*, should have read "lower third of the water column."

3. On page 49587, second column, in § 651.20(d)(1):

a. In the third line "60° 40' N." should have read "69° 40' N. ";

b. In the fifth line, "9960–S–25600" should have read "9960–X–25600".

BILLING CODE 1505-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 663

[Docket No. 51192–5192]

Pacific Coast Groundfish Fishery

Correction

In FR Doc. 85–28722 beginning on page 49590 in the issue of Tuesday, December 3, 1985, make the following corrections:

1. On page 49590, second column, under **"SUPPLEMENTARY INFORMATION"**, twenty-fifth line, insert the word "not" after the word "are". In the third column, second complete paragraph, seventeenth line, remove the word "of".

2. At the bottom of page 49590, insert **"NUMERICAL OY SPECIES** (Table 1)" above Table 1.

3. On page 49591, in the footnotes at the top of the page, in the second line, insert "flatfish 0.1%," before "jack mackerel". In the sixth line, footnote 2 should have read as follows: "[2] Of this 11,600 metric tons, 2,500 metric tons is for part of the Monterey subarea. See § 663.21(a)(2)."

4. At the bottom of page 49591, insert **"SPECIES WITHOUT A NUMERICAL OY** (Table 2)" above Table 2.

5. On page 49592, in table 2, under the heading for "Columbia", "71000" should have read "7000". In footnote 2, first line, "or" should have read "nor".

BILLING CODE 1505-01-M

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50 CFR Part 663

[Docket No. 51192–5192]

Pacific Coast Groundfish Fishery; Corrections

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

ACTION: Notice of preliminary fishery specifications; corrections.

SUMMARY: This document corrects several sentences in the preliminary 1986 specifications for groundfish for the Pacific Coast Groundfish Fishery published December 3, 1985, 50 FR 49590.

FOR FURTHER INFORMATION CONTACT: R.A. Schmitten at 206–526–6150 or E.C. Fullerton at 213–548–2575.

In FR Doc. 85–28722, published December 3, 1985, on page 49592, the following corrections are made:

1. In column 1, line 5 from the bottom of the page, the word "adjusted" is corrected to read "calculated."

2. In column 1, the last sentence is corrected to read "Because of rounding to the nearest 100 mt, the full 100 mt reduction (necessary to stay within the 3,900 mt coastwide maximum ABC) is taken from the Columbia area, resulting in an ABC of 2,500 mt for that area."

3. In column 3, paragraph 1, the sentence that begins on line 7 is corrected to read "Because of the reduced northern area, the summed 1986 ABCs for the *Sebastes* complex remains at 10,100 mt, the some as in 1985, despite the increase in the yellowtail ABC."

Dated: December 12, 1985.

Carmen J. Blondin,

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

[FR Doc. 85–29825 Filed 12–16–85; 8:45 am]

BILLING CODE 3510–22–M

ADVISORY COUNCIL ON HISTORIC PRESERVATION

36 CFR Part 800

Protection of Historic Properties

AGENCY: Advisory Council on Historic Preservation.

ACTION: Proposed revision of regulations; extension of comment period.

SUMMARY: The Advisory Council on Historic Preservation announces that the deadline for receipt of comments on the proposed revision of regulations (36 CFR Part 800) published October 15, 1985, is extented for 30 days.

DATES: Written comments on the proposed revision must be received by January 15, 1986.

ADDRESS: Address written comments to Robert R. Garvey, Jr., Executive Director, Advisory Council on Historic Preservation, Suite 809, 1100 Pennsylvania Avenue, NW., Washington, DC 20004.

FOR FURTHER INFORMATION CONTACT: John M. Fowler, Deputy Executive Director, Advisory Council on Historic Preservation, Suite 809, 1100 Pennsylvania Avenue, NW., Washington, DC 20004.

SUPPLEMENTARY INFORMATION: On October 15, 1985, the Advisory Council on Historic Preservation published in the **Federal Register** (50 FR 41828) proposed revisions to its existing regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 470f) in order to carry out the Council's regulatory reform efforts for the process of review and comment upon federally supported undertakings that affect historic properties.

The Council, after requests from the Department of the Interior and several trade associations for additional time to comment, believes that the proposed revision is sufficiently complex to warrant a comment period longer than the normal 60 days.

Accordingly, this notice announces that the public comment period for that proposed revision of regulations is extended until January 15, 1986. Comments on the proposed revision must be submitted on or before that date.

Dated: December 16, 1985.

John M. Fowler,

Deputy Executive Director.

[FR Doc. 85–30008 Filed 12–16–85; 10:46 am]

BILLING CODE 4310–10–M

Notices

Federal Register
Vol. 50, No. 242
Tuesday, December 17, 1985

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.

NATIONAL COMMISSION ON AGRICULTURAL TRADE AND EXPORT POLICY

Meeting

December 12, 1985.

The next meeting of the National Commission on Agricultural Trade and Export Policy will be at 9:00 am on Friday, January 10, 1986, at the Houston Airport Marriott. The topic of the meeting will be "Financial Difficulties of the Developing Countries."

Information about the meeting is available from the Commission staff at (202) 488–1961.

Kenneth L. Bader,

Chairman.

[FR Doc. 85-29776 Filed 12-16-85; 8:45]

BILLING CODE 3410-05-M

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

Commodity Credit Corporation

Burley Tobacco; 1986 National Marketing Quota and 1986 Price Support Level for Burley Tobacco

AGENCY: Agricultural Stabilization and Conservation Service (ASCS) and Commodity Credit Corporation (CCC), United States Department of Agriculture (USDA).

ACTION: Notice of Proposed Revised Determinations and extension of comment period.

SUMMARY: A notice of proposed determinations concerning marketing quotas for the 1986 crop of burley tobacco was published in the **Federal Register** on November 18, 1985 (50 FR 47415). On November 15, 1985 Pub. L. 99–157 was approved which includes a provision to reduce the level of price support for the 1985 crop of burley tobacco to 148.8 cents per pound. This change in the level of price support resulted in a change in certain calculations with respect to the size of the 1986 burley tobacco marketing quota. Accordingly, it has been determined that the proposed determinations published at 50 FR 47416 should be revised to reflect the change in the level of support for the 1985 crop of burley tobacco which was made by Pub. L. 99–157. In addition, because these revisions may alter the views of individuals responding to the notice, the comment period has been extended from December 31, 1985 to January 10, 1986.

DATE: Comments must be received on or before January 10, 1986 in order to be assured of consideration.

ADDRESS: Send comments to the Director, Commodity Analysis Division, ASCS, U.S. Department of Agriculture, P.O. Box 2415, Washington, DC 20013, (202) 447–3391.

FOR FURTHER INFORMATION CONTACT: Robert Tarczy, Agricultural Economist, Commodity Analysis Division, ASCS, USDA, Room 3736-South Building, P.O. Box 2415, Washington, DC 20013, (202) 447–5187. The Preliminary Regulatory Impact Analysis describing the proposed burley marketing quota set forth in this notice and the impact of implementing it is available on request from Robert L. Tarczy.

SUPPLEMENTARY INFORMATION: This notice has been reviewed in conformity with Executive Order 12291 and Departmental Regulation 1512–1 and has been classified as "not major." This action has been classified "not major" since implementation of these proposed determinations will not result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State or local governments, or geographical region; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, the environment or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal Assistance Program to which this notice applies are: Title—Commodity Loan and Purchases; Number—10.051, as set forth in the Catalog of Federal Domestic Assistance.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice since neither the Agricultural Stabilization and Conservation Service (ASCS) Commodity Credit Corporation (CCC) is required by 5 U.S.C. 553 or any provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this notice.

This program/activity is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR Part 3015, Subpart V, published at 48 FR 29115 (June 24, 1983).

Marketing Quotas

The Agricultural Adjustment Act of 1938, as amended (hereinafter referred to as the "Act"), requires that the Secretary of Agriculture proclaim by February 1, 1986, marketing quotas for the 1986–87, 1987–88 and 1988–89 marketing years and determine and announce the amount of the national marketing quota for the 1986–87 marketing year for burley tobacco. Since the 1985–86 marketing year is the last year of the three consecutive years for which marketing quotas previously proclaimed will be in effect for burley tobacco, a referendum of farmers engaged in the 1985 production of burley tobacco for the 1985 marketing year will be conducted within 30 days after proclamation of such national marketing quota to determine whether they favor or oppose marketing quotas for the three year period.

Section 319(c) of the Act provides that the national marketing quota for burley tobacco for a marketing year is the amount of that kind of tobacco produced in the United States which the Secretary estimates will be used domestically and will be exported during the marketing year, adjusted upward or downward in such amount as the Secretary, in his discretion, determines is desirable for the purpose of maintaining an adequate supply or for effecting an orderly reduction of supplies to the reserve supply level. The maximum downward adjustment is 10 percent of estimated domestic use and exports.

Section 301(b)(14)(B) of the Act defines "reserve supply level" as the normal supply, plus 5 percent thereof, to insure a supply adequate to meet domestic consumption and export needs

in years of drought, flood, or other adverse conditions, as well as in years of plenty. The phrase "normal supply" is defined in section 301(b)(10)(B) of the Act as a normal year's domestic consumption and exports, plus 175 percent of a normal year's domestic consumption and 65 percent of a normal year's exports as an allowance for a normal year's carryover. A "normal year's domestic consumption" is defined in section 301(b)(11)(B) of the Act as the yearly average quantity of burley tobacco produced in the United States that was consumed in the United States during the ten marketing years immediately preceding the marketing year in which such consumption is determined (1985–86), adjusted for current trends in such consumption.

A "normal year's exports" is defined in section 301(b)(12) of the Act as the yearly average quantity produced in the United States that was exported from the United States during the ten marketing years immediately proceeding the marketing year in which such exports are determined (1985–86), adjusted for current trends in such exports.

The reserve supply level for the 1985–86 marketing year was determined to be 1,542 million pounds. This was based on a normal year's domestic consumption of 450 million pounds and a normal year's exports of 140 million pounds (50 FR 21478). The proposed reserve supply level for the 1986–87 marketing year is 1,493 million pounds. This is based on a normal year's domestic consumption of 430 million pounds and a normal year's exports of 145 million pounds.

Section 301(b)(16)(B) of the Act defines "total supply" as the carryover at the beginning of the marketing year (October 1) plus the estimated production in the United States during the calendar year in which the marketing year begins. The total supply for the 1985–86 marketing year is 2,022 million pounds based on carryover of 1,462 million pounds and estimated marketings of 560 million pounds.

The amount of burley tobacco produced and utilized domestically during the 1984–85 marketing year was 402 million pounds, and the amount exported was 154 million pounds, farm sales weight basis. The national marketing quota for burley tobacco for the 1985–86 marketing year is 525 million pounds (50 FR 21478). For the 1986–87 marketing year, utilization in the United States is estimated to be approximately 410 million pounds and exports are estimated to be approximately 173 million pounds. Despite the total supply for the 1985–86 marketing year being 529 million pounds more than the proposed reserve supply level for the 1986–87 marketing year, and downward adjustment shall not exceed 10 percent of such estimated utilization and exports. Accordingly, it is proposed that the national marketing quota be 525 million pounds for the 1986–87 marketing year, the same as for the 1985–86 marketing year.

For each marketing year for which marketing quotas are in effect in accordance with section 319(c) of the Act, the Secretary is authorized to establish a reserve (hereinafter referred to as the "national reserve") from the national marketing quota in an amount not in excess of 1 percent of the national marketing quota to be available for making corrections and adjusting inequities in farm marketing quotas and for establishing marketing quotas for new farms (i.e., farms for which farm marketing quotas have not been otherwise established). A reserve of 465,000 pounds was established for the 1985–86 marketing year (50 FR 21478). It is proposed that a national reserve be established for the 1986–87 marketing year.

Section 319(e) of the Act provides, in part, that each farm marketing quota shall be determined by multiplying the previous year's farm marketing quota by a national factor obtained by dividing the national marketing quota determined under section 319(c) (less the national reserve) by the sum of the farm marketing quotas for the immediately preceding year for all farms for which burley tobacco marketing quotas will be determined for such succeeding marketing year. However, such national factor shall not be less than 90 percent. The national factor for the 1985–86 marketing year was .90 (50 FR 21478).

Section 319(h) of the Act provides that, effective with the marketing year beginning October 1, 1976, no marketing quota, other than a new farm marketing quota, shall be established for a farm on which no burley tobacco was planted or considered planted in any of the five years immediately preceding the year for which farm marketing quotas are being established.

Price Support

Price support is required to be made available for each crop of a kind of tobacco for which quotas are in effect or for which marketing quotas have not been disapproved by producers at a level which is determined in accordance with a formula prescribed in Section 106 of the Agricultural Act of 1949, as amended (the "1949 Act"). With respect to the 1986 crop of burley tobacco, the level of support is determined in accordance with sections 106 (b), (d) and (f) of the 1949 Act.

Section 106(f)(4) of the 1949 Act provides that the level of support for the 1986 crop of burley tobacco, if marketing quots are in effect or are not disapproved by producers, shall be the level in cents per pound at which the 1985 crop of burley tobacco was supported, plus or minus, respectively, the amount by which (A) the support level for the 1986 crop, as determined under section 106(b) of the 1949 Act, is greater or less than (B) the support level for the 1985 crop, as determined under section 106(b) of the 1949 Act, as that difference may be adjusted by the Secretary under section 106(d) of the 1949 Act if the support level under clause (A) is greater than the support level under clause (B). Accordingly, under section 106(f)(4) of the 1949 Act, if marketing quotas are in effect or are not disapproved by producers, the support level for the 1986 crop of burley tobacco will be the 1985 level, adjusted by the difference between (plus or minus) the 1986 "basic support level" and the 1985 "basic support level".

Section 106(b) of the 1949 Act provides that, if marketing quotas are in effect or are not disapproved by producers, that the "basic support level" for any year is determined by multiplying the support level for the 1959 crop of burley tobacco (57.2 cents per pound) by the ratio of the average of the index of prices paid by farmers including wage rates, interest and taxes (referred to as the "parity index") for the three previous calendar years to the average index of such prices paid by farmers, including wage rates, interest and taxes for the 1959 calendar year (298). For the 1986-crop year, the average parity indexes for the three previous years are: 1983—1104; 1984—1127; and 1985—1125 (estimated based on 9-month's data). The preliminary average of the parity indexes for these years is 1119 and the ratio of the 1983–85 index to the 1959 index is 3.76. Accordingly, the preliminary "basic support level" for the 1986 burley tobacco is estimated to be 215.1 cents per pound. For the 1985-crop year, the average parity indexes used to calculate the 1985 "basic support level" were: 1982—1078; 1983—1105; and 1984—1127. the ratio of the 1982–84 index to the 1959 index equaled 3.70. Thus, the "basic support level" for the 1985 crop of burley tobacco equalled 211.6 cents per pound. The difference between the "basic support levels" for the 1985 and 1986 crops of burley tobacco is estimated to be 3.5 cents per pound.

Section 106(d) of the 1949 Act provides that the Secretary may reduce the level of support which would otherwise be established for any grade of tobacco of a crop for which marketing quotas are in effect or are not disapproved by producers which the Secretrary determines will likely be in excess supply. In addition, the weighted average of the level of support for all eligible grades of such tobacco must, after such reduction reflect not less than 65 percent of the increase in the support level for such kind of tobacco which would otherwise be established under section 106 of the Act if the support level is higher than the support level for the preceding crop. Before any such reduction is made, the Secretary must consult with the associations handling price support loans and consideration must be given to the supply and anticipated demand of such tobacco, including the effect of such reduction on other kinds of quota tobacco. In determining whether the supply of any grade of any kind of tobacco of a crop will be excessive, the Secretary shall take into consideration the domestic supply, including domestic inventories, the amount of such tobacco pledged as security for price support loans, and anticipated domestic and export demand, based on the maturity, uniformity and stalk position of such tobacco.

As previously mentioned, supplies of virtually all grades of burley tobacco are excessive (i.e., 529 million pounds above the reserve supply level), with most of the excess supply consisting of tobacco pledged as collateral for price support loans.

Accordingly, if marketing quotas are in effect or are not disapproved by producers, it is proposed that the 1986 support level for burley tobacco be 151.1 cents per pound. This is an increase of 2.3 cents per pound from the 1985 support level of 148.8 cents per pound, or 65 percent of the increase, i.e., 3.5 cents per pound, that otherwise would be established.

Proposed Determinations

Accordingly, comments are requested on the following proposed revised determinations with respect to burley tobacco for the 1986–87 marketing year:

1. A national marketing quota of 525 million pounds.
2. A reserve supply level in the amount of 1,493 million pounds.
3. A national reserve within the range of 500,000 to 5,00,000 pounds.
4. If marketing quotas are in effect or are not disapproved by producers, a price support level limited to 65 percent of the increase that would have been established otherwise in accordance with section 106 of the 1949 Act, which is currently estimated to be 151.1 cents per pound.

Comments are not requested with respect to the national factor for the 1986–87 marketing year since the national factor is determined as the result of a mathematical computation in accordance with the formula prescribed in section 319(e) of the Act and does not involve administrative decision making.

All written submissions will be made available for public inspection from 8:15 a.m. to 4:45 p.m. Monday through Friday, in Room 3741-South Building, 14th and Independence Avenue, SW., Washington, DC.

Signed at Washington, DC, on December 11, 1985.

Everett Rank,

Administrator, Agricultural Stabilization and Conservation Service, Executive Vice President, Commodity Credit Corporation.

[FR Doc. 85-29749 Filed 12-12-85; 8:45 am]

BILLING CODE 3410-05-M

DEPARTMENT OF COMMERECE

Bureau of the Census

Annual Surveys in Manufacturing Area; Determination

In conformity with Title 13, United States Code (Sections 131, 182, 224, and 225), and with due notice having been published on August 30, 1985 (50 FR 35277), I have determined that annual data to be derived from the surveys listed below are needed to aid the efficient performance of essential governmental functions and have significant application to the needs of the public and industry. The data derived from these surveys, most of which have been conducted for many years, are not publicly available from nongovernmental or other government sources.

Most of the following commodity or product surveys provide data on shipments or production; some provide data on stocks, unfilled orders, orders booked, consumption, and so forth. Reports will be required of all or a sample of establishments engaged in the production of the items covered by the following list of surveys. These surveys are listed under major group headings based on the Standard Industrial Classification Manual (1972 edition) promulgated by the Office of Management and Budget for use of Federal Government statistical agencies.

Annual Current Industrial Reports

Major Group 20—Food and Kindred Products

Confectionery

Major Group 22—Textile Mill Products

Broadwoven fabrics finished
Narrow fabrics
Yard production
Knit fabric production
Stocks of wood and related fibers

Major Groups 23—Apparel and Other Finished Products Made from Fabrics and Similar Materials

Men's and boys' outerwear
Women's and children's outerwear
Underwear and nightwear
Gloves and mittens

Major Group 24—Lumber and Wood Products, Except Furniture

Hardwood plywood
Softwood plywood
Lumber production and mill stocks

Major Group 25—Furniture and Fixtures

Office furniture

Major Group 26—Paper and Allied Products

Selected office supplies and accessories
Pulp, paper, and board

Major Group 27—Printing, Publishing, and Allied Industries

Business forms, binders, carbon paper, and inked ribbon

Major Group 28—Chemicals and Allied Products

Industrial gases
Inorganic chemicals
Pharmaceutical preparations, except biologicals
Sulfuric acid
Paints, varnish, and lacquer

Major Group 30—Rubber and Miscellaneous Plastics Products

Rubber
Plastics bottles
Rubber and plastics hose and belting
Mechancial rubber goods

Major Group 31—Leather and Leather Products

Footwear

Major Group 32—Stone, Clay, and Glass

Consumer, scientific, technical, and industrial glassware
Fibrous glass

Major Group 33—Primary Metal Industries

Steel mill products
Insulated wire and cable

Magnesium mill products
Nonferrous castings
Ferrous castings

Major Group 34—Fabricated Metal Products, except machinery and transportation equipment

Selected heating equipment

Major Group 35—Machinery, Except Electrical

Internal combustion engines
Farm machinery and lawn and garden equipment
Mining machinery and mineral processing equipment
Air-conditioning and refrigeration equipment, including warm air furnaces
Computers and office and accounting machines
Pumps and compressors
Selected industrial air pollution control equipment
Construction machinery
Anti/friction bearings
Fluid power products (including aerospace)
Coin-operated vending machines
Robots

Major Group 36—Electrical Machinery, Equipment, and Supplies

Radios, televisions, and phonographs
Motors and generators
Wiring devices and supplies
Switchgear, switchboard apparatus, relays, and industrial controls
Communication equipment
Semiconductors and printed circuit boards
Electromedical equipment
Electric housewares and fans
Electric lighting fixtures
Major household appliances
Transforms

Major Group 37—Transportation Equipment

Aricraft propellers
Aerospace orders

Major Group 38—Professional, Scientific, and Controlling Instruments; Photographic and Optical Goods; Watches and Clocks

Selected instruments and related products

Major Group 39—Miscellaneous Manufacturing Industries

Pens, pencils, and marking devices

The following survey represents an annual supplement of a monthly survey and will cover the same establishments canvassed monthly. There will be no duplication of reporting, however, since the type of data collected on the annual supplement will be different from that collected monthly.

Major Group 32—Stone, Clay, and Glass

Glass containers
Refractories

The following list of surveys represents annual counterparts of monthly and quarterly surveys and will cover only those establishments that are not canvassed or do not report in the more frequent surveys. Accordingly, there will be no duplication in reporting. The content of these annual reports will be identical with that of the monthly and quarterly reports.

Major Group 20—Food and Kindred Products

Flour milling products

Major Group 22—Textile Mill Products

Broadwoven fabric (gray)
Consumption of wool and Other fibers, and production of tops and noils
Carpet and rugs

Major Group 23—Apparel and other Finished Products Made From Fabrics and Similar Materials

Sheets, pillowcases, and towels

Major Group 32—Stone, Clay, and Glass

Glass containers
Refractories
Clay construction products
Flat glass

Major Group 33—Primary Metal Industries

Inventories of steel mill shapes

Major Group 34—Fabricated Metal Products, Except Machinery and Transportation Equipment

Plumbing fixtures
Steel shipping drums and pails
Closures for containers

Major Group 35—Machinery, Except Electrical

Construction machinery
Metalworking machinery

Major Group 36—Electrical Machinery, Equipment, and Supplies

Fluorescent lamp ballasts
Electric lamps

Major Group 37—Transportation Equipment

New complete aircraft and aircraft engines, except military Truck trailers

Annual Survey of Manufacturers

The annual survey of manufactures collects industry statistics such as total value of shipments, employment, payroll, work hours, capital expenditures, cost of materials consumed, gross book value of assets, retirements, and depreciation of fixed assets, rental payments, supplemental labor costs, and so forth. This survey while conducted on a sample basis, covers all manufacturing industries, including data on plants under construction but not yet in operation.

Annual Survey of Research and Development

A survey of research and development (R&D) activities is conducted. The major data obtained in this survey include total R&D expenditures by source of funds, the number of scientists and engineers employeed, the amounts spent for pollution abatement and energy R&D, and, for comparative purposes, the total net sales and receipts and the total employment of the company.

Annual Survey of Shipments to Federal Government Agencies

A survey of shipments to the Federal Government is conducted to provide information on the effect of Federal procurement on selected industries by Federal Government agencies.

Annual Survey of Pollution Abatement Costs and Expenditures

The annual survey of pollution abatement expenditures is designed to collect from manufacturers the total expenditures by industry and geographic area to abate pollutant emissions. The survey covers current operating costs and capital expenditures to abate air and water pollution and solid waste. This survey also will obtain the costs recovered from abatement activities and quantities of pollutants abated.

Annual Survey of Plant Capacity

The annual survey of plant capacity obtains information such as the amount of time a plant is in operation; operating rates as related to preferred levels and practical capacity; the value of production and other statistics for actual, preferred, and practical capacity operating levels; and the reasons for operating at less than capacity.

The report forms will be furnished to firms included in these surveys. Copies of survey forms are available on request to the Director, Bureau of the Census, Washington, D.C. 20233.

I have therefore, directed that these annual surveys be conducted for the purpose of collecting the date as described.

Dated: December 12, 1985.

John G. Keane,

Director, Bureau of the Census.

[FR Doc. 85-29791 Filed 12-16-85; 8:45 am]

BILLING CODE 3510-07-M

Annual Wholesale Trade; Determination

In accordance with Title 13, United States Code, sections 182, 224, and 225, and due Notice of Consideration having been published November 4, 1985 (50 FR 45849), I have determined that the Census Bureau needs to collect data covering year-end inventories and annual purchases and sales to provide a sound statistical basis for the formation of policy by various governmental agencies. These data also apply to a variety of public and business needs. This annual survey is a continuation of similar wholesale trade sector surveys conducted each year since 1978. It provides, on a comparable classification basis, annual sales for 1985, year-end inventories for 1984 and 1985, and purchases for 1985. These data are not available publicly on a timely basis from nongovernmental or other governmental sources.

The Census Bureau will require selected firms operating merchant wholesale establishments in the United States (with sales size determining the probability of selection) to report in the 1985 Annual Wholesale Trade Survey. The sample will provide, with measurable reliability, statistics on the subjects specified above.

We will furnish report forms to the firms covered by this survey and will require their submission within 20 days after receipt. We will provide copies of the forms upon written request to the Director, Bureau of the Census, Washington, DC 20233.

I have directed, therefore, that an annual survey be conducted for the purpose of collecting these data.

Dated: December 12, 1985.

John G. Keane,

Director, Bureau of the Census.

[FR Doc. 85-29790 Filed 12-16-85; 8:45 am]

BILLING CODE 3510-07-M

Foreign-Trade Zones Board

[Docket No. 42-85]

Foreign-Trade Zone 92; Harrison County, Mississippi; Application for Subzone Moss Point Marine Shipyard, Escatawpa

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Greater Gulfport/Biloxi Foreign-Trade Zone, Inc., grantee of Foreign-Trade Zone 92, requesting special-purpose subzone status for the shipyard of Moss Point Marine, Inc., (MPM) in Escatawpa, Mississippi, within the Pascagoula Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 USC 81a-81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on December 4, 1985.

The shipyard is located on the east bank of the Pascagoula River 5 miles north of Pascagoula. The 51-acre shipyard employs 200 persons and is used primarily for the construction of large fishing vessels and supply vessels for the offshore oil and gas industry.

About 10 percent of the value of the vessels involves foreign components such as engines, generators, deck machinery and fittings, gears, anchors, chain, windows, doors, life boats and davits, and air conditioning equipment.

Zone procedures will help MPM to reduce costs on current orders and to compete internationally on bids for new products. The benefits are related to the fact that most of the components are subject to significant duties, and that the finished products, as ocean going vessels, are duty free.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and report to the Board. The committee consists of: John J. Da Ponte, Jr. (Chairman), Director, Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, DC 20230; Douglas D. Angle, District Engineer, U.S. Customs Service, South Cental Region, 250 N. Water St., Mobile, AL 36652; and Colonel Carroll H. Dunn, District Engineer, U.S. Army Engineer District Mobile, P.O. Box 2288, Mobile, AL 36628.

Comments concerning the proposed subzone are invited in writing from interested parties. They should be addressed to the Board's Executive Secretary at the address below and postmarked on or before January 31, 1986.

A copy of the application is available for public inspection at each of the following locations:

Port Director's Office, U.S. Customs Service, Pascagoula-Moss Point Bank Building, Room 402, Pascagoula, MS 39567

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 1529, 14th and Pennsylvania NW., Washington, DC 20230.

Dated: December 12, 1985.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 85-29797 Filed 12-16-85; 8:45 am]

BILLING CODE 3510-DS-M

International Trade Administration

[A-475-503]

Initiation of Antidumping Duty Investigation; Welded Steel Wire Fabric of Concrete Reinforcement from Italy

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: On the basis of a petition filed in proper form with the U.S. Department of Commerce, we are initiating an antidumping duty investigation to determine whether imports of welded steel wire fabric for concrete reinforcement (wire fabric) from Italy are being, or are likely to be, sold in the United States at less than fair value. We are notifying the U.S. International Trade Commission (ITC) of this action so that it may determine whether imports of the subject merchandise materially injure, or threaten material injury to, a U.S. industry. The ITC will make its preliminary determination on or before January 6, 1986. If this investigation proceeds normally, we will make our preliminary determination on or before April 29, 1986.

EFFECTIVE DATE: December 17, 1985.

FOR FURTHER INFORMATION CONTACT: Raymond Busen, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 377-3464.

SUPPLEMENTARY INFORMATION:

The Petition

On November 20, 1985, we received a petition in proper form filed by the Wire Reinforcement institute, Inc., on behald of the U.S. industry producting wire fabric. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleges that imports of wire fabric from Italy 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.

Initiation of Investigation

Under section 732(c) of the Act, we must determine, within 20 days after a petition is filed, whether the petition sets forth the allegations necessary for initiation of an antidumping duty investigation, and whether it contains information reasonably available to the petitioner supporting the allegations. We examined the petition on wire fabric from Italy and found that it meets the requirements of section 732(b) of the Act. Therefore, we are initiating an antidumping duty investigation to determine whether wire fabric (as detiled in the "Scope of Investigation" section of this notice) from Italy is being, or is likely or be, sold in the United States at less than fair value. If our investigation proceeds normally, we will make our preliminary determination on or before April 29, 1986.

Scope of Investigation

For purposes of this investigation, the term "Welded Steel Wire Fabric for Concrete Reinforcement" is defined as material composed of cold-drawn steel wires, whether or not deformed, fabicated into sheets (or so-called mesh) by the process of electric welding. The finished product consists essentially of a series of longitudinal and transverse wires arranged at substantially right angles to each other and welded together at all points of intersection, as described in ASTM Specifictions A–185 and A–497. Wire fabric is currently classifiable under item 642.8010 of the *Tariff Schedules of the United States Annotated* (TSUSA).

United States Price and Foreign Market Value

The petitioner based United States price on prices quoted "direct discharge, duties and discharge paid" to industry sources and various U.S. customers for the summer of 1985.

The petitioner based foreign market value on information concerning U.S. domestic producer costs adjusted for differences in Italy in accordance with § 353.36(a)(7) of the Commerce Department's Regulations. The petitioner priced low carbon industrial quality wire rod in Italy and then made adjustments for converting the wire rod to welded wire fabric. Such adjustments included costs for labor, power and other utility costs associated with producing wire fabric. The Petitioner then added general and administrative expenses to arrive at a foreign market value.

Based on the comparison of the adjusted netback U.S. price and foreign market value, petitioner alleged a dumping margin of 34 percent.

Notification of ITC

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

Preliminary Determination by ITC

The ITC will determine by January 6, 1986, whether there is a reasonable indication that imports of wire fabric from Italy materially injure, or threaten material injury, to a U.S. industry. If its determination is negative the investigation will terminate; otherwise, it will proceed according to statutory procedures.

Dated: December 10, 1985.

Gilbert B. Kaplan,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 85–29794 Filed 12–16–85; 8:45 am]

BILLING CODE 3510-DS-M

[A-201-503]

Initiation of Antidumping Duty Investigation; Welded Steel Wire Fabric for Concrete Reinforcement from Mexico

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: On the basis of a petition filed in proper form with the U.S. Department of Commerce, we are initiating an antidumping duty investigation to determine whether imports of welded steel wire fabric for concrete reinforcement (wire fabric) from Mexico are being, or are likely to be, sold in the United States at less than fair value. We are notifying the U.S. International Trade Commission (ITC) of this action so that it may determine whether imports of the subject merchandise materially injure, or threaten material injury to, a U.S. industry. The ITC will make its preliminary determination on or before January 6, 1986. If this investigation proceeds normally, we will make our preliminary determination on or before April 29, 1986.

EFFECTIVE DATE: December 17, 1985.

FOR FURTHER INFORMATION CONTACT: Raymond Busen or Patrick O'Mara, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 377–3464 or (202) 377–3798.

SUPPLEMENTARY INFORMATION:

The Petition

On November 20, 1985, we received a petition in proper form filed by the Wire Reinforcement Institute, Inc., on behalf of the U.S. industry producing wire fabric. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleges that imports of wire fabric from Mexico 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.

Initiation of Investigation

Under section 732(c) of the Act, we must determine, within 20 days after a petition is filed, whether the petition sets forth the allegations necessary for initiation of an antidumping duty investigation, and whether it contains information reasonably available to the petitioner supporting the allegations. We examined the petition on wire fabric from Mexico and found that it meets the requirements of section 732(b) of the Act. Therefore, we are initiating an antidumping duty investigation to determine whether wire fabric (as detailed in the "Scope of Investigation" section of this notice) from Mexico is being, or is likely to be, sold in the United States at less than fair value. If our investigation proceeds normally, we will make our preliminary determination on or before April 29, 1986.

Scope of Investigation

For purposes of this investigation, the term "Welded Steel Wire Fabric for Concrete Reinforcement" is defined as Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of July 27 and August 8, 1983, as amended, between the Governments of the United States and Thailand. No agreement was reached on a mutually satisfactory level for this category during consultations

material composed of cold-drawn steel wires, wether or not deformed, fabricated into sheets (or so-called mesh) by the process of electric welding. The finished product consists essentially of a series of longitudinal and transverse wires arranged at substantially right angles to each other and welded together at all points of intersection, as described in ASTM Specifications A–185 and A–497. Wire fabric is currently classifiable under item 642.8010 of the *Tariff Schedules of the United States Annotated* (TSUSA).

United States Price and Foreign Market Value

The petitioner based United States price on price quotes for 1985 to industry sources from purchases of imported wire fabric.

The petitioner based foreign market value on an affidavit of the General Sales Manager of a domestic manufacturer as to the home market price, to the best of his information and belief, and upon a cost analysis in accordance with § 353.36(a)(7) of the Department's Regulations. The petitioner used price information on low carbon industrial quality wire rod in Mexico and made adjustments for labor, conversion costs, and general and administrative expenses.

Based on the comparision of United States price and the estimated foreign market value, petitioner alleged a dumping margin of 56 percent.

Notification of ITC

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

Preliminary Determination by ITC

The ITC will determine by January 6, 1986, whether there is a reasonable indication that imports of wire fabric from Mexico materially injure, or threaten material injury, to a U.S. industry. If its determination is negative the investigation will terminate; otherwise, it will proceed according to the statutory procedures.

Dated: December 10, 1985.

Gilber B. Kaplan,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 85–29795 Filed 12–16–85; 8:45 am]

BILLING CODE 3510–05–M

[A–307–507]

Initiation of Antidumping Duty Investigation; Welded Steel Wire Fabric for Concrete Reinforcement From Venezuela

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: On the basis of a petition filed in proper form with the U.S. Department of Commerce, we are initiating an antidumping duty investigation to determine whether imports of welded steel wire fabric for concrete reinforcement (wire fabric) from Venezuela are being, or are likely to be sold in the United States at less than fair value. We are notifying the U.S. International Trade Commission (ITC) of this action so that it may determine whether imports of the subject merchandise materially injure, or threaten material injury to, a U.S. industry. The ITC will make its preliminary determination on or before January 6, 1986. If this investigation proceeds normally, we will make our preliminary determination on or before April 29, 2986.

EFFECTIVE DATE: December 17, 1985.

FOR FURTHER INFORMATION CONTACT: Raymond Busen or Patrick O'Mara, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; Telephone: (202) 377–3464 or (202) 377–3998 .

SUPPLEMENTARY INFORMATION:

The Petition

On November 20, 1983, we received a petition in proper form filed by the Wire Reinforcement Institute, Inc., on behalf of the U.S. industry producing wire fabric. In Compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleges that imports of wire fabric from Venezuela are being, or are likely to be, sold in the United States at less than fair value within the meaning of action 731 of the Act of 1930, as amended (the Act), and that these imports materially injure, or threaten material injury to, a U.S. industry.

Initiation of Investigation

Under Section 732(c) of the Act, we must determine, within 20 days after a petition is filed, whether the petition sets forth the allegations necessary for the initiation of an antidumping duty investigation,and whether it contains information reasonably available to the petitioner supporting the allegations. We examined the petiton on wire fabric from Venezuela and found what it meets the requirements of section 732(b) of the Act. Therefore, we are initiating an antidumping duty investigation to determine whether wire fabric (as detailed in the "Scope of Investigation" section of this notice from Venezuela is being, or is likely to be sold in the United States at less than fair value. If our investigation proceeds normally, we will make our preliminary determination on or before April 29, 1986.

Scope of Investigation

For purposes of this investigation, the term "Welded Steel Wire Fabric for Concrete Reinforcement" is defined as material composed of cold-drawn steel wires, whether or not deformed, fabricated into sheets (or so-called mesh) by the process of electric welding. The finished product consists essentially of a series of longitudinal and transverse wire arranged at subtantially right angles to each other and welded together at all points of interesection, as described in ASTM Specifications A–185 and A–497. Wire fabric is currently classifiable under item 642.8010 of the *Tariff Schedules of the United States Annotated* (TSUSA).

United States Price and Foreign Market Value

The petitioner based United States price on price quotes for 1985 to industry sources from purchases of imported wire fabric.

The petitioner based foreign market value on an affidavit of the General Sales Manager of a domestic manufacturer as to the home market price, to the best of his information and belief.

Based on the comparison of United States price and foreign market value, petitioner alleged a dumping margin of 50 percent.

Notification of ITC

Section 732(d) of the Act requires us to notify the ITC of this action and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileged and confidential

information in our files, provided it confirms in writing that it will not diclose such information either publicly or under an administrative protection order without the written consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by January 6, 1986, whether there is a reasonable indication that imports of wire fabric from Venezuela materially injure, or threaten material injury, to a U.S. industry. If its determination is negative the investigation will tefminate; otherwise, it will proceed according to the statutory procedures.

Dated: December 10, 1985.

Gilbert B. Kaplan,

Deputy Assistant Secretary for Impoct Administration.

[FR Doc. 85-29796 Filed 12-16-85; 8:45 am]

BILLING CODE 3510-DS-M

Withdrawal of Application for Duty-Free Entry of Scientific Instruments; Johns Hopkins University

The Johns Hopkins University has withdrawn Docket Number 82-00231 an application for duty-free entry of a Self Shielded Cyclotron. Accordingly, further administrative proceedings will not be taken by the Department of Commerce with respect to this application.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Education and Scientific Materials)

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 85-29800 Filed 12-16-85; 8:45 am]

BILLING CODE 3510-DS-M

Applications for Duty-Free Entry of Scientific Instruments; Pennsylvania State University

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), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with subsections 301.5(a) (3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, DC 20230. Applications may be examined 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. 85-048R. Applicant: The Pennsylvania State University, Department of Ceramic Science, 231 Steidle Building, University Park, PA 16802. Instrument: Electro Optical Extensometer, Model 200X. Original notice of this resubmitted application was published in the **Federal Register** of January 8, 1985.

Docket No. 85-074R. Applicant: College of the Holy Cross, Department of Chemistry, Worcester, MA 01610. Instrument: Flash Photolysis with 1000J Capacitor Bank, Model KN-100. Orignal notice of this resubmitted application was published in the **Federal Register** of February 5, 1985.

Docket No. 85-131R. Applicant: Rutgers—The State University of New Jersey, Waksman Institute of Microbiology, P.O. Box 759, Piscataway, NJ 08854. Instrument: Refrigerated Microcentrifuge with Accessories. Original notice of this resubmitted application was published in the **Federal Register** of April 19, 1985.

Docket No. 85-144R. Applicant: New Jersey Department of Health, CN 360 John Fitch Plaza, Trenton, NJ 08625. Instrument: Electron Microscope, Model EM420T with Accessories. Original notice of this resubmitted application was published in the **Federal Register** of May 3, 1985.

Docket No. 86-009. Applicant: The Research Foundation of State University of New York, P.O. Box 9, Albany, NY 12201. Instrument: Cubic Anvil System. Manufacturer: NRD Corporation, Japan. Intended Use: The instrument is intended to be used for the study of oxide and silicate minerals and their chemical analogues. Experiments will be conducted at high pressure to P=130 kilobars and high temperatures to T=1100 °C in conjunction with x-ray generating equipment. The objectives of the research are to understand more fully the behavior and properties of materials under ultra high-pressure conditions. In addition, the instrument will be used in the courses: ESS 531—Crystalline Solids and ESS 556—Solid State Geophysics to introduce students to concepts and techniques of solid state geophysics and crystallography. Application received by Commissioner of Customs: October 11, 1985.

Docket No. 86-028. Applicant: University of Miami, Bascom Palmer Eye Institute, Ann Bates Leach Eye Hospital, 900 N.W. 17th Street, Miami, FL 33136. Instrument: Echo-Opthalmograph, Model 7200 MA with Accessories. Manufacturer: Kretztechnik Company, Austria. Intended Use: Studies of various properties of ophthalmic diseases to provide differentiation between lesions in order to improve diagnostic capabilities and patient care. Application received by Commissioner of Customs: November 1, 1985.

Docket No. 86-032. Applicant: Princeton University, Department of Geology & Geophysical Sciences, Guyot Hall, Princeton, NJ 08544. Instrument: Simultaneous Analyzer System, Model TG-DSC-111. Manufacturer: Setaram, France. Intended Use: Study of the heat effects and weight changes associated with phase transitions and dehydration and decarbonation reactions in solids in order to obtain the fundamental relations between weight, heat, and temperature and time. Application received by Commissioner of Customs: October 29, 1985.

Docket No. 86-033. Applicant: Solar Energy Research Institute, 1617 Cole Boulevard, Golden, CO 80401. Instrument: Calorimeter, Model C-80. Manufacturer: Societe d'Etudes d'Automatisation, France. Intended Use: The instrument will be used to measure the heat storage capacity of solid-state phase-change materials such as pentaerythritol, trimethylol ethane, and neopentyl glycol. These materials, their mixtures and composite building materials consisting of concrete, gypsum board, wood products to which these solid-state phase-change materials have been added are being studied at SERI for possible use in passive solar heated buildings. The heat stored in such materials is released slowly and greatly extends the period during which solar heat is available well into the night. Application received by Commissioner of Customs: October 29, 1985.

Docket No. 86-034. Applicant: Brookhaven National Laboratory, Department of Chemistry, Upton, NY 11973. Instrument: Circular Dichroism Spectrophotometer, Model J-500C and Accessories. Manufacturer: Jasco, Japan. Intended Use: The instrument will be used for circular dichroism studies of chiral metal complexes which assist in the detection and assignment of electronic transitions, especially when the absorption spectrum contains overlapping bands. In addition, the instrument will be used for studies of electron exchange reactions of metal complexes. Application received by Commission of Customs: October 29, 1985.

Docket No. 86-038. Applicant: University of Pittsburgh, Department of Physics and Astronomy, 100 Allen Hall, Pittsburgh, PA 15260. Instrument: Far Infrared Polarizing Michelson Interferometer and Accessories.

Manufacturer: Analytical Accessories Limited, (SPECAC), United Kingdom. Intended Use: Studies of metal-insulator composites with emphasis on small Bi particles. The experiments will be based on the standard techniques of far infrared Fourier transform spectroscopy as practiced by solid state physicists. The objectives of the study on small particle composites include:

(1) An improved understanding of the far infrared properties of composite media, including the behavior of electrons confined in small metal particles,

(2) The possibility of observing quantum size effects in the far infrared absorption and

(3) For Bi particles, the investigation and exploitation of the analogy with electron-hole droplets.

Application received by Commissioner of Customs: November 5, 1985.

Frank W. Creel,

Director, Statutory Import Programs Staff.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

[FR Doc. 85-29801 Filed 12-16-85; 8:45 am]

BILLING CODE 3510-DS-M

Decision on Application for Duty-Free Entry of Scientific Instrument; University of California, San Diego

This decision is make 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. 84-224R. Applicant: University of California, San Diego, La Jolla, CA 92093. Instrument: Cryogenic Magnetometer, Model DRM-430C. Original notice of this resubmitted application was published in the **Federal Register** of July 11, 1984.

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 resolution better that 1×10^{-8} gauss cm^3 $rmsv_{Hz}$. The capability of the foreign instrument described above is pertinent to the applicant's intended purpose. We know of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument at the time of purchase (April 22, 1983) for the applicant's intended use.

Franks W. Creel,

Director, Statutory Import Program Staff.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

[FR Doc. 85-29802 Filed 12-16-85; 8:45 am]

BILLING CODE 3510-DS-M

Decision on Application for Duty-Free Entry of Scientific Instrument; Yale University

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 AM and 5:00 PM in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, DC.

Docket No. 84-257. Applicant: Yale University, New Haven, CT 06511. Instrument: Gas Chromatograph Mass Spectrometer System, Model MS-80. Manufacturer: Kratos Scientific Instruments, United Kingdom. Intended Use: See notice at 49 FR 35167.

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 is an integrated GC/MS/DS system capable of providing a guaranteed resolution of 25 000 (10% valley definition), mass range of 1-2400 atomic mass units at 4000 electron volts, scan rate of 0.1 to 3000 seconds, selection of alternate CI/EI operation, fast atom bombardment and desorption chemical ionization. The capabilities of the foreign instrument described above are 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.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

[FR Doc. 85-29803 Filed 12-16-85; 8:45 am]

BILLING CODE 3510-DS-M

National Oceanic and Atmospheric Administration

Permits; Foreign fishing

This document publishes for public review a summary of applications received by the Secretary of State requesting permits for foreign vessels to fish in the fishery conservation zone under the Magnuson Fishery Conservation and Management Act (Magnuson Act, 16 U.S.C. 1801 *et seq.*).

Send comments on applications to: Fees, Permits and Regulations Division (F/M12), National Marine Fisheries Service, Department of Commerce, Washington, DC 20235 or, send comments to the Fishery Management Council(s) which review the application(s), as specified below:

Douglas G. Marshall, Executive Director, New England Fishery Management Council, 5 Broadway (Route 1), Saugus, MA 01906, 617/231-0422;

John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, Federal Building Room 2115, 300 South New Street, Dover, DE 19901, 302/674-2331;

David H.G. Gould, Executive Director, South Atlantic Fishery Management Council, Southpark Building, Suite 306, 1 Southpark Circle, Charleston, SC 29407, 803/571-1366;

Omar Munoz-Roure, Executive Director, Caribbean Fishery Management Council, Banco De Ponce Building, Suite 1108, Hato Rey, PR 00818, 809/753-6910;

Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Blvd., Tampa FL 33609, 813/228-2815;

Joseph C. Greenley, Executive Director, Pacific Fishery Management Council, 526 S.W. Mill Street, Portland, OR 97201, 503/221-6352;

Jim H. Branson, Executive Director, North Pacific Fishery Management Council, 411 W. Fourth Avenue, Suite 2D Anchorage, AK 99510, 907/271-4060;

Kitty M. Simonds, Executive Director, Western Pacific Fishery Management Council, 164 Bishop Street, Room 1405, Honolulu, HI 96813, 808/523-1368.

For further information contact John D. Kelly or Shirley Whitted (Fees, Permits, and Regulations Division, 202-634-7432).

The Magnuson Act requires the Secretary of State to publish a notice of receipt of all applications for such permits summarizing the contents of the applications in the **Federal Register**. The National Marine Fisheries Service, under the authority granted in a memorandum of understanding with the Department of State effective November 29, 1983, issues the notice on behalf of the Secretary of State.

Individual vessel applications for fishing in 1986 have been received

between November 15, 1985, from the Government shown below.

Dated: December 12, 1985.

Carmen J. Blondin,

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

Fishery codes and designation of Regional Fishery Management Councils which review applications for individual fisheries are as follows:

Code fishery	Regional fishery management councils
ABS Atlantic Billfishes and Sharks.	New England, Mid-Atlantic, South Atlantic, Gulf of Mexico, Caribbean.
BSA Bering Sea and Aleutian Islands Groundfish.	North Pacific.
GOA Gulf of Alaska	North Pacific.
NWA Northwest Atlantic Ocean.	New England, Mid-Atlantic.
SNA Snails (Bering Sea)	North Pacific.
WOC Pacific Groundfish (Washington, Oregon and California).	Pacific.
PBS Pacific Billfishes and Sharks.	Western Pacific.

Activity codes which specify categories of fishing operations applied for are as follows:

Activity code	Fishing operations
1	Catching, processing and other support.
2	Processing and other support only.
3	Other support only.
*	Vessel in support of U.S. vessels (Joint Venture).

Government of the Union of Soviet Socialist Republics

Severodonetsk, Large Stern Trawler, UR-86-0757, BSA, GOA, 2*; WOC.
Mys Ratmanova, Large Stern Trawler, UR-86-0078, BSA, GOA, WOC 2*.

[FR Doc. 85-29836 Filed 12-16-85; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Import Restraint Limit for Certain Man-Made Fiber Textile Products Effective on January 1, 1986

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on January 1, 1986. For further information contact Ann Fields, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212.

Background

The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of February 7 and 8, 1984 between the Governments of the United States and Costa Rica, establishes a restraint limit of 2,363,108 dozen for man-made fiber brassieres the twelve-month period beginning on January 1, 1986 and extending through December 31, 1986. The letter to the Commissioner of Customs which follows this notice establishes this limit.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED (1985).

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

December 11, 1985.

Committee for the Implementation of Textile Agreements

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

Dear Mr. Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of February 7 and 8, 1984, between the Governments of the United States and Costa Rica; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on January 1, 1986, entry into the United States for consumption and withdrawal from warehouse for consumption of man-made fiber textile products in Category 649, produced or manufactured in Costa Rica and exported during the twelve-month period which begins on January 1, 1986 and extends through December 31, 1986 in excess of 2,363,108 dozen.

In carrying out this directive, entries of textile products in Category 649, produced or manufactured in Costa Rica, which have been exported to the United States on or after January 1, 1985 and extending through December 31, 1985, shall, to the extent of any unfilled balance, be charged against the limit established for such goods during that twelve-month period. In the event the limit for that period has been exhausted by previous entries, such goods shall be subject to the limit set forth in this letter.

The limit set forth above is subject to adjustment in the future according to the provisions of the bilateral agreement of February 7 and 8, 1984, which provide in part, that: (1) the specific limit may be increasesd for carryover and carryforward and (2) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), and in Statistical Headnotes 5, Schedules 3 of the TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED (1985).

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

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

Sincerly,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 85-29763 Filed 2-16-85; 8:45 am]

BILLING CODE 3510-DR-M

Establishment of Import Restraint Limit for Certain Cotton Textile Products Produced or Manufactured in Thailand

December 11, 1985

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on December 17, 1985. For further information contact Jane Corwin, International Trade Specialist Office of Textiles and Apparel, U.S. Department of Commerce (202) 377-4212.

Background

On September 25, 1985, a notice was published in the **Federal Register** (50 FR 38875) which established an import restraint limit of 1,314,657 pounds for cotton yarn in Category 301pt. (only T.S.U.S.A. numbers 300.6026 and 300.6028), produced or manufactured in Thailand and exported during the ninety-day period which began on August 30, 1985 and extended through November 27, 1985, pursuant to the

held in November 1985. If agreement is reached on a new limit in further consultations, notice will be published in the **Federal Register**. In the meantime, the United States Government has decided, pursuant to the terms of the bilateral agreement, as amended, to establish a prorated annual limit for 1,531,279 pounds for Category 301pt. for the period which began on August 30, 1985 and extends through December 31, 1985 for goods exported during that period.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED (1985).

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textiles Agreements.

Committee for the Implementation of Textile Agreements

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

Dear Mr. Commissioner:

Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of July 27, and August 8, 1982, as amended, between the Governments of the United States and Thailand; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on December 17, 1985, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 301pt.[1], produced or manufactured in Thailand and exported during the period which began on August 30, 1985 and extends through December 31, 1985, in excess of 1,531,279 pounds.[2]

Textile products in Category 301pt.[1] which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED (1985).

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

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 85-29764 Filed 12-16-85; 8:45 am]

BILLING CODE 3510-DR-M

[1] In Category 301, only T.S.U.S.A. numbers 300.6026 and 300.6028.

[2] The level has not been adjusted to reflect any imports exported after August 29, 1985.

Restraint Limit for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Haiti

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on January 1, 1986. For further information contact And Fields, International Trade Specialist (202) 377-4212.

Background

The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of February 17 and May 4, 1984, between the Governments of the United States and Haiti establishes specific limits for Categories 337, 347/348, 349/649 and 350, among others, during the agreement year beginning on January 1, 1986. In the letter which follows this notice the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs, in accordance with the terms of the bilateral agreement, to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of cotton and man-made fiber textile products in Categories 337, 347/348, 349/649 and 350, produced or manufactured in Haiti and exported during the twelve-month period which begins on January 1, 1986 and extends through December 31, 1986, in excess of the designated restraint limits.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED (1985).

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

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

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

Dear Mr. Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of February 17 and May 4, 1984, as amended between the Governments of the United States and Haiti; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on January 1, 1986, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton and man-made fiber textile products in the following Categories produced or manufactured in Haiti and exported during 1986, in excess of the following levels of restraint:

Category	12-mo level of restraint (dozen)
337	154,562
347/348	458,779
349/649	1,835,114
350	32,149

In carrying out this directive, entries of textile products in all of the foregoing categories, produced or manufactured in Haiti and exported to the United States on and after January 1, 1985 and extending through December 31, 1985, shall to the extent of any unfilled balances, be charged against the restraint limits established for such goods during that twelve-month period. In the event the limits established during that period have been exhausted by previous entries, such goods shall be subject to the level set forth in this letter.

The limits set forth above are subject to adjustment in the future pursuant to the provisions of the bilateral agreement of February 17, and May 4, 1984, as amended, between the Governments of the United States and the Haiti which provide, in part, that: (1) Specific limits shall be increased by seven percent annually (2) a specific ceiling may be exceeded in any agreement year by not more than seven percent of its square yards equivalent total, provided that the amount of the increase is compensated for by an equivalent decrease in one or more specific limits; (3) specific limits may also be increased for carryover and carryforward up to 11 percent of the applicable category limit; and (4) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate future adjustments under the foregoing provisions of the bilateral agreement will be made to you by letter.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED (1985).

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 533.

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 85-29798 Filed 12-16-85

BILLING CODE 3510-DR-M

DEPARTMENT OF DEFENSE

Department of the Air Force

Acceptance of Group Application Under Pub. L. 95-202 and DODD 1000.20—Slick Airways Division of Airlift International in the Vietnam Conflict (1965-1967)

Under the provisions of section 401 of Pub. L. 95-202 and DODD 1000.20, the DOD Civilian/Military Service Review Board has accepted an application on behalf of Slick Airways Division of Airlift International in the Vietnam Conflict (1965-1967). Persons with information or documentation pertinent to the determination of whether the service of this group was equivalent to active military service are encouraged to submit such information or documentation within 60 days to the DOD Civilian/Military Service Review Board, Secretary of the Air Force (SAF/MIPC), Washington, DC 20330. For further information contact Lt Col Dandar, (202) 692-4744 or Lt Col Todd (202) 692-4746.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 85-29752 Filed 12-16-85; 8:45 am]

BILLING CODE 3910-01-M

Corps of Engineers, Department of the Army

Intent To Prepare Environmental Impact Statement; Clarement Channel, NJ

Summary

1. Description of Proposed Action. Deepen and maintain all or a portion of the 2 mile long access channel from its current 27 feet MLW to a depth of up to 45 feet MLW. Improvements will follow the same alignment as the presently existing channel, with a width of 300 feet, except for a possible widening of the entrance to the main ship channel, to facilitate safe navigation into and out of that channel (the main entrance channel into and out of the Port, currently maintained at a depth of 45 feet MLW).

2. Reasonable Alternatives.

(a) Channel depths of 30-45 feet MLW.

(b) Entrance width of up to 1500 feet, tapering down to existing channel width (300 feet) within the first 1000 feet of the channel length.

(c) Disposal of dredged material.

(1) Ocean disposal.

(2) Disposal into subaqueous borrow pits.

(3) Disposal within containment islands.

(4) Upland disposal.

(5) Used to create wetlands.

(d) No action.

3. Scoping Process.

(a) Public Involvement. Public Notice dated December 22, 1982 (No. 11355) announced the start of a feasibility study for improvements to Clarement channel, and requested public input. A second Public Notice (to be issued concurrent with this notice) will announce the preparation of a draft EIS, and the availability of a draft environmental report that provides an initial analysis of project impacts. The public will be asked to comment further on the proposed project and environmental analysis, and to provide additional data or concerns that they feel should be included in the EIS.

(b) Significant Issues Requiring In-depth Analysis.

(1) Impacts of the construction on short- and long-term water quality.

(2) Impacts of the construction of fish and wildlife resources and habitat within the project area.

(3) Disposal impacts on water quality and fish and wildlife resources at the disposal site.

(4) Suitability of disposal options.

(c) Assignments.

Agencies having jurisdiction under the law will be asked to serve as cooperating agencies in the preparation of the EIS.

(d) Environmental review and consultation.

(1) U.S. fish and Wildlife Service have been asked to review project impacts, and have determined there will be no significant impacts to special or high value fish and wildlife resources; no mitigation for loss of habitat is required (August 21, 1985).

(2) New Jersey Department of Environmental Protection have reviewed project impacts and concur with FWS recommendations and findings.

(3) New Jersey Historic Preservation Officer has reviewed the project and determined that there will be no negative impacts or cultural or archaeological resources.

(4) Above agencies, as well as interested agencies and the public will be advised of the draft environmental analysis prepared by the Corps, and given an opportunity to review and comment on its findings.

(5) National Marine Fisheries Service has been formally requested to evaluate the Corp's finding of no impact to threatened or endangered species, or their habitat (section 7 coordination under Endangered Species Act)

(6) The New Jersey Office of Coastal Resources have been formally asked to concur with the Corp's finding of project compliance with coastal zone management policy in the area.

(7) Agencies and the public will be informed of the availability of the DEIS and FEIS, and asked to comment on its findings.

4. Scoping meeting will not be held.

5. Estimate date of statement availability is July 1986.

Address

Project Manager, Douglas Sullivan, ATTN: NANPL-FN, (212) 264-9077

EIS Coordinator, Len Houston, NANPL-E, (212) 264-4662

U.S. Army Engineer District, New York, 26 Federal Plaza, New York, New York 10007.

John O. Roach, II,

Department of the Army Liaison, Officer with the Federal Register.

[FR Doc. 85-30001 Filed 12-16-85; 10:33 am]

BILLING CODE 3710-08-M

DEPARTMENT OF COMMERCE

International Trade Administration

[A-588-505]

Dynamic Random Access Memory Semiconductors of 256 Kilobits and Above From Japan; Initiation of Antidumping Duty Investigation

AGENCY: International Trade Administration/Import Administration, Commerce.

ACTION: Notice.

SUMMARY: On the basis of information developed by the U.S. Department of Commerce, the Department is initiating an antidumping duty investigation to determine whether Japanese dynamic random access memory semiconductors having a memory capacity of 256 kolobits and above are being, or are likely to be, sold in the United States at less than fair value. We are notifying the U.S. International Trade Commission of this action so that it may determine whether imports of this product are materially injuring, or threatening to materially injure, a U.S. industry, or are materially retarding establishment of a U.S. industry. The ITC will make its preliminary determination on or before January 31, 1986. If this investigation proceeds normally, we will make our preliminary determination on or before May 27, 1986.

EFFECTIVE DATE: December 17, 1985.

FOR FURTHER INFORMATION CONTACT: William L. Matthews, Office of Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th & Constitution Avenue, N.W., Washington, D.C. 20230; (202) 377-3601.

SUPPLEMENTARY INFORMATION:

Initiation

On the basis of information available to the Department of Commerce ("the Department"), we are initiating an antidumping duty investigation, under section 732(a) of the Tariff Act of 1930, as amended ("the Act"), to determine whether Japanese dynamic random access memory semiconductors (DRAMs) having a memory capacity of 256 kilobits and above are being, or are likely to be, sold in the United States at less than fair value.

We have evidence indicating that the United States price of this merchandise is less than the foreign market value of such or similar merchandise. We also have evidence that these imports may be having an injurious effect upon the U.S. industry. That information indicates growing import penetration and declining import prices. These imports may be causing depressed conditions in the U.S. industry such as suppressed prices and profits.

If this investigation proceeds normally, we will make our preliminary determination on or before May 27, 1986. As part of that investigation, we will examine the likelihood of sales below the cost of production.

United States Price and Foreign Market Value

We based our estimate of the United States price upon bid and price quotes obtained from U.S. industry sources.

We examined Japanese bids, price quotes and cost data obtained from industry and public sources and calculated that sales were made at prices below the cost of production. We therefore estimated foreign market value based on constructed value, adding the statutory minimum for profit.

Based on our comparisons we have estimated that a dumping margin of 33 percent may exist for exports during the period from June through October 1985.

Scope of Investigation

The merchandise covered by this investigation are Japanese DRAMs having a memory capacity of 256 kilobits and above, of both the N-channel and the complementary metal oxide semiconductor type, whether in the form of processed wafers, unmounted die, mounted die, or assembled devices. Finished DRAMs of 256 kilobits and above are currently classifiable under items 687.7443 and 687.7444 of the Tariff Schedules of the United States Annotated. Unassembled DRAMs, including processed wafers and mounted and unmounted die, are currently classifiable under item 687.7405 of the Tariff Schedules of the United States Annotated.

Processed wafers and die produced in Japan and assembled into finished DRAMs in another country prior to importation into the U.S. from the other country are tentatively included in the scope of the investigation. In the course of this proceeding we will determine whether to continue to include these indirect imports in the scope of this investigation. We invite comments from those not involved in the proceeding, as well as from parties to this proceeding, on this issue. We request that such comments be submitted prior to February 17, 1986.

Notification of ITC

Section 732(d) of the Act requires us to notify the International Trade Commission ("ITC") of this action and to provide it with the information we used in reaching our decision to initiate. The Department will also allow the ITC access to all privileged and proprietary information in our files, provided it conforms that it will not disclose such information either publicly or under an administrative protective order without the consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination of ITC

The ITC will determine by January 31, 1986, whether there is a reasonable indication that imports of Japanese DRAMs of 256 kilobits and above are materially injuring, or threatening to materially injure, a United States industry, or are materially retarding establishment of a U.S. industry. If its determination is negative, the investigation will terminate; otherwise, it will proceed according to the statutory procedures.

Dated: December 6, 1985.

Gilbert B. Kaplan,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 85-29757 Filed 12-17-85; 11:06 am]

BILLING CODE 3510-DS-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 8746-002, 8615-000,2814-004]

George E. Dennis et al.; Availability of Environmental Assessment and Finding of No Significant Impact

December 11, 1985.

In accordance with the National Environmental Policy Act of 1969, the Office of Hydropower Licensing, Federal Energy Regulatory Commission (Commission), has reviewed the applications for major and minor licenses (or exemptions) listed below and has assessed the environmental impacts of the proposed developments.

EXEMPTIONS

Project No.	Project Name	State	Water body	Nearest town	Applicant
8745-002	Fairfield Mill	TN	Garrison Fork Creek	Fairfield	George E. Dennis.
			Licenses		
8615-000	Fiske Mill	NH	Ashuelot River		Fiske Hydro.
			Amendment		
2814-004	Great Falls	NJ	Passaic River	Paterson	Paterson Municipal Utilities Authority

Environmental assessments (EA's) were prepared for the above proposed projects. Based on independent analyses of the above actions as set forth in the EA's, the Commission's staff concludes that these projects would not have significant effects on the quality of the human environment. Therefore, environmental impact statements for these projects will not be prepared.

Copies of the EA's are available for review in the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, NE. Washington, DC 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-29688 Filed 12-16-85; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-00066; OPTS-FRL 2940-3]

Availability of Chemical Emergency Preparedness Program Interim Guidance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Availability.

SUMMARY: EPA has developed a program to address accidental releases of acutely toxic chemicals as part of a comprehensive strategy to deal with the problem of air toxics in the environment. This voluntary program has two goals: To increase community awareness of potential chemical hazards, and to stimulate the development of State and local emergency response plans for dealing with chemical accidents. This notice announces the availability of the Chemical Emergency Preparedness Program Interim Guidance.

DATE: Written comments should be submitted by March 17, 1986.

ADDRESS: Written comments must bear the docket control number OPTS-00066. An original and two copies should be sent to: TSCA Public Information Office (TS-793), Office of Toxic Substances, Environmental Protection Agency, Rm. E-108, 401 M St., SW. Washington, DC 20460.

All written comments on the Interim Guidance will be available for public inspection in Room E-107 at the address given above from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: Robert Costa, Hazardous Response Support Division (WH-548-A), Environmental Protection Agency, Rm. 3103, 401 M St., SW., Washington, D.C. 20460, Toll-Free: (800-535-0202). In Washington, DC: (479-2449). Outside the USA: (Operator-202-479-2449).

SUPPLEMENTARY INFORMATION: EPA is announcing the availability of the Chemical Emergency Preparedness Program Interim Guidance. This document includes an introduction to the program; sections on organizing the community; gathering and analyzing site-specific information; contingency plan development and content; contingency planning appraisal and continuing planning; and the criteria to be used in the identification of acutely toxic chemicals. The interim list of acutely toxic chemicals is included as one of the appendices.

Date: December 11, 1985.

Lee M. Thomas,

Administrator.

[FR Doc. 85-29786 Filed 12-16-85; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL MARITIME COMMISSION

Ocean Freight Forwarder License; Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as ocean freight forwarders pursuant to section 19 of the Shipping Act, 1984 (46 U.S.C. app. 1718 and 46 CFR Part 510).

Persons knowing of any reasons why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Tariffs, Federal Maritime Commission, Washington, DC 20573.

Trident Crating & Services, Inc. dba Trion Freight Forwarding Co., 16038 Vickery, Suite 200, Houston, TX 77032; Officers: Robert Wayne Allmaras, President; Edward Clarence Berrio, Joe F. Harlan;

A & D Forwarding, Inc., 2404 West 14th Street, Tempe, AZ 85281; Officers: Donald White, President; Daniel Rogers, Treasurer; Wayland C. Bartram, Vice President;

Robert A. Zabka dba Commodore International, 6112 Woodward, Downers Grove, IL 60516;

James A. Dinse dba Rutherford Forwarding Co., 15 Driftwood Court, San Rafael, CA 94901;

Jay E. Bowlby, Inc., dba JEBCO International, 268 Green Village Road, Green Village, NJ 07935; Officers: Jay E. Bowlby, Jr., President; Donna L. Bowlby, Secretary/Treasurer.

By the Federal Maritime Commission.

Dated: December 12, 1985.

Bruce A. Dombrowski,

Secretary.

[FR Doc. 85-29817 Filed 12-16-85; 8:45 am]

BILLING CODE 6730-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Advisory Committees, Meetings

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also summarizes the procedures for the meetings and methods by which interested persons may participate in open public hearings before FDA's advisory committees.

Meetings: The following advisory committee meetings are announced:

Gastrointestinal Drugs Advisory Committee

Date, time, and place. January 16 and 17, 1986, 9 a.m., National Institutes of Health, Jack Masur Auditorium, Clinical Center, Bldg. 10, 9000 Rockville Pike, Bethesda, MD.

Type of meeting and contact person. Open public hearing, January 16, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 5 p.m.; open committee discussion, January 17, 9 a.m. to 5 p.m

Joan C. Standaert, Center for Drugs and Biologics (HFN–110), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4730.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of marketed and investigational prescription drugs for use in the treatment of gastrointestinal disorders.

Agenda—Open public hearing. Interested persons requesting to present data, information, or views, orally or in writing, on issues pending before the committee should communicate with the committee contact person.

Open committee discussion. On January 16 the committee will discuss Pepcid (famotidine) NDA 19–462, Merck and Co., for short-term treatment of gastric and duodenal ulcer and gastric hypersecretory states and 6 months maintenance treatment of duodenal ulcer; and on January 17 the committee will discuss: (1) Tagamet (cimetidine) NDA 17–920/S–057, SmithKline and Beckman, for bedtime dosage for short-term treatment of duodenal ulcer; and (2) Carafate (sucralfate) NDA 18-333/S–009, Marion Laboratories, for prevention of recurrence of duodenal ulcer.

Anti-Infective Drugs Advisory Committee

Date, time, and place. January 17, 1986, 8:30 a.m., Conference Rms. D and E, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.

Type of meeting and contact person. Open committee discussion, January 17, 9:30 a.m. to 4:30 p.m.; open public hearing, 4:30 p.m. to 5:30 p.m.; Thomas E. Nightingale, Center for Drugs and Biologics (HFN–32), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4695.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of marketed and investigational prescription drugs for use in infectious diseases.

Agenda—Open public hearing. Interested persons requesting to present data, information, or views, orally or in writing, on issues pending before the committee should communicate with the committee contact person.

Open committee discussion. In workshop format, the committee will discuss gonadal toxicity in humans which may result from antiviral drugs based on data about both marketed and investigational products. Presentations will be made by several invited speakers.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairperson determines will facilitate the committee's work.

Public hearings are subject to FDA's guideline (Subpart C of 21 CFR Part 10) concerning the policy and procedures for electronic media coverage of FDA's public administrative proceedings, including hearings before public advisory committees under 21 CFR Part 14. Under 21 CFR 10.205, representatives of the electronic media may be permitted, subject to certain limitations, to videotape, film, or otherwise record FDA's public administrative proceedings, including presentations by participants.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairperson's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be requested from the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, between the hours of 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770–776 (5 U.S.C. App. I)), and FDA's regulations (21 CFR Part 14) on advisory committees.

Dated: December 9, 1985.

Mervin H. Shumate,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 85–29773 Filed 12–16–85; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 84P–0253]

Canned Tuna Deviating From Identity Standard; Amendment and Extension of Temporary Marketing Permit

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is amending the temporary permit to market test canned tuna in vegetable oil and canned tuna in water that contain a blend of sodium tripolyphosphate and sodium hexametaphosphate. FDA is also extending the expiration date of the permit. The amendment changes the name of the permit holder, and the extension allows the permit holder to continue experimental market testing of the product while the agency takes action on the permit holder's petition to amend the standard for canned tuna.

DATE: The new expiration date of the permit will be either the effective date of a final rule for any proposal to amend the standard of identity for canned tuna that may result form the petition or 30 days after termination of such proposal.

FOR FURTHER INFORMATION CONTACT: Johnnie G. Nichols, Center for Food Safety and Applied Nutrition (HFF–215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–485–0101.

SUPPLEMENTARY INFORMATION: A temporary permit was issued under the provisions of 21 CFR 130.17 to Ralston Purina Co., St. Louis, MO 63164, to market test canned tuna in vegetable oil and canned tuna in water that contain a blend of sodium tripolyphosphate and sodium hexametaphosphate in an amount not to exceed 0.5 percent, by weight, of the finished food, to reduce loss of natural fluids and protein during cooking, to prevent oxidation changes during product cool-down, and to facilitate separation of loin meat. The permit was issued in order to facilitate market testing of foods that deviate from

the requirements of the standards of identity promulgated under section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341). Notice of issuance of the temporary permit to Ralston Purina Co. was published in the Federal Register of July 16, 1984 (49 FR 28769). The expiration date of the permit is January 11, 1986.

Since the permit was issued, the Seafood Division of Ralston Purina Co. has become a wholly owned subsidiary, Van Camp Seafood Co., Inc. Ralston Purina Co. has requested that the temporary permit be amended to change the name of the permit holder. Accordingly, FDA is amending the temporary permit to indicate that the Van Camp Seafood Co., Inc., is the permit holder that company name will be declared as the manufacturer on the test product label.

Ralston Purina Co. also requested that the temporary permit be extended so the market test period can continue while agency action on a petition to amend the canned tuna standard proceeds. Ralston Purina Co. submitted the petition at the same time the application for extension was submitted. FDA finds that it is in the interest of consumers to issue the extension. FDA is inviting interested persons to participate in the market test under the conditions that apply to Van Camp Seafood Co., Inc. (formerly Ralston Purina Co.), including the labeling requirements and the amounts of test product to be distributed, except that the designated area of distribution shall not apply.

Any interested person who wishes to participate in the market test must notify, in writing, the Deputy Director, Division of Food Technology (HFF-211), Food and Drug Administration, 200 C St. SW., Washington, DC 20204. The notification must include the amount of test product to be distributed, the areas of distribution, and labeling that will be used for the test product.

Therefore, FDA is amending the temporary permit by changing the name of the permit holder and, under the provisions of § 130.17(i) (21 CFR 130.17(i)), FDA is extending the expiration date of the permit in order that the permit expires either on the effective date of a final rule for any proposal to amend the standard of identity for canned tuna that may result from the petition or 30 days after termination of such proposal. All other conditions and terms of this permit remain the same.

Dated: December 6, 1985.

Sanford A. Miller,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 85-29770 Filed 12-16-85; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 85N-0452]

Public Health Service Implementation Plans for Attaining the Objectives for the Nation; Nutrition Goals; Announcement of Study; Notice of Closed Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that the Life Sciences Research Office of the Federation of American Societies for Experimental Biology (FASEB) (1) has undertaken a study of the scientific community's views on the progress that the Public Health Service (PHS) has made in implementing its plans for attaining its nutrition goals for 1990 of promoting health and preventing disease; and (2) is providing notice of a closed meeting of the ad hoc Review Panel on Nutrition Goals.

DATE: The closed meeting of the ad hoc Review Panel on Nutrition Goals will be held on Thursday, January 9, 1986, at 9 a.m.

ADDRESS: The closed meeting will be held at FASEB, 9650 Rockville Pike, Bethesda, MD 20814.

FOR FURTHER INFORMATION CONTACT: Kenneth D. Fisher, Life Sciences Research Office, Federation of American Societies for Experimental Biology, 9650 Rockville Pike, Bethesda, MD 20814, 301-530-7030.

SUPPLEMENTARY INFORMATION: FDA is announcing that FASEB, under its contract with FDA (No. 223-83-2020), has undertaken a study of the scientific community's views on the progress that PHS has made in implementing its plans for attaining its nutrition goals for 1990 of promoting health and preventing disease. In response to a request from FDA, the Scientific Steering Group that FASEB established under the contract recommended that the Life Sciences Research Office appoint an ad hoc panel to study this matter. As a result, the Life Sciences Research Office has established the ad hoc Review Panel on Nutrition Goals (ad hoc Review Panel).

In a publication that it issued in 1983, "Promoting Health, Preventing Disease: Public Health Service (PHS) Implementation Plans for Attaining the Objectives for the Nation," PHS listed its 15 major nutrition goals. These goals included reducing the prevalence of those diseases that could be affected by nutrition (e.g., hypertension, iron deficiency anemia, elevated cholesterol, and obesity); increasing consumer knowledge about nutrition and its impact on health (e.g., knowledge about the relationships between components of foods and disease/syndrome states and about the balance that must be achieved between food intake and exercise to effect a loss in body weight); and improving the quality of information on nutrition available to the public (e.g., in physicians' offices, cafeterias, and schools). Each nutrition goal was presented in the form of a 10-year plan, with an end-point designed to permit measurement of success or failure.

The Office of the Assistant Secretary for Health (OASH) designated FDA's Center for Food Safety and Applied Nutrition (CFSAN) to monitor PHS activities that are intended to achieve these goals.

The year 1985 marks the mid-point in the 10-year plan for achievement of these goals. CFSAN has been asked to report to OASH on the status of PHS's efforts to achieve these goals.

The purpose of FASEB's study is to provide an objective assessment of PHS's efforts. The report of the ad hoc Review Panel will provide CFSAN with a synopsis of opinions from the knowledgeable scientific community on the actual status of these efforts and on the effects that these efforts have had (as measured by such indices as morbidity/mortality/birth records, hospital records, and surveys on health and nutrition). The ad hoc Review Panel will also report on whether existing nutrition goals should be modified to make their attainment more reasonable or realistic.

The ad hoc Review Panel is composed of members of the Scientific Steering Group and other experts in the matters that are being studied, which are outlined above. A list of the members of the Panel may be obtained by writing to the contact person (address above). As announced in the Federal Register of October 11, 1985 (50 FR 41597), the ad hoc Review Panel conducted an open meeting on October 31 and November 1, 1985, and closed meetings following the conclusion of the open meeting on November 1 and on November 14 and 15, 1985. Voluminous comments, views, data, and information were received. Consequently, the ad hoc Review Panel was unable to complete its analysis and found it necessary to schedule a final meeting. This meeting is being announced as required by 21 CFR 14.15(b)(1).

Dated: December 6, 1985.

Mervin H. Shumate,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 85-29771 Filed 12-16-85; 8:45 am]

BILLING CODE 4160-01-M

Request for Nominations for Voting Members on Public Advisory Committees

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is requesting nominations for voting members to serve on certain public advisory committees in the Center for Drugs and Biologics. Nominations will be accepted for current vacancies and vacancies that will or may occur on the committees during the next 12 months.

FDA has a special interest in ensuring that women, minority groups, and the physically handicapped are adequately represented on advisory committees and, therefore, extends particular encouragement to nominations for appropriately qualified female, minority, and physically handicapped candidates. Final selection from among qualified candidates for each vacancy will be determined by the expertise required to meet specific agency needs and in a manner to ensure appropriate balance of membership.

DATES: Because scheduled vacancies occur on various dates throughout each year, no cutoff date is established for receipt of nominations.

ADDRESSES: All nominations for membership, except for consumer-nominated members, should be sent to Morris Schaeffer (address below). All nominations for consumer-nominated members should be sent to Naomi Kulakow (address below).

FOR FURTHER INFORMATION CONTACT:

Morris Schaeffer, Office of Scientific Advisors and Consultants (HFN-30), Center for Drugs and Biologics, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5455

or

Naomi Kulakow, Office of Consumer Affairs (HFE-40), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5006.

SUPPLEMENTARY INFORMATION: FDA is requesting nominations of voting members for the following 17 advisory committees for vacancies listed below. Individuals should have expertise in the activity of the committee.

1. Anesthetic and Life Support Drug Advisory Committee: three vacancies occurring June 30, 1986.

2. Anti-Infective Drugs Advisory Committee: one vacancy occurring November 30, 1985.

3. Arthritis Advisory Committee: four vacancies occurring September 30, 1986, including the consumer-nominated member.

4. Cardiovascular and Renal Drugs Advisory Committee: five vacancies occurring June 30, 1986.

5. Dermatologic Drugs Advisory Committee: three vacancies occurring August 31, 1986.

6. Endocrinologic and Metabolic Drugs Advisory Committee: three vacancies occurring June 30, 1986.

7. Fertility and Maternal Health Drugs Advisory Committee: five vacancies occurring June 30, 1986, including the consumer-nominated member.

8. Gastrointestinal Drugs Advisory Committee: three vacancies occurring June 30, 1986, including the consumer-nominated member.

9. Oncologic Drugs Advisory Committee: four vacancies occurring June 30, 1986.

10. Peripheral and Central Nervous System Drugs Advisory Committee: two vacancies occurring January 31, 1986.

11. Psychopharmacologic Drugs Advisory Committee: four vacancies occurring June 30, 1986, including the consumer-nominated member.

12. Pulmonary-Allergy Drugs Advisory Committee: two vacancies occurring June 30, 1986.

13. Radiopharmaceutical Drugs Advisory Committee: three vacancies occurring June 30, 1986.

The functions of the 13 committees listed above are to review and evaluate available scientific, technical, and medical data concerning the safety and effectiveness of marketed and investigational prescription drugs for use in the area of medical specialties indicated by the title of the committee and to make appropriate recommendations to the Commissioner of Food and Drugs.

14. Drug Abuse Advisory Committee: four vacancies occurring June 30, 1986.

The functions of the Drug Abuse Advisory Committee are to: (1) Advise the Commissioner regarding the scientific and medial evaluation of all information gathered by both the Department of Health and Human Services (HHS) and the Department of Justice regarding the safety, efficacy, and abuse potential for drugs or other substances; and (2) recommend actions to be taken by HHS regarding the marketing, investigation, and control of such drugs or other substances.

15. Allergenic Products Advisory Committee: this is a newly established committee, and there are no vacancies.

16. Blood Products Advisory Committee: no vacancies occurring during the next 12 months.

17. Vaccines and Related Biological Products Advisory Committee: no vacancies occurring during the next 12 months.

The functions of the three committees listed above are to review and evaluate available scientific, technical and medical data concerning the safety, effectiveness, and appropriate use of allergenic products, blood and products derived from blood and serum, and vaccines and other immunological products intended for use in the diagnosis, prevention, or treatment of human diseases, and to make appropriate recommendations to the Commissioner.

Criteria for Members

Persons nominated for membership on the committees described above must have adequately diversified research and/or clinical experience appropriate to the work of the committee in such fields as allergenic products, anesthesiology, surgery, infectious diseases, rheumatology, cardiology, dermatology, endocrinology, obstetrics and gynecology, gastroenterology, oncology, neurology, psychiatry, nuclear medicine, internal medicine, epidemiology, statistics, hematology, immunology, blood banking, virology, bacteriology, allergy, pediatrics, microbiology, and biochemistry, or other appropriate areas of expertise.

The specialized training and experience necessary to qualify the nominee as an expert suitable for appointment is subject to review, but may include experience in medical practice, teaching, research, and/or public service relevant to the field of activity of the committee. The term of office is ordinarily 4 years.

Criteria for Consumer-Nominated Members

FDA currently attempts to place on each of the committees described above one voting member who is nominated by consumer organizations. These members are recommended by a consortium of 12 consumer organizations which has the responsibility for screening, interviewing, and recommending consumer-nominated candidates with appropriate scientific credentials. Candidates are sought who are aware of the consumer impact of committee issues, but also possess enough technical background to understand and

contribute to the committee's work. This would involve, for example, an understanding of research design, benefit/risk, and the legal requirements for safety and efficacy of the products under review, and considerations regarding individual products. The agency notes, however, that for some advisory committees, it may require such nominees to meet the same technical qualifications and specialized training required of other expert members of the committee. The term of office for these members is 4 years. Nominations for all committees listed above are invited for consideration for membership as openings become available.

Nomination Procedure

Any interested person may nominate one or more qualified persons for membership on one or more of the advisory committees. Nominations shall specify the committee for which the nominee is recommended. Nominations shall state that the nominee is aware of the nominations, is willing to serve as a member of the advisory committee, and appears to have no conflict of interest that would preclude committee membership. Potential candidates will be asked by FDA to provide detailed information concerning such matters as financial holdings, consultancies, and research grants or contracts in order to permit evaluation of possible sources of conflict of interest.

This notice is issued under the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770–776 (5 U.S.C. App. I) and 21 CFR Part 14, relating to advisory committees.

Dated: December 9, 1985.

Mervin H. Shumate,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 85–29772 Filed 12–16–85; 8:45 am]

BILLING CODE 4160–01–M

Public Health Service

National Toxicology Program Board of Scientific Counselors Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Toxicology Program Board of Scientific Counselors, U.S. Public Health Service, in the Conference Center, Building 101, South Campus, National Institute of Environmental Health Sciences, Research Triangle Park, North Carolina, on January 8, 1986.

The meeting will be open to the public from 1:00 p.m. until adjournment for the purpose of providing peer review of the data from the chronic carcinogenesis bioassay of FD and C Yellow No. 6 in male and female Charles River albino rats. The bioassay was sponsored by the Certified Colors Manufacturers Association, conducted by Biodynamics, Inc., and submitted to the Food and Drug Administration (FDA) in support of permanent listing of FD and C Yellow No. 6 for food, drug and cosmetic uses. The review will be performed by the Technical Reports Review Subcommittee of the Board in conjunction with an *ad hoc* panel of experts.

The meeting will commence with a brief overview of the studies. This will be followed with presentations by scientific staff from the Center for Food Safety and Applied Nutrition, FDA, concerning the pathology findings. Sufficient time will be allowed for public comment.

The Executive Secretary, Dr. Larry G. Hart, Office of the Director, National Toxicology Program, P.O. Box 12233, Research Triangle Park, North Carolina 27709, telephone (919) 541–3971, FTS 629–3971, will furnish program information prior to the meeting and summary minutes subsequent to the meeting.

Dated: December 10, 1985.

David P. Rall, M.D., Ph.D.

Director, National Toxicology Program.

[FR Doc. 85–29765 Filed 12–16–85; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF THE INTERIOR

Central and Field Organization

This notice provides a description of the central and field organization of the Department of the Interior, including the functions of the bureaus and offices and places at which the public may obtain information.

This notice is published in accordance with the provisions of 5 U.S.C. 552(a)(1)(A) and supersedes the notice published in the **Federal Register** on May 26, 1979 (44 FR 30451). Additional information regarding the Department's functions and programs may be obtained by directly contacting the appropriate bureau or office and referring to the public regulations of the Department as published in Titles 25, 30, 36, 41, 43, 48, and 50 of the Code of Federal Regulations.

Dated: December 6, 1985.

Joseph E. Doddridge, Jr.,

Deputy Assistant Secretary of the Interior.

Office of the Secretary

Secretary

The Secretary of the Interior, as the head of an executive department, reports directly to the President and is responsible for the direction and supervision of all operations and activities of the Department. The Secretary also has certain powers or supervisory responsibilities relating to Territorial governments.

Under Secretary

The Under Secretary assists the Secretary in the discharge of Secretarial duties and serves as Acting Secretary in the asbsence of the Secretary. With the exception of certain matters reserved by the Secretary, the Under Secretary has the full authority of the Secretary.

Fish and Wildlife and Parks

The Assistant Secretary for Fish and Wildlife and Parks discharges the duties of the Secretary with the authority and direct responsibility for programs associated with the development, conservation, and utilization of fish, wildlife, recreation, historical, and national park system resources of the Nation. The Assistant Secretary represents the Department in the coordination of marine environmental quality and biological resources programs with other Federal agencies. The Assistant Secretary for Fish and Wildlife and Parks exercises Secretarial direction and supervision over the United States Fish and Wildlife Service and the National Park Service.

Water and Science

The Assistant Secretary—Water and Science discharges the duties of the Secretary with the authority and direct responsibility to carry out the statutory mandate to manage and direct programs supporting the development and implementation of national water and minerals policies through encouraging and assisting the development of economically and environmentally sound resource activities, including development and conservation of hte Nation's water supply and support of cost-sharing techniques for development and management of water supplies in the 17 Western States; water resource evaluation and analysis; fostering and encouraging the private sector in the orderly and economic development of domestic mineral resources; effective mineral data collection and analysis; assessment of frontier area mineral resources for long-term availability; improved focus and effectiveness of departmental research and development activities in geology, hydrology,

metallurgy, mining technology, and mine health and safety, including international work supporting departmental long-term national objectives; topographic, geologic, and mineral resource investigations; Earth seismic research; and remote sensing activities. The Assistant Secretary is the science adviser to the Secretary and, as such, coordinates scientific activities in the Department; coordinates Department activities with the Board on Geographic Names; represents the Secretary on the Trade Policy Review Group to coordinate international trade policy issues, the interagency groups for Antarctic policy, ocean policy and law of the sea, the Emergency Mobilization Preparedness Board, and other interagency efforts as appropriate.

Land and Minerals Management

The Assistant Secretary—Land and Minerals Management discharges the duties of the Secretary with the authority and direct responsibility for programs associated with land use planning; public land management, including onshore and offshore minerals management; development and management of effective fuel-related mineral data collection and analysis; surface mining reclamation and enforcement functions; operations management for minerals on the Outer Continental Shelf to the outer limits of the United States economic jurisdiction; assessment of these frontier area mineral resources for long-term national availability; management of revenues from Federal mineral leases to ensure efficient collection of bonuses, rentals, and royalties; and coordination of related departmental policy. The Assistant Secretary also serves as adviser to the Secretary in the Secretary's role as Chairman of the Cabinet Council on Natural Resources and Environment. The Assistant Secretary exercises Secretarial direction and supervision over the Bureau of Land Management, the Minerals Management Service, and the Office of Surface Mining Reclamation and Enforcement.

Indian Affairs

The Assistant Secretary—Indian Affairs discharges the authority and responsibility of the Secretary for activities pertaining to Indians and Indian affairs. The Assistant Secretary is responsible for providing the Secretary with detailed and objective advice on matters involving Indians and Indian affairs; identifying and acting on issues affecting Indian policy and programs for Indians; establishing policy on Indian affairs; liaison and coordination between the Department of the Interior and other Federal agencies that provide services or funding to Indians; representing the Department in transactions with Congress; monitoring and evaluating on-going activities related to Indian affairs; undertaking or providing leadership in special assignments and projects for the Secretary; and for exercising Secretarial direction and supervision over the Bureau of Indian Affairs.

Policy, Budget and Administration

The Assistant Secretary—Policy, Budget and Administration discharges the authority of the Secretary for all phases of management and administrative activities and serves as the principal policy adviser to the Secretary. Responsibilities include providing detailed and objective advice on program planning, budget, and policy matters; developing and maintaining administrative policy, standards, objectives, and procedures for use throughout the Department; coordinating organizational aspects of proposed legislation with appropriate bureaus and offices; undertaking special management-related projects for the Secretary; and providing management and administrative support services for the Office of the Secretary. The Assistant Secretary performs and supervises the following activities: personnel management, property, safety, space, emergency preparedness, procurement, grants, energy conservation, law enforcement, financial management, aircraft services, printing, publications, management systems, and information resources management, including ADP, telecommunications, library and information services, and directives and regulatory management.

Territorial and International Affairs

The Office of the Assistant Secretary for Territorial and International Affairs was established by Secretarial Order No. 3046 of February 14, 1980. The Assistant Secretary discharges the authority and responsibility of the Secretary for activities pertaining to territorial areas and for the coordination of international affairs of the Department. The Assistant Secretary is responsible for promoting the economic, social, and political development of the U.S. territories of Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands, which includes the Marshall Islands, Palau, and Micronesia. The Assistant Secretary also serves as the Department's focal point for analysis, development, and review of the Department's policy and programs pertaining to international activities and the opportunities for support of U.S. foreign policy through the use of the Department's natural resource and environmental expertise.

For further information, contact the Office of Territorial and International Affairs, Department of the Interior, Washington, DC 20240. Phone, 202–343–4822.

Solicitor

The Solicitor is the principal legal adviser to the Secretary and the chief law officer of the Department. The Solicitor is responsible for and has supervision over all of the legal work of the Department, with the exception of that performed by the Office of Hearings and Appeals and the Office of Congressional and Legislative Affairs.

Inspector General

The Inspector General is the Department's focal point for independent review of integrity of operations; the central authority concerned with the quality, coverage, and coordination of the audit and investigation services of the Department; and is the principal adviser to the Secretary on these matters. The Inspector General provides the means for keeping the Secretary and Congress fully and currently informed about problems and deficiencies relating to the administration of Department programs and operations and the necessity for corrective action.

Field Special Assistants

The Field Special Assistants to the Secretary maintain continuous surveillance over the entire range of the Department's program activities, provide leadership and assistance in the coordination of departmental programs and policies where more than one bureau or program interest is involved and, when directed by the Secretary, coordinate Department participation in major interagency and intergovernmental efforts.

The Field Special Assistants to the Secretary also serve as chairmen of the

departmental field committees in their respective regions. These committees, composed of regional directors or other ranking officials approved by the heads of bureaus and offices, promote the development and execution of coordinated regional natural resource programs for the Department and facilitate the coordination of field activities involving two or more bureaus or that have special significance to the Department's overall objectives.

Other Departmental Offices

Office of the Solicitor

The Office of the Solicitor performs all of the legal work of the Department with the exception of that performed by the Office of Hearings and Appeals and the Office of Congressional and Legislative Affairs.

The headquarters office of the Office of the Solicitor in Washington, DC, consists of six Divisions. The Division of Conservation and Wildlife is responsible for legal matters involving the programs of the Assistant Secretary for Fish and Wildlife and Parks, the National Park Service, and the U.S. Fish and Wildlife Service. The Division of Energy and Resources is responsible for legal matters involving the programs of the Assistant Secretary—Water and Science, the Assistant Secretary—Land and Minerals Management, the Bureau of Land Management, the Bureau of Mines, the Geological Survey, the Bureau of Reclamation, and the Minerals Management Service. The Division of Indian Affairs is responsible for legal matters involving the programs of the Assistant Secretary—Indian Affairs and the Bureau of Indian Affairs. Te Division of Surface Mining provides legal advice to the Assistant Secretary—Land and Minerals Management on surface mining matters and to the Office of Surface Mining Reclamation and Enforcement. The Division of General Law is responsible for general administrative law matters and legal matters involving programs under the jurisdiction of the Assistant Secretary—Policy, Budget and Administration, the Assistant Secretary—Territorial and International Affairs, and the Office for Equal Opportunity. The Division of Audit and Investigation is responsible for providing legal advice and services to the Office of the Inspector General. Administrative and support services for the Office of the Solicitor are provided by the Division of Administration.

The field organization of the Office is divided into eight regions, each headed by a Regional Solicitor.

OFFICE OF THE SOLICITOR—DEPARTMENT OF THE INTERIOR

Region	Address
ALASKA—Alaska	Box 34, 701 C St., Anchorage, AK 99513.
SOUTHEAST—Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, Virgin Islands.	75 Spring St. SW., Atlanta, GA 30303.
NORTHEAST—Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin.	1 Gateway Center, Newton Corner, MA 02158.
ROCKY MOUNTAIN—Colorado, Iowa, Kansas, Missouri, Montana, Minnesota, Nebraska, North Dakota, South Dakota, Wyoming.	P.O. Box 25007, Denver, CO 80225.
PACIFIC NORTHWEST—Idaho, Oregon, Washington.	500 NE. Multnomah St., Portland, OR 97232.
PACIFIC SOUTHWEST—Arizona, California, Hawaii, Nevada, Pacific Territories.	2800 Cottage Way, Sacramento, CA 95825.
INTERMOUNTAIN—Utah	125 S. State St., Salt Lake City, UT 84138.
SOUTHWEST—Arkansas, Louisiana, New Mexico, Oklahoma, Texas.	P.O. Box 3156, Tulsa, OK 74101.

For further information, contact the Administrative Officer, Office of the Solicitor, Department of the Interior, Washington, DC 20240. Phone, 202–343–6115.

Office of Inspector General

The Office of Inspector General provides policy direction and conducts, supervises, and coordinates all audits and investigations; recommends policies for and conducts, supervises, or coordinates other activities in the Department designed to promote economy and efficiency or prevent and detect fraud and abuse. The Inspector General recommends polcies for and conducts, supervises, or coordinates relations between the Department and other Federal, State, and local government agencies concerning (a) promoting economy and efficiency, (b) preventing and detecting fraud and abuse, and (c) identifying and prosecuting people involved in fraud or abuse.

The Office also reviews existing and proposed legislation and regulations and makes recommendations to the Secretary and Congress regarding the impact such initiatives will have on the economy and efficiency of the Department's programs and operations and the prevention and detection of fraud and abuse in such programs; keeps the Secretary and the Congress fully informed about fraud, abuses, and deficiencies in Department programs and operations, and other serious problems; recommends corrective action and reports on the progress made in correcting the problem.

For further information, contact the Office of Inspector General, Department of the Interior, Washington, DC 20240. Phone, 202–343–8231.

Office of Hearings and Appeals

The Office of Hearings and Appeals was established by the Secretary on April 8, 1970, to consolidate related functions and to provide for more effective departmental appeals procedures.

The Office of Hearings and Appeals is responsible for departmental quasijudicial and related functions. Administrative law judges and three formal boards of appeal render decisions in cases pertaining to contract disputes; Indian probate and administrative appeals; public and acquired lands and their resources; submerged offshore lands of the Outer Continental Shelf; surface coal mining control and reclamation; claims under the Alaska Native Claims Settlement Act; and enforcement of the importation and transportation of rare and endangered species. The Director of the Office of Hearings and Appeals may assign administrative law judes or other officials from the Office of Hearings and Appeals for the purpose of holding rulemaking hearings and may also assign administrative law judges or establish ad hoc boards of appeal to meet special requirements of disputes not falling under one of the previously listed categories. Decisions of the boards are final for the Department.

The Office includes the headquarters organization and 4 field offices for departmental administrative law judges and 8 field officies for Indian probate administrative law judges.

For further information, contact the Office of Hearings and Appeals, Department of the Interior, 4015 Wilson Boulevard, Arlington, VA 22203. Phone, 703–235–3810.

Office of Youth Programs

The Office of Youth Programs was established by Secretary's Order Number 2885 of January 7, 1965, as amended under the authority of the Economic Opportunity Act of 1964, and subsequent Secretarial delegations under the Comprehensive Employment and Training Act of 1973, the Youth Conservation Corps Act of 1974, the Youth Demonstration Projects Act of 1977, and the Job Training Partnership Act of 1982. This Office discharges the authority of the Secretary in all matters pertaining to departmental programs of employment and training for youth.

including the Job Corps Civilian Conservation Centers Program, the United States Youth Conservation Corps, and such other programs as the Secretary may designate.

The Office of Youth Programs establishes the basic policies, programs, and priorities for the Department; provides policy direction, guidance, and interpretation for the participating bureaus and offices, coordinates their activities; maintains sufficient controls to provide the Secretary with the information needed to operate the programs, to effect statutory coordination with the Departments of Agriculture and Labor, and to ensure responsiveness to the Congress and the public; performs a continuing analysis of the program's resources, needs, and expenditures; obtains, allocates, and controls the financial, manpower, and material resources necessary to carry out the programs; reviews and evaluates program performance to identify deficiencies and prescribes corrective measures; and implements management systems and procedures necessary to achieve program goals. The Office also provides consolidated administrative services support for assigned programs.

The Office of Youth Programs operates the Fort Simcoe Job Corps Civilian Conservation Center.

For further information, contact the Office of Youth Programs, Department of the Interior, Washington, DC 20240. Phone, 202-343-5951.

Office of Small and Disadvantaged Business Utilization

The Office of Small and Disadvantaged Business Utilization (OSDBU) was established by Secretarial Order 3041 of July 20, 1979, in compliance with Pub. L. 95-507 (97 Stat. 1757), which amended the Small Business Act and the Small Business Investment Act of 1958. The secretarial order directed that the Director of OSDBU report directly to the Under Secretary and that all employees and functions of the Branch of Minority Procurement in the Office of Administrative and Management Policy be transferred to OSDBU. Secretarial Order 3041 was superseded by Departmental Manual Issuance 111 DM 8.

OSDBU is responsible for the implementation and administration of programs relating to sections 8 and 15 of the Small Business Act, as amended by Publ. L. 95-507, as well as Pub. L. 96-302 (94 Stat. 833) (labor surplus area set-asides) and Executive Order 12138 (women-owned businesses). Responsibilities include providing departmentwide liaison and coordination of all matters relating to small and disadvantaged businesses, labor surplus area concerns, and women-owned businesses with the Small Business Administration (SBA), Office of Federal Procurement Policy (OFPP), Minority Business Development Agency (MBDA), and General Services Administration (GSA); assisting bureaus and offices in the development and implementation of policies and procedures required by sections 8 and 15 of the Small Business Act and other authorities including the establishment of goals and the reporting of accomplishments; providing training and education to Department personnel whose functional responsibilities relate to the implementation of sections 8 and 15 of the Small Business Act; conducting outreach seminars and providing liaison services to small and disadvantaged businesses; researching, developing, and publishing informational brochures and documents relating to the Department's small and disadvantaged business programs; performing continuing liaison with other departments and agencies on all activities relating to small and disadvantaged business utilization; and developing, validating, and disseminating to departmental management and the public statistical data and other information on the implementation and results of the Department's business and economic development programs.

For further information, contact the Office of Small and Disadvantaged Business Utilization, Department of the Interior, Washington, DC 20240. Phone, 202-343-8493.

Assistant Secretary for Territorial and International Affairs

The Office for Territorial and International Affairs has the responsibility to promote the economic, social, and political development of the territories, leading toward a goal of self-government and to further international peace and security by conducting territorial affairs in close coordination with the defense and foreign policies of the United States.

The degree to which the Office conducts activities to futher these objectives in a specific territory depends on the status of the territorial government, its relationship to the Secretary of the Interior, and the extent of development already achieved within the territory.

The Office serves as the principal representative to the Office of the Secretary on all territorial matters; makes the needs of the territories known to other Federal agencies and serves as a channel of communication with the territorial governments; studies the economic, social, and political problems of the territories and proposes policies, programs, legislation, and other actions for their solution; advises the Secretary on proposed legislation and other important matters affecting the territories; provides budgetary and certain other administrative services to the Governors of the territories and the High Commissioner of the Trust Territory of the Pacific Islands; and coordinates all international activities of the bureaus and employees of the Department. The Office is composed of budget, legislative, economic development, and other staffs that provide assistance to the territories and the Department on matters relating to territorial and international affairs.

For further information, contact the Office of Territorial and International Affairs, Department of the Interior, Washington, DC 20240. Phone, 202-343-4822.

Bureaus

United States Fish and Wildlife Service

[For the United States Fish and Wildlife Service statement of organization, see Code of Federal Regulations, Title 50, Subchapter A, Part 2]

The United States Fish and Wildlife Service's national responsibility in the service of fish, wildlife, and people reaches back over 110 years to the establishment in 1871 of a predecessor agency, the Bureau of Fisheries. First created as an independent agency, the Bureau of Fisheries was later placed in the Department of Commerce. A second predecessor agency, the Bureau of Biological Survey, was established in 1885 in the Department of Agriculture.

The two Bureaus and their functions were transferred in 1939 to the Department of the Interior. They were consolidated into one agency and redesignated the Fish and Wildlife Service in 1940 by Reorganization Plan III (54 Stat. 1232).

Further reorganization came in 1956 when the Fish and Wildlife Act (70 Stat. 1119) created the United States Fish and Wildlife Service and provided for it to replace and succeed the former Fish and Wildlife Service. The Act established two Bureaus within the new Service: the Bureau of Commercial Fisheries and the Bureau of Sport Fisheries and Wildlife.

In 1970, under Reorganization Plans 3 and 4, the Bureau of Commercial Fisheries was transferred to the Department of Commerce. The Bureau of Sport Fisheries and Wildlife, which remained in Interior, was renamed by an act of Congress in April 1974 (88 Stat.

92) as the United States Fish and Wildlife Service.

The Service is composed of a headquarters office in Washington, DC, 7 regional offices in the lower 48 States and Alaska, and a variety of field units and installations. These include 428 National Wildlife Refuges and 149 Waterfowl Production Areas comprising more than 90 million acres; 13 major fish and wildlife laboratories and centers; 49 cooperative research units at universities across the country; 83 National Fish Hatcheries; and a nationwide network of wildlife law enforcement agents.

The mission of the United States Fish and Wildlife Service, which is responsible for migratory birds, endangered species, certain marine mammals, inland sport fisheries, and specific fishery and wildlife research activities, is to conserve, protect, and enhance fish and wildlife and their habitats for the continuing benefit of the American people. Within this framework, the Service assists in the development of an environmental stewardship ethic for our society based on ecological principles, scientific knowledge of wildlife, and a sense of moral responsibility; works with the States to improve the conservation and management of the Nation's fish and wildlife resources; and administers a national program providing opportunities to the American public to understand, appreciate, and wisely use these resources.

In the area of resource management, the Service provides leadership for the protection and improvement of land and water environments (habitat preservation), which directly benefits the living natural resources, and adds quality to human life. Activities include biological monitoring through scientific research; surveillance of pesticides, heavy metals, and thermal pollution; studies of fish and wildlife populations; ecological studies; environmental impact assessment, including hydroelectric dams, nuclear power sites, stream channelization, dredge and fill permits; associated research; and environmental impact statement review.

The Service is responsible for improving and maintaining fish and wildlife resources by proper management of migratory birds and other wildlife and by control of population imbalances. It also assists in fulfilling the public demand for recreational fishing while maintaining the Nation's fisheries at a level and in a condition that will ensure their continued survival. Specific wildlife and fishery resources programs include:

Migratory birds—wildlife refuge management for production, migration, and wintering; game law enforcement; research, including bird banding and harvest and survival rate studies; breeding, migrating, and wintering surveys; and disease studies;

Mammals and nonmigratory birds—refuge management of resident species (primarily big game); law enforcement; research on disease and population distribution, including marine mammals and species transplants; and technical assistance;

Animal damage control—operational measures through cooperative programs to control predator, rodent, and bird depredations on crops and livstock; research on nonlethal control methods and predator-prey relationships;

Cooperative fish and wildlife research units—located at universities to conduct research and supervise graduate student research, complementing the Service's wildlife and fishery research programs;

Coastal anadromous fish—hatchery production, stocking, and research on nutrition, disease, and habitat requirements in 16 of the 24 coastal States;

Great Lakes fisheries—hatchery production of lake trout; fishery management in cooperation with Canada and the States, and research; and

Other inland fisheries—hatchery production and stocking of Indian lands; technical assistance; and research on genetics, disease, nutrition, and taxonomy.

The Service provides national and international leadership in the area of endangered fish and wildlife from the standpoint of both restoration as well as preventive measures involving threatened species. This program includes development of species lists, recovery plans, conduct of status surveys, coordination of efforts nationally and internationally; research on propagation methods, distribution, genetics, and behavior; operation of wildlife refuges; law enforcement; foreign importation enforcement; and consultation with foreign countries.

Environmental education and public information programs include local conservation education talks; preparation of news releases, leaflets, and brochures; operation of environmental study areas on Service lands for use by school groups and teachers; operation of visitor centers, self-guided nature trails, observation towers, display ponds, and providing recreational activities, such as hunting, fishing, and wildlife photography.

The Service's Federal aid programs apportion funds to the States and territories for projects designed to conserve, develop, and enhance the Nation's fish and wildlife resources.

REGIONAL OFFICES—UNITED STATES FISH AND WILDLIFE SERVICE

Region	Address	Telephone
ALBUQUERQUE—Arizona, New Mexico, Oklahoma, Texas.	P.O. Box 1306, Albuquerque, NM 87103.	505-766-2321
ANCHORAGE—Alaska.	1011 E. Tudor Rd., Anchorage, AK 99503.	907-786-3542
ATLANTA—Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, Virgin Islands.	75 Spring St. SW., Atlanta, GA 30303.	404-221-3588
BOSTON—Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia.	Suite 700, 1 Gateway Center, Newton Corner, MA 02158.	617-965-5100
DENVER—Colorado, Kansas, Montana, Nebraska, North Dakota, South Dakota, Utah, Wyoming.	P.O. Box 25486, Denver, CO 80225.	303-236-7920
PORTLAND—California, Hawaii, Idaho, Nevada, Oregon, Washington.	Suite 1692, 500 NE. Multnomah St., Portland, OR 97232.	503-231-6118
TWIN CITIES—Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, Wisconsin.	Federal Bldg., Fort Snelling, Twin Cities, MN 55111.	612-725-3563

For further information, contact the Office of Public Affairs, United States Fish and Wildlife Service, Department of the Interior, Washington, DC 20240. Phone, 202-343-5634.

National Park Service

The National Park Service was established in the Department of the Interior on August 25, 1916 (39 Stat. 535; 16 U.S.C. 1).

The National Park Service administers for the American people an extensive system of national parks, monuments, historic sites, and recreation areas. The objectives of the National Park Service are to administer the properties under its jurisdiction for the enjoyment and education of our citizens to protect the natural environment of the areas, and to assist States, local governments, and citizen groups in the development of park areas, the protection of the natural environment, and the preservation of historic properties.

The National Park Service has a Service Center in Denver that provides planning, architectual, engineering, and other professional services; and a Center for production of interpretive exhibits, audiovisual materials, and publications in Harpers Ferry, WV.

There are more than 330 units in the National Park System, including national parks and monuments of noteworthy natural and scientific value; scenic parkways, riverways, seashores, lakeshores, recreation areas, and reservoirs; and historic sites associated with important movements, events, and personalities of the American past.

Activities—The National Park Service develops and implements park management plans and staffs the areas under its administration. It relates the natural values and historical significance of these areas to the public through talks, tours, films, exhibits, publications, and other interpretive media. It operates campgrounds and other visitor facilities and provides—usually through concessions—lodging, food, and transportation services in many areas.

The National Park Service also administers the following programs: The State portion of the Land and Water Conservation Fund, the Nationwide Outdoor Recreation Plan and State comprehensive outdoor recreation planning, the Urban Park and Recreation Program, park and recreation technical services, planning for the National Wild and Scenic Rivers System, and the National Trails System, natural area programs, the National Register of Historic Places, national historic landmarks, historic preservation, technical preservation services, Historic American Buildings Survey, Historic American Engineering Record, and interagency archeological services.

REGIONAL OFFICES—NATIONAL PARK SERVICE

Region	Address
NORTH ATLANTIC—Connecticut, Maine, New Hampshire, Massachusetts, New Jersey, New York, Rhode Island, Vermont.	15 State St, Boston, MA 02109.
MID-ATLANTIC—Delaware, Maryland, Pennsylvania, Virginia, West Virginia.	143 S 3d St, Philadelphia, PA 19106.
SOUTHEAST—Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, Virgin Islands.	75 Spring St. SW., Atlanta, GA 30303.
MIDWEST—Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota Missouri, Nebraska, Ohio, Wisconsin.	1709 Jackson St., Omaha, NE 68102.
ROCKY MOUNTAIN—Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming.	P.O. Box 25287, Denver, CO 80225.
SOUTHWEST—Arkansas, Louisiana, New Mexico, Oklahoma, Texas.	Box 728 Santa Fe, NM 87501.
WESTERN—Arizona, California, Guam, Hawaii, Nevada, Northern Mariana Islands.	450 Golden Gate Ave., San Francisco, CA 94102.
PACIFIC NORTHWEST—Idaho, Oregon, Washington.	2001 6th Ave., Seattle, WA 98121.
ALASKA—Alaska.	2525 Gambell St, Anchorage, AK 99503.
NATIONAL CAPITAL—Washington, DC, and nearby Maryland and Virginia.	1100 Ohio Dr. SW., Washington, DC 20242.

For further information, contact the Chief, Office of Public Affairs, National Park Service, Department of the Interior, P.O. Box 37127, Washington, DC 20013-7127. Phone, 202-343-7394.

Bureau of Mines

The Bureau of Mines was established July 1, 1910, in the Department of the Interior by the Organic Act of May 16, 1910 (36 Stat. 369; 30 U.S.C. 1, 3, 5–7), as amended. The 1910 act has been supplemented by several statutes, including those authorizing production and sale of helium, and research on environmental problems associated with minerals.

The Bureau of Mines is primarily a research and factfinding agency. Its goal is to help ensure that the Nation has adequate supplies of nonfuel minerals for security and other needs. Research is conducted to provide the technology for the extraction, processing, use, and recycling of the Nation's nonfuel mineral resources at a reasonable cost without harm to the environment or the workers involved. Typical areas of research are investigations of ways to use domestic low-grade ores as alternative sources of strategic and critical minerals that must currently be imported, mine health and safety, recycling of solid wastes, and abatement of pollution and land damage caused by mineral extraction and processing operations.

The Bureau also collects, compiles, analyzes, and publishes statistical and economic information on all phases of nonfuel mineral resource development, including exploration, production, shipments, demand, stocks, prices, imports, and exports. Special studies are frequently made on subjects of particular national interest, such as the effects of potential economic, technologic, or legal developments on resource availability. The effects of policy alternatives on mineral supply and demand are also analyzed.

For further information, contact the Office of Technical Information, Bureau of Mines, Department of the Interior, 2401 E Street NW., Washington, DC 20241. Phone, 202–634–1004.

Geological Survey

National Center, 12201 Sunrise Valley Drive, Reston, VA 22092.

The Geological Survey was established by the act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), which provided for "the classification of the public lands and the examination of the geological structure, mineral resources, and products of the national domain." The act of September 5, 1962 (76 Stat. 427; 43 U.S.C. 31(b)), expanded this authorization to include such examinations outside the national domain. Topographic mapping and chemical and physical research were recognized as an essential part of the investigations and studies authorized by the act of March 3, 1879, and specific provision was made for them by Congress in the act of October 2, 1888 (25 Stat. 505, 526).

Provision was made in 1894 for gaging the streams and determining the water supply of the United States (28 Stat. 398). Authorizations for publication, sale, and distribution of material prepared by the Geological Survey are contained in several statutes (43 U.S.C. 41–45; 44 U.S.C. 260–262).

The Geological Survey's primary responsibilities are: identifying the Nation's land, water, energy, and mineral resources; classifying federally owned lands for minerals and energy resources and water power potential; investigating natural hazards such as earthquakes, volcanoes, and landslides; and conducting the National Mapping Program. To attain these objectives, the Geological Survey prepares maps, collects and interprets data on mineral and water resources, performs fundamental and applied research in the sciences and techniques involved, and publishes and disseminates the results of its investigations in thousands of new maps and reports each year.

REGIONAL OFFICES—GEOLOGICAL SURVEY

Region	Address	Telephone
EASTERN—Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Tennessee, Vermont, Virgin Islands, Virginia, West Virginia, Wisconsin.	109 National Center, Reston, VA 22092.	703-860-7414.
CENTRAL—Arkansas, Colorado, Iowa, Kansas, Louisiana, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, Wyoming.	Box 25046, 510 Denver Federal Center, Denver, CO 80225.	303-234-2351.
WESTERN—Alaska, Arizona, California, Hawaii, Idaho, Nevada, Oregon, Washington.	345 Middlefield Rd., Menlo Park, CA 94025.	415-323-8111 ext. 2711.

For further information, contact the Public Affairs Officer, Geological Survey, Department of the Interior, 119 National Center, Reston, VA 22092. Phone 703-860-7444.

Office of Surface Mining Reclamation and Enforcement

The Office of Surface Mining Reclamation and Enforcement was established in the Department of the Interior by the Surface Mining Control and Reclamation Act of 1977 (91 Stat. 4450).

The primary goals of the Office is to assist the States in developing a nationwide program that protects society and the environment from the adverse effects of coal mining, while ensuring that coal surface mining can be done without permanent damage to land and water resources. The Office's main objectives not that most coal-mining States have assumed prime responsibility for regulating coal mining and reclamation activities within their borders, are to oversee mining and reclamation in the States with primary responsibility, to assist the States in meeting the objectives of the act, and to regulate mining and reclamation activities in these States choosing not to assume primary responsibility.

Headquartes for the Office is located in Washington, DC. In addition, there are 13 field offices, 8 area offices, and 2 technical service centers. The field offices interact with the States and other Federal agencies, assisting the States in implementing their regulatory and reclamation program, and monitoring their performance. The technical centers are designed to give technical assistance to State regulatory authorities; to provide technical expertise on such matters as unsuitability petitions, environmental impact statements, and mine plan review on Federal lands.

Activities—Major activities of the Office of Surface Mining are carried out through the Office of the Director, assisted by a Deputy Director and four Assistant Directors. The headquarters office promulgates national policy for the conduct of the surface mining control and reclamation program provided for in the act; reviews and approves amendments to previously approved State programs; and provides overall direction to the field offices and technical centers.

The Assistant Director has the following responsibilities in the areas of technical standards and research:

–Formulates policy requirements for permits, reclamation plans, and performance standards;
—Provides guidance for technical standards, special field services, environmental considerations, research, training, and technology transfer for State and Federal regulatory and abandoned mine land programs; and,
—Provides leadership and general direction to the technical service centers and the Technical Standards, Environmental and Economic Analysis, and Engineering Analysis Divisions.

In the areas of program operations and inspection, the Assistant Director:

—Formulates policy, standards, regulations, and procedures, and provides guidance for the development and conduct of State programs, Federal programs in lieu of State programs, Federal lands programs and Indian lands programs, including cooperative agreements with States for the Federal lands programs;
—Formulates policy and provides guidance for State, Federal, and Indian reclamation programs;
—Provides policy, procedures, and guidance for the review and evaluation of State programs, cooperative agreements, and abandoned mine lands programs and for the conduct of each;
—Provides policy, procedures, and guidance for the designation of lands unsuitable for mining, for the small operator assistance program, and for inspection and enforcement programs;
—Provides leadership and direction to State liaison offices and the State Program Assistance, Regulation and Inspection, Abandoned Mine Land, and Reclamation Divisions.

In the areas of management and budget, the Assistant Director:

—Formulates policy and provide guidance for budget determination and execution, personnel, administrative services, information and records management, and planning systems;
—Provides leadership and policy direction for the same activities in the field;
—Provides headquarters administrative support activities;
—Develops and presents programs and budget requests to the Department, OMB, and Congress; and
—Provides leadership and direction to the Personnel and Management Services Divisions.

In the areas of finance and accounting, the Assistant Director:

—Administers all financial systems, including civil penalties and abandoned mine lands;
—Audits State grants and abandoned mine land functions; and
—Provides policy and direction for grants administration, assessments, financial management, and collection of fines and fees.

For further information, contact the Office of Public Affairs, Office of Surface Mining Reclamation and Enforcement, Department of the Interior, Washington, DC 20240. Phone, 202–343–4719.

Bureau of Indian Affairs

The Bureau of Indian Affairs was created as part of the War Department in 1824 and transferred to the Department of the Interior at the time of its establishment in 1849. The Snyder Act of 1921 (42 Stat. 208; 25 U.S.C. 13) provided substantive law for appropriations covering the conduct of activities by the Bureau of Indian Affairs. The scope and character of the authorizations contained in this act were broadened by the Indian Reorganization Act of 1934 (48 Stat. 984; 25 U.S.C. 461 et seq.), the Indian Self-Determination and Education Assistance Act of 1975 (88 Stat. 2203; 25 U.S.C. 450), and title XI of the Education Amendments of 1978 (92 Stat. 2313; 20 U.S.C. 2701 note).

The principal objectives of the Bureau are to actively encourage and train Indian and Alaska Native people to manage their own affairs under the trust relationship to the Federal Government; to facilitate, when maximum involvement of Indian and Alaska Native people, full development of their human and natural resource potential; to mobilize all public and private aids to the advancement of Indian and Alaska Native people for use by them; and to utilize the skill and capabilities of Indian and Alaska Native people in the direction and management of programs for their benefit.

Functions—In carrying out these objectives, the Bureau works with Indian and Alaska Native people, other Federal agencies, State and local governments, and other interested groups in the development and implementation of effective programs for their advancement.

The Bureau seeks for them adequate educational opportunities in public education systems, assists them in the creation and management of educational systems for their own benefit, or provides from Federal resources the educational systems needed; actively promotes the improvement of their social welfare by working with them to obtain and provide needed social and community development programs and services; works with them in the development and implementation of programs for their economic advancement and for full utilization of their natural resources

consistent with the principles of resource conservation.

The Bureau also acts as trustee for their lands and moneys held in trust by the United States, assisting them to realize maximum benefits from such resources.

AREA OFFICES—BUREAU OF INDIAN AFFAIRS

Area	Headquarters
Aberdeen, SD 57401	115 4th Ave. SE.
Albuquerque, NM 87198	5301 Central Ave. NE.
Anadarko, OK 73005	P.O. Box 368.
Billings, MT 59101	316 N. 26th St.
Juneau, AK 99802	Box 3-8000.
Minneapolis, MN 55402	15 S. 5th St.
Muskogee, OK 74401	Old Federal Bldg.
Phoenix, AZ 85011	P.O. Box 7007, 3030 N. Central.
Portland, OR 97208	P.O. Box 3785, 1425 NE. Irving St.
Sacramento, CA 95825	2800 Cottage Way.
Eastern Area	1951 Constitution Ave. NW., Washington, DC 20245.
Navajo Area	P.O. Box M, Window Rock, AZ 86515.

For further information, contact the Public Information Staff, Bureau of Indian Affairs, Department of the Interior, Washington, DC 20240. Phone, 202–343–7445.

Minerals Management Service

The Minerals Management Service (MMS) was established on January 19, 1982, by Secretarial Order 3071, under the authority provided by section 2 of Reorganization Plan No. 3 of 1950 (64 Stat. 1262). All Outer Continental Shelf (OCS) leasing responsibilities of the Department of the Interior were consolidated within MMS on May 10, 1982, by amendment 1 to Secretarial Order 3071. Amendment 2, dated May 26, 1982, set forth the basic organizational structure for MMS and provided for the transfer of administrative functions.

Secretarial Order 3087, dated December 3, 1982, and amendment 1, dated February 7, 1983, provided for the transfer of royalty and mineral revenue management functions, including collection and distribution, to the Minerals Management Service and transferred all onshore minerals management functions on Federal and Indian lands to the Bureau of Land Management.

MMS assesses the nature, extent, recoverability, and value of leasable minerals on the Outer Continental Shelf. It ensures the orderly and timely inventory and development, as well as the efficient recovery, of mineral resources; encourages utilization of the best available and safest technology; provides for fair, full, and accurate returns to the Federal Treasury for produced commodities; and safeguards against fraud, waste, and abuse.

Offshore Minerals Management—MMS is responsible for resource evaluation and classification, environmental review, leasing activities (including public liaison and planning functions), lease management, and inspection and enforcement programs for Outer Continental Shelf lands.

Five-year oil and gas leasing programs are developed for leasing on OCS in consultation with the Congress, the 23 coastal States, local governments, environmental groups, industry, and the public.

MMS conducts extensive environmental studies and consultations with State officials prior to issuing leases. Once leases have been issued, MMS inspectors conduct frequent inspections of offshore operations and MMS environmental studies personnel collect more data to ensure the marine environments are kept free of pollutants.

Royalty Management—MMS is responsible for the collection of all royalty payments, rentals, bonus payments, fines, penalties, assessments, and other revenues due the Federal Government and Indian lessors as monies or royalties-in-kind from the extraction of mineral resources from Federal and Indian lands onshore and from the leasing and extraction of mineral resources on the Outer Continental Shelf.

The revenues generated by minerals leasing are one of the largest nontax sources of income to the Federal Government. As specified by law, these revenues are distributed to the States, to the general fund of the Treasury, and to Indian tribes and allottees.

The basic organization of MMS consists of a headquarters in Washington, DC, with program components located in Reston and Herndon, VA; an Accounting Center in Lakewood, CO; four OCS regional offices; and three administrative service centers.

For further information, contact the Office of Minerals Management Information, Room 1440, MS 612, Eighteenth and C Streets NW., Washington, DC 20240. Phone, 202–343–3983.

FIELD OFFICE—MINERALS MANAGEMENT SERVICE

Office	Headquarters
OCS Regional Offices	
Atlantic Region	Suite 610, 1951 Kidwell Dr., Vienna, VA 22180. Phone, 703–285–2168.
Gulf of Mexico Region	P.O. Box 7944, 3301 N. Causeway Blvd., Metairie, LA 70010. Phone, 504–837–4720.
Pacific Region	1340 W. 6th St., Los Angeles, CA 90017. Phone 213–688–2949.
Alaska Region	P.O. Box 101159, Anchorage, AK 99510. Phone 907–261–4010.
Accounting Center	
Royalty Management Accounting	P.O. Box 25165, Lakewood, CO 80225. Phone, 303–231–3114.
Administrative Service Centers	
Southern Service Center	P.O. Box 7944, Metairie, LA 70010. Phone, 504–838–0618.
Central Service Center	P.O. Box 25165, Lakewood, CO 80225. Phone, 303–231–3700.
Alaska Service Center	P.O. Box 101159, Anchorage, AK 99510. Phone 907–261–4050.

Bureau of Land Management

The Bureau of Land Management (BLM) was established July 16, 1946, by the consolidation of the General Land Office (created in 1812) and the Grazing Service (formed in 1934). This was done in accordance with the provisions of sections 402 and 403 of Presidential Reorganization Plan 3 of 1946 (5 U.S.C. app.).

The Federal Land Policy and Management Act of 1976 (90 Stat. 2743) enacted into law on October 21, 1976, repealed and replaced many obsolete or overlapping statutes. It provides a basic mission statement for BLM and establishes policy guidelines and criteria for the management of public lands and resources administered by the Bureau.

The Bureau's basic organization consists of a headquarters in Washington, DC, a Service Center in Denver, CO, and a Fire Center in Boise, ID, that have bureauwide support responsibilities; and a field organization of State, district, and resource area offices. The Bureau also utilizes a system of advisory councils to assist in the development of management plans and policies.

The Bureau is responsible for the total management of 284 million acres of public lands. These lands are located primarily in the Far West and Alaska, however, scattered parcels are located in other States. In addition to minerals management responsibilities on the public lands, BLM also is responsible for subsurface resource management of an additional 370 million acres where mineral rights have been reserved to the Federal Government.

Resources managed by the Bureau include timber, hard minerals, oil and gas, geothermal energy, wildlife habitat, endangered plant and animal species, rangeland vegetation, recreation and cultural values, wild and scenic rivers

designated conservation and wilderness areas, and open space. Bureau programs provide for the protection (including fire suppression), orderly development, and use of the public lands and resources under principles of multiple use and sustained yield. Land use plans are developed with public involvement to provide orderly use and development while maintaining and enhancing the quality of the environment. The Bureau also manages watersheds to protect soil and enhance water quality; develops recreational opportunities on public lands; administers programs to protect and manage wild horses and burros; and, under certain conditions, makes land available through sale to individuals, organizations, local governments, and other Federal agencies when such transfer is in the public interest. Lands may be leased to State and local government agencies and to nonprofit organizations for certain purposes.

The Bureau oversees and manages the development of energy and mineral leases and ensures compliance with applicable regulations governing the extraction of these resources.

The Bureau has responsibility to issue rights-of-way, in certain instances, for crossing Federal lands under other agencies' jurisdiction. It also has general enforcement authority.

The Bureau is responsible for the survey of Federal lands and establishes and maintains public land records and records of mining claims. It administers a program of payments is lieu of taxes based on the amount of federally owned lands in counties and other units of local government.

For further information, contact the Office of Public Affairs, Bureau of Land Management, Department of the Interior, Washington, DC 20240. Phone, 202-343-9435.

FIELD OFFICES—BUREAU OF LAND MANAGEMENT

State offices	Area of responsibility	Address/telephone
Alaska	Alaska	Box 13, 701 C St., Anchorage, AK 99513. Phone, 907-271-5076.
Arizona	Arizona	P.O. Box 16563, Phoenix, AZ 85011. Phone, 602-241-5501.
California	California	Room E-2841, 2800 Cottage Way, Sacramento, CA 95825. Phone 916-484-4676.
Colorado	Colorado, Kansas	2020 Arapahoe St., Denver, CO 80205. Phone, 303-294-7090.

FIELD OFFICES—BUREAU OF LAND MANAGEMENT—Continued

State offices	Area of responsibility	Address/telephone
Eastern States	All States bordering on and east of the Mississippi River.	350 S. Pickett St., Alexandria, VA 22304. Phone, 703-235-2833.
Idaho	Idaho	3380 American Terrace, Boise, ID 83706. Phone, 208-334-1401.
Montana	Montana, North Dakota, South Dakota.	P.O. Box 36800, 222 N. 32nd St., St. Billings, MT 59107. Phone, 406-657-6561.
Nevada	Nevada	P.O. Box 12000, 300 Booth St., Reno, NV 89520. Phone 702-784-5451.
New Mexico	New Mexico, Oklahoma, Texas.	P.O. Box 1449, S. Federal Pl., Santa Fe, NM 87504. Phone, 505-988-6030.
Oregon	Oregon, Washington.	P.O. Box 2965, 825 NE. Multnomah St., Portland, OR 97208. Phone, 503-231-6251.
Utah	Utah	Coordinated Financial Center, 324 S. State St., Salt Lake City, UT 84111-2303. Phone, 801-524-5311.
Wyoming	Wyoming, Nebraska.	P.O. Box 1828, 2515 Warren Ave., Cheyenne, WY 83001. Phone, 307-772-2326.
Service and Support Offices		
Denver Service Center		Denver Federal Center Bldg. 50, Denver, CO 80225. Phone, 303-234-2329.
Boise Interagency Fire Center		3905 Vista Ave., Boise, ID 83705. Phone, 208-334-9421.

Bureau of Reclamation

The Reclamation Act of 1902 (43 U.S.C. 371 et seq.) authorized the Secretary of the Interior to locate, construct, operate, and maintain works for the storage, diversion, and development of waters for the reclamation of arid and semiarid lands in the Western States. To perform these functions, the Secretary in July 1902 established a Reclamation Service in the Geological Survey. In March 1907 the Reclamation Service was separated from the Survey, and in June 1923 the name was changed to Bureau of Reclamation. The name was changed to the Water and Power Resources Service on November 6, 1979, by Secretarial Order No. 3042. The name was changed back to Bureau of Reclamation on May 18, 1981, by Secretarial Order No. 3064.

The basic objectives of the reclamation program are authorized by the act of 1902 and subsequent amendatory and supplemental acts to assist the States, local governments, and other Federal agencies to stabilize and stimulate local and regional economies, enhance and protect the environment, and improve the quality of life through development of water, other renewable resources, and related land resources throughout the 17 contiguous Western States.

Reclamation projects serve multiple purposes, including: municipal and industrial water supply, hydroelectric power generation, irrigation water service, water quality improvement, wind power and solar power research, fish and wildlife enhancement, outdoor recreation, flood control, navigation, river regulation and control, and related activities authorized by Congress. Through contracts with project beneficiaries, the Bureau arranges for repayment to the Government of reimbursable project construction, operation, and maintenance costs. About 85 percent of all direct project costs are reimbursable. Interest is paid on costs allocated to power and to municipal and industrial water service.

Major reclamation functions include: investigation and development of plans for the regulation, conservation, and utilization of water and related resources, including basin-wide water resource studies and development of new sources of fresh water supplies, power capacity, and energy; design and construction of authorized projects for which funds have been appropriated by the Congress; repair and rehabilitation of existing projects; operation and maintenance of Bureau-constructed facilities that are not transferred to local organizations; review of operation and maintenance of Bureau-built facilities that have been transferred to local organizations; administration of the Small Reclamation Projects Act of 1956, and of loans for construction or rehabilitation of irrigation systems; and negotiation, execution, and administration of repayment contracts, and water-user operation and maintenance contracts.

The Bureau of Reclamation has responsibility for the operation and maintenance of 53 hydroelectric powerplants and the construction of new hydroelectric facilities on its projects, as authorized by the Congress.

In cooperation with other agencies, the Bureau prepares and/or reviews environmental statements for proposed Federal water resource projects and renders technical assistance to foreign countries in water resource development and utilization.

MAJOR OFFICES—BUREAU OF RECLAMATION

Office	Headquarters
Commissioner's Office	Room 7654, Department of the Interior, Washington, DC 20240. Phone, 202-343-4157.
Engineering and Research Center	Bldg. 67, Box 25007, Denver, CO 80225. Phone 303-234-2041.
Pacific Northwest Region	Box 043, 550 W. Fort St., Boise, ID 83724. Phone, 208-334-1938.
Mid Pacific Region	2800 Cottage Way, Sacramento, CA 95825. Phone, 916-484-4647.
Lower Colorado Region	Box 427, Nevada Hwy. and Park St., Boulder City, NV 89005. Phone, 702-293-8419.
Upper Colorado Region	Box 11568, 125 S. State, Salt Lake City, UT 84147. Phone, 801-524-5403.
Southwest Region	Suite 201, 714 S. Tyler, Amarillo, TX 79101. Phone, 806-378-5437.
Missouri Region	Box 2553, 316 N. 26th St., Billings, MT 59103. Phone, 406-657-6218.

For further information, contact the Office of Public Affairs, Bureau of Reclamation, Department of the Interior, Washington, DC 20240. Phone, 202-343-4662.

[FR Doc. 85-29759 Filed 12-16-85; 8:45 am]

BILLING CODE 4310-10-M

OMB Circular A-76 Studies and Efficiency Reviews

AGENCY: Department of the Interior.

ACTION: Notice of OMB Circular A-76 Studies and Efficiency Reviews.

SUMMARY: The Department of the Interior is conducting OMB Circular A-76 studies and in-house efficiency reviews of several of its various activities. The studies and reviews are for the purpose of improving productivity. The studies and reviews listed are scheduled to be initiated by September 30, 1986. Other activities are expected to be added to this listing, notice of which will be similarly placed in the **Federal Register** at a later date.

ADDRESS: Department of the Interior, Office of Information Resources Management, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Ms. Janet L. Bishop at (202) 343-7544.

SUPPLEMENTARY INFORMATION: The A-76 study and efficiency review processes are very detailed and labor intensive. The time required to complete a study or review depends on the organizational and geographical location, size, and complexity of the activity under study or review. Specific invitations for bid or requests for proposal will be announced in the Commerce Business Daily as A-76 studies reach the solicitation stage. No consolidated bidders lists will be maintained by the contracting offices of the major Department of the Interior organizational components in which A-76 studies are scheduled. The schedule is as follows:

A-76 Studies

Location, Activity Name and Study Start Date

Bureau of Reclamation

—Grand Coolee Project Office (WA), Motor Pool/Vehicle Maintenance, study start, 8/30/86

—Grand Coolee Project Office (WA), Warehousing/Stock Handling, study start, 9/30/86

—Southwest Regional Office (TX), Mail and File, study start, 10/29/85

—Western Slope Offices (CO), ADP/Data Transcription/Keypunch, study start, 10/18/85

—Mid-Pacific Regional Office (CA), ADP/Data Transcription/Keypunch, study start, 2/3/86

—Utah Offices (UT), ADP/Data Transcription/Keypunch, study start, 3/5/86

—Utah Offices (UT), Mail/File/Library, study start, 9/20/86

—Canyon Ferry Project Office (MT), Heavy Industrial Equipment—Operation and Maintenance, study start date not yet established

—Yellowtail Project Office (MT), Heavy Industrial Equipment—Operation and Maintenance, study start date not yet established

In-House Efficiency Reviews

Location, Activity Name and review Start Date

Minerals Management Service

—Office of Program Services—Offshore (LA), Records Management Section (Mail and File), review start, 10/30/85.

Oscar W. Mueller, Jr.,

Director, Office of Information Resources Management.

[FR Doc. 85-29813 Filed 12-16-85; 8:45 am]

BILLING CODE 4310-10-M

Bureau of Reclamation

Pleasant Valley Water District, San Luis Unit Central Valley Project, CA; Scoping Meeting and Intent to Prepare a Joint Draft Environmental Impact Statement/Environmental Impact Report (EIS-EIR)

Pursuant to section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969 (as amended) and section 21002 of the California Environmental Quality Act, the Bureau of Reclamation, Department of the Interior, and the Pleasant Valley Water District (district) intend to prepare a joint EIS-EIR. The EIS-EIR will address the impacts of delivering water to, and the construction and operation of, the Pleasant Valley Water Distribution System.

Other environmental review and consultation requirements will be met concurrently with the NEPA process. These include applicable requirements of the Clean Water Act, the Fish and Wildlife Coordination Act, the National Historic Preservation Act, the Endangered Species Act, and Executive Orders 11988 and 11990 regarding floodplains and wetlands.

The purpose of the proposed plan is to deliver 40,000 acre-feet of Central Valley Project water on an interim basis for an undetermined period, with appropriate shortages in critical water years, to agricultural users in the district near Coalinga, California. It is anticipated that water will be wheeled from the Delta by the California Department of Water Resources to the O'Neill Forebay and possibly as far as the Coalinga Canal turnout from the San Luis Canal. Final transportation to the point of delivery to the district will be through facilities of the United States. The plan will consist of pumping facilities along the existing Coalinga Canal (Pleasant Valley Canal) and a distribution system to deliver water to existing developed lands which have been irrigated by ground water for the past 70 years. No new lands will be developed as a result of this project.

Alternatives currently under consideration for the proposed distribution system include:

(1) Pumping facilities and a pipeline network distribution system with turnouts for individual farms.

(2) Pumping facilities and discharge pipelines with concrete-lined canals and pipeline lateral turnouts for individual farms.

(3) Pumping facilities and discharge pipelines with unlined canals and reservoirs. Farmers would install their own conveyance facilities to their farms.

(4) No action.

A public scoping meeting will be held at 7:30 p.m. on December 19, 1985, in the Everett Hall, West Hills Community College, 300 West Cherry Lane, Coalinga, California. The purpose of the hearing is to solicit information from all interested organizations and individuals relating to alternatives to the proposed plan, the scope of the EIS-EIR, and significant issues related to the proposed action. Written comments from those unable to attend and from those wishing to supplement their oral presentation at the meeting should be submitted by January 10, 1986, to the Bureau of Reclamation at the address provided below.

The Bureau of Reclamation contact person for this environmental statement is Rick Breitenbach, Bureau of Reclamation, 2800 Cottage Way, Sacramento, California 95825, telephone (916) 978–5130.

The Pleasant Valley Water District contact person is Roger Reynolds, Senior Engineer, Summers Engineering, Inc., P.O. Box 1122, Hanford, California 93232, telephone (209) 582–9237.

Dated: December 12, 1985.

Clifford I. Barrett,

Acting Commissioner of Reclamation.

[FR Doc. 85–29808 Filed 12–16–85; 8:45 am]

BILLING CODE 4310–09–M

Fish and Wildlife Service

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget (OMB) 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 Service's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Service's clearance officer and the OMB Interior Desk Officer, Washington, DC 20503, telephone 202–395–7313.

Title: National Wildlife Refuge Economic and Public Use Permits.

Abstract: This information collection provides information necessary to issue permits for otherwise prohibited activities on national wildlife refuges. The information collected is necessary to identify and contact applicants, and determine eligibility for permit issuance.

Form Number(s) 3–2001.

Frequency: On occasion.

Description of Respondents: Individuals or households, farms, businesses, non-profit organizations, and small entities.

Annual Responses: 146,842.

Annual Burden Hours: 15,146.

Service Clearance Officer: Arthur J. Ferguson 202–653–7499 Room 859, Riddell Building, U.S. Fish and Wildlife Service, Washington, DC 20240.

Dated: November 29, 1985.

Walter O. Stieglitz,

Acting Associate Director, Wildlife Resources.

[FR Doc. 85–29814 Filed 12–16–85; 8:45 am]

BILLING CODE 4310–55–M

Yukon Flats National Wildlife Refuge Comprehensive Conservation Plan/ Environmental Impact Statement and Wilderness Review

AGENCY: Fish and Wildlife Service.

ACTION: Notice of Availability; supplement to the draft plan.

SUMMARY: The U.S. Fish and Wildlife Service has prepared, for public review, a supplement to the draft Comprehensive Conservation Plan, Environmental Impact Statement (CCP/EIS), and Wilderness Review for the Yukon Flats National Wildlife Refugee, Alaska, pursuant to section 304(g)(1) of the Alaska National Interest Lands Conservation Act of 1980 (ANILCA) and section 102(2)(C) of the National Environmental Policy Act of 1969. The supplement to the draft CCP/EIS focuses on the impacts of allowing geologic and geophysical activities (including seismic) throughout the refuge under all five alternatives analyzed in the plan and on the impacts of leasing in areas of the refuge under intensive and moderate management under two alternatives. This supplement was required in order to incorporate the Fish and Wildlife Service's policy on oil and gas exploration and leasing on Alaska refuges under section 1008 of the Alaska National Interest Lands Conservation Act into the draft CCP/EIS for the Yukon Flats National Wildlife Refuge. The draft CCP/EIS, as initially released in September 1985, allowed seismic activities in only two alternatives and oil and gas leasing in only one alternative.

DATES: Public hearings on the Draft CCP/EIS and supplement for the Yukon Flats Refuge will be held at the North Star Borough Library, 1215 Cowles Street, Fairbanks, Alaska, on January 7, 1986, at 7:30 p.m. and at the Pioneer School House, 3rd and Eagle, Anchorage, Alaska, on January 9, 1986, at 7:00 p.m.

Remarks on the draft CCP/EIS and supplement must be submitted on or before February 10, 1986, to receive consideration by the Regional Director in preparing the final CCP/EIS.

FOR FURTHER INFORMATION CONTACT: William Knauer, Wildlife Resources, U.S. Fish and Wildlife Service, 1011 East Tudor Road, Anchorage, Alaska 99503; telephone (907) 786–3399.

A supplement to the draft CCP/EIS has been prepared for general distribution. Copies of the supplement will be sent to all persons, organizations, and agencies which participated in either scoping, the alternative workshop, and/or the public review process. Copies of the supplement will be sent to all agencies and persons who have already requested copies. Those wishing to review the supplement and the draft CCP/EIS may obtain copies by contacting Mr. Knauer.

Copies of the supplement and the draft CCP-EIS are available for public review at the above location; at the Yukon Flats National Wildlife Refuge Office, Federal Building, 101–12th Avenue, Fairbanks, Alaska, and at the following locations:

U.S. Fish and Wildlife Service, Division of Refuge Management, Interior Building, 18th and C Streets, NW, Washington, DC 20240

U.S. Fish and Wildlife Service, Wildlife Resources, Lloyd 500 Building, Suite 1692, 500 NE Multnomah Street, Portland, OR 97232

U.S. Fish and Wildlife Service, Wildlife Resources, 500 Gold Avenue SW, Room 1306, Albuquerque, NM 87103

U.S. Fish and Wildlife Service, Wilflife Resources, Federal Building, Fort Snelling, Twin Cities, NM 55111

U.S. Fish and Wildlife Service, Wildlife Resources, Richard B. Russell Federal Building, 75 Spring Street, Atlanta, GA 30303

U.S. Fish and Wildlife Service, Wildlife Resources, One Gateway Center, Suite 700, Newton Corner, MA 02158

U.S. Fish and Wildlife Service, Wildlife Resources, 134 Union Boulevard, Lakewood, CO 80225

SUPPLEMENTARY INFORMATION: The supplement includes those changes required by the restatement of the Fish and Wildlife Service policy on oil and gas exploration and leasing on Alaska refuges. The supplement contains only those sections of the draft CCP/EIS where changes were necessary to reflect the oil and gas policy.

The draft CCP/EIS allowed ground-disturbing geologic and geophysical activities (including seismic) only on areas of the refuge under intensive and moderate management. Under the Service's policy on oil and gas exploration, geological and geophysical activities (including seismic) may be allowed throughout the refuge if compatible with refuge purposes. Seismic activities would only be

allowed following completion of the final CCP and Record of Decision (ROD). Ground-disturbing activities would not be allowed in Congressionally designated wilderness unless conducted by an Interior Department agency (or by someone under contract to an Interior agency) with appropriate stipulations to ensure compatibility with wilderness management objectives.

Section 1008 of the Alaska National Interest Lands Conservation Act directs the Secretary of the Interior to establish and oil and gas leasing program on Federal lands. Such a program shall not be undertaken on those units of the National Wildlife Refuge System where, after having considered the national interest in producing oil and gas from such lands, it is determined that the exploration for and development of oil or gas would be incompatible with the purposes for which the refuge was established.

In the draft CCP/EIS, oil and gas leasing was allowed only on areas of the refuge under intensive management. Under the Service's policy on oil and gas leasing, leasing may be allowed on areas of the refuge under intensive and moderate management if compatible with refuge purposes. On areas of the refuge under minimal management in *all* the alternative leasing will automatically be considered incompatible with refuge purposes, while leasing may be allowed in other minimal management areas only if it is determined to be in the national interest. Leasing will not be permitted in Congressionally designated wilderness areas. No leasing program will be initiated prior to the final CCP and issuance of the ROD. If a national interest determination has not been incorporated into the final CCP and ROD, any formal leasing program will be delayed until this has been considered. If adequate information on oil and gas potential on the refuge is lacking, the national interest determination may be delayed until the Bureau of Land Management can assess potential.

Following the public comment period on the draft plan and supplement for the Yukon Flats Refuge, an initial compatibility determination on leasing on the Yukon Flats Refuge will be made. This determination will be based on resource values of the refuge and the subsistence use areas identified in the plan together with public comments. If leasing is determined to be incompatible, Alternatives B and C will be revised to reflect the fact that oil and gas leasing would not be allowed. If leasing is determined to be compatible, either Alternative B or C would be selected as the preferred alternative.

If leasing is determined to be incompatible with refuge purposes, the Final CCP/EIS would note that should leasing be determined to be in the national interest at a later date, the plan would require revision to reflect this change.

Dated: December 6, 1985.

Robert E. Gilmore,

Regional Director.

[FR Doc. 85-29778 Filed 12-16-85; 8:45 am]

BILLING CODE 4310-55-M

Minerals Management Service

Development Operations Coordination Document; Howell Petroleum Corp.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Howell Petroleum Corporation has submitted a DOCD describing the activities it proposes to conduct on Lease OCS-G 4909, Block 64, Main 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 5, 1985.

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, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Ms. Angie Gobert; Minerals Management Service; Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section; Exploration/Development Plans Unit; Phone (504) 838-0876.

SUPPLEMENTARY INFORMATION: The prupose 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 DOCD, available to affected states, executives of affected local governments, and other interested parties become 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 6, 1985.

John L. Rankin,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 85-29768 Filed 12-16-85; 8:45 am]

BILLING CODE 4310-MR-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-196]

Certain Apparatus for Installing Electrical Lines and Components Therefor; Decision to Deny Complainant's Petition for Reconsideration of Commission Determination; Reformation of Cease and Desist Orders

AGENCY: U.S. International Trade Commission.

ACTION: Denial of complainant Scoggins Manufacturing Inc.'s (SMI) petition for reconsideration of the Commission's determination, and, on Commission's own motion, reformation of cease and desist orders issued to Emergency Products Corp. (EPC) and Alarm Supply Co., Inc. (ASC) to apply to all infringing imported apparatus in inventory, not just apparatus imported after June 20, 1984.

SUMMARY: The Commission has determined to deny SMI's petition for reconsideration pursuant to Commission rule 210.60 of the Commission's decision of June 20, 1985, requesting that the cease and desist orders to EPC and ASC to be amended, because SMI had the opportunity to brief the Commission on the issue in the original investigation, but chose not to do so. The Commission, however, has determined on its own motion to reform the cease and desist orders in order to reflect the Commission's original intention that they apply to all infringing imported products in inventory, not just apparatus imported after June 20, 1984.

FOR FURTHER INFORMATION CONTACT: William E. Perry, Esq., Office of General Counsel, U.S. International Trade Commission, telephone 202-523-0499. 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: On May 14, 1984, complainant pursuant to

section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) alleging unfair methods of competition and unfair acts in the importation and sale of certain apparatus for installing electrical lines. On June 20, 1984, the Commission instituted an investigation to determine whether there is a violation of section 337 by reason of: (1) Direct, contributory, and induced infringement of the claims of U.S. Letters Patents Nos. 3,697,188 and 3,611,549; (2) infringement of complainant's common-law trademark; (3) false advertising; and (4) passing off.

On June 20, 1985, the Commission determined that there was a violation of section 337 and issued a general exclusion and two cease and desist orders directed to respondents ASC and EPC.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, 19 U.S.C. 1337, and in § 210.60 of the Commission's Rules of Practice and Procedure, 19 CFR 210.60.

Notice of this investigation was published in the **Federal Register** of June 20, 1984 (49 Fr 25318).

Copies of the Commission's Action and Order 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.

Issued: December 6, 1985.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 85–29831 Filed 12–16–85; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–217]

Certain Expansion Tanks; Determination Not To Review Initial Determination Terminating Investigation on the Basis of a Settlement Agreement

AGENCY: U.S. International Trade Commission.

ACTION: Termination of investigation on the basis of a settlement agreement.

SUMMARY: The U.S. International Trade Commission has determined not to review an initial determination (ID) terminating the above-captioned investigation on the basis of a settlement agreement. On October 2, 1985, complainant AMTROL, Inc., and respondents Vent-Rite Valve Corp., Emerson-Swan, Inc., Flamco BV, and Internatio-Muller NV, filed a joint motion to terminate the above-referenced investigation on the basis of a settlement agreement among the parties. On November 7, 1985, the administrative law judge issue an ID granting the joint motion and terminating the investigation on the basis of the settlement agreement.

FOR FURTHER INFORMATION CONTACT: Judith M. Czako, Esq., Office of General Counsel, U.S. International Trade Commission, telephone 202–523–0359.

SUPPLEMENTARY INFORMATION: 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). Notice of the ID was published in the **Federal Register** of November 20, 1985 (50 FR 47853). No petitions for review were filed, nor were any agency or public comments received with regard to the ID.

Copies of the Commission's action and order and all other non-confidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436, telephone 202–523–0161.

Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–725–0002.

Issued: December 11, 1985.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 85–29832 Filed 12–16–85; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 731–TA–207 (Final)]

Cellular Mobile Telephones and Subassemblies Thereof From Japan

Determination

On the basis of the record [1] developed in the subject investigation, the Commission determines,[2] pursuant to section 735(b)(1) of the Tariff Act of 1930 (19 U.S.C. 1673(b)(1)), that industries in the United States are materially injured by reason of imports from Japan of cellular mobile telephones and subassemblies thereof, provided for in items 685.28 and 685.32 of the Tariff Schedules of the United States, which

[1] The record is defined in § 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(i)).

[2] Vice Chairman Liebeler dissenting.

have been found by the Department of Commerce to be sold in the United States at less than fair value (LTFV).[3]

Background

The Commission instituted this investigation effective June 11, 1985, following a preliminary determination by the Department of Commerce that imports of the subject articles 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's investigation and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of July 3, 1985 (50 FR 27496). A notice revising the Commission's schedule for the conduct of the investigation was published in the **Federal Register** of July 31, 1985 (50 FR 31050). The hearing was held in Washington, DC, on October 30, 1985, 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 9, 1985. The views of the Commission are contained in USITC Publication 1786 (December 1985), entitled "Cellular Mobile Telephones and Subassemblies Thereof from Japan: Determination of the Commission in Investigation No. 731-TA-207 (Final) Under the Tariff Act of 1930, Together With the Information Obtained in the Investigation."

Issued: December 9, 1985.

By Order of the Commission:

Kenneth R. Mason,

Secretary.

[FR Doc. 85-29833 Filed 12-16-85; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 731-TA-254 (Final)]

Heavy-Walled Rectangular Welded Carbon Steel Pipes and Tubes From Canada

AGENCY: United States International Trade Commission.

ACTION: Institution of a final antidumping investigation and scheduling of a hearing to be held in connection with the investigation.

SUMMARY: The Commission hereby gives notice of the institution of final antidumping investigation No. 731-TA-254 (Final) under section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(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 Sttes is materially retarded, by reason of imports from Canada of welded carbon steel pipes and tubes of rectangular (including square) cross section, having a wall thickness not less than 0.156 inch, not threaded and not otherwise advanced, other than pipe conforming to American Petroleum Institute (A.P.I.) specification for oil-well casing, provided for in item 610.39 of the Tariff Schedules of the United States, whch have been found by the Department of Commerce, in a final determination, to be sold in the United States at less than fair value (LTFV). The Commission will make its final injury determination by February 4, 1985 (see section 735(b) of the act (19 U.S.C. 1673d(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: November 22, 1985.

FOR FURTHER INFORMATION CONTACT: Cynthia Wilson (202-523-0291) or Robert Eninger (202-523-0312), 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 Comission's TDD terminal on 202-724-0002.

SUPPLEMENTARY INFORMATION:

Background

This investigation is being instituted as a result of an affirmative final determination by the Department of Commerce that imports of certain heavy-walled rectangular welded carbon steel pipes and tubes from Canada are being sold in the United States at less than fair value within the meaning of section 731 of the act (19 U.S.C. 1673). The investigtion was requested in a petition filed on March 25, 1985, by counsel on behalf of Bull Moose Tube Co., St. Louis, Mo; Copperweld Tubing Group, Pittsburgh, PA; Kaiser Steel Corp., Los Angeles, CA; Maruichi American Corp., Santa Fe

[3] Commissioner Lodwick determines that an industry rather than industries, is the subject of material injury.

Springs, CA; UNR–Leavitt, Chicago, IL; and Welded Tube Co. of America, Chicago, IL. In respone to that petition the Commission conducted a preliminary antidumping investigation and, on the basis of information developed during the course of that investigation, determined that there was a reasonable indication that an industry in the United States was materially injured by reason of imports of the subject merchandise (50 FR 20302, May 15, 1985).

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 Chairwoman, 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 December 23, 1985, 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 11:00 a.m. on January 10, 1986, 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 January 3, 1986. 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 December 30, 1985, in room 117 of the U.S. International Trade Commission Building. The deadline for filing prehearing briefs is January 3, 1986.

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 Comission's rules (19 CFR 201.6(b)(2))).

Written Submissions

All legal arguments, economic analyses, and factual materials relevant to the public hearing should 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 (19 CFR 207.24) and must be submitted not later than the close of business on January 16, 1986. 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 January 16, 1986.

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 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).

Issued: December 6, 1985.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 85–29835 Filed 12–16–85; 8:45 am]

BILLING CODE 7020-02-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 30755]

Colorado & Eastern Railroad Co.; Securities Exemption

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts the Colorado & Eastern Railroad Company from the provisions of 49 U.S.C. 11301 in connection with the issuance of 1,000 shares of no par value stock which will serve as collateral for a loan.

DATES: This exemption is effective on December 13, 1985. Petitions to reopen must be filed by January 6, 1986.

ADDRESSES: Send pleadings referring to Finance Docket No. 30755 to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423

(2) Petitioner's representative: Joseph H. Dettmar, 1000 Potomac St., NW, Washington, DC 20007.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (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 11, 1985.

By the Commission, Chairman Taylor, Vice Chairman Gradison, Commissioners Sterrett, Andre, Simmons, Lamboley, and Strenio. Commissioner Simmons did not participate in the disposition of this proceeding.

James H. Bayne,

Secretary.

[FR Doc. 85–29824 Filed 12–16–85; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–55 (Sub-No. 170X)

Seaboard System Railroad, Inc.; Abandonment Exemption in Hamilton, Saline and Gallatin Counties, IL; Exemption

Applicant has filed a notice of exemption under 49 CFR Part 1152 Subpart F—*Exempt Abandonments* to abandon its 38.49-mile line of railroad between milepost M–384.55 near McLeansboro and milepost M–423.04 near Shawneetown in Hamilton, Salina; and Gallatin Counties, IL.

Applicant has certified: (1) That no local traffic has moved over the line for at least 2 years and that overhead traffic is not moved over the line, and (2) that no formal complaint filed by a user of rail service on the line (or by a State or local governmental entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or any U.S. District Court, or has been decided in favor of the complainant within the 2-year period. The appropriate State agency has been notified in writing at least 10 days prior to the filing of this notice.

As a condition to use of this exemption, any employee affected by the abandonment shall be protected pursuant to *Oregon Short Line R. Co.-Abandonment-Goshen*, 360 I.C.C. 91 (1979).

The exemption wil be effective January 16, 1986, unless stayed pending reconsideration). Petitions to stay must be filed by December 27, 1985, and petitions for reconsideration, including environmental, energy, and public use concerns, must be filed by January 6, 1986 with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commssion should be sent to applicant's representative: Charles M. Rosenberger, 500 Water Street, Jacksonville, FL 32202.

If the notice of exemption contains false or misleading information, use of the exemption is void ab initio.

A notice to the parties will be issued if use of the exemption is conditioned upon environmental or public use conditions.

Decided: December 11, 1985.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

James H. Bayne,

Secretary.

[FR Doc. 85–29777 Filed 12–16–85; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

[AAG/A Order No. 29–85]

Privacy Act of 1974; Modified of System of Records

Pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), the Civil Rights Division (CRT), Department of Justice hereby publishes notice of its intent to modify a system of records entitled "Correspondence Relating to Civil Rights Matters from Persons Outside the Department of Justice, JUSTICE/CRT–008," most recently published on August 21, 1985 (50 FR 33863).

Modifications to the system notice include revision of the "Storage," "Retrievability," and "Safeguards" sections to reflect the proposed automation of JUSTICE/CRT–008 records. In addition, CRT will modify JUSTICE/CRT–008 by adding a routine use to provide for the disclosure of records during the ordinary course of litigation.

Title 5 U.S.C. 552a(e) (4) and (11) provide that the public be given a 30-day period in which to comment; the Office of Management and Budget (OMB), which has oversight responsibility under the Act, requires a 60-day period in which to review the proposed automation of the system. Therefore, the public, OMB, and the Congress are invited to submit comments to J. Michael Clark, Acting Assistant Director, General Services Staff, Justice Management Division, Department of Justice, Room 9002, 601 D Street, NW., Washington, D.C. 20530. Comments must be received February 18, 1986. If no comments are received, the proposed routine use and automation of the system will be implemented without further notice in the **Federal Register.**

Dated: November 14, 1985.

W. Lawrence Wallace,

Assistant Attorney General for Administration.

JUSTICE/CRT–008

Files on Correspondence Relating to Civil Rights Matters from Persons Outside the Department of Justice.

SYSTEM LOCATION:

U.S. Department of Justice; Civil Rights Division (CRT); 10th and Constitution Avenue NW.; Washington, DC 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons communicating in written form in person or by telephone, including complaints, requests for information or action, or expressions of opinion regarding civil rights matters.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains original correspondence regarding civil rights matters from persons, cover letters or notes from persons referring original correspondence to the Department attorney or other emnployees notes regarding the correspondence, and copies of CRT responses to the original correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

This system of records is maintained pursuant to 44 U.S.C. 3101 and in the ordinary course of fulfilling the responsibility assigned to CRT under the provisions of 28 CFR 0.50.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The system is used by employees and officials of the Department to respond to incoming correspondence, to compile statistics for use in preparation budget requests, to insure proper disposition of incoming mail, to determine the status and content of responses to correspondence, to respond to inquiries from Division personnel, Office of Legislative Affairs and Congressional offices regarding the status of correspondence, and to carry out other authorized functions of the Department

A record relating to this system, or any facts derived therefrom, may be disseminated in a proceeding before a court, grand jury, administrative or regulatory proceeding or any other adjudicative body before which the Civil Rights Division is authorized to appear, when the United States, or any agency or subdivision thereof, is a party to litigation or has an interest in litigation

and such records are determined by the Civil Rights Division to be arguably relevant to the litigation. A record relating to this system may be disseminated to an actual or potential party to litigation or the party's attorney for the purpose of negotiation or discussion on such matters as settlement of the case or matter, plea bargaining or in formal or informal discovery proceedings.

Information the system regarding individual pieces of correspondence may be provided to Members of Congress upon request in instances where the Members making the request referred the correspondence in question to the Department.

A record may be accessed by volunteer student workers and students working under a workstudy program as is necessary to enable them to perform their assigned duties.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Member of Congress. Information in the system may may be disclosed as is necessary to respond to inquiries by Members of Congress on behalf of individual constituents that are subjects of CRT records.

Release of information to the National Archives and Records Administration. A record from a system of records may be disclosed as a routine use to the National Archives and Records Administration (NARA) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records in the system are primarily index cards and original letters or copies thereof.

The index cards and incoming letters are stored in filing cabinets in locked offices, and on disks for automated office equipment; correspondents' names, file numbers, the types of complaints, CRT response to complainants or other corresponding persons, and records of referrals are stored on magnetic cartridges for access by computer.

RETRIEVABILITY:

Information may be retrieved through use of card index file system, automated office equipment, or by logical queries to the computer based system. The information on the index cards, on disks for automated office equipment, and on the computer is organized into indexes (1) arranged according to the name of citizens that corresponded with the Department and (2) arranged to the name of members of Congress or White House staff Members who have referred correspondence to the Department.

SAFEGUARDS:

Information in the system is unclassified. Information in manual and computer form is safeguarded and protected in accordance with applicable Departmental security/regulations for systems of records. Only a limited number of staff members who are assigned a specific identification code will be able to use the computer or to access the stored information. All records in the system are protected by locks on the storage facility, computer, and by locks on the room that contains the records.

RETENTION AND DISPOSAL:

Citizen correspondence unrelated to matters within the jurisdiction of the Civil Rights Division is destroyed ninety days from the date of correspondence. There are no provisions for disposal of the other records in this system although such procedures are currently under active consideration.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Attorney General: Civil Rights Division; U.S. Department of Justice, Washington, D.C. 20530.

NOTIFICATION PROCEDURES:

Same as above.

RECORD ACCESS PROCEDURES:

A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked "Privacy Access Request." The request should include the name of the correspondent, his address or the name of the Member of Congress or White House staff member who referred the correspondence to the Department, if known, the Department of Justice file number, if known, and the date of the correspondence. The requester will also provide a return address for transmitting the information. Access requests will be directly to the System Manager listed above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and consisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Sources of information contained in this system are the original correspondents, persons referring original correspondence to the Department, and employees and officials of the Department responsible for the disposition of the correspondence.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 85-29654 Filed 12-16-85; 8:45 am]
BILLING CODE 4410-01-M

[AAG/A Order No. 30-85]

Privacy Act of 1974; New System of Records

Pursuant to the Privacy Act of 1974 (5 U.S.C. 552a), the Department of Justice, Criminal Division, proposes to establish a new system of records entitled "Office of Special Investigations Displaced Persons Listings, Justice/CRM-027." The purpose of the system is to ascertain if individuals who submitted entry visa applications to the United States under the Displaced Persons Acts (in force from 1948 to 1952) made fraudulent statements to gain such entry. The system will also be used to locate potential witnesses to such cases being investigated by the Division.

In the Proposed Rules Section of today's **Federal Register**, the Criminal Division also proposes to exempt portions of the system from subsection (d) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2). The exemption is needed to protect the information received from confidential sources, and to preserve the identity of such confidential sources and of other individuals who might serve as witnesses against an individual, or who might otherwise be of investigative interest to the Criminal Division.

5 U.S.C. 552a(e)(4) and (11) provide that the public be provided a 30-day period in which to comment on the routine uses of a new system; the Office of Management and Budget (OMB), which has oversight responsibility under the Act, requires that it be given a 60-day period in which to review the system. However, the Department has requested a waiver of the 60-day requirement.

Therefore, please submit any comments by January 16, 1986. The public, OMB and Congress are invited to send written comments to J. Michael Clark, Acting Assistant Director, General Services Staff, Justice Management Division, Department of Justice, Room 9002, 601 D Street, NW., Washington, DC 20530.

In accordance with Privacy Act requirements, the Department of Justice has provided a report on the proposed system to the Director, OMB, the President of the Senate, and the Speaker of the House of Representatives.

Dated: October 2, 1985.

W. Lawrence Wallace,

Assistant Attorney General for Administration.

JUSTICE/CRM-027

SYSTEM NAME:

Office of Special Investigations (OSI) Displaced Persons Listings.

SYSTEM LOCATION:

U.S. Department of Justice, Criminal Division, 10th and Constitution Avenue, NW., Washington, DC 20530; and Federal Records Center, Suitland, Maryland 20409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who applied for entry visas into the United States under the Displaced Persons Acts in force from 1948 to 1952 and for whom the United States Army Counterintelligence Corps assembled visa investigation files.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system consists of alphabetical indexes bearing the names of persons who applied for entry visas under the Displaced Persons Acts, their visa applications, investigative reports and any other supporting documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

This system is established and maintained pursuant to 44 U.S.C. 3101 and is intended to assist in implementing and enforcing the criminal laws of the United States, particularly those Criminal Statutes codified in "Criminal Laws," United States Code. The system is also maintained to implement the provisions codified in 28 CFR 0.55 and 0.61.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records are used by OSI personnel as source material to locate potential witnesses who might be able to provide information of investigative interest. However, a record maintained in this system of records may be disseminated as a routine use of such record as follows: (1) Records, or some part thereof, relating to a particular visa applicant, may become a part of an investigative record maintained in a published system of records entitled "Central Criminal Division Index File and Associated Records, JUSTICE/CRM-001" and be subject to the routine uses of that system; (2) a record relating to a case or matter may be disseminated to a foreign country pursuant to an international treaty or convention entered into and ratified by the United States or to an executive agreement; (3) a record may be disseminated to a Federal, State, local, foreign, or international enforcement agency to assist in the general crime prevention and detection efforts of the recipient agency or to provide investigative leads to such agency; and (4) a record may be disseminated to a foreign country, through the United States Department of State or directly to the representative of such country, to the extent necessary to assist such country in apprehending and/or returning a fugitive to a jurisdiction which seeks his return.

RELEASE OF INFORMATION TO THE NEWS MEDIA:

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Index records in this sytem will be stored by name and control number on an IBM System/38. The actual records are papers in files stored in file boxes on shelves in locked record storage rooms.

RETRIEVABILITY:

Records stored in this sytem can be retrieved by the name of the individual, and by the control number of the record.

SAFEGUARDS:

Appropriate steps have been taken to preserve security and minimize the risk of unauthorized access to the system. Staff members who use the computer to input data or who have access to the stored data have been given specific identification codes or passwords by the system security officer which will restrict access to specific data. The files will be kept in a locked room with restricted access.

RETENTION AND DISPOSAL:

Currently there are no provisions for the disposal of records in the system.

SYSTEM MANAGER AND ADDRESS:

Assistant Attorney General, Criminal Division, U.S. Department of Justice, 10th and Constitution Avenue, NW., Washington, DC 20530.

NOTIFICATION PROCEDURE:

Inquire in writing to the system manager listed above.

RECORD ACCESS PROCEDURE:

Portions of this system ae exempt from disclosure and contest by 5 U.S.C. 552a(k)(2). Make all requests for access to those portions not so exempted by writing to the system manager identified above. Clearly mark the envelope and letter "Privacy Access Requests;" provide the full name and notarized signature of the individual who is the subject of the record, his/her date and place of birth, or any other identifying number or information which may assist in locating the record; and, a return address.

CONTESTING RECORD PROCEDURE:

Direct all requests to contest or amend information maintained in the system to the system manager listed above. State clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information.

RECORD SOURCE CATEGORIES:

The information in this system was originallly compiled during the course of investigations undertaken by the United States Army Counter Intelligence Corps pursuant to the Displaced Persons Acts in effect from 1948 to 1952. For the most part, the information in this system was obtained directly from the visa applicant himself, but the records would also contain information from other individuals or entities which would have

shed light on the information supplied by the visa applicant.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted certain categories of records in this system from subsection (d) of the Privacy Act pursuant to 5 U.S.C. 52a(k)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e), and have been published in the Federal Register.

[FR Doc. 85-29655 Filed 12-16-85; 8:45 am]

BILLING CODE 4410-01-M

[AAG/A Order No. 26-85]

Privacy Act of 1974; Modified Systems of Records

Pursuant to the Privacy Act of 1974 (5 U.S.C. 552a), the United States Marshals Service (USMS), Department of Justice, is republishing the system of records entitled "Warrant Information System (Justice/USM-007)." This system was last published on February 4, 1983 at 48 FR 5378.

The amended system notice is reprinted below. The USMS has revised the system notice to add new routine uses which will permit access by public and private organizations and individuals, and by State, local, and foreign law enforcement agencies, to the extent necessary to gain information and cooperation in USMS fugitive investigations and apprehension efforts, and to assist other law enforcement agencies in their authorized law enforcement activities. It has also clarified a previously published routine use which allows disclosure to an appropriate court. Finally, in addition to making changes to clarify and better describe the system, it has revised the notice to reflect the proposed exemption from additional subsections of the Act, i.e., subsections (e)(1) and (3)(5). (A proposed rule to exempt the system from these additional subsections appears in today's Federal Register.) All changes have been italicized for public convenience.

Title 5 U.S.C. 552a(e) (4) and (11) provide that the public be given a 30-day period in which to comment on new routine uses. Accordingly, address and submit any comments to J. Michael Clark, Acting Assistant Director, General Services Staff, Room 9002, Justice Management Division, Department of Justice, 601 D Street, NW, Washington, D.C. 20530 by January 16, 1986.

Since the new routine uses are compatible with the purposes for which this system is maintained, the Department will not be submitting a report to the Office of Management and Budget and the Congress.

Dated: November 14, 1985.

W. Lawrence Wallace,

Assistant Attorney General for Administration.

JUSTICE/USM-007

SYSTEM NAME:

Warrant-Information System.

SYSTEM LOCATION:

Each district office of the U.S. Marshals Service (USMS) maintains their own files. See Appendix.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM

Individuals for whom Federal warrants have been issued.

CATEGORIES OF RECORDS IN THE SYSTEM:

The warrant and other court records and internal correspondence related to the warrant; biographical data including physical description, photograph and criminal history; wanted flyers/posters and investigative reports reflecting patterns of activity, leads developed, statements of witnesses and other persons cooperating with USMS fugitive investigations. Investigative reports and criminal record information from other Federal, State, local and foreign law enforcement agencies participating in or cooperating with USMS fugitive investigations and apprehension efforts are also included in this system.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

28 USC 509, 510 and 569; 28 CFR 0.111(a).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records or information may be disclosed to public and private organizations, individuals, and Federal, State, local, and foreign agencies to the extent necessary to obtain information or cooperation in USMS fugitive investigations and apprehension efforts. Recores or information may be disclosed upon request to the appropriate Federal, State, local, or foreign law enforcement agency responsible for investigating, prosecuting, enforcing, defending, or implementing a statute, rule, regulation, or order, to the extent that the information is relevant to the recipient's function. Records may be disclosed without a request to an appropriate Federal, State or local law enforcement agency where there is an indication of an actual or potential violation of civil or criminal laws, statutes, rules, or regulations within the jurisidiction of the recipient agency. Records or information may be disclosed in a proceeding before a court or adjudicative body before which the USMS is authorized to appear when any of the following is a party to litigation or has an interest in litigation and such records are determined by the USMS to be arguably relevant to the litigation: The USMS or any of its subdivisions; and USMS employee in his or her official capacity, or in his or her individual capacity where the Department of Justice agrees to represent the employee; or the United States where the USMS determines that the litigation is likely to affect it or any of its subdivisons.

RELEASE OF INFORMATION TO THE NEWS MEDIA:

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

RELEASE OF INFORMATION TO MEMBERS OF CONGRESS:

Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

RELEASE OF INFORMATION TO THE NATIONAL ARCHIVES AND RECORDS ADMINISTRATION:

A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on Roladex Cards and in standard file folders.

RETRIEVABILITY:

Records are retrieved by individual names.

SAFEGUARDS:

Access is restricted to personnel in each district's U.S. Marshals office. *Records are maintained in metal file cabinets within supervised areas of the U.S. Marshal's Offices. District Offices are locked during working and non-duty hours and entry is restricted to employees with official identification.*

RETENTION AND DISPOSAL:

Records are kept in operating file until warrant is executed and then transferred to closed files, where they are indefinitely kept.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Enforcement Opeations Division; U.S. Marshals Service; U.S. Department of Justice; One Tysons Corner Center, McLean, Virginia 22102.

RECORD SOURCE CATEGORIES:

Information is obtained from the courts, Federal, State, local and foreign law enforcement agencies, public and private organizations, witnesses, informants and other persons interviewed during the course of the fugitive investigation.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e) (1), (2) and (3), (e)(4) (G) and (H), (e)(5), (e)(8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j). (2) Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the **Federal Register.**

[FR Doc. 85-29656 Filed 12-16-85; 8:45 am]
BILLING CODE 4410-01-M

[AAG/A Order No. 24-85]

Privacy Act of 1974; New Systems of Records

Pursuant to the provisions of the Privacy Act of 1974, (5 U.S.C. 552a), the U.S. Marshalls Service, Department of Justice, is publishing notice of five new systems of records. They are:

U.S. Marshals Service Threat Analysis Information System (JUSTICE/USM-009);
Judicial Facility Security Index System (JUSTICE/USM-010);
Judicial Protection Information System (JUSTICE-USM-011);
U.S. Marshals Service Freedom of Information/Privacy Act Files (JUSTICE/USM-012); and
U.S. Marshals Service Administrative Proceedings, Claims and Civil Litigation Files (JUSTICE/USM-013).

5 U.S.C. 552a(e) (4) and (11) provide that the public be given a 30-day period in which to comment on the routine uses of these systems; the Office of Management and Budget (OMB), which has oversight responsibility under the Act, requires a 60-day period in which to review the systems. However, a waiver of the 60-day requirement has been requested of OMB. Therefore, please submit any comments by January 16, 1986. The public, OMB, and the Congress are invited to submit comments to J. Michael Clark, Acting Assistant Director, General Services Staff, Justice Management Division, Department of Justice, Room 9002, 601 D Street, NW., Washington, DC 20530.

The Department has provided a report on each of these systems to the Director, OMB, the President of the Senate, and the Speaker of the House of Representatives in accordance with Privacy Act requirements.

The system descriptions are printed below.

Dated: November 12, 1985.

W. Lawrence Wallace,

Assistant Attorney General for Administration.

JUSTICE/USM-009

SYSTEM NAME:

U.S. Marshals Service Threat Analysis Information System (Justice/USM-009).

SYSTEM LOCATION:

Threat Analysis Group, U.S. Marshals Service (USMS), One Tysons Corner Center, McLean, Virginia 22102.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have directly threatened or pose a violent threat to Government witnesses, U.S. Attorneys and their assistants, Federal jurists and other court officials, U.S. Marshals, deputies and other law enforcement officers; to courtroom security; and to Federal property and buildings.

CATEGORIES OF RECORDS IN THE SYSTEM:

Manual and automated indices contain abbreviated data, e.g., case number, name, social security number, known aliases, address, telephone number, descriptive physical data, an indication of the means by which the threat was issued, and the date of the threat. In addition to the abbreviated data named above, the complete file may contain criminal record information—in particular, known history of violence and skills related to the nature of the threat, associations with dangerous/outlaw gangs or violent extremist groups; and threat-related, investigative information furnished by other Federal, State and local law enforcement agencies.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

28 U.S.C. 509, 510, and 569; 5 U.S.C. 301; 44 U.S.C. 3101; and 28 CFR 0.111(c) through (f).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

USMS officials responsible for conducting threat analysis and for planning and carrying out security operations access this information. Records or information may be disclosed to other appropriate Federal, State and local law enforcement agencies in connection with actual or potential violation of criminal or civil laws, statutes, or regulations, or in conjunction with investigative or litigative responsibilities of the recipient agency, or to the extent that disclosure is necessary to obtain additional threat-related information or to develop protective measures. Records or information may be disclosed to other law enforcement agencies to develop protective measures where a specific threat is posed to their members; and to an individual or organization where the recipient is or could become the target of a specific threat. Records or information may be disclosed as a routine use in a proceeding before a court or adjudicative body before which the USMS is authorized to appear when any of the following is a party to litigation or has an interest in litigation and such records are determined by the USMS to be arguably relevant to the litigation: the USMS or any of its subdivisions; any USMS employee in his or her official capacity or in his or her individual capacity where the Department of Justice agrees to represent the employee; or the United States where the USMS determines that the litigation is likely to affect it or any of its subdivisions.

Release of Information to the News Media:

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an

unwarranted invasion of personal privacy.

Release of Information to Members of Congress:

Information contained in systems of records maintained by the Department of Justice may be disclosed as is necessary to appropriately respond to congressional inquiries on behalf of constituents.

Release of Information to the National Archives and Records Administration:

A record from a system of records may be disclosed as a routine use to the National Archives and Records Administration (NARA) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

An index record is stored on index cards and magnetic disks. Original paper records are kept in file folders.

RETRIEVABILITY:

Records are indexed and retrieved by name.

SAFEGUARDS:

Access to computerized records is restricted to Threat Analysis Group personnel by assigned code. In addition, records are stored in locked metal filing cabinets during off-duty hours. The records are located in a restricted area and USMS Headquarters is under 24-hour guard protection with entry controlled by official and electronic identification.

RETENTION AND DISPOSAL:

Records are maintained indefinitely until a detailed records retention plan and disposal schedule is developed by NARS and the USMS.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Threat Analysis Group, U.S. Marshals Service, One Tysons Corner Center, McLean, Virginia 22102

NOTIFICATION PROCEDURE:

Direct all inquiries to the system manager identified above. Clearly mark the letter and envelope "Freedom of Information/Privacy Act Request."

RECORD ACCESS PROCEDURE:

Make all requests for access in writing and clearly mark letter and envelope "Freedom of Information/Privacy Act Request." Clearly indicate name of the requester, nature of the record sought, approximate date of the record, and provide the required verification of identity (28 CFR 16.41(d)). Direct all requests to the system manager identified above, Attention: FOI/PA Officer, and provide a return address for transmitting the information.

CONTESTING RECORD PROCEDURES:

Direct all requests to contest or amend information to the system manager identified above. State clearly and concisely the information being contested, the reason for contesting it, and the proposed amendment to the information sought. Clearly mark the letter and envelope "Freedom of Information/Privacy Act Request."

RECORD SOURCE CATEGORIES:

Information is obtained from public and confidential sources and from Federal, State and local law enforcement agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c) (3) and (4), (d), (e) (1), (2) and (3), (e)(4) (G) and (H), (e)(5), (e)(8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the **Federal Register.**

JUSTICE/USMS-010

SYSTEM NAME:

Judicial Facility Security Index System (JUSTICE/USM-010).

SYSTEM LOCATION:

Court Security Division, U.S. Marshals Service, (USMS) One Tysons Corner Center, McLean, Virginia 22102.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals employed, or offered employment, as contract court security officers (CSO's) by companies contracting with the USMS to provide judicial area security in Federal courthouses.

CATEGORIES OF RECORDS IN THE SYSTEM:

An alphabetical index contains the name, date of birth and social security number of the court security officer, name of the contracting security firm (employer), completion dates and cost data for limited background investigation and orientation, district of employment, dates contract performance started and ended, posts and hours of duty and the status of employment, i.e., active or inactive. For inactive CSO's, the index contains the reason for inaction, e.g. CSO resigned; applicant rejected based on the preliminary records check; CSO removed based on Office of Personnel Management (OPM) background investigation; etc. In addition to providing abbreviated data, the index assists in locating records on the court security officer related to the initial screening process for eligibility, e.g., application and preliminary checks for arrest records, which are filed under the contract number and name of the contracting security firm (employer). The index also assists in locating files containing OPM reports on the limited background investigation and internal suitability memoranda which are segregated by the categories "active" and "inactive."

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

28 U.S.C 509, 510 and 569; 5 U.S.C. 301; 44 U.S.C. 3101 and 28 CFR 0.111(c) through (f).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Contracting personnel and court security program officers within the USMS use this system to make security/suitability determinations in the hiring of contract court security officers, to monitor orientation completed, to track costs related to background investigations and attendance at Government-sponsored orientation, to monitor orientation completed, and to monitor contractor performance. Records may be disclosed as follows: Individual cost data may be disclosed to the contractor (employer) in connection with billing and recovering reimbursable costs. Records or information may be disclosed to an appropriate Federal, State or local law enforcement agency to the extent necessary to obtain information on arrests, or to the extent relevant to an actual or potential, criminal or civil investigation, litigation or enforcement proceedings of that agency. Records or information may be disclosed as a routine use in a proceeding before a court or adjudicative body before which the USMS is authorized to appear when any of the following is a party to litigation or has an interest in litigation and such records are determined by the USMS to be arguably relevant to the litigation: The USMS or any of its subdivisions; any USMS employee in his or her official capacity or in his or her individual capacity where the Department of Justice agrees to represent the employee; or the United States where the USMS determines that

the litigation is likely to affect it or any of its subdivisions.

Release of Information to the News Media:

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of Information to Members of Congress:

Information contained in systems of records maintained by the Department of Justice may be disclosed as is necessary to appropriately respond to congressional inquires on behalf of constituents.

Release of information to the National Archives and Records Administration:

A record from a system of records may be disclosed as a routine use to the National Archives and Records Administration (CNARA) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

An index record is stored on magnetic disks and original paper records are kept in file folders.

RETRIEVABILITY:

Records are retrieved by name of the contract court security officer.

SAFEGUARDS:

Records are stored in locked metal filing cabinets during off-duty hours. Access to computerized records is controlled by restricted code to personnel on a need-to-know basis. Entry to USMS Headquarters is restricted by 24-hour guard service to employees with official and electronic identification.

RETENTION AND DISPOSAL:

Records are maintained indefinitely until a detailed records retention plan and disposal schedule is developed by NARS and the USMS.

SYSTEM MANAGER AND ADDRESS:

Chief, Court Security Division, U.S. Marshals Service, One Tysons Corner Center, McLean, Virginia 22102.

NOTIFICATION PROCEDURES:

Direct all inquiries to the system manager identified above. Clearly mark the letter and envelope "Freedom of Information/Privacy Act Request."

RECORD ACCESS PROCEDURES:

Make all requests for access in writing and clearly mark letter and envelope "Freedom of Information/Privacy Act Request." Clearly indicate name of the requester, nature of the record sought, approximate dates of the record, and provide the required verification of identity (28 CFR 16.41(d)). Direct all requests to the system manager identified above, Attention: FOI/PA Officer, and provide a return address for transmitting the information.

CONTESTING RECORD PROCEDURES:

Direct all requests to contest or amend information to the system manager listed above. State clearly and concisely the information being contested, the reasons for contesting it, and the proposed amendment to the information sought. Clearly mark the letter and envelope "Freedom of Information/Privacy Act Request."

RECORD SOURCE CATEGORIES:

Information contained in this system is collected from the individual, USMS orientation records, other law enforcement agencies, OPM, and from the contractor (employer).

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c)(3) and (d) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(5). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the **Federal Register.**

JUSTICE/USM-011

SYSTEM NAME:

Judicial Protection Information System (JUSTICE/USM-011)

SYSTEM LOCATION:

Court Security Division, U.S. Marshals Service, (USMS), One Tysons Corner Center, McLean, Virginia 22102.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have been directly threatened or are subject to violent threat by virtue of their responsibilities within the judicial system, e.g., U.S. Attorneys and their assistants, Federal jurists and other court officials.

CATEGORIES OF RECORDS IN THE SYSTEM:

Manual and automated indices contain abbreviated data, e.g., case number, name of protectee, name of control district and district number, an indication of the type and source of threat, and the means by which the threat was made. In addition to the abbreviated data named above, the complete file may contain descriptive physical data of the protectee, and other information to identify security risks and plan protective measures in advance of or during periods of active protection, e.g., individual practices and routines, including associational memberships. Information regarding the expenditure of funds and allocation of resources assigned to the protectee may also be included in the file to enable officials to develop operating plans to counteract threat situations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

28 U.S.C. 509, 510 and 569; 5 U.S.C. 301; 44 U.S.C. 3101; and 28 CFR 0.111(c) through (f).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

USMS officials responsible for planning and carrying out security operations access this information. Other Federal, State and local law enforcement agencies have access to the extent that disclosure is necessary to develop and/or implement protective measures. Records or information may be disclosed as a routine use in a proceeding before a court or adjudicative body before which the USMS is authorized to appear when any of the following in a party to litigation and such records are determined by the USMS to be arguably relevant to the litigation: The USMS or any of its subdivisions; any USMS employee in his or her official capacity or in his or her individual capacity where the Department of Justice agrees to represent the employee; or the United States where the USMS determines that the litigation is likely to affect it or any of its subdivisions.

Release of Information to the News Media:

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an

unwarranted invasion of personal privacy.

Release of Information to Members of Congress:

Information contained in systems of records maintained by the Department of Justice may be disclosed as is necessary to appropriately respond to congressional inquiries on behalf of constituents.

Release of Information to the National Archives and Records Administration:

A record from a system of records may be disclosed as a routine use to the National Archives and Records Administration (NARA) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

An index record is stored on index cards and magnetic tape. Original paper records are kept in file folders.

RETRIEVABILITY:

Records are indexed and retrieved by name of protectee.

SAFEGUARDS:

Access to computerized records is restricted to Court Security Division personnel by assigned user code and password. In addition, records are stored in locked metal cabinets during off-duty hours. The records are located in a restricted area, and USMS Headquarters is under 24-hour guard protection with entry controlled by official and electronic identification.

RETENTION AND DISPOSAL:

Records are maintained indefinitely until a detailed records retention plan and disposal schedule is developed by NARS and the USMS.

SYSTEM MANAGER AND ADDRESS:

Chief, Court Security Division, U.S. Marshals Service, One Tysons Corner Center, McLean, Virginia 22102.

NOTIFICATION PROCEDURES:

Direct all inquiries to the system manager identified above. Clearly mark the letter and envelope "Freedom of Information/Privacy Act Request."

RECORD ACCESS PROCEDURES:

Make all requests for access in writing and clearly mark letter and envelope "Freedom of Information/Privacy Act Request." Clearly indicate name of the requester, nature of the record sought, approximate dates of the record, and provide the required verification of identity (28 CFR 16.41(d)). Direct all requests to the system manager identified above. Attention: FOI/PA Officer, and provide a return address for transmitting the information.

CONTESTING RECORDS PROCEDURES:

Direct all requests to contest or amend information to the system manager identified above. State clearly and concisely the information being contested, the reason for contesting it, and the proposed amendment to the information sought. Clearly mark the letter and envelope "Freedom of Information/Privacy Act Request."

RECORD SOURCE CATEGORIES:

Information is obtained from individual protectees. Where information is maintained in this system on identified threat sources to a particular protectee, such information is obtained from public and confidential sources and from Federal, State and local law enforcement agencies, and is not retrievable by name or other identifying particular assigned to the threat source.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/USM-012

SYSTEM NAME:

U.S. Marshals Service Freedom of Information Act/Privacy Act (FOIA/PA) Files (JUSTICE/USM-012)

SYSTEM LOCATION:

Office of Legal Counsel, U.S. Marshals Service, One Tysons Corner Center, McLean, Virginia 22102.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who request disclosure of U.S. Marshals Service (USMS) records pursuant to the Freedom of Information Act (FOIA); individuals who request access to or correction of records maintained in USMS systems of records pursuant to the Privacy Act (PA); and individuals whose FOIA or PA requests have been referred to the USMS by another Department of Justice component or another agency.

CATEGORIES OF RECORDS IN THE SYSTEM:

Alphabetical and chronological indices are maintained to aid in the orderly processing of requests and to compile statistical data for annual reports. Indices include such data items as the name and address of the requester; the type of request; dates on which the request was received, acknowledged and answered; type of final response; and exemptions used to deny access to records, when applicable. Identifying data, i.e., data and place of birth and social security number, is maintained on PA requesters to verify their identity and ensure proper disclosure. Files contain a record of the FOIA/PA request, along with the response, copies of documents which have been requested, and internal memoranda or other records related to the initial processing of such request, subsequent appeals and/or litigation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5. U.S.C. 301 and 44 U.S.C. 3101 to implement the provisions of 5 U.S.C. 552 and 5 U.S.C. 552a.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

A record maintained in this system may be disseminated as a rountine use to any Department of Justice component for consideration in connection with an FOIA or PA request, appeal, or civil suit pursuant to the Acts. A record may be disseminated to a Federal, State or local agency which furnished the record to permit that agency to make a decision as to access or correction, or to consult with that agency to enable the USMS to determine the propriety of access or correction.

Records or information which are relevant to the subject matter involved in a pending judicial or administrative proceeding may be disclosed in response to a request for discovery or for appearance of a witness. Records or information may be disclosed as a routine use in a proceeding before a court or adjudicative body before which the USMS is authorized to appear when any of the following is a party to litigation or has an interest in litigation and such records are determined by the USMS to be arguably relevant to the litigation: The USMS or any of its subdivisions; any USMS employee in his or her official capacity or in his or her individual capacity where the Department of Justice agrees to represent the employee; or the United States where the USMS determines that the litigation is likely to affect it or any of its subdivisions.

Release of Information to the News Media

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of

a particular case would constitute an unwarranted invasion of personal privacy.

Release of Information to Members of Congress:

Information contained in systems of records maintained by the Department of Justice may be disclosed as is necessary to appropriately respond to congressional inquiries on behalf of constituents.

Release of Information to the National Archives and Records Administration:

A record from a system of records may be disclosed as a routine use to the National Archives and Records Administration (NARA) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Index cards are stored in standard card file boxes. Request files are stored in standard file cabinets.

RETRIEVABILITY:

Records are retrieved by name of requester.

SAFEGUARDS:

Request files are stored in locked metal filing cabinets within the Office of Legal Counsel, USMS headquarters, during off-duty hours. Access to USMS headquarters is controlled by 24-hour guard service.

RETENTION AND DISPOSAL:

Records are destroyed 5 years after final response or appeal determination by the Department of Justice, Office of Information and Privacy; or 3 years after final adjudication by the courts.

SYSTEM MANAGER AND ADDRESS:

General Counsel, Office of Legal Counsel, U.S. Marshals Service, One Tysons Corner Center, McLean, Virginia 22102.

NOTIFICATION PROCEDURE:

Address inquiries to the system manager identified above, Attention: FOIA/PA Officer. Clearly mark the letter and envelope "Freedom of Information Act/Privacy Act Request."

RECORD ACCESS PROCEDURE:

Make all requests for access in writing and clearly mark letter and envelope "Freedom of Information/Privacy Act Request." Clearly indicate name of the requester, nature of the record sought, approximate dates of the record, and provide the required verification of identity (28 CFR 16.41(d)). Direct all requests to the system manager identified above, Attention: FOI/PA Officer, and provide a return address for transmitting the information.

CONTESTING RECORD PROCEDURES:

Direct all requests to contest or amend information to the system manager listed above. State clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought. Clearly mark the letter and envelope "Freedom of Information Act/Privacy Act Request."

RECORD SOURCE CATEGORIES:

The sources of information contained in this system are the individuals making requests, the systems of records searched in the process of responding to requests, and other agencies who have referred to the USMS those requests for access to or correction of USMS records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney general has exempted certain categories of records in this system from subsections (c) (3) and (4); (d); (e) (1), (2) and (3); (e)(4) (G) and (H); (e)(5); (e)(8); (f); and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2), (k)(2) and (k)(5). The system is expected pursuant to subsections (j)(2) and (k)(2) only to the extent that the records there reflect criminal and civil law enforcement and investigative information. The system is exempted pursuant to subsection (k)(5) only to the extent necessary to protect confidential sources. Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b) (c) and (e) and have been published in the Federal Register.

JUSTICE/USM-013

SYSTEM NAME:

U.S. Marshals Service Administrative Proceedings, Claims and Civil Litigation Files (JUSTICE/USM-013).

SYSTEM LOCATION:

Office of Legal Counsel, U.S. Marshals Service (USMS), One Tysons Corner Center, McLean, Virginia 22102.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have filed tort and employee claims against the USMS; individuals who have initiated administrative proceedings against the USMS; individuals who have filed civil suits naming the USMS and/or personnel as defendants, including those suits arising from authorized criminal law enforcement activities; and individuals named as defendants in Federal Court actions initiated by the USMS.

CATEGORIES OF RECORDS IN THE SYSTEM:

In addition to the names of individuals covered by the system and the titles of cases, index cards contain certain summary data, e.g.; a summary of correspondence and pleadings received in a case, names of parties involved; name of attorney handling the case or matter; court in which action is brought, civil action number; and an indication of whether the case is open or closed, thereby facilitating location of the complete file. Cases or matters include adverse actions, grievances, unfair labor practice charges, tort claims, Equal Employment Opportunity and other employee claims, and suits against USMS employees in their official capacities, etc. Files contain correspondence/claim forms submitted by claimants and internal reports and related documents concerning the merits of the claim, attorney or staff recommendations and findings related to claim; records on actions taken by USMS giving rise to appeals, attorney notes, recommendations and strategy for defending appeals; copies of civil actions filed and criminal investigative records related to the action e.g., criminal investigative reports relating the underlying criminal matter which relates to or constitutes the basis of the claim or suit (including those from non-Federal law enforcement participants in USMS criminal or civil law enforcement activities), witness statements, reports of interviews, exhibits, attorney notes, pleadings, and recommendations and strategy for defending civil actions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records maintained in this system of records may be disseminated as follows:

(a) To any component of the Department of Justice for consideration in connection with the case or matter to which the record relates; (b) To the appropriate Federal, State or local agency responsible for investigating, prosecuting or defending an action where there is an indication of actual or potential violation of criminal or civil laws or regulations or civil liability of any government action; (c) To any Federal, State or local agency, organization or individual to the extent necessary to elicit information or

witness cooperation if there is reason to believe the recipient possesses information related to the case or matter; (d) Records or information may be disclosed as a routine use in a proceeding before a court or adjudicative body before which the USMS is authorized to appear when any of the following is a party to litigation or has an interest in litigation and such records are determined by the USMS to be arguably relevant to the litigation: The USMS or any of its subdivisions; any USMS employee in his or her official capacity or in his or her individual capacity where the Department of Justice agrees to represent the employee; or the United States where the USMS determines that the litigation is likely to affect it or any of its subdivisions; (e) To a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the conducting of a security or suitability investigation of an individual, the classifying of jobs, the letting of a contract or the issuance of a grant, license or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (f) To respond to a request for discovery or for appearance of a witness when the information is relevant to the subject matter involved in a pending judicial or administrative proceeding.

Release of Information to the News Media:

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of Information to Members of Congress:

Information contained in systems of records maintained by the Department of Justice may be disclosed as is necessary to appropriately respond to congressional inquiries on behalf of constituents.

Release of Information to the National Archives and Records Administration:

A record from a system of records may be disclosed as a routine use to the National Archives and Records Administration (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Index cards are stored in standard card file boxes. Administrative claim, appeal and litigation files are stored in standard file cabinets.

RETRIEVABILITY:

Records are retrieved by name of claimant or litigant, or by caption of civil action or administrative proceeding.

SAFEGUARDS:

Files are stored in locked metal filing cabinets within the Office of Legal Counsel, USMS headquarters, during off-duty hours. Access to USMS headquarters is controlled by 24-hour guard service.

RETENTION AND DISPOSAL:

Index cards are retained indefinitely. Claim files are destoryed after 7 years. Litigation files are destroyed after 10 years. Cases designated by the General Counsel as significant or precedential are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

General Counsel, Office of Legal Counsel, U.S. Marshals Service, One Tysons Corner Center, McLean, Virginia 22102.

NOTIFICATION PROCEDURE:

Address inquiries to the system manager identified above, Attention: FOI/PA Officer. Clearly mark the letter and envelope "Freedom of Information/ Privacy Act Request."

RECORD ACCESS PROCEDURE:

Make all requests for access in writing and clearly mark letter and envelope "Freedom of Information/Privacy Act Request." Clearly indicate name of the requester, nature of the record sought, approximate dates of the records, and provide the required verification of identity (28 CFR 16.41(d)). Direct all requests to the system manager identified above, Attention: FOI/PA Officer, and provide a return address for transmitting the information.

CONTESTING RECORD PROCEDURES:

Direct all requests to contest or amend information to the system manager listed above. State clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought. Clearly mark the letter and envelope "Freedom of Information Act/Privacy Act Request."

RECORD SOURCE CATEGORIES:

The sources of information contained in this system are the individual claimant/litigant, USMS officials, law enforcement agencies, statements of witnesses and parties, transcripts of depositions and court proceedings, administrative hearings and arbitrations, and work product of staff attorneys and legal assistants working on a particular case or matter.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted certain categories of records in this system from subsections (c) (3) and (4); (d); (e) (2) and (3); (e)(4) (G) and (H); (e)(8); (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2) and (k)(5). The system is exempted pursuant to subsection (j)(2) only to the extent that information in a record pertaining to a particular individual relates to a criminal investigation which relates to or constitutes the basis of a particular suit or claim. The system is exempted pursuant to subsection (k)(5) only to the extent necessary to protect a confidential source. Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the **Federal Register.**

[FR Doc. 85-29657 Filed 12-16-85; 8:45 am]

BILLING CODE 4410-01-M

[AAG/A Order No. 28-85]

Privacy Act of 1974; Modified Systems of Records

Pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), the Department of Justice, Civil Rights Division (CRT), proposes to modify all CRT Systems of records.

Specifically, CRT will add a routine use that will permit the disclosure of records in the ordinary course of litigation. The systems are identified as follows:

"Central Civil Rights Division Index File and Associated Records, JUSTICE/CRT-001;" "Files of Applications for the Position of Attorney with the Civil Rights Division, JUSTICE/CRT-002;" "Civil Rights Case Load Evaluation System—Time Reporting System, JUSTICE/CRT-003;" "Registry of Names of Interested Persons Desiring Notification of Submissions under Section 5 of the Voting Rights Act, JUSTICE/CRT-004;" "Files on Employment Civil Rights Matters Referred by the Equal Employment Opportunity Commission, JUSTICE/CRT-007;" "Civil Rights Division Travel Reports, JUSTICE/CRT-009;" and "Freedom of Information; Privacy Act Records, JUSTICE/CRT-010."

The Department of Justice last published these systems on August 21, 1985 (50 FR 33863).

Title 5 U.S.C. 552a(e) (4) and (11) provide that the public be given a 30-day period in which to comment on new routine uses. Please address any comments to J. Michael Clark, Acting Assistant Director, General Services Staff, Justice Management Division, Department of Justice, Room 9002, 601 D Street, NW, Washington, D.C., 20530. Comments must be received by January 16, 1986.

Since the new routine use is compatible with the purposes for which the systems are maintained, no report to the Office of Management and Budget and the Congress is required.

Dated: November 14, 1985.

W. Lawrence Wallace,

Assistant Attorney General for Administration.

JUSTICE/CRT-001

SYSTEM NAME:

Central Civil Rights Division Index File and Associated Records.

SYSTEM LOCATION:

United States Department of Justice Civil Rights Division (CRT) 10th and Constitution Avenue, NW., Washington, D.C. 20530; HOLC Building, 320 First Street, NW., Washington, D.C. 20534; and Federal Records Center, Suitland Maryland 20409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

These persons may include; Subjects of investigation victims, potential witnesses, correspondents on subjects directed or referred to CRT or other presons or organizations referred to in potential or actual cases and matters of concern to CRT, and CRT employees who handle complaints, cases or matters of concern to CRT.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system consists of alphabetical indices bearing the names of those individuals identified above and the associated record to which the indices relate containing the general and particular records of all CRT correspondence cases, matters, and memoranda, including but not limited to investigative reports, correspondence to and from the Division memoranda, legal papers, evidence, and exhibits. The names of some individuals, e.g., witnesses, may not yet be on the central indices. Records relating to such individuals may be obtained by direct access to the file jackets. Such file jackets are located within the respective sections of CRT according to the legal subject matter assigned to each CRT section. The delegated legal duties and responsibilities of each section are described as follows:

The records related to the duties of the Appellate Section of CRT include records generated by all Civil Rights Division cases that have entered the U.S. Supreme Court and the Courts of Appeal. Other records include those generated in the course of Appellate Section duties such as advising Members of Congress on legislative matters, providing legal counsel on civil rights issues to Federal agencies and providing counsel to the various components of the Department of Justice, and such other matters as may be required to fulfill the duties mandated by Congress.

The records related to the duties of the Coordination and Review Section include letters, studies, and reports concerning the implementation of Executive Orders 12250 and 12336. Under E.O. 12250, the Attorney General coordinates and monitors the enforcement of Title VI of the Civil Rights Act of 1964. Title IX of the Education Amendments of 1972, as amended, and the civil rights provisions of any Federal assistance grant which forbids discrimination in federally assisted programs on the basis of race, color, national origin, sex handicap or religion. The Coordination and Review Section also works with Federal agencies under E.O. 12336 to monitor review of their enabling legislation on the basis of sex. Other records relate to litigation involving the civil rights statutes coordinated by the Department of Justice, and such other matters as may be required to fulfill the duties mandated by the President and Congress.

The records related to the duties of the Criminal Section of CRT include cases or matters arising under 18 U.S.C. 241 and 242 which prohibit persons acting under color of law or in conspiracy with others to interfere with or deny the exercise of Federal constitutional rights, cases involving criminal violations of the Voting Rights Act of 1965 (42 U.S.C. 1971 through 1974), cases or matters involving criminal interference with housing rights as is prohibited by 42 U.S.C. 3631 and criminal interference with other federally protected rights as is prohibited by 18 U.S.C. 245. Other Criminal Section records include cases or matters involving 18 U.S.C. 1581 through 1588 which prohibit involuntary servitude, some case involving maritime law, and such other matters as may be required to fulfill the duties mandated by Congress.

The records related to the duties of the Educational Opportunities Section of CRT include cases or matters arising under Federal laws requiring nondiscrimination in public education such as Titles IV and IX of the Civil Rights Act of 1964 (42 U.S.C. 2000c. 42 U.S.C. 2000h–2) which prohibit discrimination on the basis of race, color, religion, sex, or national origin; Title IX of the 1972 Education Amendments (20 U.S.C. 1681) which prohibits discrimination on the basis of sex in educational programs or activities receiving federal financial assistance and Section 504 of the Rehabilitation Act of 1973 which grants rights to handicapped persons participating in educational programs receiving federal financial assistance. In addition, the records related to the duties of the Educational Opportunities Section include cases or matters arising under the Equal Educational Opportunities Act of 1974 (20 U.S.C. 1701), and such other matters as may be required to fulfill the duties mandated by Congress.

The records related to the duties of the Employment Litigation Section include cases or matters arising under Federal laws prohibiting discriminatory employment practices by State and local governments such as the equal employment opportunity provisions contained within the Revenue Sharing Act of 1972, as amended. Other records include cases or matters arising under Title VII of the Civil Rights Act of 1964 and its amendment which is the Pregnancy Discrimination Act of 1978 (42 U.S.C. 2000e(k)). In addition, the records related to the duties of the Employment Litigation Section include cases or matters arising under Executive Order No. 11246 involving equal opportunity laws applicable to public employers, Federal contractors and subcontractors involved in federally financed projects, and such other matters as may be required to fulfill the duties mandated by Congress.

The records related to the duties of the Housing and Civil Enforcement Section of CRT include cases or matters involving the fair housing laws such as Title VIII of the Fair Housing Act of 1968 (42 U.S.C. 3601 through 3619), and cases or matters involving fair credit laws such as the Equal Credit Opportunity Act (15 U.S.C. 1691 through 1691g) as well as its implementing regulations Regulation B (12 CFR Part 202). Other records include cases or matters arising under Title II and Title III of the Civil Rights Act of 1964 which prohibit discrimination in public facilities (except those Title III matters that involve prison facilities) and cases or

matters arising under the nondiscrimination provisions of the Revenue Sharing Act and the Housing and Community Development Act of 1974, and such other matters as may be required to fulfil the duties mandated by Congress.

The records related to the duties of the Special Litigation Section of CRT include cases or matters arising under Title III of the Civil Rights Act of 1964 as it applies to prison facilities, cases or matters arising under the Civil Rights of Institutionalized Persons Act of 1980 (42 U.S.C. 1997), cases or matters involving the constitutional rights of institutional juveniles, and the constitutional rights of mentally and physically handicapped persons of all ages, cases arising under section 504 of the Rehabilitation Act of 1973, as amended, and such other matters as may be required to fulfill the duties mandated by Congress.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The records in the system of records are kept under the authority of 44 U.S.C. 3101 and in the ordinary course of fulfilling the responsibility assigned to the Civil Rights Division under the provisions of 28 CFR 0.50, 0.51.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

A. Information in the system may be used by employees and officials of the Department to make decisions in the course of investigations and legal proceedings: to assist in preparing responses to correspondence from persons outside the Department to prepare budget requests, and various reports on the work product of the Civil Rights Divisions; and to carry out other authorized internal functions of the Department.

B. A record maintained in this system of records may be disseminated as a routine use of such records as follows: (1) A record relating to a possible or potential violation of law, whether civil, criminal, or regulatory in nature may be disseminated to the appropriate federal, state or local agency charged with the responsibility of enforcing or implementing such law; (2) in the course of investigation or litigation of a case or matter, a record may be disseminated to a federal, state or local agency, or to an individual or organization, if there is reason to believe that such agency, individual or organization possesses information or has the expertise in an official or technical capacity to analyze information relating to the investigation, trial or hearing and the dissemination is reasonably necessary to elicit such information or expert analysis or to obtain the cooperation of a prospective witness or informant: (3) A record relating to a case or matter, or any facts derived therefrom, may be disseminated in a proceeding before a court, grand jury, administrative or rgulatory proceeding or any other adjudicative body before which the Civil Rights Division is authorized to appear, when the United States, or any agency or subdivision thereof, is a party to litigation or has an interest in litigation and such records are determined by the Civil Rights Division to be arguably relevant to the litigation: (4) a record relating to a case or matter may be disseminated to an actual or potential party to litigation or the party's attorney (a) for the purpose of negotiation or discussion on such matters as settlement of the case or matter, plea bargaining or (b) in formal or informal discovery proceedings; (5) a record relating to a case or matter that has been referred for investigation may be disseminated to the referring agency to notify such agency of the status of the case or matter or of any determination that has been made; (6) a record relating to a person held in custody or probation during a criminal proceeding or after conviction, may be disseminated to any agency or individual having responsibility for the maintenance, supervision or release of such person; (7) a record may be disseminated to the United States Commission on Civil Rights in response to its request and pursuant to 42 U.S.C. 1975d.; (8) a record may be disseminated to volunteer student workers and students working under a work-study program as is necessary to enable them to perform their assigned duties.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information in the system may be disclosed as is necessary to respond to inquiries by Members of Congress on behalf of individual constituents that are subject of CRT records.

Release of information to the National Archives and Records Administration: A record from a system of records may be disclosed as a routine use to the National Archives and Records Administration (NARA) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information in this system is stored on index cards, in file jackets, and on computer disks or tape.

RETRIEVABILITY:

Information is retrieved through either use of an index card system or logical queries to the computer-based system. Entries are arranged alphabetically by the names of individuals or organizations that have been involved in possible civil rights violations either as the subject of investigations by the Department or as victims or complainants, or by the name of the Division personnel handling the complaint. (Complaints received from individuals which have not been investigated by the Department have not been systematically indexed and information pertaining to such individuals may or may not be retrievable.) Information on such individuals may be retrievable from the file jackets by a number assigned and appearing on the index cards.

SAFEGUARDS:

Information in manual and computer form is safeguarded and protected in accordance with applicable Departmental security regulations for systems of records. Only a limited number of staff members who are assigned a specific indentification code will able to use the computer or to access the stored information.

RETENTION AND DISPOSAL:

Records are maintained on the system while current and required for official Government use. When no longer needed on an active basis, the paper files are transferred to the Federal Records Center, Suitland, Maryland and some records are transferred to computer tape and stored in accordance with Departmental security regulations for system of records. Final disposition is in accordance with records retirement of destruction as scheduled by NARS.

SYSTEM MANAGER(S) AND ADDRESS:

Administrative Management Section Chief Civil Rights Division, United States Department of Justice, Washington, DC 20530.

NOTIFICATION PROCEDURE:

Part of this system is exempted from this requirement under 5 U.S.C. 552a

(j)(2) and (k)(2). Address inquiries to the System Manager listed above.

RECORD ACCESS PROCEDURES:

Part of this system is exempted from this requirement under 5 U.S.C. 552a (j)(2) and (k)(2). To the extent that this system of records is not subject to exemption, it is subject to access and contest. A determination as to exemption shall be made at the time a request for access is received. A request for access to a record retrievable in this system shall be made in writing, with the envelope and letter clearly marked "Privacy Access Request." Include in the request the full name of the individual, his or her current address, date and place of birth, notarized signature (28 CFR 16.41(b)), the subject of the case or matter as described under "Categories of records in the system," and any other information which is known and may be of assistance in locating the record, such as the name of the civil rights related case or matter involved, where and when it occurred and the name of the judicial district involved. The requester will also provide a return address for transmitting the information. Access requests should be directed to the System Manager listed above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend non-exempt information retrievable in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Sources of information contained in this system may be any agency or person who has or offers information related to the law enforcement responsibilities of the Division.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted parts of this system from subsections (c)(3), (d), and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2) and (k)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b) (c) and (e) and have been published in the Federal Register.

JUSTICE/CRT-002

SYSTEM NAME:

Files of Applications for the Position of Attorney with the Civil Rights Division.

SYSTEM LOCATION:

U.S. Department of Justice: Civil Rights Division (CRT), 10th and Constitution Avenue, NW., Washington, D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who have applied for a position as an attorney with CRT.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system may contain SF 171 forms, resumes, referral letters, letters of recommendation, writing samples, interview notes, internal notes or memoranda, and other correspondence and documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The records in this system of records are kept under the authority of 44 U.S.C. 3101 and in the ordinary course of fulfilling the responsibilities assigned to CRT under 28 CFR 0.50, 0.51.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The records in this system are used by employees and officials of the Department in making employment decisions. If an individual is hired, the records may become part of his or her Official Personnel Folder.

A record relating to this system, or any facts derived therefrom, may be disseminated in a proceeding before a court, grand jury, administrative or regulatory proceeding or any other adjudicative body before which the Civil Rights Division is authorized to appear, when the United States, or any agency or subdivision thereof, is a party to litigation or has an interest in litigation and such records are determined by the Civil Rights Division to be arguably relevant to the litigation. A record relating to this system may be disseminated to an actual or potential party to litigation or the party's attorney for the purpose of negotiation or discussion on such matters as settlement of the case or matter, plea bargaining or in formal or informal discovery proceedings.

Release of information to the news media: Information permitted to be released in the news media and the public pursuant to 28 CFR 50.2 may be made available from systems or records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information of Members of Congress. Information in the system may be disclosed as is necessary to respond to inquiries by Members of Congress on behalf of individual constituents that are subjects of CRT records.

Release of information to the National Archives and Records Administration: A record from a system of records may be disclosed as a routine use to the National Archives and Records Administration (NARA) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records in the system are primarily original papers or reproductions or copies thereof. The system consists of files pertaining to individual applicants.

RETRIEVABILITY:

Information is retrieved by using an applicant's name.

SAFEGUARDS:

Information in the system is unclassified. It is safeguarded and protected in accordance with Departmental rules and procedures governing access, production and disclosure of any materials contained in its offical files.

RETENTION AND DISPOSAL:

Information is retained in the system until a final employment decision is made or until such time as CRT is notified by the applicant that he or she is no longer interested in or available for the position. If an individual is hired, some or all of the records may become part of his or her Official Personnel Folder.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Assitant Attorney General; Civil Rights Division; U.S. Department of Justice; Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

Address inquiries to the Assitant Attorney General; Civil Rights Division; U.S. Department of Justice; Washington, D.C. 20530.

RECORD ACCESS PROCEDURE:

A request for access to a record from this sytem shall be made in writing with the envelope and the letter clearly marked 'Privacy Access Request.' The request should include the name of the applicant and the position applied for. The requester will also provide a return address for transmitting the information.

Access requests will be directed to the System Manager listed above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Sources of information contained in the system generally are the applicants, persons referring or recommending the applicant, and employees and officials of the Department.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

JUSTICE/CRT-003

SYSTEM NAME:

Civil Rights Case Load Evaluation System—Time Reporting System.

SYSTEM LOCATION:

United States Department of Justice, 10th and Constitution Avenue, NW., Washington, D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Attorneys and paralegals of the Civil Rights Division of the United States Department of Justice.

CATEGORIES OR RECORDS IN THE SYSTEM:

The system contains the names of Division attorneys and paralegals and their assignments and allocation of work time.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The records in this system are kept under the authority of 44 U.S.C. 3101 and in the ordinary course of fulfilling the responsibilities assigned to CRT under 28 CFR 0.50, 0.51.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Civil Rights Division personnel use this system of records to keep track of resources, i.e., to determine Civil Rights Division allocations of resources and professional time to individual assignments of cases and broad categories of cases (e.g., voting criminal, enforcement), and to assist in preparing budget requests and other reports which may be submitted to the Attorney General or the Congress.

A record relating to this system, or any facts derived therefrom, may be disseminated in a proceeding before a court, grand jury, administrative or regulatory proceeding or any other adjudicative body before which the Civil Rights Division is authorized to appear, when the United States, or any agency or subdivision thereof, is a party to litigation or has an interest in litigation and such records are determined by the Civil Rights Divison to be arguably relevant to the litigation. A record relating to this system may be disseminated to an actual or potential party to litigation or the party's attorney for the purpose of negotiation or discussion on such matters as settlement or the case of matter, plea bargaining or in formal or informal discovery proceedings.

A record may be accessed by volunteer student workers and students working under a work-study program as is necessary to enable them to perform their assigned duties.

Release of information to Members of Congress: Information in the system may be disclosed as is necessary to respond to inquiries by Members of Congress on behalf of individual constituents that are subjects of CFT records.

Release of information to the National Archives and Records Administration. A record from the system of records may be disclosed to the National Archives and Records Administration for records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on computer disks.

RETRIEVABILITY:

Information is retrieved by the names of attorneys or paralegals

SAFEGUARDS:

Information contained in the system is unclassified. It is safeguarded and protected in accordance with Departmental security regulations for systems of records. Access to the records is limited to those employees whose official duties require such access.

RETENTION AND DISPOSAL:

Information contained in the record system remains on the computer disks indefinitely

SYSTEM MANAGER(S) AND ADDRESS:

Administrative Management Section Chief, Civil Rights Division, United States Department of Justice, 10th and Constitution Avenue, NW., Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

Address inquiries to the system manager listed above.

RECORD ACCESS PROCEDURE:

A request for access to a record retrievable in this system shall be made in writing, with the envelope and letter clearly marked "Privacy Access Request." Include in the request the full name of the individual involved, his or her current address, date and place of birth, and notarized signature (28 CFR 16.42(b)), and any other information which is known and may be of assistance in locating the record. The requester should also provide a return address for transmiting the information. Access to request should be directed to the system manager listed above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend their records should direct their request to the system manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Information on time-allocation is provided by Civil Rights Division attorneys and paralegals.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE-CRT-004

SYSTEM NAME:

Registry of Names of Interested Persons Desiring Notification of Submissions under Section 5 of the Voting Right Act.

SYSTEM LOCATION:

U.S. Department of Justice, Civil Rights Division (CRT), *320 First Street*, NW., Washington, D.C. 20530 *and U.S. Department of Justice, 10th & Constitution, NW., Washington, D.C. 20530.*

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who have requested that the Attorney general send them notice of submissions under Section 5 of the Voting Rights Act of 1965, 42 U.S.C. 1973c.

CATEGORIES OF RECORDS IN THE SYSTEM:

The Registry contains the name, address and the telephone numbers of interested parties and, where appropriate, the area or areas with

respect to which notification was requested by such persons.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

46 FR 877 (1981) codified in 28 CFR 51.30, 42 U.S.C. 1973c, 5 U.S.C. 301 and 28 U.S.C. 509.510.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Registry is used to identify persons interested in receiving notice of Section 5 submissions and to comply with their requests. The Registry may be used to notify the persons listed therein of any proposed changes in the "Procedures for the Administration of Section 5 of the Voting Rights Act of 1965," *46 FR 870 (1981) codified in 28 CFR Part 1,* and to solicit their comments with respect to any such proposed changes.

A record relating to this system, or any facts derived therefrom, may be disseminated in a proceeding before a court, grand jury, administrative or regulatory proceeding or any other adjudicative body before which the Civil Rights Division is authorized to appear, when the United States, or any agency or subdivision thereof, is a party to litigation or has an interest in litigation and such records are determined by the Civil Rights Division to be arguably relevant to the litigation. A record relating to this system may be disseminated to an actual or potential party to litigation or the party's attorney for the purpose of negotiation or discussion on such matters as settlement of the case or matter, plea bargaining or in formal or informal discovery proceedings.

A record may be accessed by volunteer student workers and students working under work-study program as is necessary to enable them to perform their assigned duties.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information in the system may be disclosed as is necessary to respond to inquires by Members of Congress on behalf of individual constituents that are subjects of CRT records.

Release of information to the National Archives and Records Administration: A record from a system of records may be disclosed as a routine use to the National Archives and Records Administration (NARA) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Names are stored in a card file system, *and an automated addresser.*

RETRIEVABILITY:

Records in this system are retrievable by the names of interested persons or organizations.

SAFEGUARDS:

Information in the system is safeguarded in accordance with Departmental rules and procedures governing access, production and disclosure of any materials contained in its official files.

RETENTION AND DISPOSAL:

An individual or organizational name is retained in the Registry until such time as that person or organization request that the name be deleted.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Voting Section, Civil Rights Division, U.S. Department of Justice Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

Address inquiries to: Assistant Attorney General, Civil Rights Division, U.S. Department of Justice, Washington, D.C. 20530.

RECORD ACCESS PROCEDURES:

This system contains no information about any individual other than as described in Category of Record above. Persons whose names appear on the Registry may have access thereto or have their names and other information pertaining to them deleted or modified upon a request of the same nature as indicated in *46 FR 877 (1981) Codified in 28 CFR 51.30.*

CONTESTING RECORD PROCEDURES:

Same as the above.

RECORD SOURCE CATEGORIES:

Sources of information in the Registry are those persons or organizations whose names appear therein by virtue of their having requested inclusion in the Registry pursuant to *46 FR 877 (1981) codified in 28 CFR 51.30.*

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/CRT-007

SYSTEM NAME:

Files on Employment Civil Rights Matters Referred by the Equal Employment Opportunity Commission.

SYSTEM LOCATION:

U.S. Department of Justice: Civil Rights Division, 10th and Constitution Avenue NW., Washington, D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons seeking employment or employed by a state or a political subdivision of a state who have filed charges alleging discrimination in employment with the Equal Employment Opportunity Commission (hereinafter EEOC) which have resulted in a determination by EEOC that there is probable cause to believe that such discrimination has occurred, and attempts by EEOC at conciliation have failed.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system may contain copies of charges filed with EEOC; copies of EEOC's "determination" letters, letters of transmittal from and to EEOC, analyses or evaluations summarizing the charge and other materials in the EEOC file, internal memoranda, attorney notes, and copies of "right to sue" letters issued by the Civil Rights Division (CRT). Charges relate to allegations of employment discrimination by public employers filed by individual complainants which have been referred to the Department of Justice by EEOC pursuant to 42 U.S.C. 2000e–5(f)(1) or 5(f)(2), or to allegations of a pattern or practice of violations of the Equal Employment Opportunity Act by a public employer which have been referred to the Department of Justice by EEOC pursuant to 42 U.S.C. 2000e–6.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The records in this system of records are kept under authority of 44 U.S.C. 3101 and in the ordinary course fulfilling the responsibilities assigned to CRT under 28 CFR 0.50, 0.51.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The system is used by employees and officials of the Department to make decisions regarding prosecution of alleged instances of employment discrimination, to issue right to sue

letters on behalf of individuals; to make policy and planning determinations; to prepare annual budget requests and justifications; to prepare statistical reports on the work product of the Employment Litigation Section and to carry out other authorized internal functions of the Department. If the Department has determined to initiate an investigation or litigate a matter referred by EEOC the records pertaining to that matter are not contained in the system. Such records and their routine uses are described under the notice for the system named: Central Civil Rights Division Index File and Associated Records.

A record relating to this system, or any facts derived therefrom, may be disseminated in a proceeding before a court, grand jury, administrative or regulatory proceeding or any other adjudicative body before which the Civil Rights Division is authorized to appear, when the United States, or any agency or subdivision thereof, is a party to litigation or has an interest in litigation and such records are determined by the Civil Rights Division to be arguably relevant to the litigation. A record relating to this system may be disseminated to an actual or potential party to litigation or the party's attorney for the purpose of negotiation or discussion on such matters as settlement of the case or matter, plea bargaining or in formal or informal discovery proceedings.

A record may be accessed by volunteer student workers and students working under a work-study program as is necessary to enable them to perform their assigned duties.

Releases of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information in the system may be disclosed as is necessary to respond to inquiries by Members of Congress on behalf of individual constituents that are subjects of CRT records.

Release of information to the National Archives and Records Administration: A record from a system of records may be disclosed as a routine use to the National Archives and Records Administration (NAAR) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information in the systems is stored on index cards, in file jackets, and in computer disks which are maintained by the Employment Litigation Section, Civil Rights Division. If the charge related to a public educational agency or institution and was filed before September 1977, such information may be maintained by the Educational Opportunities Section, Civil Rights Division.

RETRIEVABILITY:

Information is retrieved primarily by using the appropriate Department of Justice file number, or the name of the charging party, or the state in which the alleged discrimination occurred or through other logical queries to the computer based system.

SAFEGUARDS:

Information in manual and computer form is safeguarded and protected in accordance with applicable Departmental sercurity regulations for systems of records. Only a limited number of staff members who are assigned a specific identification code will be able to use the computer or to access the stored information.

RETENTION AND DISPOSAL:

If the Department determines not to prosecute a matter referred by the EEOC, the records transmitted with the referral are returned to the EEOC. Other records in the system are kept for routine use by the Department and when no longer needed are sent to the Federal Records Center or are destroyed in accordance with records retention and disposal schedules as established by the National Archives and Records Service.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Attorney General, Civil Rights Division, U.S. Department of Justice, Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

Same as the above.

RECORD ACCESS PROCEDURE:

A request for access to a record from this system shall be made in writing with the envelope and letter clearly marked "Privacy Access Request." The request should indicate the state where the alleged employment discrimination took place and the employer to which the charge was related. The requester should also provide the full name of the individual involved, his or her current address, date and place of birth, notarized signature (28 CFR 16.41(b)), any other known information which may be of assistance in locating the record, and a return address for transmitting the information. Access requests will be directed to the System Manager listed above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought. Disclosure of part of the material in this system may be prohibited by *42 U.S.C. 2000e–5(b)*, 42 U.S.C. 2000e–8(e) and 44 U.S.C. 3510(b). Part of this system is exempted from access and contest under 5 U.S.C. 552a(k)(2).

RECORD SOURCE CATEGORIES:

Source of information in this system are charging parties, information compiled and maintained by EEOC, and employees and officials of the Department of Justice responsible for the disposition of the referral request.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted the system from subsection 9d) of the Privacy Act pursuant to 5 U.S.C. 552(k)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the **Federal Register.**

JUSTICE/CRT–009

SYSTEM NAME:

Civil Rights Division Travel Reports.

SYSTEM LOCATION:

United States Department of Justice, 10th and Constitution Avenue, NW., Washington, D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All persons who have filed travel authorization forms or travel voucher forms for official travel on behalf of the Civil Rights Division (CRT).

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains information concerning travel expenditures which were recorded on travel authorization forms (Form OBD–1) and travel voucher forms (Forms OBD–157 and SF–1012) by CRT employees or other persons authorized to travel for CRT and submitted to the Budget and Finance Branch of CRT from Fiscal Year 1972 to

the present. The computerized data covers fiscal years 1972 through 1981.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The records in this system of records are kept under the authority of 44 U.S.C. 3101 and in the ordinary course of fulfilling the responsibilities assigned to CRT under 28 CFR 0.50, 0.51.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The records in this system are used to make periodic and special reports to the Administrative Management Section, Civil Rights Division, and to the Budget and Finance Branch, Civil Rights Division, for use in controlling and reviewing CRT expenditures. Copies of individual's reports may be disclosed to the individual when appropriate forms are not submitted following a return from travel status.

A record relating to this system, or any facts derived therefrom, may be disseminated in a proceeding before a court, grand jury, administrative or regulatory proceeding or any other adjudicative body before which the Civil Rights Division is authorized to appear, when the United States, or any agency or subdivision thereof, is a party to litigation or has an interest in litigation and such records are determined by the Civil Rights Division to be arguably relevant to the litigation. A record relating to this system may be disseminated to an actual or potential party to litigation or the party's attorney for the purpose of negotiation or discussion on such matters as settlement of the case or matter, plea bargaining or in formal or informal discovery proceedings.

A record may be accessed by volunteer student workers and students working under a work-study program as is necessary to enable them to perform their assigned duties.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information in the system may be disclosed as is necessary to respond to inquiries by Members of Congress on behalf of individual constituents that are subject to CRT records.

Release of information to the National Archives and Records Administration: A record from a system of records may be disclosed as a routine use to the National Archives and Records Administration (NARA) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records in the system are stored on magnetic tape and on computer punch cards, on monthly and periodic and special reports printed on computer. Individual vouchers and travel authorization forms are stored in file jackets.

RETRIEVABILITY:

Records in this system are retrieved by the names of those individuals identified under the caption "Categories of individuals covered by the system."

SAFEGUARDS:

Information in the system is unclassified. However, the records are protected in accordance with applicable Department security regulations for systems of records. Records are stored in locked cabinets and access to the computer is limited to those personnel who have a need for access to perform their official duties.

RETENTION AND DISPOSAL:

Records are maintained on the system while current and required for official Government use. When not longer needed on an active basis, the records are transferred to computer tape and stored in accordance with Departmental security regulations for systems of records. Final disposition will be in accordance with records retirement or destruction as scheduled by NARS.

SYSTEM MANAGER(S) AND ADDRESS:

Administrative Management Section Chief Civil Rights Division, United States Department of Justice, Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

Same as the above.

RECORD ACCESS PROCEDURES:

Requests by former employees for access to records in this system may be made in writing with the envelope and letter clearly marked "Privacy Act Request". The request should clearly state the dates on which official travel was taken. The requestor should also provide the full name of the individual involved, his or her current address, date and place of birth, notarized signature (28 CFR 16.41(b)), any other known information which may be of assistance in locating the record, and a return address for transmitting the information. Access requests will be directed to the System Manager. Present employees may request access by contacting the System Manager directly.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reason for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Sources of information are the Civil Rights Division employees and other authorized persons who file travel authorization and travel voucher forms.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/CRT-010

SYSTEM NAME:

Freedom of Information; Privacy Act Records.

SYSTEM LOCATION:

U.S. Department of Justice, Civil Rights Division, 10th and Constitution Avenue, N.W., Washington, D.C. 20530 *and Federal Record Center, Suitland, Maryland 20409.*

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who request disclosure of records pursuant to the Freedom of Information Act; persons who request access to or correction of records pertaining to themselves contained in Civil Rights Division systems of records pursuant to the Privacy Act; and where applicable, persons about whom records have been requested or about whom information is contained in requested records.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains copies of all Freedom of Information/Privacy Act requests received by the Civil Rights Division since January 1, 1975, copies of CRT responses to the requesters, internal memoranda and correspondence related to the requests, copies of the documents responsive to the requests, and records of appeals or litigation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

This system is established and maintained pursuant to 44 U.S.C. 3101 and is maintained to implement the provisions of 5 U.S.C. 552 and 552a and the provisions of 28 CFR 16.1 et seq. and 28 CFR 16.40 et seq.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

A record maintained in this system may be disseminated as a routine use of such record as follows: (1) A record may be disseminated to a Federal agency which furnished the record for the purpose of permitting a decision as to access or correction to be made by that agency, or for the purpose of consulting with that agency as to the propriety of access or correction; (2) a record may be disseminated to any appropriate Federal, State, local, or foreign agency for the purpose of verifying the accuracy of information submitted by an individual who has requested amendment or correction of records contained in systems of records maintained by the *Civil Rights* Division; (3) A record may be disseminated to volunteer student workers and students working under a work-study program as is necessary to enable them to perform their assigned duties; (4) a record relating to this system, or any facts derived therefrom, may be disseminated in a proceeding before a court, grand jury, administrative or regulatory proceeding or any other adjudicative body before which the Civil Rights Division is authorized to appear, when the United States, or any agency or subdivision thereof, is a party to litigation or has an interest in litigation and such records are determined by the Civil Rights Division to be arguably relevant to the litigation; and (5) a record relating to this system may be disseminated to an actual or potential party to litigation or the party's attorney for the purpose of negotiation or discussion on such matters as settlement of the case or matter, plea bargaining or in formal or informal discovery proceedings.

RELEASE OF INFORMATION TO THE NEWS MEDIA:

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

RELEASE OF INFORMATION TO MEMBERS OF CONGRESS:

Information in the system may be disclosed as is necessary to respond to inquiries by Members of Congress on behalf of individual constituents that are subjects of CRT records.

RELEASE OF INFORMATION TO THE NATIONAL ARCHIVES AND RECORDS ADMINISTRATION:

A record from a system of records may be disclosed as a routine use to the National Archives and Records Administration (NARA) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

A record contained in this system is stored manually in alphabetical order in file cabinets, *in chronological, cumulative, notebooks*, and on disks automated office equipment.

RETRIEVABILITY:

A record is retrieved by the name of the individual or person making a request for access or correction of records.

SAFEGUARDS:

Access to records is limited to personnel of the FOI/PA Branch of the Civil Rights Division and known Department of Justice personnel who have a need for the record in the performance of their duties. The records are safeguarded and protected in accordance with applicable Departmental rules.

RETENTION AND DISPOSAL:

Currently there are not provisions for disposal of records contained in this system.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Attorney General, Civil Rights Division, U.S. Department of Justice, 10th and Constitution Avenue, NW., Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

Parts of this system are exempted from this requirement under 5 U.S.C. 552a (j)(2) or (k)(2). Address inquires to the System Manager listed above.

RECORD ACCESS PROCEDURES:

Parts of this system are exempted from this requirement under 5 U.S.C. 552a (j)(2), or (k)(2). To the extent that this system of records is not subject to exemption, it is subject to access and contest. A determination as to exemption shall be made at the time a request for access is received. A request for access to a record contained in this system shall be made in writing, with the envelope and letter clearly marked "Privacy Access Request". Include in the request the name of the individual involved, his birth date and place, or any other information which is known and may be of assistance in locating the record. The requester shall also provide a return address for transmitting the information. Access requests should be directed to the System Manager listed above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend non-exempt information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Sources of information contained in this system are the individuals and persons making requests, the systems of records searched in the process of responding to request, and other agencies referring requests for access to or correction of records originating in the Civil Rights Division.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Records secured from other *Civil Rights Division* systems of records have been exempted from the provisions of the Privacy Act to the same extent as the systems of records from which they were obtained. The Attorney General has also exempted certain categories of records in the system *pursuant to the provisions of 5 U.S.C. 552a (j)(2) from subsections (c)(3), (d), and (g) of 5 U.S.C. 552a; in addition, certain categories of records are exempted pursuant to the provisions of 5 U.S.C. 552a (k)(2) from subsections (c)(3), and (d) of 5 U.S.C. 552a.* These exemptions apply to the extent the records contained in the system reflect investigatory law enforcement information. Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c),

and (e) and have been published in the **Federal Register.**

[FR Doc. 85-29658 Filed 12-16-85; 8:45 am]

BILLING CODE 4410-01-M

Antitrust Division

Notice Pursuant to the National Cooperative Research Act of 1984; West Virginia University/Industry Cooperative Research Center

Notice is hereby given that pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301, *et seq.*, Pub. L. No. 98-462 ("the Act"), the West Virginia University/Industry Cooperative Research Center ("the Center") has filed a written notification simultaneously with the Attorney General and the Federal Trade Commission disclosing: (1) The identities of the parties to the venture, and (2) the nature and objectives of the venture. The notification was filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to section 6(b) of the Act, the identities of the parties to the venture and its general areas of planned activities are given below.

The Center is comprised of:

(1) West Virginia University, a land-grant, non-profit educational institution of the State of West Virginia with its principal location at Morgantown, West Virginia 26506-6001;

(2) Mosanto Company, a Delaware corporation with its principal place of business at 800 North Lindbergh Blvd., St. Louis, Missouri 63167;

(3) E.I. duPont de Nemours & Company, a Delaware corporation with its principal place of business at 1007 Market Street, Wilmington, Delaware 19898;

(4) The Standard Oil Company, an Ohio corporation with its principal place of business at 200 Public Square, Cleveland, Ohio 44114-2375; and

(5) Union Carbide Corporation, a New York corporation with its principal place of business at Old Ridgebury Road, Danbury, Connecticut 06917.

The parties entered into collaborative agreements on or after August 14, 1985, to conduct research and stimulate industrial innovation in, and othewise to develop, the field of fluidization and fluid particle science.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 85-29837 Filed 12-16-85; 8:45 am]

BILLING CODE 4410-01-M

Drug Enforcement Administration

Manufacturer of Controlled Substances; Registration; Abbott Laboratories

By Notice dated October 1, 1985, and published in the **Federal Register** on October 7, 1985; (50 FR 40900), Abbott Laboratories, 14th Street and Sheridan Road, Attention: Customer Service D-345, North Chicago, Illinois 60064, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of the basic classes of controlled substance listed below:

Drug	Schedule
Pentobarbital (2270)	II
Bulk dextropropoxyphene (non-dosage forms) (9273).	II

No comments or objections have been received. Therefore, pursuant to section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and Title 21, Code of Federal Regulations, § 1301.54(e), the Deputy Assistant Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic classes of controlled substances listed above is granted.

Dated: December 11, 1985.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 85-29805 Filed 2-16-85; 8:45 am]

BILLING CODE 4410-09-M

Manufacturer of Controlled Substances; Notice of Registration; Dupont Pharmaceuticals

By Notice dated October 16, 1985, and published in the **Federal Register** on October 25, 1985; (50 FR 43472), Dupont Pharmaceuticals, 1000 Stewart Avenue, Garden City, New York 11530, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Oxycodone (9143)	II
Hydrocodone (9193)	II
Oxymorphone (9652)	II

No comments or objections have been received. Therefore, pursuant to section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and Title 21, Code of Federal Regulations, § 1301.54(e), the Deputy Assistant Administrator hereby orders that the application submitted by the above firm registration as a bulk manufacturer of the basic classes of controlled substances listed above is granted.

Dated: December 11, 1985.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 85-29805 Filed 2-16-85; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Office of the Secretary

Agency Recordkeeping/Reporting Requirements Under Review by the Office of Management and Budget (OMB)

Background: The Department of Labor, in carrying out its responsibilities under the Paperwork Reduction Act (44 U.S.C. Chapter 35), considers comments on the reporting and recordkeeping requirements that will affect the public.

List of Recordkeeping/Reporting Requirements Under Review: On each Tuesday and/or Firday, as necessary, the Department of Labor will publish a list of the Agency recordkeeping/reporting requirements under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new collections, revisions, extension, or reinstatements. The Departmental Clearance Officer will, upon request, be able to advise members of the public of the nature of the particular submission they are interested in. Each entry may contain the following information:

The Agency of the Department issuing this recordkeeping/reporting requirement.

The title of the recordkeeping/reporting requirement.

The OMB and Agency identification numbers, if applicable.

How often the recordkeeping/reporting requirement is needed.

Who will be required to or asked to report or keep records.

Whether small businesses or organizations are affected.

An estimate of the total number of hours needed to comply with the recordkeeping/reporting requirements.

The number of forms in the request for approval, if applicable.

An abstract describing the need for and uses of the information collection.

Comments and Questions: Copies of the recordkeeping/reporting requirements may be obtained by calling the Departmental Clearance Officer,

Paul E. Larson, Telephone 202 523-6331. Comments and questions about the items on this list should be directed to Mr. Larson, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue, NW, Room N-1301, Washington, D.C. 20210. Comments should also be sent to the OMB reviewer, Nancy Wentzler, Telephone 202-395-6800, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3208, Washington, DC 20503.

Any member of the public who wants to comment on a recordkeeping/reporting requirement which has been submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

Reinstatement

Employment and Training Administration
Title 20 CFR Part 601, Administrative Procedures
ETA-RC 71
On Occasion
State or local government
3,068 responses; 52 hours

Requires states to submit copies of their unemployment compensation laws for approval by the Secretary of Labor, as well as all relevant state materials which allow the Secretary to make finds required by the Internal Revenue Code of 1954, the Social Security Act, and the Wagner-Peyser Act.

Occupational Safety and Health Administration
Access to Employee Exposure and Medical Records
1218-0065; OSHA 243
On occasion, annually
Businesses or other for profit, small businesses or organizations
1,170,979 respondents; 1,502,275 hours; 0 forms

This standard requires employers to preserve and provide access to records associated with employees' exposure to toxic chemicals and harmful physical agents. Employee records and access to them are critically important to the detection, treatment and prevention of occupational illness and disease.

Occupational Safety and Health Administration
Occupational Exposure to Noise
1218-0048; OSHA 238
On occasion
Businesses or other for profit; federal agencies or employees; small businesses or organizations
311,094 respondents; 8,388,093 hours; 0 forms

This standard requires employers to establish and maintain accurate records of employee exposure to noise and audiometric testing performed in compliance with the provisions of the standard. These records are used by the physician, employer, employee and the Government to determine whether occupation-related hearing loss has occurred, to prevent further deterioration of hearing, and to determine the effectiveness of the employer's hearing conservation program.

Signed at Washington, DC, this 12th day of December 1985.

Paul E. Larson,

Departmental Clearance Officer.

[FR Doc. 85-29823 Filed 12-16-85; 8:45 am]

BILLING CODE 4510-26-M

All Items Consumer Price Index for All Urban Consumers, United States City Average

Pursuant to the requirements of Pub. L. 95-602, I hereby certify that the Consumer Price Index for All Urban Consumers rose by 3.2 percent between October 1984 and October 1985 from a level of 315.3 (1967=100) in October 1984 to a level of 325.5 (1967=100) in October 1985.

Signed at Washington, DC, on the 6th day of December 1985.

William E. Brock,

Secretary of Labor.

[FR Doc. 85-29821 Filed 12-16-85; 8:45 am]

BILLING CODE 4510-24-M

Employment and Training Administration

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 December 23, 1985.

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 December 23, 1985.

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 9th day of December 1985.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Beth Energy Mines Inc., Cambria Slope Mine 33 (workers)	Ebensburg, PA	12/4/85	11/27/85	TA-W-16,747	Metallurgical coal.
Boise Cascade Corp. (UPIU)	Rumford, ME	12/4/85	11/6/85	TA-W-16,748	Paper for magazines.
Cyternp Specialty Steel Div., Cyclop Corp. (USWA)	Bridgeville, PA	11/26/85	11/22/85	TA-W-16,749	Stainless steel bars, billets, sheets.
Erie Press Systems (company)	Erie, PA	12/6/85	12/2/85	TA-W-16,750	Hydraulic and mechanical forming presses.
Eversman Mfg Co. (company)	Denver, CO	12/6/85	11/20/85	TA-W-16,751	Farm implements.
George Manufacturing Co. (ILGWU)	Boston, MA	11/29/85	11/27/85	TA-W-16,752	Ladies slacks and skirts.
Huffy Sports (workers)	Milwaukee, WI	11/26/85	11/19/85	TA-W-16,753	Exercise equipment.
International Hat Co (workers)	Lutesville, MO	11/29/85	11/20/85	TA-W-16,754	Headware.
Outdoor Venture Corp (ACTWU)	Stearns, KY	11/27/85	11/25/85	TA-W-16,755	Military tents.
P and L Sportswear Co., Inc. (ILGWU)	Boston, MA	12/4/85	12/2/85	TA-W-16,756	Contractor ladies sportswear.
P.M.D.R. Enterprise (company)	Boise, ID	12/4/85	12/1/85	TA-W-16,757	Machine tooling, toy hobby engine parts.
Plymount Locomotive Works, Inc. (workers)	Plymouth, OH	11/27/85	11/23/85	TA-W-16,758	Fork lift trucks.
Robe Tex, Inc. (workers)	Brooklyn, NY	11/29/85	11/25/85	TA-W-16,759	Robes—beach, house and children.

APPENDIX—Continued

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Shepard Niles, Inc. (IAMAW)	Montour Falls, NY	12/29/85	11/29/85	TA-W-16,760	Material handling equipment.
Wardrobe Maker, Inc. (ILGWU)	Boston, MA	11/27/85	11/25/85	TA-W-16,761	Ladies sportswear.

[FR Doc. 85-29818 Filed 11-17-85; 8:45 am]
BILLING CODE 4510-30-M

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance; Thru Blu et al.

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 adjustment assistance issued during the period December 2, 1985–December 6, 1985.

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-16,229; Thru Blu, South St. Paul, MN

TA-W-16,223; Fred Rueping Leather Co., Fond Du Lac, WI

TA-W-16,212; Wickham Piano Plate Co., Springfield, OH

TA-W-16,232; Leventhal Manufacturing Co., Elizabeth, NJ

TA-W-16,244; Karg Brothers Finishing Corp., Johnstown, NY

Affirmative Determinations

TA-W-16,243; Karg Brothers, Inc., Johnstown, NY

A certification was issued covering all workers of the firm separated on or after July 23, 1984 and before February 1, 1985.

TA-W-16,238; Thomas Manufacturing Co., Bennington, VT

A certification was issued covering all workers of the firm separated on or after July 23, 1984 and before May 25, 1985.

TA-W-16,253; Risedorph Tanners, Gloversville, NY

A certification was issued covering all workers of the firm separated on or after July 23, 1984.

TA-W-16,361; Tucson Cornelia and Gila Bend Railroad Co., Ajo, AZ

A certification was issued covering all workers of the firm separated on or after March 1, 1985 and before June 30, 1985.

TA-W-16,342; Rock Hall Manufacturing, Rock Hall, MD

A certification was issued covering all workers of the firm separated on or after August 5, 1984 and before August 23, 1985.

TA-W-16,116; Ephrata Apparel Co., Inc., Ephrata, PA

A certification was issued covering all workers of the firm separated on or after June 13, 1984 and before April 15, 1985.

TA-W-16,198; Apparel Industries, Inc., Carlstadt, NJ

A certification was issued covering all workers of the firm separated on or after July 1, 1984.

TA-W-16,174; General Refractories Co., Claysburg, PA

A certification was issued covering all workers of the firm separated on or after September 30, 1984.

TA-W-16,301; Carlen Manufacturing Co., Inc., Hazleton, PA

A certification was issued covering all workers of the firm separated on or after August 6, 1984 and before September 28, 1985.

TA-W-16,208; Northway Products Co., Universal Rundle, Rensselaer, IN

A certification was issued covering all workers of the firm separated on or after July 15, 1984.

TA-W-16,206; LTV Steel Co., Pittsburgh Works, Hot Rolled Bar Dept., Electric Furance Dept., Blooming Mill, Hazlewood, PA

A certification was issued covering all workers of the Hot Rolled Bar Department, the Electric Furance Department and the Blooming Mill of the Pittsburgh Works of LTV Steel Co., Hazlewood, PA separated on or after April 19, 1985.

TA-W-16,207; LTV Steel Co., Pittsburgh Works, Hot Rolled Bar Dept., Electric Furance Dept., Blooming Mill, Pittsburgh, PA

A certification was issued covering all workers of the Hot Rolled Bar Department, the Electric Furance Department and the Blooming Mill of the Pittsburgh Works of LTV Steel Co., Pittsburgh, PA separated on or after April 19, 1985.

I hereby certify that the aforementioned determinations were issued during the period December 2, 1985–December 6, 1985. Copies of these determinations are available for inspection in Room 6434, U.S. Department of Labor, 601 D Street, NW., Washington, DC during normal business hours or will be mailed to persons who write to the above address.

Dated: December 10, 1985.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 85-29820 Filed 12-16-85; 8:45 am]
BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M-85-182-C]

Helen Mining Co.; Petition for Modification of Application of Mandatory Safety Standard

Helen Mining Company, P.O. Drawer B, Homer City, Pennsylvania 15748 has filed a petition to modify the application of 30 CFR 75.1405 (automatic couplers) to its Homer City Mine (I.D. No. 36-00926), located in Indiana County, Pennsylvnia. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statement folows:

1. The petition concerns the requirement that all haulage equipment be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of the equipment.

2. As an alternate method, petitioner proposes to use a hand-held, hooked-rod device which permits uncoupling of haulage equipment without the necessity

of persons going between the ends of the equipment.

3. 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 amendment to the petition for modification 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 16, 1986. Copies of the amendment and the original petition for modification are available for inspection at that address.

Dated: December 4, 1985.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 85-29822 Filed 12-16-85; 8:45 am]

BILLING CODE 4510-43-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 Reduction Act (44 U.S.C. Chapter 35).

DATES: Comments on this information collection must be submitted by January 10, 1986.

ADDRESSES: Send comments to Ms. Judy McIntosh, Office of Management and Budget, New Executive Office Building, 726 Jackson Place, NW., 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 National Endowment for the Arts requests OMB approval of Application Guidelines and Supplemental Information Sheets for the following programs:

Advancement, Challenge Grants, Dance, Expansion Arts, Folk Arts, Literature, Local Arts Agencies, Test Program for Support for Museums, Music, State, Theater.

Purpose: Application for benefits.
Frequency of Collection: One-time.
Respondents: Individuals, State or local governments and nonprofit institutions.

Use: Guideline instructions and applications elicit relevant information from individual artists, nonprofit organizations, and state or local arts agencies 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: 7,719.

Estimated Hours for Respondents to Provide Information: 174,418.

Murray R. Welsh,

Director, Administrative Services Division, National Endowment for the Arts.

[FR Doc. 85-29792 Filed 12-16-85; 8:45 am]

BILLING CODE 7537-01-M

Agency Information Collection Activities Under OMB

AGENCY: National Endowment for the Humanities.

ACTION: Notices.

SUMMARY: The National Endowment for the Humanities (NEH) has sent to the Office of Management and Budget (OMB) the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

DATES: Comments on this information collection must be submitted on or before January 16, 1986.

ADDRESSES: Send comments to Ms. Ingrid Foreman, Management Assistant, National Endowment for the Humanities, Administrative Services Office, Room 202, 1100 Pennsylvania Avenue, NW., Washington, DC 20506 (202-786-0233) or Mr. Joseph Lackey, Office of Management and Budget, New Executive Office Building, 726 Jackson Place, NW., Room 3208, Washington, DC 20503 (202-395-7316).

FOR FURTHER INFORMATION CONTACT: Ms. Ingrid Foreman, National Endowment for the Humanities, Administrative Services Office, Room 202, 1100 Pennsylvania Avenue, NW., Washington, DC 20506 (202-786-0233) from whom copies of forms and supporting documents are available.

SUPPLEMENTARY INFORMATION: All of the entries are grouped into new forms, revisions, or extensions. Each entry is issued by NEH and contains the following information: (1) The title of the form; (2) the agency form number, if applicable; (3) how often the form must be filled out; (4) who will be required or asked to report; (5) what form will be used for; (6) an estimate of the number of responses; (7) an estimate of the total number of hours needed to fill out the form. None of these entries are subject to 44 U.S.C. 3504(h).

Category—Revisions

1. Title: Division of State Programs; Guidelines for Biennial Proposals
Form Number: 3136-0080
Frequency of Collection: Biennially
Respondents: State humanities councils applying for funding.
Use: Application for benefits by state humanities councils to be regranted to nonprofit groups and organizations in their state to produce to make focused, coherent humanities education possible in places and by methods that are appropriate to adults. Information will be used by reviewers, panelists and the Endowment's chairman to determine eligibility for funding.
Estimated Number of Respondents: 26-28
Estimated Hours for Respondents to Provide Information: 160 hours per respondent or 3,840-4,480 total hours for all respondents.
2. Title: Division of State Programs: Application Cover Sheet
Form Number: 3136-0084
Frequency of Collection: Semi-annually
Respondents: State humanities councils
Use: Provided general purpose data used by the state humanities councils and the Endowment in compiling general purpose statistics. They are also used as tools in program planning/management, program evaluation, and audits.
Estimated Number of Respondents: 53
Estimated Hours for Respondents to Provide Information: 1 hour per response x 100 responses per respondent x 53 respondents for a total of 5300 hours.

Category—Extensions

1. Title: Division of State Programs Plan for Compliance by State Humanities Councils Operating as Citizens' Committees
Form Number: 3136–0079
Frequency of Collection: Annually
Respondents: State humanities councils operating as citizens' committees
Use: To notify the National Endowment for the Humanities' Division of State Programs of the Committee's compliance with the Endowment's authorizing legislation so that the committee can remain eligible for funding.
Estimated Number of Respondents: 53
Estimated Hours for Respondents to Provide Information: 10 hours per respondent for 530 total hours for all respondents.
2. Title: Division of State Program Plan for Compliance by State Humanities Councils Operating as State Agencies.
Form Number: 3136–0078
Frequency of Collection: Annually
Respondents: State humanities councils operating as state agencies.
Use: To notify the National Endowment for the Humanities' Division of State Programs of the agency's compliance with the Endowment's authorizing legislation so that the agency can remain eligible for funding.
Estimated Number of Respondents: 53 is the maximum possible number of respondents. To date there are none.
Estimated Hours for Respondents to Provide Information: 10 hours per respondent for 5,300 total hours if all states were state agencies.
3. Title: Division of State Programs Interim Progress Report Format
Form Number: 3136–0077
Frequency of Collection: Biennially
Respondents: State humanities councils
Use: Provide progress update on the two-year grant approved for funding during the previous year and is necessary to for use by the Endowment's chairman to determine "adequacy" (as required by NFAH authorizing legislation) in order to receive second-year funding.
Estimated Number of Respondents: 26–28
Estimated Hours for Respondents to Provide Information: 20 hours per respondent for 480–560 total hours for all respondents.

Susan Metts,

Acting Director of Administration.

[FR Doc. 85–29815 Filed 12–16–85; 8:45 am]

BILLING CODE 7536–01–M

NATIONAL SCIENCE FOUNDATION

Forms Submitted for OMB Review

In accordance with the Paperwork Reduction Act and OMB Guidelines, the National Science Foundation is posting this notice of information collection that will affect the public.

Agency Clearance Officer: Herman G. Fleming, (202) 374–9520.

OMB Desk Officer: Carlos Tellez, (202) 395–7340.

Title: Survey of Earned Doctorates Awarded in the United States.

Affected Public: Individuals.

Number of Responses: 31,000 responses; total of 10,300 burden hours.

Abstract: Persons with doctorate-level education are key members of the labor force in scientific, engineering and learned professions. Information of their demographic and educational background and immediate postdoctoral study or employment plans is essential for analyses of supply and demand. These data also report on the flow of women and minorities into the fields.

Dated: December 12, 1985.

Herman G. Fleming,

NSF Reports Clearance Officer.

[FR Doc. 85–29746 Filed 12–16–85; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Subcommittee on Standard Plant Design; Meeting

The ACRS Subcommittee on Standard Plant Design will hold a meeting on January 6, 1986, Room 1046, 1717 H Street, NW., Washington, DC.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows: *Monday, January 6, 1986—1:30 p.m. until the conclusion of business.*

The Subcommittee will review the NRC Staff paper on standard plants and discuss the status of standard plants.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. 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 Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, its consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on request for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant ACRS staff member, Mr. Herman Alderman (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 named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., which may have occurred.

Dated: December 12, 1985.

Morton W. Libarkin,

Assistant Executive Director for Project Review.

[FR Doc. 85–29838 Filed 12–16–85; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–312]

Sacramento Municipal Utility District; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from a requirement of 10 CFR 50.44(c)(3)(iii) to the Sacramento Municipal Utility District (the licensee), for the Rancho Seco Nuclear Generating Station, located in Sacramento County, California.

Environmental Assessment

Identification of Proposed Action: The exemption would permit the licensee not to install a reactor vessel head vent as required by 10 CFR 50.44(c)(3)(iii).

The exemption is responsive to the licensee's application for exemption dated April 12, 1985.

The Need for the Proposed Action: The licensee has performed tests using the Once-Through Integral System (OTIS) facility. The purpose of these tests was to determine if reactor core cooldown can be maintained in the absence of a vessel head vent to release noncondensible gases from the vessel

during an accident. Based on results of the OTIS tests, the licensee concluded that a reactor vessel head vent is not needed since other high point vents can be used to release gases.

Furthermore, the licensee has committed to implement appropriate emergency procedures to assure reactor core cooling in the absence of a vessel head vent.

Environmental Impacts of the Proposed Action: The proposed exemption, as supported by the licensee's test results and commitment, will provide assurance of reactor core cooling that is equivalent to that required by 10 CFR 50.44(c)(3)(iii) such that there is no increase in the risk of accidents at this facility. The probability of accidents will not be increased and the post-accident radiological releases will not be greater than previously determined, nor will the proposed exemption otherwise affect radiological plant effluents. Therefore, the Commission concludes that there are no significant radiological environmental impacts associated with this proposed exemption.

With regard to potential nonradiological impacts, the proposed exemption involves features located entirely within the restricted area as defined in 10 CFR Part 20. It does not affect nonradiological plant effluents and has no other enivronmental impact. Therefore, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed exemption.

Alternative Use of Resources: This action involves no use of resources not previously considered in the Final Environmental Statement (construction permit and operating license) for the Rancho Seco Nuclear Generating Station.

Agencies and Persons Consulted: The Commission's staff reviewed the licensee's request and did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed exemption.

Based upon the foregoing environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the application for the exemption dated April 12, 1985, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and at the Sacramento City-County Library, 828 J Street, Sacramento, California.

Dated at Bethesda, Maryland, this 11th day of December, 1985.

For the Nuclear Regulatory Commission.

John F. Stolz,

Director, PWR Project Directorate No. 6, Division of PWR Licensing-B.

[FR Doc. 85-29840 Filed 12-16-85; 8:45 am]

BILLING CODE 7590-01-M

RAILROAD RETIREMENT BOARD

Proclamation Regarding Railroad Unemployment Insurance Account

Pursuant to section 8(a) of the Railroad Unemployment Insurance Act, the Railroad Retirement Board has determined, and hereby proclaims, that the balance to the credit of the railroad unemployment insurance account as of the close of business September 30, 1985, was a deficit of $651,735,704.69. Based on this balance and pursuant to the table in section 8(a) of the Railroad Unemployment Insurance Act, the contribution rate to finance the railroad unemployment insurance program for calendar year 1986 shall be 8.0 percent.

In witness whereof the members of the Railroad Retirement Board have hereunto set their hands and caused its seal to be affixed.

Done at Chicago, Illinois, this 10th day of December, 1985

R.A. Gielow,

Chairman.

C.J. Chamberlain,

Member.

John D. Crawford,

Member.

By the Railroad Retirement Board.

Richard G. Altmann,

Executive Director.

[FR Doc. 85-29747 Filed 12-16-85; 8:45 am]

BILLING CODE 7905-01-M

SECURITIES AND EXCHANGE COMMISSION

Forms Under Review by Office of Management and Budget

Agency Clearance Officer: Kenneth A. Fogash (202) 272-2142.

Upon Written Request, Copy Available From: Securities and Exchange Commission, Office of Consumer Affairs and Information Services, 450 Fifth Street, N.W., Washington, D.C. 20549.

Extension:

Rule 203-2 [17 CFR 275.203-2]
Form ADV-W [17 CFR 279.2]

File No. 270-40.

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 extension of OMB approval Rule 203-2 under the Investment Advisers Act of 1940 ("Advisers Act") and Form ADV-W, the form for withdrawing registration under the Advisers Act.

Comments should be submitted to OMB Desk Officer: Sheri Fox, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3235 NEOB, Washington, DC 20503.

John Wheeler,

Secretary.

December 10, 1985.

[FR Doc. 85-29781 Filed 12-16-85; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-14837; 812-6187]

ML Venture Partners I, L.P., et al.; Application for an Order

December 10, 1985.

Notice is hereby given that ML Venture Partners I, L.P. ("Partnership"), Merrill Lynch Venture Capital, Inc. ("Management Company"), the Management Company for the Partnership, 717 Fifth Avenue, New York, NY 10020, and Merrill Lynch KECALP L.P. 1984 ("KECALP"), 165 Broadway, One Liberty Plaza, New York, NY 10080, filed an application on August 20, 1985, and amendments thereto on November 5 and November 25, 1985, for an order of the Commission: (1) Pursuant to section 6(c) of the Investment Company Act of 1940 ("Act"), exempting the concurrent investment by the Partership and KECALP in preferred stocks issued by Itran Corp. ("Itran") and Califorinia Devices, Inc. ("CDI") from the provisions of section 57(a)(4) of the Act, and Rule 17d-1 thereunder; and (2) pursuant to section 17(b) and 57(c) of the Act, exempting from the provisions of section 17(a)(1) and 57(a)(1) of the Act, the proposed sale of preferred stocks of CDI by the Management Company to KECALP and the Partnership. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act for the text of the applicable statutory provisions.

The Partnership was formed as a limited partnership under Delaware law in 1982; it has elected to be treated

under the Act as a business development company, and has as its investment objective long-term captial appreciation through venture capital investments. The Partnership has five general partners, four of which are natural persons, a majority of whom are not "interested persons" of the Partnership within the meaning of section 2(a)(19) of the Act (referred to hereinafter as "Individual General Partners"). The Partnership's managing partner is Merrill Lynch Venture Capital Co., L.P. ("Managing General Partner"), and the general partner of the Managing General Partner is the Management Company. The Management Company is an indirect subsidiary of Merrill Lynch & Co., Inc. ("ML&Co."), a holding company which, through its subisdiaries, provides investment, financing, real estate, insurance and related services. On June 30, 1985, the Partnership had net assets of approximately $65 million.

Applicants further state the KECALP, an employees' securities company as defined in section 2(a)(13) of the Act, is a limited partnership, registered under the Act as a closed-end, non-diversified management company, having as its investment objective long-term capital appreciation together with the tax advantages resulting from certain investments. Limited partnership interests in KECALP were sold in an aggregate principal amount of $3,747,000 in a registered public offering which closed in May, 1984, exclusively to those employees of ML&Co. and its subsidiaries having annual compensation in 1983 of at least $75,000, and to non-employee directors of ML&Co. One of the limited partners of KECALP is an officer and a director of the Managing General Partner. Such individuals' capital contribution to KECALP constituted less than one percent of the aggregate capital contributions to KECALP by its limited partners. KECALP operates in accordance with the terms of an exemptive order issued pursuant to section 6(b) of the Act on April 8, 1982 (Investment Company Act Release No. 12363) ("KECALP Exemptive Order") (for a further description of KECALP and its operations, see Investment Company Act Release No. 12290, March 11, 1982).

Itran, a Delaware corporation with its principal office located in Manchester, New Hampshire, is engaged in the design, manufacture and sale of industrial vision systems for high-volume manufacturing companies in the automotive industry, as well as other industries. Pursuant to a Stock Purchase Agreement dated as of August 6, 1985 ("Itran Agreement"), Itran agreed to sell an aggregate of 55,000 shares of its 1985 Preferred Stock and 1986 Preferred Stock to seventeen investors at a purchase price of $100 per share, for an aggregate price of $5,500,000. The closing for the sale of the 1985 Preferred Stock occurred on August 6, 1985, at which time Itran sold 33,000 shares of such stock for an aggregate price of $3,300,000. The closing for the 1986 Preferred Stock placement is scheduled to occur on July 31, 1986; at that time the purchasers wil have the right to purchase 40 percent of their total subscription, subject to the right to increase their investments proportionately to the extent one or more purchasers of the 1985 Preferred Stock elect not to purchase 1986 Preferred Stock.

The Partnership acquired 3,600 shares of 1985 Preferred Stock of Itran pursuant to the Itran Agreement on August 6, 1985. The purchase price was $100 per share, for an aggregate purchase price of $360,000. Such shares, if converted into Itran common stock, would represent approximately 3.62% of the shares of Itran common stock on a fully-diluted basis. Its investment in Itran would thus represent less than 1% of the Partnership's net assets.

Likewise, pursuant to the Itran Agreement, KECALP has conditionally agreed to purchase 1,200 shares of 1985 Preferred Stock at $100 per share, and has the right to purchase 800 shares of 1986 Preferred Stock at the same price. The investment of $120,000 in the 1985 Preferred Stock will represent less than four percent of KECALP's initial assets. If KECALP determines to purchase 1986 Preferred Stock from Itran, its total investment of $200,000 would represent less than six percent of KECALP's initial assets.

To resolve concerns as to the requirements of the Act in light of aforesaid transaction, Applicants decided to apply for the exemptive relief specified hereinabove. The Itran Agreement provides the KECALP is not required to make payment to Itran for the 120,000 shares of the 1985 Preferred Stock KECALP intends to acquire unless the Partnership and KECALP receive the orders requested herein. The Itran Agreement further provides that if such orders have not been issued by the Commission before December 31, 1985, KECALP's obligation under the Itran Agreement will terminate.

Because of the delay in payment to Itran, however, Itran required that KECALP pay interest on such amount to Itran at a rate equal to the 90-day Treasury bill yield as of August 6, 1985, until KECALP makes payment to Itran for the shares of 1985 Preferred Stock it has agreed to purchase. The terms of KECALP's purchase are the same as those of the Partnership's purchase in all other respects, it is stated.

Applicants state that the investment opportunity in Itran preferred shares was initially brought to the attention of the Partnership in September, 1984. The Individual General Partners reviewed the prospective investment by the Partnership and KECALP in Itran at a meeting on July 23, 1985. Among the factors considered by the Individual General Partners, it is stated, was the fact that the terms of the Partnership's purchase of the Itran shares would be no less favorable than the terms on which KECALP is to participate, and the fact that the Partnership would not be disadvantaged in any manner by the participation of KECALP in the proposed transaction. It is stated, in addition, that KECALP Inc. ("KECALP General Partner"), a wholly-owned subsidiary of ML&Co., likewise reviewed the Itran investment, and that the investment committee for the KECALP General Partner decided, at meetings held on June 7, 1985 and August 12, 1985, that the Itran participation would be consistent with KECALP's investment objective of seeking long-term capital appreciation.

CID, A California corporation with its principal office located in San Jose, California, is engaged in the business of designing and producing a specific integrated circuit design technology. Pursuant to a Series 1 Preferred Stock Purchase Agreement ("CDI Agreement"), dated as of August 7, 1985, CDI agreed to sell 56 million shares of Series 1 Preferred Stock ("CDI Shares") to 25 investors for an aggregate purchase price of $13.5 million. The Partnership determined to purchase 4 million CDE Shares for an aggregate purchase price of $1 million, and KECALP determined to purchase 600,000 shares for an aggregate purchase price of $150,000. Applicants state, however, that such investments could not be made concurrently by the Partnership and KECALP without a Commission exemptive order. Therefore, it was agreed that the Management Company would purchase the aggregate of 4.6 million shares on behalf of the Partnership and KECALP, and sell such shares to the Partnership and KECALP at a price arrived at according to the formula described herein below, following issuance of the Commission order herein requested.

The purchase price to be paid by KECALP and the Partnership to the

Management Company for the CDI Shares they respectively propose to acquire will be the lesser of (i) the value of the investment on the date the CDI Shares are acquired by the Partnership and KECALP (as determined by the Independent General Partners of the Partnership and the board of directors of the KECALP General Partner), or (ii) the cost to the Management Company of purchasing and holding the CDI Shares. If the latter formulation (i.e., clause (ii)) should be applicable, such cost will be the original purchase price of $.25 per share paid for the CDI shares on August 7, 1985, plus carrying costs relating to such investment. Applicants note that the purchase price of the CDI Shares is $0.21 per share for certain purchasers—none of whom are affiliated with ML&Co.—who were authorized to purchase CDI Shares at that price pursuant to certain prior lending agreements with CDI.

Applicants state that the Managing General Partner and the KECALP General Partner investment committee have reviewed the proposed investment in CDI Shares in detail. In evaluating the terms of the transaction, the Managing General Partner and the KECALP General Partner Investment committee considered the fact that the proposed purchase price to be paid by the Partnership and KECALP will include carrying costs to be incurred by an affiliated person (i.e., the Management Company), in the event that the value of the investments at the the date of acquisition by the Partnership and KECALP, respectively, should exceed the sum of the purchase price plus the carrying costs incurred by the Management Company. It is stated that both KECALP and the Partnership believe that it is entirely appropriate for them to reimburse the Management Company for its carrying costs in a situation in which the Management Company purchases securities, as, in effect, their nominee, and as an accommodation to KECALP and the Partnership, which would have purchased the securities on August 7, 1985, if they had not believed it necessary to obtain the exemptive relief applied for herein. Applicants submit that to deny reimbursement for said carrying costs would result in a further and unwarranted loss to the Management Company and provide a disincentive to act on behalf of KECALP and the Partnership in the future.

Applicants represent, in addition, that the proposed investment in CDI Shares would not otherwise be available for purchase by KECALP and the Partnership. It is further stated that the KECALP General Partner investment committee and the Managing General Partner have approved the proposed investments after review of a considerable number of possible investments for KECALP and the Partnership. The Partnership and KECALP thus submit that their respective investment programs would be prejudiced if they were not permitted to acquire the proposed participations in CDI Shares.

It is further stated that the board of directors of the KECALP General Partner believe that KECALP's proposed investment in CDI Shares is consistent with the rationale underlying the establishement of KECALP as an "employees' securities company." It has been contemplated since the inception of KECALP. Applicants state, that ML&Co. and its affiliates would be involved in structuring, identifying and investing in many of KECALP's portfolio investments. Similarly, it is asserted that the proposed purchase of CDI Shares is consistent with the Partnership's investment objectives and the types of transactions in which the Partnership was expected to prticipate. That is, it was contemplated that the Partnership would be a co-investor in portfolio companies with affiliates of the Partnership's management, and this expectation has been noted in the Partnership's prospectus.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than December 30, 1985, at 5:30 p.m., do so by submitting a written request setting forth the nature of his/her interest, the reasons for the request, and the specific issues of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, DC 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 85-29782 Filed 12-16-85; 8:45 am]

BILLING CODE 8010-01-M

[Release Nos. 33-6614; 34-22712; 35-23946; 39-1052; IC-14844; IA-1002 File No. S7-48-85]

Electronic Filing, Processing and Information Dissemination System

AGENCY: Securities and Exchange Commission.

ACTION: Solicitation of comment on certain issues raised at the November 25, 1985, Pre-release Meeting.

SUMMARY: The Securities and Exchange Commission (SEC) requests comments on five issues pertaining to its anticipated Request for Proposals (RFP) for an electronic filing, processing and information dissemination system. The five issues are: (1) 132 Character workstations; (2) filer phase-in schedule; (3) dissemination to state securities regulators; (4) ownership of software and other intellectual property; and (5) proposed dissemination pricing and regulation approach.

Each of these issues has been raised in previous Commission announcements and the public has commented. This is intended to provide interested persons an opportunity to offer further comment.

DATE: Comments must be received on or before January 10, 1986.

ADDRESS: Persons submitting comments should file three copies with John Wheeler, Secretary, Securities and Exchange Commission, Washington, DC 20549. All comments should refer to File S7-48-85 and will be available for public inspection and copying at the Commission's Public Reference Room.

FOR FURTHER INFORMATION CONTACT: David Copenhafer (202) 272-3794, Edgar Project Manager, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549.

SUPPLEMENTARY INFORMATION: On July 1, 1985 the Commission published a Pre-Solicitation Document (PSD) describing the technical and contractual Requirements for its planned Edgar Operational System. Accompanying the PSD was an Executive Summary highlighting the objectives of the system and identifying significant issues related to the development, operation and funding of the Edgar system. Public comment on these specific issues and on any other aspect of the procurement were invited, either in writing or at a public meeting held on July 23, 1985.

In response to the PSD, the Commission received 18 letters of comment. Based upon these and other comments, Commission staff has extensively reviewed all aspects of the system and anticipates making significant changes in the RFP reflecting

the public comment. Accordingly, on November 20, 1985, a notice was published in the **Federal Register** (50 FR 47886) describing revised major requirements of the system and announcing that a public meeting would be held with the staff on November 25, 1985 to discuss these changes.

Over eighty people attended this public meeting. A number of comments were made. Several persons requested additional information and the opportunity to provide additional written comments. As a result, the staff indicated that a second notice would be issued expanding on the subjects discussed at this meeting.

1. 132 Character Workstations

The SEC has been informed by several potential bidders that it would be necessary to custom-manufacture the workstations specified in the pre-release document. Commentators indicated that while 132 character monitors and terminals do exist, there were no known pieces of equipment which featured 132 character display in combination with the functionality contained in a personal computer (PC). They stated that without purchasing customized equipment, the SEC would not be able to obtain the functions contained in its existing PC-based pilot workstations.

Reviewers are asked to comment on this apparent technical limitation and on the incremental cost increase to the SEC internal system of any proposed solution. Assume an SEC internal system of 450 workstations in making a cost assessment.

2. Filer Phase-In

The Pre-Solicitation Document proposed that entities whose filings are processed by the Division of Corporation Finance would be phased-in over a one year, seven month period. This schedule reflected industry groups and the Assistant Director groups in the Division of Corporation Finance responsible for processing the filing of these industry groups. A similar approach was described for entities whose filings are processed by the Division of Investment Management.

The proposed revised phase-in schedule for the Division of Corporation Finance, shown below, spans two years and three months. Subject to certain numerical constraints and Commission rulemaking, the schedule offers bidders the opportunity to specify the order in which they perfer be brought into the electronic filing system. The proposed phase-in schedule for the Division of Investment Management spans one year and nine months.

The question was raised whether the SEC would extend the term of the contract to reflect the change in the phase-in schedule on the assumption that revenues would be reduced since the database would not reach maturity as quickly as it would under the old schedule. The staff's position is that the contract will not be extended. The rationale for not extending the contract period (seven years with two options of two years each) is that the extension in the duration of the phase-in period is less than one year, and the contractor will have the opportunity to request that registrants whose filings are of greater commercial value due to greater public interest be brought on at earlier dates than contemplated under the previous approach. For example, the contractor could request that larger companies be brough in first.

The proposed phase-in schedules for the Division of Investment Management and the Division of Corporation Finance are presented for review. Comment is sought on the potential impact both of these schedules would have upon a successful bidder. Although the specific dates may change, depending upon the RFP issue date, contract award date and operational system implementation date; the number of companies included in each phase and the lengths of the between phases will be constant.

Division of Investment Management Phase-In Schedule

INVESTMENT COMPANY DISCLOSURE FILINGS (OTHER THAN FORM N-SAR)

Branch	Effective date for commencing electronic filing	Number of companies added	Comulative number of investment companies filing electronically
16	05/01/87	600	600
17	10/01/87	600	1,200
18	05/02/88	600	1,800
20	10/01/88	400	2,200

Public Utility Holding Company Filings

(Twelve Active Registered Company Systems)

Staff training, test filings and voluntary operational filing by ten systems will have been substantially completed in the pilot phase. Mandatory electronic filings for all twelve systems is anticipated to begin July 1, 1987.

Form 13F Filings

(Statement of Securities Holdings Required To Be Filed by Institutional Money Managers Under the Securities Exchange Act of 1934, Currently About 600 Filings per Quarter)

It is expected that voluntary electronic filing of this form will begin in the pilot phase. Mandatory filings are anticipated to begin July 1, 1987.

Form N-SAR

(Periodic Semi-Annual and Annual Report Filed by Investment Companies)

Voluntary electronic filing of this form by management investment companies began in November, 1985. Mandatory electronic filing of this form for all management investment companies are anticipated to begin January 1, 1987, even though the branch phase-in schedule shown above provides for a later date for mandatory filing of other disclosure documents. Testing for electronic filing of this form by unit investment trusts to begin in 1986 with mandatory filings to begin January 1, 1988.

Other Filings

It is not expected that applications filed under the Investment Company Act will be received or processed electronically. Similarly, we do not expect to receive or process Advisers Act filings through Edgar. Any decision to include these documents in the electronic system will be made in conjunction with the contractor.

Division of Corporation Finance Phase-In Schedule

General

It is anticipated that all registrants filing documents processed by the Division of Corporation Finance, with the exception of certain forms noted below, will be filing electronically by July 1989.

It is anticipated that registrants will be numerically phased into the system according to the following schedule:

Effective date for commencing electronic filing	Number of registrants added	Cumulative number of companies filing electronically
Apr. 1, 1987	500	500
July 1, 1987	750	1,250
Oct. 1, 1987	750	2,000
Apr. 1, 1988	1,000	3,000
July 1, 1988	2,000	5,000
Oct. 1, 1988	2,000	7,000
Apr. 1, 1989	2,000	9,000
July 1, 1989	(1)	11,000

[1] Remainder.

Williams Act Forms

It is anticipated that persons filing the following documents will be required to file electronically at the same time that the company to which the filings relate is required to file electronically.

Form type	Type of filing
Schedule 13D	Acquisition statement.
Schedule 13G	Acquisition statement.
Schedule 14D-1	Tender offer schedule.
Schedule 14D-9	Tender offer solicitation/recommendation.
Rule 13e-1Transaction Statement	Issuer purchases of securities.
Rule 14f-1Transaction Statement	Information for director change.
Rule 13e-4	Issuer tender change.
Schedule 13e-4	Issuer tender offer schedule.

Exception forms

a. Foreign Issuers.

It is anticipated that, at least for the firts two or three years of the contract, the following forms filed by foreign governments and foreign issuers will be filed in paper or electronically, at the option of the registrant.

Form type	Type of filing
F-1	Registration Station—Foreign Issuers.
F-2	Registration Station—Foreign Issuers.
F-3	Registration Station—Foreign Issuers.
F-4	Registration Station—Foreign Issuers.
F-6	Registration Station—Foreign Issuers.
20-F	Foreign Private Issuer Registration Statement and Annual Report.
6-K	Foreign Issuer Current/Periodic Report.
12g3-2b	Provisional Issuer Exemption.
Schedule B	Foreign Government Registration Statement.
18	Registration of Foreign Governments.
18-K	Foreign Government Annual Report.

b. Regulation B.

All forms filed pursuant to this Regulation, which relates to fractional undivided interests in oil or gas rights, will be filed on paper.

c. Forms Filed in Regional Office.

The following forms will be filed on paper until the SEC's regional offices are phased into the system:

Form type	Type of filing
Regulation A Forms	Small Business.
Regulation D Forms	Small Business.
Form S-18[1]	Registration Statement.
Regulation F Forms	Assessable Stock.

[1] Form S-18s filed in the Headquarters office will follow the electronic filing schedule set forth above.

d. Forms 3, 4 and 144.

The SEC receives in excess of 150,000 Forms 3, 4 and 144 annually. These are one-page two-sided forms noting purchases or sales of stock by specified individuals or entities. The forms may be submitted by individuals, partnerships or corporations. Any decision to include these documents in the electronic system pursuant to this contract will be made in conjunction with the contractor.

3. Dissemination to State Securities Regulations

Each year more than 6,000 securities registration filings made with the SEC are also filed with most States securities regulations (States). The SEC seeks to aid both the State and the individual filers by enabling filers to make a single filing that fulfills requirements of the SEC and any State identified by the filer.

Toward that end, under Edgar, these filings will be made electronically with the SEC and forwarded to a central facility operated by an agent selected by the States. In addition, other Edgar filings may be made available to the States through this same mechanism.

The central facility, to be located in the Washington, D.C. metropolitan area, will be set up by the SEC contractor and will consist of a central processing unit capable of processing daily non-peak filings into a data base, sufficient storage capability to maintain an average week of filing data, and a remote job entry telecommunication link to the Edgar dissemination system. The interface to the Edgar dissemination system is at the regulated Level I service for dissemination (see item 5 in this release). In order to assist and encourage the implementation of one-step filing, the estimated $2.5 million cost of the United States agencies dissemination node is included in the SEC internal processing system. The SEC will retain ownership of the node hardware, software and data.

Although the contractor will be responsible for the initial development of the dissemination node, the state agent will be solely responsible for providing the facility and operation of the node. The SEC will have no direct responsibility for or direct interaction with the state filing system or with individual states. The Edgar contractor will be responsible for procurement of the equipment and software described above, and delivery to the central facility. Subsequently, the state agent will be responsible for housing, operation, training of state agent staff, maintenance of the hardware and software, and providing communications and filings to the individual states.

The contractor will not be required to provide this capability until the SEC determines that a sufficient number of states have agreed to the arrangement with the state agent. If, after two years from the contract award date, a sufficient number of states have not entered into an agreement for the state system, the SEC may either relieve the contractor from this obligation or seek the best efforts of other parties in developing the system.

Comment is sought on this proposal.

4. Ownership of Software and Other Intellectual Property

The RFP will provide that: (1) Intellectual property developed with federal funds is owned by the SEC, and (2) intellectual property developed at the contractor's expense is owned by the contractor. Since the federal government will finance the cost of constructing and operating the SEC internal system, the extent to which the successful bidder may copyright or otherwise restrict the intellectual property it develops under the operational Edgar contract is significantly restricted from the PSD.

The SEC will, however, retain a non-exclusive, permanent, transferable, royalty-free interest in such contractor-owned property that relates to the receipt and regulated dissemination system for the sole purpose of being able to continue to operate the entire operational system at the expiration of the contract or in the event that the contractor is replaced.

Comment is sought on this proposal.

5. Proposed Dissemination Pricing and Regulation Approach

A critical objective of the operational Edgar system is to achieve the widest possible distribution of SEC filings, at a fair and reasonable price, that permits the SEC contractor to recover its costs and earn a reasonable rate of return on investment. This is best accomplished by a structure that entails limited Commission involvement in product definition and price regulation and maximum reliance upon free market competition. Thus, the Edgar contractor will be required to provide a limited level of mandatory service within a regulated environment. These services are designed to ensure that any commercial vendor of information has adequate and timely access to SEC information at a fair and reasonable price. The resulting direct and open competition among providers, including the Edgar contractor, will eliminate the need for further Commission involvement in identifying all desirable products or services and determining prices for each of them. The two required services are described below.

Level I Service—Annual subscription service to all SEC filings provided through batch transmittal on a daily basis via landline, broadcast or any other recorded media, as specified by the contractor in its proposal. As part of this service, subscribers will be permitted to lease, at their expense,

dedicated communications lines to the Edgar dissemination system that will provide real time notification of filings upon receipt and enable the subscriber to access and download filings upon command.

This service is modified from the service identified in the PSD to reflect comments that real-time simultaneous downloading of the entire database is neither cost-effective nor desirable. According to commentators, overnight delivery is expected to be satisfactory for all but a very small percentage of filings, which Level I subscribers may obtain on a real-time basis via the interactive communications line which may be provided with this service. It is expected that this service will satisfy the needs of commercial information vendors.

AS discussed above, Level I service will be provided to the agent for state securities agencies for access and distribution to the states. This service will be provided without charge provided usage is restricted to official state purposes.

Level II Service—Annual subscription service to certain SEC-specified subsets of the entire database. Transmission would be as specified in Level I service, but it would not include the option of a real-time leased line connection. This service reflects the comments that certain specialized information vendors require timely access to segments of the database but do not need or have the capability to purchase, receive or store the entire database.

The contractor will not be required to offer accompying real-time demand access with this service. There are three reasons for not mandating this aspect of service. First, it does not appear that subscribers to this level of service, probably providers of periodic analytic or specialized services, routinely require real-time access. Second, to provide this service with no upper limit on the number of users, the Edgar contractor might have to maintain an extremely large communications system that would not be cost-effective. Finally, it is expected that Level II subscribers interested in demand access will be able to obtain this service from Level I subscribers in the open market or from the Edgar contractor, if offered through its unregulated services.

The Edgar contractor will be required to provide both Level I and Level II service in a standardized print image format that corresponds with the document as filed. The Contractor will be permitted to offer standardized communications interfaces that minimize its processing demands, consistent with Federal Information Processing Standards (FIPS PUB).

The following are the Level III Subscription Services that must be provided:

a. Periodic Filings—NYSE Companies
b. Periodic Filings—AMEX Companies
c. Periodic Filings—OTC Companies.
d. Registration Statements and Prospectuses.
e. Tender Offers and Acquisitions Filings
f. Annual Report—All Filings
g. Form 8-K Current Reports—All Filings
h. Investment Company Periodic Reports"

Optional Services—As Levels I and II are mandatory minimum service levels designed to ensure competition, the contractor will be permitted to offer any and all other services in an unregulated environment, as discussed below. Because of the existence of alternative providers through Level I, the Contractor will be subject to direct competition on any other services and purchasers will be able to choose among providers.

For example, potentially heavy users of SEC information, such as law firms or securities analysts that are not interested in maintaining an internal system for storage and access, could contract with any Level I subscriber on the contractor itself for demand access, specifically tailored to their usage or needs. Similary, the occasional or low volume user, such as an individual investor, could obtain service through a commercial "gateway" vendor or via an analytic service in which the Edgar derived data is a component of a broader or enhanced service. In this manner, the public will be able to obtain the broadest array of services at competitive prices.

Cost Recovery and Regulation Approach—As indicated above, the contractor will be entitled to recover the costs of developing and operating the receipt and dissemination system as well as a reasonable rate of return on investment and operation. This will be accomplished by periodic Commission oversight of contractor dissemination activities and regulation of revenue generated from the sale of regulated services. Commission oversight will focus primarily on aggregate revenue and the rate of return on regulated services. Prices for specific products or types of regulated services will be reviewed only to assure the prices are not predatory nor anticompetitive.

Offerors, in their bid proposals, will be required to specify the development and annual operating costs to be recovered as well as specifying and proposing their rate of return. These figures will be utilized in evaluating and selecting the contractor. Subsequently, prior to implementation of service, the contractor will propose prices for Level I and Level II services designed to ensure revenue commensurate with their cost structure and approved rate of return. These initial prices will be subject to Commission review to ensure that they are not anticompetitive nor predatory.

The contractor will be permitted to coduct unregulated activities provided that: (1) Such activities are conducted by a separate entity with complete and separate accounting records and (2) entity is charged the Level 1 annual subscription fee. In addition, the contractor will be permitted to use shared facilities for both regulated and unregulated activities provided that the costs of such facilities are allocated on a reasonable basis which assures that the unregulated activities are not subsidized by a disproportionate level of expenses being borne by the regulated activities. An annual review of regulated operations will be condicted by the Commission based upon an independent audit of operations, conducted under the direction of the Commission. This audit will review all aspects of regulated services. It also will review unregulated activities to the extent necessasry to ensure that costs are properly allocated.

While, as noted, the Commission will review the prices of specific regulated services only to assure that they are not predatory or anticompetitive, the Commission's Office of General Counsel has expressed the view that present law does not authorize an Edgar fee structure in which the contractor would impose a royalty or usage-based fee on subscribers who resell Edgar information.

Finally, the Commission will require the Edgar contractor to provide free access to the public through workstations available in the Commission's public references rooms. In addition, the Commission will ensure that all Commission filings are available for public access in both paper and microfiche form, as is currently the case.

Comment is sought on this proposal.

By the Commission.

Dated: December 12, 1985.

John Wheeler,

Secretary.

[FR Doc. 85-29902 Filed 12-16-85; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-22702; File No. SR-NYSE-85-37, etc.]

Self-Regulatory Organizations; Filing and Order Approving on an Accelerated Basis; Proposed Rule Change of New York Stock Exchange, Inc., Extending "Next-Day" Settlement Pilot Program; and Requesting Permanent Approval

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 17, 1985, and November 13, 1985, the New York Stock Exchange, Inc. ("NYSE") filed with the Securities and Exchange Commission File Nos. SR-NYSE-85-37 and 85-41, respectively. The Commission is publishing this notice to describe the proposals and to solicit comments on them. The Commission also is approving on an accelerated basis File No. SR-NYSE-85-41 for the reasons discussed below.

Introduction and Description

On April 23, 1985, the Commission approved a NYSE rule change (File No. SR-NYSE-85-4) that established a six-month pilot program (to end on October 30, 1985) to test the feasibility of providing to its members alternate settlement periods.[1] That rule change amended NYSE Rule 64, for the duration of the pilot, to enable members to settle trades on a "next-day" basis, *i.e.*, "for delivery on the first business day following the day of the contract." [2] The pilot program expired on October 30, 1985.[3]

On October 17, 1985, the NYSE filed File No. SR-NYSE-85-37, in which it requested that the Commission permanently approve on an accelerated basis the "next-day" settlement program, to be effective at the end of the pilot program (*i.e.*, on October 30th, 13 days later). That proposed rule change also included a "catch-all" provision to enable NYSE to implement other settlement periods (*i.e.*, on the second, third or fourth business day after trade date ["T+2, T+3 or T+4"]) should NYSE members show sufficient interest in those other settlement periods. In that regard, the NYSE requested authority to begin, at any time, a six-month pilot to test these additional settlement time frames.[4] At the request of the Division of Market Regulation staff, the NYSE subsequently submitted File No. SR-NYSE-85-41 on November 13, 1985, asking for an extension of the pilot program until the Commission acts on File No. SR-NYSE-85-37, the proposal to incorporate permanently into NYSE Rule 64 the "next day" settlement program. Division staff requested that the pilot be extended for two reasons. First, the Commission needed more time to perform responsibly its section 19(b) rule proposal review. Second, an extension of the pilot would ensure that NYSE members using the "next-day" settlement feature could continue without interruption.

Rationale for the Proposal

For the following reasons, the NYSE believes that File No. SR-NYSE-85-37 is consistent with the Act and, in particular, section 6(b)(5). More specifically, the NYSE believes that the proposal fosters co-operation and coordination with persons engaged in settling and facilitating transactions in securities and perfects the mechanism of a free and open market.

When the pilot program was initially considered by the Commission, the NYSE stated that several members asked it to consider providing an opportunity to settle trades on a "next-day" basis. These members stated that next-day settlement would help them to meet customer investment objectives. Moreover, the NYSE represented that several other national securities exchanges already permitted next-day settlement and that some institutional investors have used that next-day settlement option to further their sophisticated trading strategies. Because "next day" NYSE trades would settle outside National Securities Clearing Corporation's efficent, automated "street-side" comparison, clearance and settlement facilities, the NYSE promised to monitor closely what effect, if any increased "non-regular-way" trading might have on NYSE member trade settlement operations during the pilot.

NYSE Pilot Program Experience

In File No. SR-NYSE-85-37, the NYSE represented that from April 30 to September 30, 1985, 837 next-day trades were effected on the Exchange, representing 8.5 million shares (about 10,000 shares per trade). During this same period, 1003 next-day trades were effected on other exchanges, totalling 16.9 million shares (about 17,000 shares per trade). The NYSE stated further that approximately 70% of these "next-day" trades on the NYSE (*i.e.*, about 586) were for less than 5,000 shares. Moreover, the Exchange indicated that it has monitored closely whether next-day settlement has affected the quality or operation of its regular-way auction market or the clearance and settlement operations of its member firms. The Exchange noted that it has not discovered any problems.

Request for Comments

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 by order approve File No. SR-NYSE-85-37 or institute proceedings to determine whether it should be disapproved. Interested persons can submit written data, views and arguments concerning File Nos. SR-NYSE-85-37 and SR-NYSE-85-41. Please send six copies of your written comments to the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549.

Copies of the filings, 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 that are filed with the Commission and any person, other than those may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, are available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC. Copies of the filings also are available for inspection and coping at the NYSE. All written comments should refer to the file number in the caption above and should be submitted by [insert date 21 days from date of publication].

Conclusion

Because the Commission needs more time to perform its review of File No. SR-NYSE-85-37 but desires an uninterrupted pilot program, the Commission is approving on an accelerated basis File No. SR-NYSE-85-41. Thus, the NYSE will be able to

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[1] *See* Securities Exchange Act Release No. 21975 (April 23, 1985), 50 FR 16768 (April 29, 1985), approving File No. SR-NYSE-85-04, for a description of the Pilot Program.

[2] Prior to the pilot program, NYSE rule 64 provided three types of settlement periods: (1) "cash" (same day) settlement, (2) "regular-way" settlement (on the fifth business day after execution and (3) "seller's option" settlement (in six business days to sixty days after a transaction).

[3] Because the NYSE pilot technically lapsed on October 30, 1985, Division staff granted NYSE a temporary oral "no-action" position to continue the pilot program pending today's accelerated approval of the pilot extension.

[4] The NYSE represented that these additional periods were not tested during the pilot because of insufficient member interest. The Exchange also represented that it will file with the Commission under section 19(b) any rule proposals that permanently codify these or any other additional settlement time frames.

continue providing its members the option of next-day settlement until the Commission acts on the Exchange's proposal to codify permanently File No. SR–NYSE–85–37.

It is Therefore Ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change (File No. SR–NYSE–85–41) to extend NYSE's next-day settlement period pilot program until the Commission acts on File No. SR–NYSE–85–37 be, and hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: December 11, 1985.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 85–29784 Filed 12–16–85; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–22703; File No. SR–PCC–85–5 and SR–PSDTC–85–7]

Self-Regulatory Organizations; Pacific Clearing Corp. and Pacific Securities Depository Trust Co.; Order Approving Proposed Rule Changes

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), the Pacific Clearing Corporation ("PCC") and the Pacific Securities Depository Trust Company ("PSDTC") filed with the Securities and Exchange Commission proposed rule changes that would provide settlement and distribution services in connection with certain underwritings of PSDTC-eligible securities. The Commission requested public comment on the proposals in Securities Exchange Act Release Nos. 22400 and 22401 (September 11, 1985), 50 FR 37939 (September 18, 1985). No comments were received. The Commission is approving the proposed rule changes.

A. Description of the Proposals

The proposed rule changes implement a program that provides settlement and distribution services in connection with certain underwritings of PSDTC-eligible securities.[1] Under the proposals, a PSDTC participant acting as a managing underwriter may request PCC and PSDTC to act as its agent in connection with a specific underwriting program by submitting a letter of authorization [2] at least two weeks before the expected settlement date.[3] In the authorization letter, the managing underwriter can request PCC/PSDTC to provide pick-up services, distribution services only, or distribution services and money settlement services. The managing underwriter will instruct the issuer's transfer agent or trustee bank to issue the securities in appropriate denominations registered in PSDTC's nominee name. The specific instruction forms, money settlement schedules and distribution information must be delivered to PSDTC by the managing underwriter at least forty-eight hours before the closing of the underwriting.

1. Pick-Up Services

If requested by the managing underwriter, PCC will pick up the securities certificates from the transfer agent or trustee bank on the day before settlement of the underwriting. Authorized PCC staff and one or more members of the underwriter will count, verify and package the securities at the office of the transfer agent or trustee bank and deliver them to PCC's clearing area, where they will be retained for safekeeping in custody account pending the closing of the underwriting. When notified that the underwriting has closed, PCC will release the certificates to PSDTC personnel for immediate deposit at PSDTC for the credit of the managing underwriter. PSDTC will process book-entry movements and physical withdrawals in accordance with instructions previoulsly received from the managing underwriter.[4] If the managing underwriter so instructs, PSDTC will credit a portion of those securities to the underwriter's account at PCC to permit delivers (free or against payment) to non-PCC/PSDTC members through PCC's Securities Collection Division ("SCD") in accordance with PCC's SCD procedures. In accordance with those instructions, PCC's SCD will make arrangements for the delivery of securities to PCC's branch offices or other registered securities depositories for physical withdrawals and draft deliveries. At the end of the day on which the underwriter closes, all securities remaining in PCC or PSDTC's possession at any PCC branch will be valued and forwarded to PSDTC's vault in San Francisco for safekeeping.

2. Distribution Services

When the managing underwriter requests that PCC/PSDTC provide distribution services only, the underwriter will deliver the securities to PCC's clearing window on settlement day (closing day), and the position will be credited to the managing underwriter's PCC or PSDTC account, in accordance with the managing underwriter's instructions. Thereafter, movements and releases of the securities will be processed in accordance with PCC/PSDTC procedures. Nevertheless, PCC/PSDTC will not make any deliveries until the trustee bank or transfer agent advises PCC/PSDTC that payment has been received by the managing underwriter.

3. Money Settlement and Distribution Services

Under the proposals, PCC/PSDTC will provide money settlement and distribution services for the managing underwriter if the managing underwriter requests these services at least two weeks before the closing. Under this proposed service, PSDTC would accept payments from selling group members for the managing underwriter's account. Based on instructions from the managing underwriter, PSDTC will accept payments from selling group members until 9:00 a.m. on closing day and advise the managing underwriter which selling group members failed to make payments in accordance with the managing underwriter's instructions to PSDTC. PCC and PSDTC would effect no deliveries or movements until authorized by the managing underwriter and, in accordance with the managing underwriter's instructions, would effect deliveries (free or against payment) through PSDTC and PCC facilities.

In the event money settlement and distribution services are to be completed for DTC participants through the depository interface, PCC/PSDTC will ship securities certificates, registered in DTC's nominee name, to its New York City office one day before settlement. On settlement day, PCC/PSDTC's New York office, upon notification that the underwriting has closed, will deposit these securities in its DTC account. DTC, upon receipt of payment from its participants, then will deliver the securities by book-entry movement. Under no circumstances will DTC make these book-entry transfers prior to receipt of payment.

B. PCC/PSDTC's Rationale

PCC and PSDTC state in their filings that the proposed rule changes are consistent with the Act in general and

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[1] The underwriting program applies both to municipal securities and corporate securities that are PSDTC eligible.

[2] The signed authorization letter will be retained at the PCC office through which the underwriting will be completed. In addition to its principal office in San Francisco, PCC maintains offices in Los Angeles, Denver, New York, Portland and Seattle.

[3] The participant also should forward any additional information it has about the underwriting at that time.

[4] Non-PSDTC participants may effect settlement directly with the underwriter or through a correspondent that is a PSDTC participant.

section 17A in particular because the underwriting program is intended to facilitate securities underwritings by expediting the issuance and distribution of securities. PCC and PSDTC also emphasize that the underwriting program reduces the necessity for physical deliveries and encourages the use of book-entry transfers of securities. Finally, PCC and PSDTC state that their proposed rule changes are consistent with section 17A(b)3)(F) of the Act in that the underwriting program promotes the prompt and accurate clearance and settlement of securities transactions, assures the safeguarding of securities and funds, and, in general, protects investors and the public interest.

C. Discussion

For the reasons stated below, the Commission believes that the proposed rule changes are consistent with section 17A of the Act and therefore is approving the proposals. The Commission believes that the proposals should further the development of the National Clearance and Settlement System ("National System") because they promote the prompt and accurate clearance and settlement of securities transactions and the safeguarding of securities and funds.

The PCC/PSDTC underwriting program promotes the prompt and accurate clearance and settlement of securities transactions in several ways. First, the PCC/PSDTC program results in reduced distribution of physical securities certifications. Instead of each member of a selling syndicate receiving securities certificates from the issuer's transfer agent or bank trustee, the managing underwriter instructs the transfer agent or bank trustee to issue certificates in PCC/PSDTC's nominee name and authorizes the release of securities to PSDTC.[5] Pre-entered book-entry deliveries are immediately effected from the account of the underwriter to the accounts of the syndicate members. Almost simultaneously, book-entry deliveries versus payment are made to all subsequent purchasers based on delivery instructions which syndicate members submitted in advance. As a result, the Commission believes that issuers, whether corporations or municipalities, should achieve cost savings in that fewer securities certificates need be printed and the inefficiencies associated with the handling of physical certificates are reduced. More specifically, aggregate cost savings to issuers, underwriters and dealers that result from using depository services to distribute securities in primary underswriting could exceed $10,000 per issue.[6]

Second, when closing is completed, new issues immediately become eligible for the full range of depository services. Such services include custody, deposit, withdrawals, book-entry deliveries, pledges, and interest and redemption payments. The Commission believes that immobilization of securities in depositories, because of the efficiencies and cost-savings it promotes, is consistent with the goals of Section 17A of the Act.

Third, the proposed rule changes provide for optional money settlement services, whereby selling group members make payment to PSDTC which in turn transmits settlement proceeds to the underwriter. Centralized money settlement is efficient in that it allows PSDTC to notify the underwriter early on settlement day of firms that haven't made timely payment and to resolve problems prior to settlement.

The Commission also believes that the proposals adequately safeguard funds and securities. Under the proposals, the potential for certificate loss or theft is reduced since fewer certificates are issued. In addition, when the physical certificates issued require handling, PCC/PSDTC employs adequate measures to safeguard those certificates. For example, when PCC/PSDTC provides pick-up services at the request of a managing underwriter, personnel from both the lead underwriter and PCC/PSDTC count and package the securities. Those securities then are transported immediately to and safekept at PCC/PSDTC until settlement the following day. The Commission also notes that PCC/PSDTC, as agent for the managing underwriter, acts only on specific instructions from the underwriter. In this regard, PCC/PSDTC will effect delivery of securities only upon notification from the underwriter that payment has been made.

It is therefore ordered, under section 19(b)(2) of the Act, that the proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Dated: December 11, 1985.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 85-29785 Filed 12-16-85; 8:45 am]

BILLING CODE 8010-01-M

[5] The managing underwriter delivers the securities to PCC's clearing window and has its account credited. PSDTC participants then may receive their securities through book-entry movement.

[6] *See* Division of Market Regulation Draft Staff Report, *Progress and Prospects: Depository Immobilizaton of Securities and Use of Book-Entry Systems*, at 5-6 (June 14, 1985).

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Cincinnati Stock Exchange, Inc.

December 11, 1985.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following securities:

Allied Signal, Inc., Common Stock, $1.00 Par Value (File No. 7-8700)
Cal Fed Inc., Common Stock, $1.00 Par Value (File No. 7-8701)
Crystal Brands, Inc., Common Stock, No Par Value (File No. 7-8702)
First Fidelity Bancorporation, Common Stock, No Par Value (File No. 7-8703)
General Motors Corporation, Class "H" Common, $.10 Par Value (File No. 7-8704)
Horizon Bancorp, Common Stock, $4.00 Par Value (File No. 7-8705)
Kenner Parker Toys, Inc., Common Stock, No Par Value (File No. 7-8706)
United Jersey Banks, Common Stock, $2.00 Par Value (File No. 7-8707)
Citizens First Bancorp., Common Stock, No Par Value (File No. 7-8708)
Farley-Northwest Industries, Inc., Exchangeable Preferred 13½% Cumulative, No Par Value (File No. 7-8709)
Home Group, Inc., Common Stock, $1.00 Par Value (File No. 7-8710)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before December 30, 1985, written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the applications if if finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the

maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Shirly E. Hollis,

Assistant Secretary.

[FR Doc. 85-29783 Filed 12-16-85; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Southwest Airlines Co. Enforcement Proceeding; Rescheduling of Hearing

[Docket No. 42425]

Notice is hereby given that the hearing in the above-entitled proceeding, earlier scheduled to be held on February 19, will be held on February 13, 1986 at 9:30 a.m. (local time) in Room 5332, Nassif Bldg., 400 7th Street, SW., Washington, DC, before the undersigned Chief Administrative Law Judge.

Dated at Washington, DC, December 12, 1985.

Elias C. Rodriguez,

Chief Administrative Law Judge.

[FR Doc. 85-29828 Filed 12-16-85; 8:45 am]

BILLING CODE 4910-62-M

Office of the Secretary

[Order to Show Cause (Order 85-12-31); Docket 43655]

United States-Philippine Schedule Increases of Northwest Airways and Pan American World Airways

AGENCY: Department of Transporation.

ACTION: Notice.

SUMMARY: The Department is directing all interested persons to show cause why it should not issue an order allowing Northwest and Pan American each to increase its current operations over Route 2 of the U.S.-Philippines Air Transport Agreement by one weekly roundtrip frequency.

DATES: Persons wishing to file objections shall do so no later than December 23, 1985; answers to objections shall be filed no later than December 30, 1985.

ADDRESSES: Objections and answers to objections should be filed in Docket 43655 and addressed to the Documentary Services Division, U.S. Department of Transportation, 400 Seventh Street, SW., Room 4107, Washington, DC 20590, and should be served upon all interested parties.

FOR FURTHER INFORMATION CONTACT: Jeffrey B. Gaynes (202) 472-5418, Office of Aviation Operations, U.S. Department of Transporation, 400 Seventh Street, SW., Washington, DC 20590.

Dated: December 12, 1985

Matthew V. Scocozza,

Assistant Secretary for Policy and International Affairs.

[FR Doc. 85-29829 Filed 12-16-85; 8:45 am]

BILLING CODE 4910-62-M

Federal Aviation Administration

Advisory Circular on Surge and Stall Characteristics of Aircraft Turbine Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Availability of Advisory Circular (AC) No. 33.65-1.

SUMMARY: This notice is to notify the aviation public of the issuance of AC No. 33.65-1, Surge and Stall Characteristics of Aircraft Turbine Engines. The AC provides guidance material for acceptable means of demonstrating compliance with the requirements of Part 33 of the Federal Aviation Regulations relative to surge and stall characteristics and thrust response of turbine engines. This material applies to large, high bypass ratio turbofan engines.

FOR FURTHER INFORMATION CONTACT: George Mulcahy, Engine and Propeller Standards Staff, ANE-110, Aircraft Certification Division, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, MA 01803; telephone (617) 273-7077.

SUPPLEMENTARY INFORMATION: Interested parties were given the opportunity to review and comment on the draft AC during the proposal and development phases. The notice to announce the availability of and request comments to the draft AC was published in the **Federal Register** (49 FR 33393) on August 22, 1984. All comments were reviewed and appropriate comments were incorporated in the AC.

AC No. 33.65-1 was issued by the Engine and Propeller Certification Directorate in Burlington, Massachusetts, on December 6, 1985.

A copy of AC No. 33.65-1 may be obtained by writing to the U.S. Department of Transportation, Subsequent Distribution Section, M-494.3, 400 Seventh Street, SW., Washington, DC 20590.

Issued in Burlington, Massachusetts, on December 9, 1985.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 85-29744 Filed 12-16-85; 8:45 am]

BILLING CODE 4910-13-M

Research and Special Programs Administration

National Hazardous Materials Transportation Advisory Committee; Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C. App. 1), notice is hereby given of a meeting of the National Hazardous Materials Transportation Advisory Committee (NHMTAC) on January 7 and 8, 1986, 8:30 a.m. until 5:00 p.m. on January 7, and 8:30 a.m. until 11:30 a.m. on January 8, 1986, at the Meridien Hotel, 400 Dallas Street, Houston, Texas 77002.

The purpose of the meeting is to receive and to discuss revised reports on the findings and/or recommendations of the Committee's three working groups and to take action on these findings. The working groups are organized around the three areas of prevention, information exchange, and emergency response, which the Committee had previously determined to be issues of priority concern.

Attendance is open to the public but limited to the space available. Members of the public may present written statements to the Committee before or after any meeting of the Committee. Such statements should be sent to: National Hazardous Materials Transportation Advisory Committee, ATTN: Ms. Cecy Ivie, Office of Hazardous Materials Transportation, (DHM-2) Room 8432, Nassif Building, 400 Seventh Street, SW., Washington, DC 20590.

Dated: December 12, 1985.

Sherwood C. Chu,

Executive Director, NHMTAC, Office of Hazardous Materials Transportation.

[FR Doc. 85-29826 Filed 12-16-85; 8:45 am]

BILLING CODE 4910-60-M

Sunshine Act Meetings

Federal Register
Vol. 50, No. 242
Tuesday, December 17, 1985

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

1

COMMODITY FUTURES TRADING COMMISISON

TIME AND DATE: 10:00 a.m., December 19, 1985.

PLACE: 2033 K Street, NW., Washington, DC, 8th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Enforcement Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254-6314.

Jean A. Webb,
Secretary of the Commisison.

[FR Doc. 85-29887 Filed 12-13-85; 10:47 am]
BILLING CODE 6351-01-M

2

COUNCIL ON ENVIRONMENTAL QUALITY

December 13, 1985.

TIME AND DATE: 10:00 a.m., Wednesday, January 8, 1986.

PLACE: Conference Room, First Floor, 722 Jackson Place, NW., Washington, DC.

NOTICE OF CHANGE: The Sunshine Act meeting previously scheduled for Tuesday, December 17, 1985 (50 FR 50251 (1985)) is rescheduled for Wednesday, January 8, 1986 at 10:00 a.m.

A. Alan Hill,
Chairman.

[FR Doc. 29960 Filed 12-13-85; 3:48 pm]
BILLING CODE 3125-01-M

3

FEDERAL ENERGY REGULATORY COMMISSION

December 11, 1985.

The following notice of meeting is published pursuant to Section 3(a) of the Government in the Sunshine Act (Pub. L. No. 94-409), 5 U.S.C. 552B:

TIME AND DATE: December 18, 1985, 10:00 a.m.

PLACE: 825 North Capitol Street, NE., Room 9306, Washington, DC 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

*Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary, Telephone (202) 357-8400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the division of Public Information.

Consent Power Agenda, 826th Meeting—December 18, 1985, Regular Meeting (10:00 a.m.)

CAP-1.
Project No. 9025-002, Weyerhaeuser Company
CAP-2.
Docket No. EL85-33-001, Big Bear Area Regional Wastewater Agency
CAP-3.
Project No. 6967-003, California Hydroelectric
CAP-4.
Project No. 9234-001, Adirondack Hydro
CAP-5.
Project No. 7518-001, Niagara Mohawk Power Corporation
CAP-6.
Project No. 7129-002, Wilfred and Rory Poulin
CAP-7.
Project No. 2558-007, Vermont Marble Company
CAP-8.
Project No. 7360-003, Panther Power Partnership
Project No. 9020-001, Panther Power Company
CAP-9.
Project No. 2548-006, Georgia-Pacific Corporation
CAP-10.
Project No. 7014-002, Malta Irrigation District, et al.
CAP-11.
Project No. 2088-014, Oroville-Wyandotte Irrigation District
CAP-12.
Project No. 8764-000, San Gabriel Hydroelectric Partnership
Project No. 1250-000, City of Pasadena, California Water and Power Department
CAP-13.
Docket No. HB05-85-1-000, Montana Power Company
CAP-14.
Docket No. QF86-23-000, Freeport McMoran Inc. and Gunnison Capital, Ltd.
CAP-15.
Docket No. ER85-728-003, Arizona Public Service Company
CAP-16.
Docket Nos. ER86-107-000 and ER86-120-000, Pacific Gas and Electric Company
CAP-17.
Docket No. ER86-72-000, El Paso Electric Company
CAP-18.
Docket No. ER86-101-000, Northern States Power Company (Minnesota)
CAP-19.
Docket No. ER86-133-000, Public Service Company of New Hampshire
CAP-20.
Docket No. ER86-93-000, The Washington Water Power Company
CAP-21.
Docket No. ER86-48-000, Arkansas Power & Light Company
CAP-22.
Docket No. ER86-130-000, Illinois Power Company
CAP-23.
Docket No. ER86-380-000, Florida Power & Light Company
CAP-24.
Docket No. EC85-21-000, Idaho Power Company
Docket No. EC85-22-000, Northwestern Public Service Company
Docket No. EC86-1-000, Central Illinois Public Service Company
CAP-25.
Docket No. ER85-738-002, and 003, Pacific Gas and Electric Company

Consent Miscellaneous Agenda

CAM-1.
Docket No. RM85-1-000 (Parts A-D), regulation of natural gas pipelines after partial wellhead decontrol (Brooklyn Union Gas Company)
CAM-2.
Docket No. RM85-1-000 (Parts A-D, regulation of natural gas pipelines after partial wellhead decontrol (Columbia Gas Transmission Corporation)
CAM-3.
Omitted
CAM-4.
Docket No. GP85-42-000, Southeastern Gas Company
CAM-5.
Omitted
CAM-6.
Docket No. RO85-7-000, Brent Explorations, Inc.
CAM-7.
Docket No. RM85-1-000-140 (Parts A-D, regulation of natural gas pipelines after

partial wellhead decontrol (Valley Gas Transmission, Inc.)

Consent Gas Agenda

CAG–1.
Docket No. RP85–149–007, East Tennessee Natural Gas Company
CAG–2.
Omitted
CAG–3.
Docket Nos. TA86–1–25–000 and 001, Mississippi River Transmission Corporation
CAG–4.
Docket No. RP86–22–000, ANR Pipeline Company
CAG–5.
Omitted
CAG–6.
Docket No. CP83–403–007 and 008, Consolidated Gas Transmission Corporation
CAG–7.
Docket No. TA86–1–48–002, ANR Pipeline Company
CAG–8.
Docket No. TA83–2–30–001, Trunkline Gas Company
CAG–9.
Docket No. TA85–2–34–002, Florida Gas Transmission Company
CAG–10.
Docket No. TA86–1–33–005, El Paso Natural Gas Company
CAG–11.
Docket No. TA86–1–43–003, Northwest Central Pipeline Corporation
CAG–12.
Docket No. TA85–2–31–002, Arkla Energy Resources
CAG–13.
Docket Nos. TA85–1–33–005, 006, 007, 008, TA84–2–33–010, 0011, TA84–1–33–008 and 009, El Paso Natural Gas Company
CAG–14.
Docket Nos. RP85–165–000, 005, CP85–487–005, CP85–488–005, CP85–672–005 and RP85–125–000, Distrigas of Massachusetts Corporation
CAG–15.
Docket Nos. RP82–8–003, TA81–1–53–006, TA82–1–53–002, TA83–1–53–004 and TA84–1–53–015, K N Energy, Inc.
CAG–16.
Docket Nos. RP79–10–020, RP80–134–020 and RP83–34–005, Great Lakes Gas Transmission Company
CAG–17.
Docket Nos. RP83–93–012, 013 and 014, Trunkline Gas Company
CAG–18.
Docket No. RP85–206–001, Northern Natural Gas Company, division of Internorth, Inc.
CAG–19.
Docket No. RP85–188–000, National Fuel Gas Supply Corporation
CAG–20.
Docket No. RP86–18–000, Valley Gas Transmission, Inc.
CAG–21.
Docket Nos. TA83–1–32–000, TA84–1–32–004, TA85–1–32–003, TA85–5–32–000, RP79–59–000, RP82–54–018 and IN86————, Colorado Interestate Gas Company
CAG–22.
Omitted
CAG–23.
Docket Nos. RP85–11–014 and 015, K N Energy, Inc.
CAG–24.
Docket Nos. ST85–1661–001, ST85–1684–001, ST84–836–001, ST84–1017–001, ST84–1213–001, ST84–1250–001, ST85–47–001, ST85–49–001, ST85–196–001, ST85–575–001, ST85–663–001 and ST85–715–001, Transcontinental Gas Pipe Line Corporation
CAG–25.
Docket Nos. IS78–1–000 and IS80–28–000, Phillips Pipe Line Company
Docket No. IS80–27–000, Williams Pipe Line Company
Docket No.
CAG–26.
Docket Nos. CI85–633–011, et al., 002 and CI85–632–001, Tenneco Oil Company, et al.
CAG–27.
(A) Docket No. CI86–19–001, et al., Amoco Production Company, et al.
(B) Docket No. CI86–19–002, et al., Amoco Production Company, et al.
CAG–28.
Docket No. RI86–1–000, Energy Exploration Company
CAG–29.
Omitted
CAG–30.
Docket No. CI 84–213–000, Tenneco Oil Company
CAG–31.
Docket No. CI85–511–000 And CI85–512–000, Hufo Oils
CAG–32.
Docket No. CI86–46–000, Chevron U.S.A Inc.
Docket No. CI86–65–000, Ohio Gas Marketing Corporation
Docket No. CP88–67–000, Texas Gas Transmission Corporation
Docket No. CI84–555–005, ANR Production Company
CAG–33.
Docket No. CP85–555–001, ANR Pipeline Company
CAG–34.
Docket No. CP84–577–018, Trunkline Gas Company
CAG–35.
Docket No. CP85–621–001, 002, CP85–713–002, 003, CP85–714–002, 003, CP85–716–001, CP85–889–001 and CP86–53–001, ANR Pipeline Company
Docket Nos. CP85–700–001 and 002, Columbia Gas Transmission Corporation and Columbia Gulf Transmission Company
CAG–36.
Docket Nos. CP85–608–003 and 004, National Fuel Gas Supply Corporation
CAG–37.
Docket Nos. CP83–452–035, 036, 036, 037 and 038, Columbia Gas Transmission Corporation and Columbia Gulf Transmission Company
CAG–38.
Docket No. CP84–30–002, Tennessee Gas Pipeline Company, a division of Tenneco Inc.
Docket No. CP85–255–000, Florida Gas Transmission Company
Docket No. CP85–256–000, Transcontinental Gas Pipe Line Corporation
CAG–39.
Docket No. CP83–39–007, Equitable Gas Company, a division of Equitable Resources, Inc.
CAG–40.
Docket No. CP85–746–000, Southern Natural Gas Company
Docket Nos. CI73–639–005, CI76–586–006 and CI85–587–000, Arco Oil and Gas Company, division of Atlantic Richfield Company
CAG–41.
Docket No. CP84–210–002, Texas Eastern Transmission Corporation
Docket No. CP84–217–003, Columbia Gas Transmission Corporation
CAG–42.
Docket No. CP85–912–000, Colorado Interstate Gas Company
CAG–43.
Docket No. CP85–774–000, Natural Gas Pipeline Company of America
CAG–44.
Docket No. CP85–308–00, Natural Gas Pipeline Company of America
CAG–45.
Docket No. CP85–764–000, Northern Natural Gas Company, Division of Internorth, Inc.
CAG–46.
Docket No. CP85–453–000 and 001, Trunkline Gas Company
CAG–47.
Docket No. CP85–214–001, Williston Basin Interstate Pipeline Company
CAG–48.
Docket No. CP85–118–007, Northwest Pipeline Corporation
CAG–49.
Docket No. CP84–441–011, Tennessee Gas Pipeline Company, a Division of Tenneco Inc.

I. Licensed Project Matters

P–1.
Project No. 2934–004, New York State Electric and Gas Corporation
Project No. 4684–001, Long Lake Energy Corporation

II. Electric Rate Matters

ER–1.
Docket Nos. ER81–428–000 and ER82–483–000 (Qualifying facility issues), Middle South Services, Inc.
Docket No. EL81–12–000, State of Arkansas v. Middle South Utilities, Inc.
ER–2.
Omitted
ER–2.
Omitted

Miscellaneous Agenda

M–1.
Docket No. RM 86–2–000, Revisions to the methodology for assessing Federal land use charges and to billing procedures for annual charges for Administering Part I of the Federal Power Act
M–2.
Docket No. Rm–85–19–000, generic determination of rate of return on common equity for public Utilities

I. Pipeline Rate Matters

RP-1.
Docket Nos. TA86-1-18-000 and 001 (PGA 86-1), Texas Gas Trasmission Corporation
RP2.
Omitted

II. Producer Matters

CI-1.
Docket No. CI85-513-000, Tenngasco Gas Supply Company et al. v. Southland Royalty Company et al.
CI-2.
Docket No. CI81-14-001, Inexco Oil Company

III. Pipeline Certificate Matters

CP-1.
Reserved

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-29920 Filed 12-13-85; 3:22 pm]

BILLING CODE 6717-01-M

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FEDERAL RESERVE SYSTEM, BOARD OF GOVERNORS

TIME AND DATE: 10:00 a.m., Friday, December 20, 1985.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204. You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: December 13, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-29866 Filed 12-13-85; 10:19 am]

BILLING CODE 6210-01-M

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INTERNATIONAL TRADE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT:

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 11:00 a.m., December 13, 1985.

CHANGES IN THE MEETING: Change of date and time for Commission meeting to December 12, 1985, at 3:00 p.m.

In conformity with 19 CFR 201.37(b), Commissioners Stern, Liebeler, Eckes, Lodwick, and Rohr determined by unanimous vote that Commission business requires the change date and time, affirmed that no earlier announcement of the change was possible, and directed the issuance of this notice at the earliest practicable time.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523-0161.

Kenneth R. Mason,

Secretary.

[FR Doc. 85-29830 Filed 12-12-85; 4:32 p.m.]

BILLING CODE 7020-02-M

6

INTERNATIONAL TRADE COMMISSION

USITC SE-85-53A

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 2:00 p.m., Friday, December 20, 1985.

CHANGES IN THE MEETING: Addition of agenda item as follows:

7. Investigations Nos. 701-TA-261(A), 263(A) and 264(A) and 731-TA-289(A), 290(A) and 291(A) [Preliminary] (Welded steel wire mesh for concrete reinforcement from Italy, Mexico, and Venezuela)—briefing and vote.

In conformity with 19 CFR 201.37(b), Commissioners Stern, Liebeler, Eckes, Lodwick, and Rohr determined by unanimous vote that Commission business requires the change in subject matter by addition of the agenda item, affirmed that no earlier announcement of the addition to the agenda was possible, and directed the issuance of this notice at the earliest practicable time.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523-0161.

Kenneth R. Mason,

Secretary.

December 12, 1985.

[FR Doc. 85-29959 Filed 12-13-85; 3:45 pm]

BILLING CODE 7020-02-M

7

NUCLEAR REGULATORY COMMISSION

DATE: Weeks of December 16, 23, 30, 1985 and January 6, 1986.

PLACE: Commissioners' Conference Room, 1717 H Street, NW., Washington, DC.

STATUS: Open and Closed.

MATTERS TO BE CONSIDERED:

Week of December 16

Tuesday, December 17

10:00 a.m.
Discussion of Management-Organization and Internal Personnel Matters (Closed—Ex. 2 & 6)
2:00 p.m.
Briefing on Nuclear Employee Data System (NEDS) (Public Meeting)

Wednesday, December 18

9:30 a.m.
Briefing on Status of Davis-Besse (Public Meeting)
11:00 a.m.
Affirmation/Discussion and Vote (Public Meeting)
a. Request for Hearing by R.C. Arnold and E.G. Wallace (tentative)
b. Petition for Review of Appeal Board Decision on Shoreham Emergency Planning/Legal Authority Issues (ALAB-818) (tentative)
c. Notice of Hearing on TMI-2 Leak Rate Data Falsification (tentative)

Week of December 23—Tenative

Tuesday, December 24

10:00 a.m.
Affirmation Meeting (Public Meeting) (if needed)

Week of December 30—Tentative

Thursday, January 2

3:30 p.m.
Affirmation Meeting (Public Meeting) (if needed)

Week of January 6—Tentative

Monday, January 6

2:00 p.m.
Discussion of Management-Organization and Internal Personnel Matters (Closed—Ex. 2 & 6)

Tuesday, January 7

10:00 a.m.
Briefing by Staff on TVA Corporate Plan (Public Meeting)

Wednesday, January 8

10:00 a.m.
Briefing by TVA on Corporate Plan (Public Meeting)
2:00 p.m.
Affirmation Meeting (Public Meeting) (if needed)

TO VERIFY THE STATUS OF MEETINGS CALL (RECORDING): (202) 634-1498.

CONTACT PERSON FOR MORE INFORMATION: Julia Corrado (202) 634-1410.

Julia Corrado,

Office of the Secretary.

December 12, 1985.

[FR Doc. 85-29950 Filed 12-13-85; 3:22 am]

BILLING CODE 7590-01-M

8

POSTAL RATE COMMISSION

TIME AND DATE: 9:30 a.m., December 19, 1985.

PLACE: Conference Room, Suite 300, 1333 H Street, NW, Washington, DC 20268–0001.

STATUS: Open.

MATTERS TO BE CONSIDERED: Proposed Rulemaking for Periodic Reports.

CONTACT PERSON FOR MORE INFORMATION: Charles L. Clapp, Secretary, Postal Rate Commission, Room 300, 1333 H Street, NW, Washington, DC 20268–0001, Telephone (202) 789–6840

Charles L. Clapp,

Secretary.

[FR Doc. 85–29901 Filed 12–13–85; 12:12 pm]

BILLING CODE 7715–01–M

federal register

Tuesday
December 17, 1985

Part II

Federal Reserve System

12 CFR Part 204

Reserve Requirements of Depository Institutions; Final Rule

FEDERAL RESERVE SYSTEM

12 CFR Part 204

[Reg. D; Docket No. R-0563]

Reserve Requirements of Depository Institutions; Reserve Requirements on Money Market Deposit Accounts Held by Hawaiian Nonmember Depository Institutions

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: On January 2, 1986, Hawaiian nonmember depository institutions begin an eight year phase-in of federal reserve requirements on deposit accounts, pursuant to § 204.4(f) of the Board's Regulation D (12 CFR Part 204). Section 204.4(f) also provides that Money Market Deposit Accounts (MMDAs) at those institutions are not subject to the phase-in provisions and are subject to full reserves commencing with the reserve maintenance period beginning January 2, 1986. After March 31, 1986, the authority of the Depository Institutions Deregulation Committee (DIDC) terminates (12 U.S.C. 3509), and as a result, the authority for MMDAs which were created by regulation by the DIDC (12 CFR 1204.122) also terminates. At that time MMDA-type deposits will become subject to the eight year reserve requirement phase-in applicable to other deposits held by nonmember Hawaiian depository institutions.

The effect of the current Regulation D is to make MMDAs at nonmember Hawaiian depository institutions subject to full reserve requirements on accounts held at these institutions for computation periods beginning December 3, 1985 through March 31, 1986 and then to be subject to the eight year phase-in of reserve requirements after that date. In order to avoid this result, the Board, exercising its power under section 11(c) of the Federal Reserve Act, waives the full reserve requirement and amends its regulations to subject MMDAs in nonmember Hawaiian institutions to the same phase-in requirements as are generally applicable to deposits in those institutions. Thus, MMDAs in these institutions will be subject to the eight year phase-in of reserves commencing with the reserve maintenance period beginning January 2, 1986.

EFFECTIVE DATE: December 31, 1985. Comments must be received by December 20, 1985.

ADDRESS: Interested parties are invited to submit written data, views, or arguments concerning the proposal to William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, NW., Washington, DC 20551, or such comments may be delivered to Room B-2223 between 8:45 a.m. and 5:15 p.m. on business days. Comments may be inspected in Room B-1122 between 8:45 a.m. and 5:15 p.m. on business days except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information (12 CFR 261.6(a)).

FOR FURTHER INFORMATION CONTACT: John Harry Jorgenson, Senior Attorney (202/452-3778) or Patrick J. McDivitt, Attorney (202/452-3818), Legal Division, Board of Governors of the Federal Reserve System, Washington, DC 20551.

SUPPLEMENTARY INFORMATION: Section 19(b)(8)(E) of the Federal Reserve Act, 12 U.S.C. 461(b)(8)(E), provides for the phase-in of reserve requirements for nonmember depository institutions in Hawaii, and § 204.4(f) of Regulation D implements these statutory requirements. This phase-in commences with the reserve maintenance period beginning January 2, 1986, and continues for eight years.

In implementing the statute, the Board specifically exempted MMDAs in nonmember Hawaiian depository institutions from the phase-in provisions. Thus, commencing January 2, 1986, under the existing regulation, MMDA accounts held in these institutions from December 3, 1985 forward would be subject to full reserve maintenance requirements.

MMDAs were created by the DIDC by regulation in 1982, 12 CFR 1204.122, and the Board amended its Regulation D to provide that MMDAs would be subject to full reserve requirements. However, it extended its regulatory delay of the maintenance of reserve requirements of nonmember Hawaiian depository institutions to MMDAs held by these institutions until January 2, 1986, at which time full reserve maintenance would be required.

The DIDC, and as a result, its regulations, terminate on March 31, 1986, 12 U.S.C. 3059. At that time, MMDAs in Hawaii will become subject to the phase-in provisions for deposits held by nonmembers depository institutions located in Hawaii. Consequently, under the current regulation, MMDAs at nonmember depository institutions in Hawaii, after being subject to full reserves for only a few months, would be subject to reserves at the lower phase-in rate.

Because of the burden to the depository institutions of complying for this brief period, the Board has decided, in the interest of cost savings and convenience, and for other good cause, to relieve this restriction by deleting the requirement in the last sentence of section 204.4(f) of Regulation D that nonmember depository institutions located in Hawaii maintain full reserves on MMDAs after January 1, 1986. The Board will require the phase-in of reserves on MMDAs in these institutions on the same schedule generally applied to their other deposits. The resulting reduction in aggregate reserve balances relative to what would have been maintained over this period is very small and will have no effect on the implementation of monetary policy. Pursuant to section 11(c) of the Federal Reserve Act, 12 U.S.C. 248(c), and section 19(a) of that Act, 12 U.S.C. 461(a), the Board is suspending the maintenance of full reserve requirements on these accounts for the reasons stated above in order to effectuate the purposes of section 19 and delegates to its Secretary the authority to renew the suspension for periods of fifteen days through the maintenance period beginning April 24, 1986—the maintenance period for MMDA accounts held at these institutions through March 31, 1986, when the MMDA expires.

Administrative Issues

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires the Board to consider the impact of his amendment on small entities. In this regard, it is the Board's view that the amendment would not impose any additional reporting or recordkeeping requirements. The purpose of this amendment is to reduce a burden, and there are no Federal rules which duplicate, overlap or conflict with the amendment. Suggested alternatives will be considered when comments are reviewed. The amendment will apply only to nonmember depository institutions in Hawaii. It is anticipated that the amendment could have a small beneficial impact on the ability of small depository institutions to attract deposits.

The Board, for good cause shown above, finds that this action is in the public interest because the action relieves a burden currently imposed on the affected institutions. The Board also finds that the delayed effective date of

this action provides adequate time for any interested party to comment.

List of Subjects in 12 CFR Part 204

Banks, banking, Currency, Federal Reserve System, Penalties and reporting requirements.

Effective December 31, 1985, pursuant to the Board's authority under section 19 of the Federal Reserve Act, 12 U.S.C. 461 *et seq.*, 12 CFR Part 204.4 is amended by revising paragraph (f) of § 204.4 by removing the last sentence.

By order of the Board of Governors, December 13, 1985.

William W. Wiles,

Secretary of the Board.

[FR Doc. 85-29968 Filed 12-16-85; 11:28 am]

BILLING CODE 6210-01-M

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Federal Register

Vol. 50, No. 242

Tuesday, December 17, 1985

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H.R. 3424/Pub. L. 99–178

Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriation Act, 1986. (Dec. 12, 1985; 33 page) Price $1.00.

H.J. Res. 476/Pub. L. 99–179

Making further continuing appropriations for fiscal year 1986. (Dec. 13, 1985; 1 pages) Price: 1.00.

H.R. 2965/Pub. L. 99–180

Department of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriation Act, 1986. (Dec. 13, 1985; 36 page) Price: $1.00.

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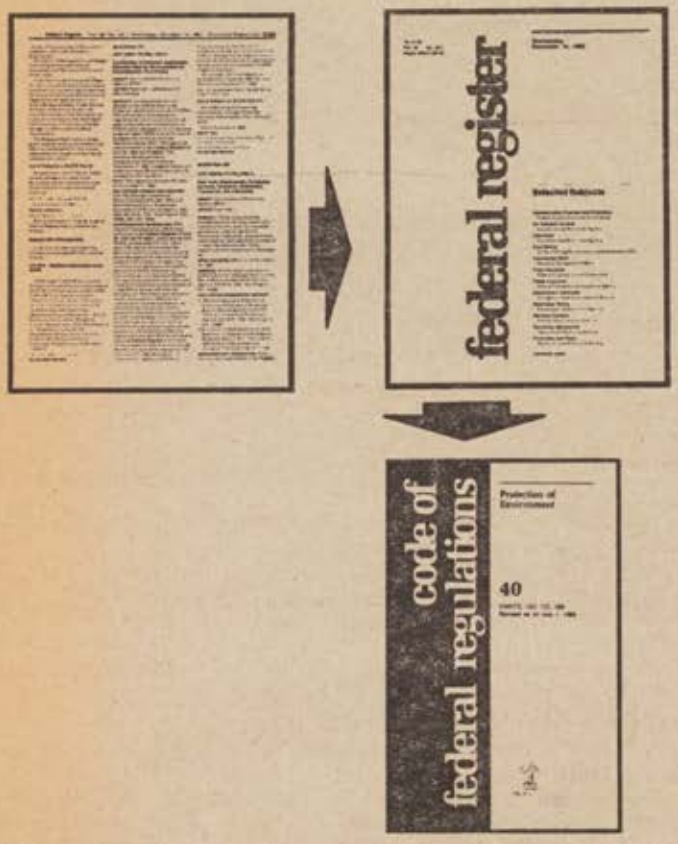

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(Rev. 7-1-85)