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July 31, 1986

# Registered Federal Trade



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# Contents

Federal Register

Vol. 51, No. 147

Thursday, July 31, 1986

## Agricultural Marketing Service

### RULES

Hops of domestic production, 27400  
Perishable Agricultural Commodities Act:  
License fees increase, 27399

### PROPOSED RULES

Potatoes seed; grade standards  
Correction, 27420

## Agriculture Department

See also Agricultural Marketing Service; Commodity Credit Corporation; Forest Service; Soil Conservation Service

### NOTICES

Cooperative agreements:  
Texas Tech University, 27433  
University of Missouri, 27433

## Air Force Department

### NOTICES

Meetings:  
Scientific Advisory Board, 27442  
Procurement:  
Contracts—  
Conversion determinations, 27442

## Alcohol, Drug Abuse, and Mental Health Administration

### NOTICES

Grants and cooperative agreements:  
Research grants for imaging technology in alcohol research, 27460

## Army Department

See Engineers Corps

## Arts and Humanities, National Foundation

See National Foundation on the Arts and Humanities

## Civil Rights Commission

### NOTICES

Meetings; State advisory committees:  
Pennsylvania, 27434  
West Virginia, 27435

## Coast Guard

### RULES

Drawbridge operations:  
Atlantic Intracoastal Waterway, FL, 27407

## Commerce Department

See Foreign-Trade Zones Board; International Trade Administration; National Oceanic and Atmospheric Administration

## Committee for the Implementation of Textile Agreements

### NOTICES

Textile consultation; review of trade:  
China, 27440

## Commodity Credit Corporation

### RULES

Loan and purchase programs:  
Peanuts; warehouse storage loans and handler operators, 27512

## Defense Department

See also Air Force Department; Defense Logistics Agency; Engineers Corps

### RULES

Federal Acquisition Regulation (FAR):  
Travel costs, small business size standards, etc., 27488

### PROPOSED RULES

Acquisition regulations:  
Customary progress payment rates, 27428

## Defense Logistics Agency

### NOTICES

Privacy Act:  
Computer matching program and systems of records, 27443

## Economic Regulatory Administration

### NOTICES

Powerplant and industrial fuel use; prohibition orders, exemption requests, etc.:  
Consolidated Power Co., 27448

## Education Department

### NOTICES

Agency information collection activities under OMB review, 27446

## Energy Department

See also Economic Regulatory Administration; Federal Energy Regulatory Commission; Hearings and Appeals Office, Energy Department

### NOTICES

Meetings:  
National Petroleum Council, 27447, 27448  
(2 documents)

## Engineers Corps

### NOTICES

Environmental statements; availability, etc.:  
San Francisco Bay, CA; ocean disposal site, 27442

## Environmental Protection Agency

### RULES

Air pollution; standards of performance for new stationary sources:  
Authority delegations—  
Arizona, 27407

### NOTICES

Hazardous waste:  
Confidential information and data transfer to contractors, 27455, 27456  
(2 documents)  
Pesticides; emergency exemption applications:  
Bromoxynil, etc., 27456  
Privacy Act; systems of records, 27454

## Executive Office of the President

See Presidential Documents

## Federal Aviation Administration

### PROPOSED RULES

Control zones, 27420-27423  
(4 documents)

**Federal Communications Commission****RULES**

Radio stations; table of assignments:

- Arizona, 27411
- Michigan, 27411
- Virginia, 27411

**PROPOSED RULES**

Common carrier services:

- MTS and WATS market structure, etc.—
- Access charges; subscribers line charges, lifeline assistance program, etc., 27426

Frequency allocations and radio treaty matters, etc.:

- Radio local area network stations in 1700-1710 MHz band, 27425

Radio stations; table of assignments:

- Maine, 27427
- Minnesota, 27427

**NOTICES**

Agency information collection activities under OMB review, 27457

*Applications, hearings, determinations, etc.:*

- Central Virginia Educational Television Corp. et al., 27457

**Federal Deposit Insurance Corporation****NOTICES**

Meetings; Sunshine Act, 27484

**Federal Election Commission****NOTICES**

Meetings; Sunshine Act, 27484

Special elections; filing dates:

- Hawaii, 27457

**Federal Emergency Management Agency****RULES**

Flood insurance; communities eligible for sale:

- Maine et al., 27408

**Federal Energy Regulatory Commission****RULES**

Natural Gas Policy Act:

- Ceiling prices—
- Maximum lawful prices and inflation adjustment factors, 27405
- Incremental pricing—
- Acquisition cost thresholds, 27406

**NOTICES**

Environmental statements; availability, etc.:

- Sabine River Authority, TX, et al., 27451

Preliminary permits surrender:

- Coos Hydro Associates, 27449
- Southbridge Associates, 27451

*Applications, hearings, determinations, etc.:*

- Algonquin Gas Transmission Co., 27448, 27449 (3 documents)
- Central Vermont Public Service Corp., 27449
- Natural Gas Pipeline Co. of America, 27450
- Sea Robin Pipeline Co., 27450
- Transcontinental Gas Pipe Line Corp., 27451

**Federal Home Loan Bank Board****NOTICES**

Senior Executive Service:

- Bonus awards schedule, 27458
- Performance Review Board; membership, 27458

**Federal Maritime Commission****NOTICES**

Agreements filed, etc., 27458

Freight forwarder licenses:

- Accord Shipping Co. et al., 27458
- Morrison Express Corp. (U.S.A.) et al., 27459

**Federal Reserve System****NOTICES**

Meetings; Sunshine Act, 27484

*Applications, hearings, determinations, etc.:*

- City Bankshares, Inc.; correction, 27459
- Gulf Harbor Banks, Inc., et al., 27459
- North Georgia Bankshares, Inc., 27460
- Security Holding, Inc., et al., 27460

**Fish and Wildlife Service****RULES**

Endangered and threatened species:

- Florida grasshopper sparrow, 27492
- Pondberry, 27495

**PROPOSED RULES**

Endangered and threatened species:

- Least Bell's vireo, 27429
- Mount Graham red squirrel, 27429

Endangered Species Convention:

- Cacti, 27431

Migratory bird hunting:

- Annual regulations; environmental statement, 27430

**Food and Drug Administration****NOTICES**

Food additive petitions:

- EMS-Chemie AG, 27461
- Milk Industry Foundation et al., 27461

GRAS or prior-sanctioned ingredients:

- National Fish Meal & Oil Association, 27461

**Foreign-Trade Zones Board****NOTICES***Applications, hearings, determinations, etc.:*

- Arizona, 27435
- Kentucky; Toyota Auto Plant; correction, 27435

**Forest Service****NOTICES**

Environmental statements; availability, etc.:

- Lassen National Forest, CA, 27433

**General Services Administration****RULES**

Federal Acquisition Regulation (FAR):

- Travel costs, small business size standards, etc., 27488

**PROPOSED RULES**

Property management:

- Substitute documents; payments, 27425

**Health and Human Services Department***See Alcohol, Drug Abuse, and Mental Health*

- Administration; Food and Drug Administration;
- National Institutes of Health

**Hearings and Appeals Office, Energy Department****NOTICES**

Applications for exception:

- Cases filed, 27452
- Decisions and orders, 27452

**Indian Affairs Bureau****NOTICES**

Agency information collection activities under OMB review, 27471

**Interior Department**

See Fish and Wildlife Service; Indian Affairs Bureau; Land Management Bureau; Minerals Management Service; Surface Mining Reclamation and Enforcement Office

**International Trade Administration****NOTICES****Antidumping:**

Spun acrylic yarn from Japan, 27435

Viscose rayon staple fiber from France, 27436

**Antidumping and countervailing duties:**

Administrative review requests, 27437

**Countervailing duties:**

Litharge, red lead, and lead stabilizers from Mexico, 27438

**Meetings:**

President's Export Council, 27439

**Interstate Commerce Commission****NOTICES**

Meetings; Sunshine Act, 27484

Railroad operation, acquisition, construction, etc.:

Sequatchie Valley Railroad Co., Inc., 27473

Railroad services abandonment:

Camino, Placerville & Lake Tahoe Railroad Co., 27473

Elgin, Joliet & Eastern Railway Co., 27473

**Justice Department**

See also Parole Commission

**NOTICES**

Pollution control; consent judgments:

Reilly Tar & Chemical Corp. et al., 27474

**Land Management Bureau****NOTICES**

Alaska Native claims selection:

Choggiung Ltd., 27464

Kotlik Yupik Corp., 27470

Closure of public lands:

Colorado, 27468

Meetings:

Craig District Advisory Council, 27465

Wild Horse and Burro Advisory Board, 27465

Motor vehicles; off-road vehicle designations:

Nevada, 27465

Realty actions; sales, leases, etc.:

Alaska, 27466

Colorado, 27466, 27470

(2 documents)

Montana, 27467

Wyoming, 27471

Survey plat filings:

Idaho, 27468

Montana, 27469

Oregon, 27469

Wyoming, 27470

Withdrawal and reservation of lands:

New Mexico; correction, 27470

Applications, hearings, determinations, etc.:

New Mexico, 27467

**Library of Congress****NOTICES**

Hours of service; correction, 27474

**Merit Systems Protection Board****NOTICES**

Practice and procedures pamphlet; call for GPO printing riders for reprinting, 27475

**Minerals Management Service****NOTICES**

Environmental statements; availability, etc.:

Gulf of Mexico OCS—

Lease sales; scoping meeting, 27472

Mineral exploration and production proposals, 27472

Outer Continental Shelf; development operations coordination:

CNG Producing Co., 27471

Outer Continental Shelf operations:

Alaska—

Summary report; availability, 27472

**National Aeronautics and Space Administration****RULES**

Federal Acquisition Regulation (FAR):

Travel costs, small business size standards, etc., 27488

**National Archives and Records Administration****NOTICES**

Agency records schedules; availability, 27475

**National Foundation on the Arts and Humanities****NOTICES**

Meetings:

Design Arts Advisory Panel, 27476

Museum Advisory Panel, 27476

**National Highway Traffic Safety Administration****NOTICES**

Motor vehicle safety standards; exemption petitions, etc.:

Carrozzeria Bertone S.p.A., 27482

Panther Motor Car Co., Ltd., 27482

**National Institutes of Health****NOTICES**

Meetings:

Fogarty International Center Advisory Board, 27462

National Cancer Institute, 27462

National Heart, Lung, and Blood Institute, 27462

National Institute of Neurological and Communicative

Disorders and Stroke, 27463

(3 documents)

National Institute on Aging, 27464

National Library of Medicine, 27464

**National Oceanic and Atmospheric Administration****RULES**

Fishery conservation and management:

Bering Sea and Aleutian Islands groundfish, 27412

Gulf of Mexico drum

Correction, 27413

Western Pacific bottomfish and seamount groundfish, 27413

**NOTICES**

Meetings:

South Atlantic Fishery Management Council, 27440

**National Science Foundation****NOTICES**

Antarctic Conservation Act of 1978; permit applications, etc., 27476

**Nuclear Regulatory Commission****NOTICES****Nuclear Waste Policy Act:**

High-level radioactive waste program; generic technical position; availability, etc., 27477

**Occupational Safety and Health Review Commission****NOTICES**

Meetings; Sunshine Act, 27485

**Parole Commission****PROPOSED RULES**

Federal prisoners; paroling and releasing, etc.:

Parole policy guidelines; cocaine offenses sanctions, 27424

**Presidential Documents****Proclamation****Special observances:**

National Family Reunion Weekend (Proc. 5513)

**Public Health Service**

See Alcohol, Drug Abuse, and Mental Health

Administration; Food and Drug Administration;

National Institutes of Health

**Railroad Retirement Board****NOTICES**

Agency information collection activities under OMB review, 27477

**Securities and Exchange Commission****NOTICES**

Applications, hearings, determinations, etc.:

Cowen Income & Growth Fund, Inc., 27478

El Paso Funding Corp., 27479

**Small Business Administration****NOTICES**

Applications, hearings, determinations, etc.:

Peerless Capital Co., Inc., 27481

**Soil Conservation Service****NOTICES**

Environmental statements; availability, etc.:

Fifth Ward Watershed, LA, 27434

Pigeon Roost Creek Watershed, KY, 27434

Watershed projects; deauthorization of funds:

Chimacum Creek Watershed, WA, 27434

**Surface Mining Reclamation and Enforcement Office****PROPOSED RULES**

Permits and coal exploration systems:

Previously mined area; definition, 27508

**Textile Agreements Implementation Committee**

See Committee for the Implementation of Textile Agreements

**Transportation Department**

See Coast Guard; Federal Aviation Administration;

National Highway Traffic Safety Administration; Urban

Mass Transportation Administration

**Urban Mass Transportation Administration****NOTICES**

Urban mass transportation programs:

Legal opinions and administrative decisions; summary, 27502

**Veterans Administration****NOTICES**

Environmental statements; availability, etc.:

Palm Beach County, FL, 27483

**Separate Parts In This Issue****Part II**

General Services Administration; National Aeronautics and Space Administration; Department of Defense, 27488

**Part III**

Department of the Interior, Fish and Wildlife Service, 27492

**Part IV**

Department of Transportation, Urban Mass Transportation Administration, 27502

**Part V**

Department of the Interior, Surface Mining Reclamation and Enforcement Office, 27508

**Part VI**

Department of Agriculture, Commodity Credit Corporation, 27512

**Reader Aids**

Additional information, including a list of public laws, telephone numbers, and finding aids, appears in the Reader Aids section at the end of this issue.

**CFR PARTS AFFECTED IN THIS ISSUE**

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

**3 CFR****Proclamations:**

5513.....27397

**7 CFR**

46.....27399

991.....27400

1446.....27512

**Proposed Rules:**

51.....27420

**14 CFR****Proposed Rules:**

71 (4 documents)....27420-

27423

**18 CFR**

271.....27405

282.....27406

**28 CFR****Proposed Rules:**

2.....27424

**30 CFR****Proposed Rules:**

701.....27508

773.....27508

**33 CFR**

117.....27407

**40 CFR**

60.....27407

61.....27407

**41 CFR****Proposed Rules:**

101-41.....27425

**44 CFR**

64.....27408

**47 CFR**

73 (3 documents)....27411

**Proposed Rules:**

2.....27425

67.....27426

73 (2 documents)....27427

94.....27425

**48 CFR**

9.....27488

13.....27488

19.....27488

31.....27488

**Proposed Rules:**

232.....27428

252.....27428

**50 CFR**

17 (2 documents)....27492,

27495

611.....27412

653.....27413

675.....27412

683.....27413

**Proposed Rules:**

17 (2 documents)....27429

20.....27430

23.....27431

# Presidential Documents

Title 3—

Proclamation 5513 of July 29, 1986

The President

National Family Reunion Weekend, 1986

By the President of the United States of America

## A Proclamation

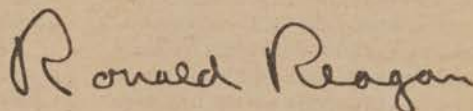
We are a nation of families. We take pride in our families, and we value family life. The family is the most basic unit in our society. It teaches us the values of loyalty, independence, responsibility, and mutual love. We look to our families for care, support, and protection. Strong, stable families are the vital cells of a society that is healthy and free. But to remain strong, families require nurturing; their bonds must be reinforced. A family reunion is a wonderful way to strengthen and preserve those family ties.

A family reunion can be a time of growth and learning, offering us an opportunity to gain a new perspective on ourselves and others. Each family has its own history, personality, sense of accomplishment, and dreams for the future. The family reunion provides an ideal setting for renewing these shared riches of the spirit. It is a time to learn, to laugh, and to renew the ties of affection. Family reunions bridge generations and remind us of our roots. I encourage all families to use the family reunion to tap these roots again and to renew their pledge of love and concern for each other. I also ask families to reach out to those who lack the support of families and to share their love and spirit with them.

In recognition of the importance of family reunions, the Congress, by Senate Joint Resolution 274, has authorized and requested the President to designate the weekend of August 1, 1986, through August 3, 1986, as "National Family Reunion Weekend."

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the weekend of August 1, 1986, through August 3, 1986, as National Family Reunion Weekend. I call upon the people of the United States to observe the occasion with appropriate ceremonies and activities.

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





# Rules and Regulations

Federal Register

Vol. 51, No. 147

Thursday, July 31, 1986

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Part 46

#### Increase in License Fees

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** The Department of Agriculture is revising the Regulations (other than Rules of Practice) under the Perishable Agricultural Commodities Act which increases the license fee. The purpose of the revision is to cover increased operating costs associated with administration of the program.

**EFFECTIVE DATE:** September 1, 1986.

#### FOR FURTHER INFORMATION CONTACT:

Michael A. Clancy, Head, License Section, P.A.C.A. Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250, Phone (202) 447-2814.

**SUPPLEMENTARY INFORMATION:** This action has been reviewed under the USDA procedures established in the Secretary's Memorandum 1512-1 and supplemental memorandum dated March 5, 1980, to implement Executive Order 12291 and has been classified as "non-major" because it does not meet any of the criteria identified under the Executive Order. The proposed action will not have an annual effect on the economy of \$100 million or more, nor will it result in a major increase in costs or prices. The Administrator of the Agricultural Marketing Service has determined that the proposal is in response to an emergency funding situation.

OMB Control No. 0581-0031 Assigned pursuant to the Paperwork Reduction Act.

## Background

The Perishable Agricultural Commodities Act was enacted by Congress in 1930 so as to establish a code of fair trading practices covering the marketing of fresh and frozen fruits and vegetables in interstate or foreign commerce. It protects growers, shippers and distributors dealing in those commodities by prohibiting unfair and fraudulent practices.

The law provides for the enforcement of contracts by providing for the collection of damages from anyone who fails to meet contractual obligations. On May 7, 1984, an amendment to the PAC Act Pub. L. 98-273, impressed a statutory trust on licensees for perishable agricultural commodities received, products derived from, and any receivables or proceeds due from the sale of the commodities for the benefit of suppliers, sellers or agents who have not been paid.

The PACA is enforced through a licensing system. All commission merchants, dealers and brokers engaged in business subject to the Act must be licensed. The cost of administering the Act is financed entirely through the license fees paid by those engaging in business subject to the law. The Secretary is charged with setting the license fee at a level necessary to meet the expenses of administration within the maximum provided in the law by Congress. Amendments to the Act in 1981, permitted the Secretary to assess a base annual fee of up to \$300 plus an assessment of up to \$150 for each branch operation exceeding nine. The maximum aggregate annual license fee for any firm cannot exceed \$3,000.

The administration of the new trust statute has increased the workload under the program along with related travel expenses. There has also been a significant increase in the filings of reparation actions by injured parties to recover damages under their contract. As a result, costs incurred by the program during Fiscal Year 1985, exceeded revenue by approximately \$125,000. It is anticipated that the workload and travel requirements will continue to increase as more growers, shippers and distributors seek to utilize the benefits and protection of the new statute. Under the current fee assessment, it is estimated that the program will incur an additional deficit

in excess of \$200,000 by end of Fiscal Year 1986.

In order to assure continued and effective administration of the program, the license fees for firms dealing in commodities subject to the Perishable Agricultural Commodities Act is amended to reflect the increased costs associated with the program in the coming fiscal years. The current license fee is \$180 plus \$72 for each branch or additional business facility operated by the applicant exceeding nine. The Secretary has determined that an increase in such fees to \$216 and \$108, respectively will cover the costs of the program, plus provide a reasonable reserve.

## Comments

On May 21, 1986, AMS published in the Federal Register (51 FR 18590) a proposed revision of regulations to increase license fees to cover operating costs associated with the program. The public was invited to submit written comments for 30 days ending June 20, 1986. During the 30 day period, the Agency received one comment supporting the fee increase. Accordingly, 7 CFR Part 46 is amended as set forth below.

## List of Subjects in 7 CFR Part 46

Agricultural commodities.

## PART 46—[AMENDED]

1. The authority citation for Part 46 continues to read as follows:

Authority: Sec. 15, 46 State 537; U.S.C. 499o.

2. Section 46.6 is revised to read as follows:

### § 46.6 License fee.

The annual license fee is two hundred and sixteen (216) dollars plus one hundred eight (108) dollars for each branch or additional business facility operated by the applicant exceeding nine. In no case shall the aggregate annual fees paid by any applicant exceed one thousand eight hundred (1,800) dollars. The Director may require that the fee be submitted in the form of a money order, bank draft, cashier's check or certified check made payable to Agricultural Marketing Service. Authorized representatives of the Department may accept fees and issue receipts therefore.

Done at Washington, DC, on: July 28, 1986.  
 William T. Manley,  
*Deputy Administrator, Marketing Programs.*  
 [FR Doc 86-17201 Filed 7-30-86; 8:45 am]  
 BILLING CODE 3410-01-M

## 7 CFR Part 991

### Hops of Domestic Production, Marketing Order 991; Termination of Certain Provisions and Referendum Order

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Termination of certain provisions, reinstatement of other provisions into the CFR, and referendum order.

**SUMMARY:** This action terminates certain provisions of Marketing Order 991, Hops of Domestic Production, because the Secretary of Agriculture has determined that such provisions obstruct and do not tend to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended (act) (7 U.S.C. 601-674). This document also directs that a continuance referendum be conducted among growers of hops grown in Washington, Oregon, Idaho, and California to determine whether they favor continuance of the marketing order.

**EFFECTIVE DATE:** August 1, 1986.

**FOR FURTHER INFORMATION CONTACT:** Ronald L. Cioffi, Chief, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, Washington, DC 20250, (202) 447-5697.

**SUPPLEMENTARY INFORMATION:** This action is governed by the provisions of section 8c(16) of the act (7 U.S.C. 608c(16)), and § 991.78 of the Hop Marketing Order (7 CFR 991.78).

The Department published an order in the *Federal Register* on July 1, 1985 (50 FR 26977) which stated that Marketing Order No. 991 (7 CFR Part 991), regulating the handling of domestically produced hops, issued under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and all rules and regulations and supplementary orders thereunder would be terminated effective December 31, 1985.

The Food Security Act of 1985, which was signed into law on December 23, 1985, provided that the Secretary may not terminate any marketing order under section 8c(16) of the Agricultural Adjustment Act (7 U.S.C. 608c(16)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, if such termination becomes

effective before January 16, 1986. On February 10, 1986 (51 FR 4887), the Department published a notice of its determination that the Hop Marketing Order remained in effect. Simultaneously, for reasons set forth in both the July 1, 1985, and February 10, 1986, documents, USDA reaffirmed its conclusion that the Hop Marketing Order then in effect had not achieved the statutory purposes. Accordingly, the provisions of the order dealing with volume limitation, pooling, and transfers, and the related administrative rules and regulations were suspended in accordance with the act. USDA also notified the Congress that the Secretary intended to terminate the hop marketing order after the waiting period prescribed by the Food Security Act of 1985 had elapsed.

Subsequently, the Department afforded hop producers a 90-day period to develop and submit new order proposals if the producers agreed that a marketing order of some kind was desirable. The industry was advised that any such proposals had to address the deficiencies of the existing marketing order and conform with the act and USDA marketing order policy guidelines.

The Hop Administrative Committee (HAC) polled industry members by questionnaire to determine whether they favored continuation of the order without the suspended volume control provisions. In that poll, a majority of the producers responding favored the continuation of such an order. Based on the poll results, the HAC submitted a resolution to the Department which in part proposed continuation of a marketing order and termination of the volume control provisions subject to an understanding that if in the future, industry members achieved agreement on revised volume controls consistent with the act and guidelines, a hearing would be held. Although by this order the Department continues the research and development, quality control and marketing information provisions, pending review of the results of the upcoming continuance referendum, this action should not be interpreted as a commitment to conduct a hearing in the future on a volume control proposal. Any such proposal will be judged on its own merits when submitted to the Department.

For the reasons set forth in the July 1, 1985, termination order which were reaffirmed in the February 1986 suspension order, the suspended volume control provisions of the order, §§ 991.36 through 991.46, are terminated because those provisions do not tend to effectuate the declared policy of the act.

In addition, order §§ 991.5 in part, 991.30 in part, 991.32 in part, and §§ 991.160 in part and 991.231 in part contained in the administrative rules and regulations, all of which are related to the terminated volume control provisions, are also terminated by this order.

It has also been determined that several provisions dealing with committee structure and the Hop Marketing Advisory Board do not effectuate the purposes of the act. The order currently prescribes membership on the HAC for representatives of California growers and for cooperatives. Currently, however, there is virtually no commercial production in California nor are there any active cooperative marketing organizations. Consequently, the provisions relating to district and cooperative representation, which include parts of §§ 991.7, 991.15, 991.16, and 991.17, 991.18, and 991.25, are terminated. The effect of such termination is to preserve the 13 grower positions on the committee. Nomination procedures required by this change shall be developed by the Secretary and the committee at a later date. In addition, the Hop Marketing Advisory Board has not functioned in the manner contemplated by the original provisions of the order. Furthermore, in the absence of the volume control provisions, the board is unnecessary. Therefore, §§ 991.22, 991.23, and 991.24 and those parts of §§ 991.27, 991.28, and 991.71 which pertain to the board, do not effectuate the purposes of the Act and are terminated.

Because of the significant restructuring of the order which results from the termination of the provisions specified above, producers should be afforded an opportunity to participate in a referendum to ascertain whether they favor continuance of the order. Accordingly, a continuance referendum will be conducted as soon as practicable.

In reviewing the referendum results to determine whether hop producers favor continuation of the marketing order, the Department has concluded that approval by two-thirds of those voting, or by a majority of producers voting who represent two-thirds of the production volume voted, would confirm producer support for continuance. In the event that this level of approval is not obtained, the Department will consider termination of the order.

It is hereby found and determined that the provisions of the order specified above dealing with the Hop Administrative Committee and the Hop Marketing Advisory Board, as well as the currently suspended volume control

and allotment provisions and those additional provisions related thereto, and the administrative rules and regulations relating to the volume control and allotment provisions, obstruct and do not tend to effectuate the declared policy of the act.

**Referendum Order.** It is hereby directed that a referendum be conducted among growers who, during the period August 1, 1985, through July 31, 1986 (which period is hereby determined to be a representative period for purposes of this referendum), were engaged in the States of Washington, Oregon, Idaho and California in the production of hops to ascertain whether such growers favor the continuance of the marketing order.

Joseph C. Perrin and Dennis West of the Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Northwest Marketing Field Office, Green/Wyatt Federal Building, Room 369, 1220 S.W. Third Avenue, Portland, Oregon 97204, are hereby designated as referendum agents of the Secretary of Agriculture to conduct said referendum. The procedure applicable to the referendum shall be the "Procedure for the Conduct of Referenda in Connection with Marketing Orders for Fruits, Vegetables, and Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (7 CFR Part 900.400 *et seq.*).

#### List of Subjects in 7 CFR Part 991

Marketing agreements and orders.  
Hops.

Part 991, Hops of Domestic Production, was removed from the Code of Federal Regulations issued January 1, 1986, pursuant to a Termination Order published in the July 1, 1985, issue of the Federal Register (50 FR 26977) and effective on December 31, 1985. On February 10, 1986 (51 FR 4887), the Department published a suspension order which provided that in accordance with the Food Security Act of 1985, Part 991 did not terminate and remained in effect and that certain provisions were suspended. Part 991 is hereby reinstated into the Code of Federal Regulations and is revised by this termination order to read as follows:

#### PART 991—HOPS OF DOMESTIC PRODUCTION

##### Subpart—Order Regulating Handling

###### Definitions

- Sec.  
991.1 Secretary.  
991.2 Act.  
991.3 Person.  
991.4 Hops.  
991.5 Salable hops.

- Sec.  
991.6 Production area.  
991.7 Producer.  
991.8 Handler.  
991.9 Handle.  
991.10 Marketing year.  
991.11 Part and subpart.

##### Hop Administrative Committee

- 991.15 Establishment and membership.  
991.16 Eligibility.  
991.17 Nominations.  
991.18 Procedure.  
991.19 Powers.  
991.20 Duties.

##### Committee

- 991.25 Selection and term of office.  
991.26 Alternate members.  
991.27 Vacancy.  
991.28 Expenses.

##### Research

- 991.30 Marketing research and development projects.

##### Quality Regulations, Inspection, and Identification

- 991.31 Quality regulation.  
991.32 Inspection and identification.

##### Expenses and Assessments

- 991.55 Expenses.  
991.56 Assessments.

##### Reports and Records

- 991.60 Reports.  
991.61 Records.  
991.62 Verification of reports and records.  
991.63 Confidential information.

##### Miscellaneous Provisions

- 991.70 Compliance.  
991.71 Rights of the Secretary.  
991.72 Derogation.  
991.73 Agents.  
991.74 Personal liability.  
991.75 Duration of immunities.  
991.76 Separability.  
991.77 Effective time.  
991.78 Termination.  
991.79 Proceedings after termination.  
991.80 Effect of termination or amendment.

##### Subpart—Administrative Rules and Regulations

- 991.130 Exemption of hops grown or used for research purposes.  
991.160 Reports.  
991.231 Minimum quality standards.  
991.601 Conversion factor for lupulin.

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

Note.—The text of Part 991 was originally published at 31 FR 9713, July 19, 1966.

##### Subpart—Order Regulating Handling

###### Definitions

##### § 991.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any other officer or employee of the U.S. Department of Agriculture who is, or who may be, authorized to perform the

duties of the Secretary of Agriculture of the United States.

##### § 991.2 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*; 48 Stat. 31, as amended).

##### § 991.3 Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

##### § 991.4 Hops.

"Hops" means the green or dried pistillate cones of the vine *Humulus lupulus* or *Humulus americanus* grown in the production area and includes residues from the preparation of hops for market, whether or not such residues are in the form of whole hops, portions of hops or lupulin, which can be used for a purpose for which hops are used.

##### § 991.5 Salable hops.

"Salable hops" means those hops released for handling, including commercial acquisition or use.

##### § 991.6 Production area.

"Production area" means all States with commercial production of hops and shall be divided into the following districts:

- District 1—Washington.
- District 2—Oregon.
- District 3—Idaho.
- District 4—California.

##### § 991.7 Producer.

"Producer" is synonymous with "grower" and means any person engaged in a proprietary capacity in the commercial production of hops.

##### § 991.8 Handler.

"Handler" means any person who handles hops.

##### § 991.9 Handle.

"Handle" means to prepare hops for market, acquire hops, use hops commercially of own production, or sell, transport or ship (except as a common or contract carrier of hops owned by another) or otherwise place hops into the current of commerce within the production area or from the area to points outside thereof, except that the preparation for market of salable hops by producers not dealers or brewers, or the sale, transportation or shipment of such hops by a producer to a handler of record, shall not be construed as handling.

**§ 991.10 Marketing year.**

"Marketing year" means the 12 months from August 1 to the following July 31, inclusive.

**§ 991.11 Part and subpart.**

"Part" means the order regulating the handling of hops grown in the production area and all rules, regulations and supplemental orders issued thereunder, and the aforesaid order shall be a "subpart" of such part.

**Hop Administrative Committee****§ 991.15 Establishment and membership.**

A Hop Administrative Committee (hereinafter referred to as "committee") consisting of 13 members, each of whom shall have an alternate, is hereby established to administer the terms and provisions of this part.

**§ 991.16 Eligibility.**

Each member and alternate of the committee shall be at the time of his selection and during his term of office, a producer, or an officer or employee of a producer.

**§ 991.17 Nominations.**

(a) *General.* Producers shall nominate persons for each committee member and each alternate position. Nominations shall be certified by the committee and submitted to the Secretary by December 1 of each year, together with information deemed by the committee to be pertinent or requested by the Secretary. If nominations for any position are not submitted in the specified manner by such date, the Secretary may select the representative for that position without nomination. For the purpose of obtaining the initial nominations, the Secretary shall perform the functions of the committee.

**§ 991.18 Procedure.**

At an assembled meeting, all votes shall be cast in person and 10 members of the committee shall constitute a quorum. Decisions of the committee shall require the concurring vote of at least nine members. If both a committee member and his alternate are unable to attend a committee meeting, any other alternate if not acting, may act in the place of the absent member and alternate. The committee may vote by mail, telephone, telegraph, or other means of communications: *Provided*, That each proposition is explained accurately, fully and reasonably identical to each member. All votes shall be confirmed in writing. A reasonable time limit may be set by the committee for receipt of written confirmation. Ten concurring votes and no dissenting vote shall be required for

approval of a committee action by such method.

**§ 991.19 Powers.**

The committee shall have the following powers:

- (a) To administer this subpart in accordance with its terms and provisions;
- (b) To make rules and regulations to effectuate the terms and provisions of this subpart;
- (c) To receive, investigate, and report to the Secretary complaints of violations of this part;
- (d) To recommend to the Secretary amendments to this subpart.

**§ 991.20 Duties.**

The committee shall have, among others, the following duties:

- (a) To select from among its membership such officers and adopt such rules or bylaws for the conduct of its operations as it deems necessary;
- (b) To appoint such employees as it may deem necessary, and to determine the compensation and to define the duties of each employee;
- (c) To keep minutes, books, and records which will reflect all of the acts and transactions of the committee and which shall be subject to examination by the Secretary;
- (d) To prepare periodic statements of the financial operations of the committee and to make copies of each such statement available to producers and handlers for examination at the office of the committee;
- (e) To cause the books of the committee to be audited by a certified public accountant at least once each marketing year and at such other times as the committee may deem necessary, or as the Secretary may request, to submit two copies of each such audit report to the Secretary, and to make available a copy which does not contain confidential data for inspection at the offices of the committee by producers and handlers;
- (f) To act as intermediary between the Secretary and any producer or handler;
- (g) To investigate and assemble data on the growing, handling and marketing conditions with respect to hops;
- (h) To submit to the Secretary such available information as he may request or the committee may deem desirable and pertinent;
- (i) To notify producers and handlers of all meetings of the committee to consider recommendations for regulations and of all regulatory actions taken affecting producers and handlers;
- (j) To give the Secretary the same notice of meetings of the committee and

its subcommittees as is given to its members; and

(k) To investigate compliance and use means available to prevent violations of the provisions of this part.

**Committee****§ 991.25 Selection and term of office.**

(a) *Selection.* Committee members shall be selected by the Secretary from nominees submitted by the committee or from among other eligible persons. Each person so selected shall qualify by filing a written acceptance with the Secretary prior to assuming the duties of the position.

(b) *Term of office.* The term of office of committee members shall be for a period of 2 calendar years. Committee members shall serve for the term of office for which they are selected and have qualified and until their respective successors are selected and have qualified.

[31 FR 9713, July 19, 1966, as amended at 31 FR 10072, July 26, 1966]

**§ 991.26 Alternate members.**

An alternate for a member shall act in the place of such member (a) in his absence, or (b) in the event of his death, removal, resignation, or disqualification, until a successor for his unexpired term has been selected and has qualified.

**§ 991.27 Vacancy.**

Any vacancy occasioned by the death, removal, resignation, or disqualification of any committee member shall, be recognized by the committee certifying to the Secretary a successor for the unexpired term, unless selection is deemed unnecessary by the Secretary.

**§ 991.28 Expenses.**

Members and alternates of the committee shall serve without compensation but shall receive such allowances for necessary expenses incurred in connection with their duties as may be approved by the committee.

**Research****§ 991.30 Marketing research and development projects.**

The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of hops. The expense of such projects shall be paid from funds collected pursuant to § 991.56. The handling of hops grown or used for research purposes may be exempted from regulation pursuant to such rules

and regulations as the committee, with the approval of the Secretary, may adopt.

#### Quality Regulation, Inspection, and Identification

##### § 991.31 Quality regulation.

Upon recommendation of the committee, the Secretary shall establish such minimum quality standards for hops in terms of their leaf and stem content and other quality factors as will tend to effectuate the objectives of this part and the declared policy of the act; and no handler shall acquire or use hops which fail to meet such standards. Hops failing to meet such standards shall be considered "substandard" hops and, except for disposition within his own farming operations, shall not be disposed of to persons other than the committee or its designees.

##### § 991.32 Inspection and identification.

No handler shall handle, nor the committee receive for reserve pooling, hops which have not been inspected and certified for leaf and stem content and identified as prescribed by the committee. When minimum quality standards are established pursuant to § 991.31, only hops inspected and certified as meeting such requirements shall be eligible to be salable hops. Inspection and certification shall be by a Federal-State inspection service and the cost borne by the applicant. Inspection and identification shall be completed prior to November 15 or other date established pursuant to § 991.39. Such identification shall not be altered or removed by any handler while in his control except when incidental to their disposition.

#### Expenses and Assessments

##### § 991.55 Expenses.

The committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by it during each marketing year for such purposes as the Secretary may, pursuant to the provisions of this subpart, determine to be appropriate and for the maintenance and functioning of the committee. The committee shall submit to the Secretary a budget for each marketing year, including an explanation of the items appearing therein, and a recommendation as to the rate of assessment for such year.

##### § 991.56 Assessments.

(a) *Requirements for payment.* Each handler shall pay to the committee upon demand, his pro rata share of the expenses authorized by the Secretary for each marketing year. Each handler's

pro rata share shall be the rate of assessment per pound fixed by the Secretary times the quantity of salable hops which he handles as the first handler thereof. At any time during or after a marketing year, the Secretary may increase the rate of assessment as necessary to cover authorized expenses. The payment of expenses for the maintenance and functioning of the committee may be required during periods when no regulations are in effect.

(b) *Excess funds.* At the end of a marketing year, funds in excess of the year's expenses shall be placed in an operating reserve not to exceed approximately one marketing year's operational expenses or such lower limits as the committee, with the approval of the Secretary, may establish. Funds in such reserve shall be available for use by the committee for expenses authorized pursuant to § 991.55. Funds in excess of those placed in the operating reserve shall be refunded to handlers. Each handler's share of such excess shall be the amount of assessments he paid in excess of his pro rata share of the actual expenses of the committee and the addition, if any, to the operating reserve.

(c) *Accounting of funds upon termination of order.* Any money collected as assessments pursuant to this subpart and remaining unexpended in the possession of the committee after termination of this part shall be distributed in such manner as the Secretary may direct: *Provided*, That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

#### Reports and Records

##### § 991.60 Reports.

(a) *Inventory.* Each handler shall file with the committee a certified report showing such information as the committee may specify with respect to any hops which were held by him on January 1 and June 1 and such other dates as the committee may designate.

(b) *Receipts.* Each handler shall, upon request of the committee, file with the committee a certified report showing for each lot of hops received, the identifying marks, variety, weight, place of production, and the producer's name and address on December 31, and such other dates as the committee may designate.

(c) *Other reports.* Upon the request of the committee, with the approval of the Secretary, each handler shall furnish to the committee such other information as may be necessary to enable it to

exercise its powers and perform its duties under this part.

##### § 991.61 Records.

Each handler shall maintain such records pertaining to all hops handled as will substantiate the required reports. All such records shall be maintained for not less than 2 years after the termination of the marketing year to which such records relate.

##### § 991.62 Verification of reports and records.

For the purpose of assuring compliance with record keeping requirements and verifying reports filed by producers and handlers, the Secretary and the committee through its duly authorized employees, shall have access to any premises where applicable records are maintained, where hops are received or held, and at any time during reasonable business hours shall be permitted to inspect such handler premises, and any and all records of such handlers with respect to matters within the purview of this part.

##### § 991.63 Confidential information.

All reports and records furnished or submitted by handlers to, or obtained by the employees of, the committee which contain data or information constituting a trade secret or disclosing the trade position, financial condition, or business operations of the particular handler from whom received, shall be treated as confidential and the reports and all information obtained from records shall at all times be kept in the custody and under the control of one or more employees of the committee who shall disclose such information to no person other than the Secretary.

#### Miscellaneous Provisions

##### § 991.70 Compliance.

No person shall handle hops except in conformity with the provisions of this part.

##### § 991.71 Rights of the Secretary.

Members of the committee and any agents, employees, or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every decision, determination, and other act of the committee shall be subject to the continuing right of disapproval by the Secretary at any time. Upon such disapproval, the disapproved action of the committee shall be deemed null and void, except as to acts done in reliance thereon or in accordance therewith prior to such disapproval by the Secretary.

**§ 991.72 Derogation.**

Nothing contained in this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States, (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

**§ 991.73 Agents.**

The Secretary may, by designation in writing, name any officer or employee of the United States, or name any agency or division in the U.S. Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

**§ 991.74 Personal liability.**

No member or alternate member of the committee and no employee or agent of the committee shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee, or agency, except for acts of dishonesty, willful misconduct, or gross negligence.

**§ 991.75 Duration of immunities.**

The benefits, privileges, and immunities conferred upon any person by virtue of this part shall cease upon its termination, except with respect to acts done under and during the existence of this part.

**§ 991.76 Separability.**

If any provision of this part is declared invalid or the applicability thereof to any person, circumstance or thing is held invalid, the validity of the remainder of this part of the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

**§ 991.77 Effective time.**

The provisions of this subpart, and of any amendment thereto, shall become effective at such time as the Secretary may declare above his signature and shall continue in force until terminated in one of the ways specified in § 991.78.

**§ 991.78 Termination.**

(a) *Failure to effectuate.* The Secretary shall terminate or suspend the operation of any or all of the provisions of this part whenever he finds that such provisions obstruct or do not tend to effectuate the declared policy of the act.

(b) *Referendum.* The Secretary shall terminate the provisions of this subpart at the end of any marketing year whenever he finds that such

terminations favored by a majority of the producers who during the preceding marketing year produced for market more than 50 percent of the volume of hops so produced: *Provided*, That any referendum pursuant to an order issued by the Secretary to determine whether or not producers favor termination of this subpart shall be held during the first 15 days of October, but such termination shall be effective only if announced on or before November 15 of the then current marketing year.

(c) *Termination of act.* The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

**§ 991.79 Proceedings after termination.**

Upon termination of the provisions of this part, the committee shall, for the purpose of liquidating the affairs of the committee, continue as trustees of all the funds and property then in its possession, or under its control, including claims for any funds unpaid or property not delivered at the time of such termination. The said trustees shall (a) continue in such capacity until discharged by the Secretary; (b) from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees to such persons as the Secretary may direct; and (c) upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant thereto. Any person to whom funds, property, or claims have been transferred or delivered, pursuant to this section, shall be subject to the same obligation imposed upon the committee and upon the trustees.

**§ 991.80 Effect of termination or amendment.**

Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provisions of this subpart or any regulation issued hereunder, or (b) release or extinguish any violation of this subpart or any regulation issued hereunder, or (c) affect or impair any rights or remedies of the Secretary or any other person with respect to any such violation.

**Subpart—Administrative Rules and Regulations****§ 991.130 Exemption of hops grown or used for research purposes.**

Pursuant to § 991.130, the Committee may exempt from regulation the handling of hops grown or used for research purposes. Subject to an annual review by the Committee of the applicable research projects, the Committee may grant such an exemption which shall not exceed 200 bales annually. Such exemption, if granted, shall be subject to the requirements of §§ 991.60-991.63, Reports and Records, and shall be given to the Crop Research Division, Agricultural Research Service, U.S. Department of Agriculture, Oregon State University, Corvallis, Ore. 97331, with authority for such Division to apportion such exemption, to the following research stations: said Crop Research Division; Parma, Branch Experiment Station, Parma, Idaho 83660; The Irrigated Agriculture Research and Extension Center, Washington State University, Bunn Road, Prosser, Wash. 99350; Department of Plant Pathology, University of California, Davis, Calif. 95616; and the Department of Botany and Plant Pathology, Oregon State University, Corvallis, Ore. 97331.

**§ 991.160 Reports.**

(a) Each handler shall, with respect to each lot of hops acquired from a producer, file a report with the Committee on HAC Form No. 1, not later than the close of the 10th business day following such acquisition, showing (1) date of acquisition, (2) name of the producer, (3) name of handler, (4) grower number and lot number, (5) inspection certificate number, (6) handler lot identification number, (7) variety of the hops, and (8) number of bales acquired, including the gross and net weights of such bales. The handler shall cause the report to be signed by the producer, or his agent, and shall also be signed by the handler, or his agent, and shall be accompanied by the applicable weight certificate showing the weight of each bale of hops acquired.

(b) [Reserved]

**§ 991.231 Minimum quality standards.**

*Lupulin, including lupulin sweepings.* No handler shall acquire, use, or sell, nor the Committee accept for reserve pooling, lupulin, including lupulin sweepings, unless 95 percent by weight of such lupulin, including lupulin sweepings, will pass through a number

10 mesh screen as determined by the Federal-State Inspection Service.

**Note.**—After January 1, 1979, "Budget of Expenses and Rate of Assessment" regulations (e.g. sections .300 through .399) which are in effect for a year or less, will not be carried in the Code of Federal Regulations. For Federal Register citations affecting these regulations, see the "List of CFR Sections Affected" in this volume.

#### § 991.601 Conversion factor for lupulin.

For the purpose of converting lupulin, including lupulin sweepings, to an equivalent weight of dried hops, 1 pound of lupulin or lupulin sweepings shall be considered as 6 pounds of dried hops.

Signed at Washington, DC, on July 28, 1986.

Alan T. Tracy,

Acting Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 86-17237 Filed 7-30-86; 8:45 am]

BILLING CODE 3410-02-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### 18 CFR Part 271

[Docket No. RM80-53]

#### Natural Gas Policy Act; Maximum Lawful Prices and Inflation Adjustment Factors

**AGENCY:** Federal Energy Regulatory Commission.

**ACTION:** Order of the Director, OPR.

**SUMMARY:** Pursuant to the authority delegated by 18 CFR 375.307(k), the Director of the Office of Pipeline and Producer Regulation revises and publishes the maximum lawful prices prescribed under Title I of the Natural Gas Policy Act (NGPA) for the months of August, September, and October, 1986. Section 101(b)(6) of the NGPA requires that the Commission compute and publish the maximum lawful prices before the beginning of each month for which the figures apply.

**EFFECTIVE DATE:** August 1, 1986.

**FOR FURTHER INFORMATION CONTACT:** Raymond A. Beirne, Acting Director, OPR, (202) 357-8500

#### Order of the Director, OPR

Publication of prescribed maximum lawful prices under the Natural Gas Policy Act of 1978.

Issued July 25, 1986

Section 101(b)(6) of the Natural Gas Policy Act of 1978 (NGPA) requires that the Commission compute and make available maximum lawful prices and inflation adjustments prescribed in Title I of the NGPA before the beginning of any month for which such figures apply.

Pursuant to this requirement and § 375.307(k) of the Commission's regulations, which delegates the publication of such prices and inflation adjustments to the Director of the Office of Pipeline and Producer Regulation, the maximum lawful prices for the months

of August, September, and October, 1986 are issued by the publication of the price tables for the applicable quarter. Pricing tables are found in § 271.101(a) of the Commission's regulations. Table I of § 271.101(a) specifies the maximum lawful prices for gas subject to NGPA sections 102, 103(b)(1)(2), 105(b)(3), 106(b)(1)(B), 107(c)(5), 108 and 109. Table II of § 271.101(a) specifies the maximum lawful prices for sections 104 and 106(a) of the NGPA. Table III of § 271.102(c) contains the inflation adjustment factors. The maximum lawful prices and the inflation adjustment factors for the periods prior to May 1986 and found in the tables in §§ 271.101 and 271.102.

#### List of Subjects in 18 CFR Part 271

Natural gas.

Raymond A. Beirne,

Acting Director, Office of Pipeline and Producer Regulation.

#### PART 271—[AMENDED]

1. The authority citation for Part 271 continues to read as follows:

**Authority:** Department of Energy Organization Act, 42 U.S.C 7101 35 seq.; Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432; Administrative Procedure Act, 5 U.S.C. 553.

#### § 271.101 [Amended]

2. Section 271.101(a) is amended by inserting the maximum lawful prices for August, September, and October, 1986 in Tables I and II.

TABLE I.—NATURAL GAS CEILING PRICES

[Other than NGPA §§ 104 and 106(a)]

Subpart of part 271	NGPA section	Category of gas	Maximum lawful price per MMBtu for deliveries in—		
			August 1986	Sept. 1986	October 1986
B	102	New Natural Gas, Certain OCS gas <sup>1</sup>	\$4.332	\$4.354	\$4.376
C	103(b)(1)	New Onshore Production Wells <sup>2</sup>	3.119	3.125	3.131
	103(b)(2)	New Onshore Production Wells <sup>2</sup>	3.726	3.740	3.754
E	105(b)(3)	Intrastate Existing Contracts	4.270	4.288	4.306
F	106(b)(1)(B)	Alternative Maximum Lawful Price for Certain Intrastate Rollover Gas <sup>3</sup>	1.784	1.787	1.790
G	107(c)(5)	Gas Produced from Tight Formations <sup>4</sup>	6.238	6.250	6.262
H	108	Stripper Gas	4.639	4.663	4.687
I	109	Not Otherwise covered	2.583	2.588	2.593

<sup>1</sup> Section 271.602(a) provides that for certain gas sold under an intrastate rollover contract the maximum lawful price is the higher of the price paid under the expired contract, adjusted for inflation or an alternative Maximum Lawful Price specified in this Table. This alternative Maximum Lawful Price for each month appears in this row of Table I. Commencing January 1, 1985, the price of some intrastate rollover gas is deregulated. (See Part 272 of the Commission's regulations.)

<sup>2</sup> The maximum lawful price for tight formation gas is the lesser of the negotiated contract price or 200% of the price specified in Subpart C of Part 271. The maximum lawful price for tight formation gas applies on or after July 16, 1979. (See §§ 271.703 and 271.704.)

<sup>3</sup> Commencing January 1, 1985, the price of natural gas finally determined to be new natural gas under section 102(c) is deregulated. (See Part 272 of the Commission's regulations.)

<sup>4</sup> Commencing January 1, 1985, the price of some natural gas finally determined to be natural gas produced from a new, onshore production well under section 103 is deregulated. (See Part 272 of the Commission's regulations.)

TABLE II.—NATURAL GAS CEILING PRICES: NGPA §§ 104 AND 106(A)

[Subpart D, Part 271]

Category of natural gas	Type of sale or contract	Maximum lawful price per MMBtu for deliveries made in—		
		August 1986	September 1986	October 1986
Post-1974 gas <sup>2</sup>	All producers	\$2.583	\$2.588	\$2.593
1973-1974 Biennium gas	Small producer	2.184	2.188	2.192
	Large producer	1.669	1.672	1.675
Interstate Rollover gas	All producers	.960	.962	.964
Replacement contract gas or recompletion gas	Small producer	1.225	1.227	1.229
	Large producer	.941	.943	.945
Flowing gas	Small producer	.621	.622	.623
	Large producer	.521	.522	.523
Certain Permian Basin gas	Small producer	.731	.732	.733
	Large producer	.647	.648	.649
Certain Rocky Mountain gas	Small producer	.731	.732	.733
	Large producer	.621	.622	.623
Certain Appalachian Basin gas	North subarea contracts dated after 10-7-69	.590	.591	.592
	Other contracts	.545	.546	.547
Minimum rate gas <sup>1</sup>	All producers	.323	.324	.325

<sup>1</sup> Prices for minimum rate gas are expressed in terms of dollars per Mcf, rather than MMBtu.<sup>2</sup> This price may also be applicable to other categories of gas. (See § 271.402, 271.602.)

3. Section 271.102(c) is amended by inserting the inflation adjustment for the months of August, September, and October, 1986 in Table III.

TABLE III.—INFLATION ADJUSTMENT

Month of delivery 1986	Factor by which prices in preceding month is multiplied
August	1.00190
September	1.00190
October	1.00190

[FR Doc. 86-17240 Filed 7-30-86; 8:45 am]

BILLING CODE 6717-01-M

**18 CFR Part 282**

[Docket No. RM79-14]

**Order Prescribing Incremental Pricing Acquisition Cost Thresholds Under Title II of the Natural Gas Policy Act**

**AGENCY:** Federal Energy Regulatory Commission.

**ACTION:** Order prescribing incremental pricing thresholds.

**SUMMARY:** The Director of the Office of Pipeline and Producer Regulation is issuing the incremental pricing acquisition cost thresholds prescribed by Title II of the Natural Gas Policy Act and 18 CFR 282.304. The Act requires the Commission to compute and publish the threshold prices before the beginning of each month for which the figures apply. Any cost of natural gas above the applicable threshold is considered to be an incremental gas cost subject to incremental pricing surcharging.

**EFFECTIVE DATE:** August 1, 1986.

**FOR FURTHER INFORMATION CONTACT:**

Raymond A. Beirne, Federal Energy Regulatory Commission, 825 N. Capitol Street NE., Washington, DC 20426, (202) 357-8500.

**SUPPLEMENTARY INFORMATION:**

Order of the Director, OPR

Issued July 25, 1986.

Section 203 of the NGPA requires that the Commission compute and make

available incremental pricing acquisition cost threshold prices prescribed in Title II before the beginning of any month for which such figures apply.

Pursuant to that mandate and pursuant to § 375.307(1) of the Commission's regulations, delegating the publication of such prices to the Director of the Office of Pipeline and Producer Regulation, the incremental pricing acquisition cost threshold prices for the month of August 1986 are issued by the publication of a price table for the month. The incremental pricing acquisition cost threshold prices for months prior to those reflected on the table are found in § 282.304.

The incremental pricing thresholds for August 1986 reflect a two-month lag adjustment described in the notice of the March 1, 1986 thresholds.

**List of Subjects in 18 CFR Part 282**

Natural gas.

Raymond A. Beirne,

Acting Director, Office of Pipeline and Producer Regulation.

TABLE I.—INCREMENTAL PRICING ACQUISITION COST THRESHOLD PRICES

	January	February	March	April	May	June	July	August	September	October	November	December
Calendar Year 1985												
Incremental Pricing Threshold	\$2.373	\$2.378	\$2.383	\$2.388	\$2.399	\$2.410	\$2.421	\$2.427	\$2.433	\$2.439	\$2.446	\$2.453
NGPA Section 102 Threshold	3.869	3.890	3.911	3.932	3.962	3.992	4.022	4.045	4.068	4.091	4.116	4.141
NGPA Section 109 Threshold	2.452	2.457	2.462	2.467	2.478	2.489	2.500	2.506	2.512	2.518	2.525	2.532
130% of No. 2 Fuel Oil in New York City Threshold	7.170	7.310	7.090	6.920	7.210	7.212	7.400	7.000	6.520	6.630	6.940	7.140
Calendar Year 1986												
Incremental Pricing Threshold	2.460	2.467	2.474	2.481	2.487	2.493	2.499	2.504				
NGPA Section 102 Threshold	4.166	4.191	4.216	4.241	4.264	4.287	4.310	4.332				
NGPA Section 109 Threshold	2.539	2.546	2.553	2.560	2.566	2.572	2.578	2.583				
130% of No. 2 Fuel Oil in New York City Threshold	7.370	7.930	5.040	5.290	4.680	3.980	3.800	3.190				

[FR Doc. 86-17239 Filed 7-30-86; 8:45 am]

BILLING CODE 6717-01-M

## DEPARTMENT OF TRANSPORTATION

## Coast Guard

## 33 CFR Part 117

(CGD7 86-7)

Drawbridge Operation Regulations;  
Atlantic Intracoastal Waterway, Florida

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

**SUMMARY:** At the request of Palm Beach County, the Coast Guard is changing the regulations governing the N.E. 8th Street bridge at Delray Beach by permitting the number of openings to be limited during certain periods. This change is being made because bridge openings have increased to the point where they could severely interrupt vehicular traffic flow during peak periods. This action will accommodate the needs of vehicular traffic yet still provide for the reasonable needs of navigation.

**EFFECTIVE DATE:** These regulations become effective on September 2, 1986.

**FOR FURTHER INFORMATION CONTACT:** Mr. Walt Paskowsky, (305) 536-4103.

**SUPPLEMENTARY INFORMATION:** On March 28, 1986, the Coast Guard published (51 FR 10638) a proposal to revise these regulations. The proposed regulations also were published in a public notice issued by the Commander, Seventh Coast Guard District, on April 12, 1986. For each notice, interested persons were given until May 12, 1986 to submit comments.

## Drafting Information

The drafters of these regulations are Mr. Walt Paskowsky, Bridge Administration Specialist, project officer, and Commander Ken Gray, project attorney.

## Discussion of Comments

Only one comment was received. It supported the proposal.

## Economic Assessment and Certification

These regulations are considered to be non-major under Executive Order 12291 on Federal regulation and nonsignificant under the Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979).

The economic impact of these regulations is expected to be so minimal that a full regulatory evaluation is unnecessary. We conclude this because the regulations exempt tugs with tows. Since the economic impact of these regulations is expected to be minimal, the Coast Guard certifies that they will

not have a significant economic impact on a substantial number of small entities.

## List of Subjects in 33 CFR Part 117

Bridges.

## Regulations

In consideration of the foregoing, Part 117 of Title 33, Code of Federal Regulations, is amended as follows:

PART 117—DRAWBRIDGE  
OPERATION REGULATIONS

1. The authority citation for Part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46 and 33 CFR 1.05-1(g).

2. Section 117.261 is amended by adding paragraph (z) to read as follows:

§ 117.261 Atlantic Intracoastal Waterway,  
St. Marys River to Miami.

\* \* \* \* \*

(z) *N.E. 8th Street bridge, mile 1038.7 at Delray Beach.* The draw shall open on signal; except that, from November 1 to May 31, from 11 a.m. to 6 p.m., on Saturdays, Sundays, and federal holidays, the draw need open only on the hour, quarter-hour, half-hour, and three quarter-hour.

Dated: July 23, 1986.

M. J. O'Brien,

Captain, U.S. Coast Guard, Acting  
Commander, Seventh Coast Guard District.

[FR Doc. 86-17252 Filed 7-30-86; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION  
AGENCY

## 40 CFR Parts 60 and 61

(A-9-FRL-3055-6)

Delegation of New Source  
Performance Standards (NSPS) and  
National Emission Standards For  
Hazardous Air Pollutants (NESHAPS);  
State of Arizona

AGENCY: Environmental Protection  
Agency (EPA).

ACTION: Notice of delegation.

**SUMMARY:** The EPA hereby places the public on notice of its delegation of NSPS and NESHAPS authority to the Pima County Health Department (PCHD). This action is necessary to bring the NSPS program delegations up to date with recent EPA promulgations and amendments of these categories. This action does not create any new regulatory requirements affecting the

public. The effect of the delegation is to shift the primary program responsibility for the affected NSPS categories from EPA to State and local governments.

**EFFECTIVE DATE:** September 30, 1985.

## FOR FURTHER INFORMATION CONTACT:

Julie A. Rose, New Source Section (A-3-1), Air Operations Branch, Air Management Division, EPA, Region 9, 215 Fremont Street, San Francisco, CA 94105, Tel: (415) 974-8221; FTS 454-8221.

**SUPPLEMENTARY INFORMATION:** The PCHD has requested authority for delegation of certain NSPS categories. Delegation of authority was granted by a letter dated September 18, 1985 and is reproduced in its entirety as follows.

Patricia A. Nolan, M.D.,

Director, Pima County Health Department,  
151 West Congress Street, Tucson, AZ  
85701.

Dear Dr. Nolan: In response to your request of September 10, 1985, I am pleased to inform you that we are delegating to your agency authority to implement and enforce certain categories of New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAPS). We have reviewed your request for delegation and have found your present programs and procedures to be acceptable.

As requested, we are conditioning your delegation on the division of authority between the Pima County Health Department (PCHD) and the Arizona Department of Health Services as stipulated in PCHD's Regulation 90, as excerpted from the official Delegation Agreement (Contract No. 3302-000000-6-0ZD-5394) filed with the Secretary of State on September 5, 1984.

EPA is delaying delegation of authority for NESHAPS Subparts B, H, I, and K pertaining to Radon-222 and Radionuclides until the recordkeeping and reporting requirements are promulgated later this year. This delegation includes authority for the following source categories:

NSPS	40 CFR Part 60 Subpart
Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed after August 17, 1983.	AAa
Metallic Mineral Processing Plants.	LL
Pressure Sensitive Tape & Label Surface Coating Operations.	RR
Synthetic Organic Chemical Manufacturing Industry: Equipment Leaks of VOC.	VV
Beverage Can Surface Coating Industry.	WW
Bulk Gasoline Terminals.	XX
Flexible Vinyl and Urethane Coating and Printing.	FFF
Equipment Leaks of VOC, Petroleum Refineries and Synthetic Organic Chemical Manufacturing Industry.	GGG
Synthetic Fiber Production Facilities.	HHH
Petroleum Dry Cleaners.	JJJ
Equipment Leaks of VOC from Onshore Natural Gas Processing Plants.	KKK
Wool Fiberglass Insulation Manufacturing.	PPP

NESHAPS	40 CFR Part 61 Subpart
Equipment Leaks (Fugitive Emission Sources) of Benzene.....	J
Asbestos.....	M
Equipment Leaks (Fugitive Emission Sources).....	V

In addition, we are redelegating the following NSPS and NESHAPS categories since your revised programs and procedures are acceptable.

NSPS	40 CFR Part 60 Subpart
General Provisions.....	A
Fossil-Fuel Fired Steam Generators.....	D
Electric Utility Steam Generators.....	Da
Nitric Acid Plants.....	C
Sulfuric Acid Plants.....	H
Secondary Brass & Bronze Ingot Production Plants.....	M
Primary Aluminum Reduction Plants (Arc Furnaces).....	S
Kraft Pulp Mills.....	AA
Glass Manufacturing Plants.....	BB
Grain Elevators.....	CC
Surface Coating of Metal Furniture.....	DD
Stationary Gas Turbines.....	EE
Lime Manufacturing Plants.....	GG
Ammonium Sulfate.....	HH
	PP

Acceptance of this delegation constitutes your agreement to follow all applicable provisions of 40 CFR Parts 60 and 61, including use of EPA's test methods and procedures. The delegation is effective upon the date of this letter unless the USEPA receives written notice from you of any objections within 10 days of receipt of this letter. A notice of this delegated authority will be published in the *Federal Register* in the near future.

Sincerely,

Judith E. Ayres,  
Regional Administrator.

With respect to the areas under the jurisdiction of the PCHD, all reports, applications, submittals, and other communications pertaining to the above listed NSPS source categories should be directed to the PCHD at the address shown in the letter of delegation.

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

I certify that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act.

This Notice is issued under the authority of section 111 of the Clean Air Act, as amended (42 U.S.C. 1857, *et seq.*).

Dated: July 16, 1986.

John Wise,

Acting Regional Administrator.

FR Doc. 86-16972 Filed 7-30-86; 8:45 am

BILLING CODE 6560-50-M

## FEDERAL EMERGENCY MANAGEMENT AGENCY

### 44 CFR Part 64

[Docket No. FEMA 6722]

### Suspension of Community Eligibility

**AGENCY:** Federal Emergency Management Agency, FEMA.  
**ACTION:** Final rule.

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

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

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

**SUPPLEMENTARY INFORMATION:** The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022), prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128) unless an appropriate public body shall have adopted adequate floodplain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR Part 59 *et seq.*). Accordingly, the communities are suspended on the effective date in the fourth column, as of that date, flood insurance is no longer available in the community. However, those communities which, prior to the suspension date, adopt and submit documentation of legally enforceable floodplain management measures required by the program, will continue

their eligibility for the sale of insurance. Where adequate documentation is received by FEMA, a notice withdrawing the suspension will be published in the *Federal Register*.

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

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

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

effective dates appears for each listed community.

#### List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

#### PART 64—[AMENDED]

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

Authority: (42 U.S.C. 4001 et seq.,

Reorganization Plan No. 3 of 1978, E.O. 12127).

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

#### § 64.6 List of Eligible Communities.

State and location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard areas identified	Date <sup>1</sup>
<b>Region I</b>				
Maine: Phippsburg, town of, Sagadahoc County.	230120C	July 29, 1986, Emerg.; Aug. 5, 1986, Reg.; Aug. 5, 1986, Susp.	Oct. 25, 1974, Dec. 3, 1976, Oct. 1, 1983 and Aug. 5, 1986.	Aug. 5, 1986.
Massachusetts: Melrose, city of, Middlesex County.	250206B	June 9, 1975, Emerg.; Aug. 5, 1986, Reg.; Aug. 5, 1986, Susp.	June 28, 1974, June 18, 1976 and Aug. 5, 1986.	Do.
New Hampshire: New Castle, town of, Rockingham County.	330135B	Sept. 10, 1975, Emerg.; Aug. 5, 1986, Reg.; Aug. 5, 1986, Susp.	May 31, 1974, Dec. 3, 1976 and Aug. 5, 1986.	Do.
Vermont: Bristol, town of, Addison County.	500001B	May 30, 1975, Emerg.; Aug. 5, 1986, Reg.; Aug. 5, 1986, Susp.	Aug. 9, 1974, Sept. 24, 1976 and Aug. 5, 1986.	Do.
Waltham, town of, Addison County.	500173B	Aug. 12, 1975, Emerg.; July 25, 1978, Reg.; Aug. 5, 1986, Susp.	July 7, 1975, July 25, 1978 and Aug. 5, 1986.	Do.
<b>Region II</b>				
Puerto Rico: Puerto Rico, Commonwealth of.	720000C	July 16, 1971, Emerg.; Aug. 1, 1978, Reg.; Aug. 5, 1986, Susp.	Aug. 1, 1978, July 2, 1981, July 19, 1982 and Aug. 5, 1986.	Do.
<b>Region III</b>				
Pennsylvania: Pocono, township of, Monroe County.	421892B	July 29, 1975, Emerg.; Aug. 5, 1986, Reg.; Aug. 5, 1986, Susp.	Dec. 6, 1974, Apr. 25, 1980 and Aug. 5, 1986.	Do.
<b>Region V</b>				
Illinois: New Haven, town of, unincorporated areas.	170246B	Oct. 1, 1975, Emerg.; Aug. 5, 1986, Reg.; Aug. 5, 1986, Susp.	Jan. 16, 1974, Apr. 2, 1976 and Aug. 5, 1986.	Do.
Minnesota: Kennedy, city of, Kittson County.	270686B	Mar. 26, 1976 Emerg.; Aug. 5, 1986, Reg.; Aug. 5, 1986, Susp.	Sept. 24, 1976 and Aug. 5, 1986.	Do.
<b>Region VI</b>				
Texas: Big Oaks Municipal Utility District, Fort Bend County.	481659B	Nov. 29, 1985, Emerg.; Aug. 5, 1986, Reg.; Aug. 5, 1986, Susp.	Nov. 29, 1985 and Aug. 5, 1986.	Do.
Fort Bend County, Levee Improvement District #7, Fort Bend County.	481594B	Sept. 6, 1986, Emerg.; Aug. 5, 1986, Reg.; Aug. 5, 1986, Susp.	Sept. 6, 1985 and Aug. 5, 1986.	Do.
Fort Bend County, Municipal Utility District #34, Fort Bend County.	481520B	Sept. 10, 1984, Emerg.; Aug. 5, 1986, Reg.; Aug. 5, 1986, Susp.	Sept. 10, 1984 and Aug. 5, 1986.	Do.
Fort Bend County, Municipal Utility District #35, Fort Bend County.	481519B	July 20, 1984, Emerg.; Aug. 5, 1986, Reg.; Aug. 5, 1986, Susp.	July 20, 1984 and Aug. 5, 1986.	Do.
Fort Bend County, Municipal Utility District #41, Fort Bend County.	481591B	June 27, 1985, Emerg.; Aug. 5, 1986, Reg.; Aug. 5, 1986, Susp.	June 27, 1986 and Aug. 8, 1986.	Do.
Kingsbridge Municipal Utility District, Fort Bend and Harris Counties.	481567A	July 21, 1980, Emerg.; Aug. 5, 1986, Reg.; Aug. 5, 1986, Susp.	May 26, 1970, July 9, 1976, Dec. 20, 1977 and Aug. 2, 1986.	Do.
Lake Dallas, city of, Denton County.	480780A	Apr. 7, 1976, Emerg.; Aug. 5, 1986, Reg.; Aug. 5, 1986, Susp.	Sept. 26, 1975 and Aug. 5, 1986.	Do.
Weatherford, city of, Parker County.	480522B	Sept. 13, 1974, Emerg.; Aug. 5, 1986, Reg.; Aug. 5, 1986, Susp.	Mar. 8, 1974, June 11, 1976 and Aug. 5, 1986.	Do.
<b>Region VII</b>				
Iowa: Atlantic, city of, Cass County.	190049B	July 8, 1975, Emerg.; Aug. 5, 1986, Reg.; Aug. 5, 1986, Susp.	May 3, 1974, Apr. 9, 1976 and Aug. 5, 1986.	Do.
Missouri: Kansas City, city of, Clay, Platte and Jackson Counties.	290173B	June 11, 1971, Emerg.; Aug. 5, 1986, Reg.; Aug. 5, 1986, Susp.	Nov. 8, 1974, Sept. 29, 1978 and Aug. 5, 1986.	Do.
<b>Region VIII</b>				
Colorado: Jefferson County, unincorporated areas.	080087B	July 5, 1973, Emerg.; Aug. 5, 1986, Reg.; Aug. 5, 1986, Susp.	Nov. 11, 1974, July 5, 1977 and Aug. 5, 1986.	Do.
<b>Region IX</b>				
Arizona: Bullhead City, city of, Mohave County.	040125C	May 6, 1974, Emerg.; Mar. 15, 1982, Reg.; Aug. 5, 1986, Susp.	Jan. 10, 1975, Feb. 6, 1979, Mar. 15, 1982 and Aug. 5, 1986.	Do.
California: Chula Vista, city of, San Diego County.	065021D	Jan. 29, 1971, Emerg.; Aug. 5, 1986, Reg.; Aug. 5, 1986, Susp.	Apr. 8, 1977, Mar. 14, 1978, Aug. 15, 1983 and Aug. 5, 1986.	Do.
Humboldt County, unincorporated areas.	060060C	Sept. 11, 1974, Emerg.; July 19, 1982, Reg.; Aug. 5, 1986, Susp.	Sept. 13, 1977, July 19, 1982 and Aug. 5, 1986.	Do.
Monterey County, unincorporated areas.	060195E	Mar. 9, 1977, Emerg.; Jan. 30, 1984, Reg.; Aug. 5, 1986, Susp.	Feb. 21, 1978, Apr. 24, 1979, Nov. 17, 1981.	Do.
San Mateo County, unincorporated areas.	060311C	Aug. 27, 1975, Emerg.; July 5, 1984, Reg.; Aug. 5, 1986, Susp.	Nov. 1, 1974, Apr. 15, 1977, July 5, 1984 and Aug. 5, 1986.	Do.
Sonoma County, unincorporated areas.	060375B	Aug. 27, 1971, Emerg.; Jan. 17, 1979, Aug. 5, 1986, Susp.	Jan. 20, 1982 and Aug. 5, 1986.	Do.
<b>Region X</b>				
Oregon: Benton County, unincorporated areas.	410008C	Apr. 18, 1974, Emerg.; Aug. 5, 1986, Reg.; Aug. 5, 1986, Susp.	Dec. 27, 1974, Apr. 8, 1977, Mar. 6, 1979 and Aug. 5, 1986.	Do.
<b>Region I—Minimal Conversions</b>				
Vermont: Dorest, town of, Bennington County.	500014B	July 29, 1975, Emerg.; Aug. 1, 1986, Reg.; Aug. 1, 1986, Susp.	July 26, 1974, Sept. 24, 1976 and Aug. 1, 1986.	Aug. 1, 1986.
<b>Region III</b>				
Pennsylvania: Buffington, township of, Indiana County.	421711A	Mar. 3, 1977, Emerg.; Aug. 1, 1986, Reg.; Aug. 1, 1986, Susp.	Dec. 27, 1974 and Aug. 1, 1986.	Do.
Burnside, township of, Clearfield County.	421518A	Jan. 29, 1976, Emerg.; Aug. 1, 1986, Reg.; Aug. 1, 1986, Susp.	Jan. 24, 1975 and Aug. 1, 1986.	Do.
Cooper, township of, Clearfield County.	421520A	Jan. 13, 1976, Emerg.; Aug. 1, 1986, Reg.; Aug. 1, 1986, Susp.	Dec. 20, 1974 and Aug. 1, 1986.	Do.

State and location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard areas identified	Date <sup>1</sup>
East Mahoning, township of, Indiana County	422436A	Mar. 16, 1977, Emerg.; Aug. 1, 1986, Reg.; Aug. 1, 1986, Susp.	Jan. 17, 1975 and Aug. 1, 1986	Do.
Greenwood, township of, Clearfield County	421523A	Aug. 10, 1979, Emerg.; Aug. 1, 1986, Reg.; Aug. 1, 1986, Susp.	Dec. 20, 1974 and Aug. 1, 1986	Do.
Montgomery, township of, Franklin County	422426A	Aug. 1, 1979, Emerg.; Aug. 1, 1986, Reg.; Aug. 1, 1986, Susp.	Dec. 13, 1974 and Aug. 1, 1986	Do.
<b>Region IV</b>				
Kentucky: Burgin, city of, Mercer County	210171B	Aug. 7, 1975, Emerg.; Aug. 1, 1986, Reg.; Aug. 1, 1986, Susp.	May 10, 1974, July 30, 1976 and Aug. 1, 1986	Do.
<b>Region V—Minimal Conversions</b>				
Illinois: Thawville, village of, Iroquois County	170913B	Jan. 2, 1976, Emerg.; Aug. 1, 1986, Reg.; Aug. 1, 1986, Susp.	Jan. 26, 1979 and Aug. 1, 1986	Do.
<b>Region VII</b>				
Iowa: Durmont, city of, Butler County	190036B	July 21, 1975, Emerg.; Aug. 1, 1986, Reg.; Aug. 1, 1986, Susp.	May 24, 1974, Dec. 12, 1975 and Aug. 1, 1986	Do.
Elma, city of, Howard County	190416A	May 23, 1978, Emerg.; Aug. 1, 1986, Reg.; Aug. 1, 1986, Susp.	Sept. 19, 1975 and Aug. 1, 1986	Do.
Lawler, city of, Chickasaw County	190067B	July 25, 1975, Emerg.; Aug. 1, 1986, Reg.; Aug. 1, 1986, Susp.	June 28, 1974, Jan. 2, 1976 and Aug. 1, 1986	Do.
Missouri: Greenville, city of, Wayne County	290450B	Nov. 19, 1975, Emerg.; Aug. 1, 1986, Reg.; Aug. 1, 1986, Susp.	Oct. 18, 1974, Nov. 14, 1975 and Aug. 1, 1986	Do.
Memphis, city of, Scotland County	290408B	Sept. 7, 1979, Emerg.; Aug. 1, 1986, Reg.; Aug. 1, 1986, Susp.	May 24, 1977 and Aug. 1, 1986	Do.
Williamsville, city of, Wayne County	290452	Jan. 10, 1983, Emerg.; Aug. 1, 1986, Reg.; Aug. 1, 1986, Susp.	Oct. 18, 1974, Mar. 5, 1976 and Aug. 1, 1986	Do.
<b>Region IV—Minimal Conversions</b>				
Kentucky: Campbellsville, city of, Taylor County	210213B	Dec. 17, 1975, Emerg.; Aug. 5, 1986, Reg.; Aug. 5, 1986, Susp.	May 24, 1974, Feb. 27, 1976 and Aug. 5, 1986	Aug. 5, 1986.
Central City, city of, Muhlenburg County	210175B	Sept. 10, 1975, Emerg.; Aug. 5, 1986, Reg.; Aug. 5, 1986, Susp.	Feb. 1, 1974, Feb. 27, 1976 and Aug. 5, 1986	Do.
Morgan County, unincorporated areas	210292B	May 13, 1975, Emerg.; Aug. 5, 1986, Reg.; Aug. 5, 1986, Susp.	Nov. 28, 1980, Aug. 5, 1986	Do.
West Liberty, city of, Morgan County	210174B	May 13, 1975, Emerg.; Aug. 5, 1986, Reg.; Aug. 5, 1986, Susp.	Feb. 1, 1974, July 9, 1976 and Aug. 5, 1986	Do.
North Carolina: Lansing, town of, Ashe County	370374	Sept. 4, 1975, Emerg.; Aug. 5, 1986, Reg.; Aug. 5, 1986, Susp.	Feb. 22, 1974, July 18, 1980 and Aug. 5, 1986	Do.
Tennessee: Campbell County, unincorporated areas	470016	May 11, 1976, Emerg.; Aug. 5, 1986, Reg.; Aug. 5, 1986, Susp.	Nov. 29, 1974, Nov. 25, 1977 and Aug. 5, 1986	Do.
<b>Region V</b>				
Indiana: Cedar Grove, town of, Franklin County	180304B	Oct. 22, 1975, Emerg.; Aug. 5, 1986, Reg.; Aug. 5, 1986, Susp.	Dec. 7, 1973, Jan. 30, 1976 and Aug. 5, 1986	Do.
<b>Region V—Minimal Conversions</b>				
Minnesota: Maplewood, city of, Ramsey County	270378C	Apr. 23, 1974, Emerg.; Aug. 5, 1986, Reg.; Aug. 5, 1986, Susp.	May 17, 1974, June 4, 1976, Nov. 4, 1977 and Aug. 5, 1986	Do.
Wisconsin: Lancaster, city of, Grant County	550150B	Mar. 24, 1975, Emerg.; Aug. 5, 1986, Reg.; Aug. 5, 1986, Susp.	May 31, 1974 and Aug. 5, 1986	Do.
<b>Region VII</b>				
Iowa: Maquoketa, city of, Jackson County	190160B	Sept. 10, 1976, Emerg.; Aug. 5, 1986, Reg.; Aug. 5, 1986, Susp.	June 28, 1974, Feb. 20, 1976 and Aug. 5, 1986	Do.
Missouri: Bloomfield, city of, Stoddard County	290423B	Sept. 3, 1975, Emerg.; Aug. 5, 1986, Reg.; Aug. 5, 1986, Susp.	Dec. 31, 1973, Dec. 5, 1975 and Aug. 5, 1986	Do.
<b>Region VIII</b>				
Colorado: Fairplay, town of, Park County	080239A	July 29, 1976, Emerg.; Aug. 5, 1986, Reg.; Aug. 5, 1986, Susp.	July 18, 1975 and Aug. 5, 1986	Do.
Ramah, town of, El Paso County	080066B	Nov. 19, 1975, Emerg.; Aug. 5, 1986, Reg.; Aug. 5, 1986, Susp.	Sept. 13, 1974, Feb. 20, 1976 and Aug. 5, 1986	Do.
Rico, town of, Dolores County	080048A	July 15, 1975, Emerg.; Aug. 5, 1986, Reg.; Aug. 5, 1986, Susp.	Dec. 20, 1974 and Aug. 5, 1986	Do.
<b>Region VIII—Minimal Conversions</b>				
Colorado: Walden, town of, Jackson County	080086B	July 25, 1975, Emerg.; Aug. 5, 1986, Reg.; Aug. 5, 1986, Susp.	June 28, 1974, Jan. 16, 1976 and Aug. 5, 1986	Do.
Montana: Wibaux County	300173B	Sept. 26, 1974, Emerg.; Aug. 5, 1986, Reg.; Aug. 5, 1986, Susp.	Jan. 15, 1980 and Aug. 5, 1986	Do.
North Dakota: Harvey, city of, Wells County	380231B	July 31, 1975, Emerg.; Aug. 5, 1986, Reg.; Aug. 5, 1986, Susp.	Jan. 24, 1975, May 14, 1976 and Aug. 5, 1986	Do.
South Dakota: Faulkton, city of, Faulk County	460175B	Jan. 21, 1976, Emerg.; Aug. 5, 1986, Reg.; Aug. 5, 1986, Susp.	Feb. 21, 1975, Oct. 10, 1975 and Aug. 5, 1986	Do.
Midland, city of, Haakon County	460032B	May 13, 1975, Emerg.; Aug. 5, 1986, Reg.; Aug. 5, 1986, Susp.	Sept. 13, 1974, Jan. 9, 1976 and Aug. 5, 1986	Do.
Utah: Nibley, town of, Cache County	490023A	Mar. 24, 1975, Emerg.; Aug. 5, 1986, Reg.; Aug. 5, 1986, Susp.	July 18, 1975 and Aug. 5, 1986	Do.
South Dakota: Spink County, unincorporated areas	460076B	Mar. 28, 1976, Emerg.; Aug. 5, 1986, Reg.; Aug. 5, 1986, Susp.	Jan. 10, 1978 and Aug. 5, 1986	Do.
<b>Region X</b>				
Washington: Skamania County, unincorporated areas	530160B	May 5, 1980, Emerg.; Aug. 5, 1986, Reg.; Aug. 5, 1986, Susp.	Feb. 8, 1983 and Aug. 5, 1986	Do.

<sup>1</sup> Certain Federal assistance no longer available in special flood hazard areas.

Code for reading fourth column: Emer.—Emergency; Reg.—Regular; Susp.—Suspension.

Francis V. Reilly,

Deputy Administrator, Federal Insurance Administration.

[FR Doc. 86-17196 Filed 7-30-86; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS  
COMMISSION

## 47 CFR Part 73

[MM Docket No. 85-332; RM-4945]

Radio Broadcasting Services; Oro  
Valley, AZAGENCY: Federal Communications  
Commission.

ACTION: Final rule.

**SUMMARY:** This document allots FM Channel 248A to Oro Valley, Arizona, as that community's first local broadcast service, in response to a petition filed by Homero Serapio Pacheco.

With this action, this proceeding is terminated.

**DATES:** Effective September 2, 1986; The window period for filing applications will open on September 3, 1986, and close on October 2, 1986.

**FOR FURTHER INFORMATION CONTACT:** Nancy V. Joyner, Mass Media Bureau, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Report and Order, MM Docket No. 85-332, adopted July 14, 1986, and released July 24, 1986. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

## List of Subjects in 47 CFR Part 73

Radio broadcasting.

## PART 73—[AMENDED]

47 CFR Part 73 is amended as follows:

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

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

2. Section 73.202(b) is amended by adding the following:

## § 73.202 Table of allotments.

\* \* \* \* \*

(b) \* \* \*

City	Channel No.
Oro Valley, Arizona.....	248A

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 86-17223 Filed 7-30-86; 8:45 am]

BILLING CODE 6712-01-M

## 47 CFR Part 73

[MM Docket No. 85-259; RM-4956 &amp; RM-5221]

Radio Broadcasting Services; Mt.  
Pleasant and Coleman, MIAGENCY: Federal Communications  
Commission.

ACTION: Final rule.

**SUMMARY:** This document allocates FM Channel 268A to Coleman, Michigan, and 282A to Mt. Pleasant, Michigan, in response to petitions filed by Dr. Philip Engelhardt and Great Lakes Radio Corporation, respectively. The allotments could provide a first and second local FM service, respectively, to the communities. With this action, the proceeding is terminated.

**EFFECTIVE DATE:** September 2, 1986; The window period for filing applications will open on September 3, 1986, and close on October 2, 1986.

**FOR FURTHER INFORMATION CONTACT:** Kathleen Scheuerle, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Report and Order, MM Docket No. 85-259, adopted July 14, 1986, and released July 24, 1986. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

## List of Subjects in 47 CFR Part 73

Radio broadcasting.

## PART 73—[AMENDED]

47 CFR Part 73 is amended as follows:

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

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

2. Section 73.202(b) is amended by adding the following communities.

## § 73.202 Table of allotments.

\* \* \* \* \*

(b) \* \* \*

Community	Channel No.
Coleman, Michigan.....	268A
Mt. Pleasant, Michigan.....	282A

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 86-17224 Filed 7-30-86; 8:45 am]

BILLING CODE 6712-01-M

## 47 CFR Part 73

[MM Docket No. 85-258; RM-5013]

Radio Broadcasting Services;  
Lebanon, VAAGENCY: Federal Communications  
Commission.

ACTION: Final rule.

**SUMMARY:** This document allots Channel 297A to Lebanon, VA, as that community's first FM service at the request of J.T. Parker Broadcasting Corporation.

With this action, this proceeding is terminated.

**DATES:** Effective September 2, 1986; The window period for filing applications will open on September 3, 1986, and close on October 2, 1986.

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

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Report and Order, MM Docket No. 85-258, adopted June 27, 1986, and released July 24, 1986. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

## List of Subjects in 47 CFR Part 73

Radio broadcasting.

## PART 73—[AMENDED]

47 CFR Part 73 is amended as follows:

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

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

2. Section 73.202(b) is amended by adding the following:

## § 73.202 Table of allotments.

\* \* \* \* \*

(b) \* \* \*

City	Channel No.
Lebanon, Virginia	297A

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 86-17226 Filed 7-30-86; 8:45 am]

BILLING CODE 6712-01-M

## DEPARTMENT OF COMMERCE

## National Oceanic and Atmospheric Administration

## 50 CFR Parts 611 and 675

[Docket No. 51180-5180]

## Groundfish of the Bering Sea and Aleutian Islands Area

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

ACTION: Notice of inseason adjustments.

**SUMMARY:** NOAA announces the apportionment of amounts of the Alaska groundfish reserve to domestic annual harvest (DAH) and total allowable level of foreign fishing (TALFF) under provisions of the fishery management plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP). Groundfish are apportioned according to the regulations implementing this FMP. The intent of this action is to assure optimum use of all Alaskan groundfish species.

EFFECTIVE DATE: July 28, 1986.

**FOR FURTHER INFORMATION CONTACT:** Janet Smoker (Resource Management Specialist, Alaska Region, NMFS), 907-586-7229.

## SUPPLEMENTARY INFORMATION:

## Background

The total allowable catches (TACs) for various groundfish species are established under the FMP which was developed by the North Pacific Fishery Management Council (Council) under the Magnuson Fishery Conservation and Management Act. Regulations implementing the FMP appear at 50 CFR 611.93 and Part 675. The TACs are apportioned initially among DAH, reserve, and TALFF. DAH, in turn, is composed of domestic annual processing (DAP) and joint venture processing (JVP) fisheries.

Under §§ 611.93(b)(2) and 675.20(b), the reserve amount is to be apportioned to DAH and/or TALFF during the fishing year. As soon as practicable after April 1, June 1, and August 1, or on other dates

as are deemed necessary, the Secretary of Commerce apportions to DAH all or part of the reserve that he finds will be harvested by U.S. vessels during the remainder of the year, and apportions to TALFF the remaining portion of the reserve that will not be apportioned to DAH, except that part or all of the reserve may be withheld if an apportionment would adversely affect the conservation of groundfish resources or prohibited species. When the initial DAH and TALFF for 1986 were established (51 FR 956, January 9, 1986), DAH and TALFF were supplemented with 29,857 metric tons (mt) from the initial 300,000 mt reserve, thereby reducing the reserve to 270,143 mt. On April 25, 1986, the JVP portion of DAH for pollock (Aleutian Islands subarea), yellowfin sole, and other flatfish and TALFF for pollock (Bering Sea subarea) were supplemented by 135,072 mt from the reserve (51 FR 16058, April 30, 1986). On May 14, 1986, the Bering Sea area sablefish DAP portion of DAH was supplemented with 500 mt from the reserve (51 FR 18333, May 19, 1986). On July 10, the Bering Sea area sablefish and Pacific ocean perch DAP portions of DAH were supplemented with 400 and 250 mt of reserves, respectively, leaving 133,921 in reserve (51 FR 25529).

In May, NMFS conducted a comprehensive survey of DAH intentions, the results of which were presented at the June Council meeting. NMFS reexamined JVP requests in July and has revised certain JVP amounts.

## Apportionments to DAH

Due to unanticipated high catches by joint ventures in the Aleutian Islands subarea, the JVPs of the following Aleutian Islands subarea species must be increased from reserves: pollock, 15,000 mt; rockfish, 250 mt; and sablefish, 80 mt. The JVP for squid also must be supplemented by 50 mt of reserves.

In the Bering Sea subarea, 40,000 mt of pollock determined excess to the needs of the DAP fisheries is transferred from DAP to JVP. The pollock JVP is also increased from the reserve by 20,000 mt for a grand total of 60,000 mt.

The DAP catch of the "other species" category has been exceeded and is supplemented by 500 mt of reserves.

## Apportionments to TALFF

The following amounts have been determined excess to the needs of U.S. fisheries during 1986 and are therefore apportioned to TALFF from the nonspecific reserve: 51,228 mt of Bering Sea subarea pollock; 14,425 mt of yellowfin sole; 4,330 mt of "other flounders"; and 6,417 mt of Pacific cod.

"Other flounders" and Pacific cod amounts were calculated to provide appropriate by-catch amounts for the revised pollock and yellowfin sole TALFF amounts. The revised TALFF of 38,823 mt for Pacific cod also includes 21,980 mt for the directed foreign longline fishery in the Bering Sea. The Regional Director has found that the taking of these revised amounts will not result in overfishing.

## Comments and Responses

In accordance with 50 CFR 611.93(b) and 675.20(b), reports on U.S. catches of Alaska groundfish and the processing of those groundfish were available for public inspection to facilitate informed public comment before June 1, 1986. Four comments were received on the amounts U.S. fishermen will harvest and the extent to which U.S. processors will process Alaska groundfish.

**Comment:** NMFS should complete its resurvey of DAP and JVP intentions for the remainder of the year before releasing any reserves to TALFF, because certain joint venture companies intend significant expansion of proposed operations.

**Response:** JVP intentions to increase production have been taken into consideration in this action. Specifically, the Bering Sea and Aleutian Islands JVPs have been increased to a combined total of 783,804 mt. Furthermore, enough remains in the non-specific reserve (21,641 mt) to supplement the pollock JVPs when and if the catch approaches these JVPs.

**Comment:** NMFS should reevaluate DAH amounts with particular attention to questionable joint venture operations before deciding to withhold any reserves from TALFF. At least 76,000 mt of the current JVP amounts are excess to true JVP needs.

**Comments (two):** The maximum possible amount of reserves should be allocated to TALFF as soon as possible because the industry-to-industry agreement with Japan supported an allocation to Japan alone of 700,000 mt.

**Response:** After recontacting certain joint venture companies, NMFS has identified the following amounts as excess to the JVP needs calculated from the June survey: 5,000 mt of Bering Sea pollock, 5,000 mt of Pacific cod, and 10,000 mt of yellowfin sole. The 76,000 mt "excess amount" calculated by one commenter inappropriately included large amounts of tonnage originally proposed for Gulf of Alaska joint ventures which did not materialize because of low pollock availability. The revised pollock amount was taken into consideration in determining the Bering

Sea subarea pollock apportionments. The yellowfin sole amount may be considered for release to TALFF when the joint venture fisheries for that species are completed; this should be in early September, prior to the historical peak of foreign fishing on yellowfin sole.

As recommended by the Council, the Pacific cod TALFF has been increased to account for the 21,980 mt longline directed fishery in the Bering Sea, and sufficient by-catch for the trawl fisheries.

In view of the prior notice in the authorizing regulation regarding the dates after which apportionment of reserves and reassessment of DAH are to occur, together with the need to avoid disruption of U.S. and foreign fisheries

and to afford a reasonable opportunity to achieve OY, the Agency has determined that delaying the effective date of this notice would be impracticable, unnecessary, and contrary to the public interest.

#### Other Matters

This action is taken under the authority of 50 CFR 611.93(b) and 50 CFR 675.20(b), and complies with Executive Order 12291.

#### List of Subjects in 50 CFR Part 675

##### Fisheries.

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

Dated: July 25, 1986.

William G. Gordon,

Assistant Administrator for Fisheries,  
National Marine Fisheries Service.

Groundfish Fisheries of the Western Pacific Region (FMP). This rule (1) establishes a monitoring scheme and authority for future management actions in the fishery conservation zone (FCZ), (2) prohibits the use of bottom trawls and bottom set gill nets in the FCZ unless an experimental fishing permit is obtained, (3) prohibits the use of poisons and explosives, (4) establishes a moratorium on fishing for seamount groundfish in the Hancock Seamount, and (5) establishes a permit requirement for vessels fishing in the FCZ of the Northwestern Hawaiian Islands.

**EFFECTIVE DATE:** August 27, 1986.

#### FOR FURTHER INFORMATION CONTACT:

Doyle E. Gates (Administrator, Western Pacific Program Office, Southwest Region, NMFS, Honolulu, Hawaii), 808-955-8831; or Svein Fougner (Chief, Fisheries Management and Analysis Branch, Southwest Region, NMFS, Terminal Island, California), 213-514-6660.

**SUPPLEMENTARY INFORMATION:** The FMP prepared by the Western Pacific Fishery Management Council (Council) was approved by the Secretary of Commerce on July 10, 1986. Proposed regulations were published in the *Federal Register* on May 12, 1986, (51 FR 17370) and comments were invited until June 20, 1986. The need for developing an FMP, the goals and objectives of the MFP, and the proposed management strategy for conserving the bottomfish and seamount resources were presented in the *Federal Register* on May 12, and are not repeated here.

#### Comments and Responses

Few comments were received on the FMP and proposed rules; however, questions were raised about (1) apparent conflicting statements regarding the seriousness of problems in the bottomfish fishery, (2) the effectiveness of the proposed management approach, and (3) the benefits to be gained by managing the fishery at this time.

Contradictory evidence exists on the status of the bottomfish resources. Only in the case of pelagic armorhead and alfonson on the Hancock Seamount is overfishing clearly evident. A moratorium on fishing in this area is prescribed. For other bottomfish resources insufficient biological information is available to determine whether specific action is necessary; however, landings are at record levels, average sizes of certain species landed from some other areas are below their size of first reproduction, and catch per unit of effort of some species is

TABLE 1—BERING SEA/ALEUTIAN ISLANDS REAPPORTIONMENTS OF TAC

(Metric tons)

		Current	This action	Revised
Pollock	DAP	141,755	-40,000	101,755
(Bering Sea area)	JVP	690,000	+60,000	750,000
TAC (1,200,000); EY (1,100,000) *	TALFF	297,017	+51,228	348,245
Pollock	DAP	18,039		18,039
(Aleutians area)	JVP	18,804	+15,000	33,804
TAC (100,000); EY (100,000)	TALFF	48,157		48,157
Yellowfin sole	DAP	1,030		1,030
TAC (209,500); EY (310,000)	JVP	144,300		144,300
	TALFF	49,745	+14,425	64,170
Other flounders	DAP	4,192		4,192
TAC (119,200); EY (150,000)	JVP	98,850		98,850
	TALFF	11,828	+4,330	16,158
Pacific cod	DAP	133,394		133,394
TAC (223,047); EY (165,000)	JVP	50,830		50,830
	TALFF	32,406	+6,417	38,823
Rockfish	DAP	5,791		5,791
(Aleutians area)	JVP	9	+250	259
TAC (6,100); EY (7,740)	TALFF	50		50
Sablefish	DAP	4,159		4,159
(Aleutians area)	JVP	40	+80	120
TAC (3,067); EY (3,000)	TALFF	50		50
Squid	DAP	10		10
TAC (4,320); EY (10,000)	JVP	50	+50	100
	TALFF	4,210		4,210
Other Species	DAP	110	+500	610
TAC (24,130); EY (51,200)	JVP	7,000		7,000
	TALFF	16,520		16,520
Total (TAC—2,000,000)	DAP	326,249	-39,500	286,749
	JVP	1,048,383	+75,380	1,123,763
	RES	133,921	-112,280	21,641
	TALFF	491,447	+76,400	567,847

\* EY means Equilibrium Yield.

[FR Doc. 86-17208 Filed 7-28-86; 12:35 pm]  
BILLING CODE 3510-22-M

#### 50 CFR Part 653

[Docket No. 60617-6117]

#### Drum Fishery of the Gulf of Mexico; Notice of Closure

##### Correction

In FR Doc. 86-16695 appearing on page 26554 in the issue of Thursday, July 24, 1986, make the following correction:

In the second column, the **EFFECTIVE DATE** caption is corrected to read:  
**EFFECTIVE DATE:** The directed net fishery for red drum is closed at noon

local time, July 20, 1986, through 2400 hours local time, September 23, 1986.

BILLING CODE 1505-01-M

#### 50 CFR Part 683

[Docket No. 60583-6128]

#### Western Pacific Bottomfish and Seamount Groundfish Fisheries

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

**ACTION:** Final rule.

**SUMMARY:** NOAA issues this final rule implementing the Fishery Management Plan for the Bottomfish and Seamount

declining. These signs and increasing fishing effort indicate that a strategy to manage the fishery is essential.

The monitoring system presented in the FMP anticipates actions that may be taken in the future. This system will permit action through regulatory or FMP amendments, but not by the rapid method of rule-related notices. Insufficient information is available on the status of the bottomfish species involved to frame possible future actions that would respond to apparent changes in the fishery. A combination of research, thorough monitoring, and close examination of limited access controls leading to a more complete analysis of the fishery is viewed by the Council as the best management approach.

The purpose of implementing the FMP at this time is to establish a firm foundation for management measures viewed as likely in the future. Anticipating increasing effort in the fishery, the goal of the Council's plan is to maintain the current diversity and quantity of bottomfish to consumers. If development of an FMP is delayed until overharvesting has occurred, recovery to levels of sustained yield may be prolonged and the resulting regulations are likely to be numerous and ineffective in this multispecies fishery. A comprehensive approach needs to be developed before serious problems arise.

The Department of the Navy stated that it is inappropriate to include Midway in the Federal regulations because vessel operators are not permitted within the Midway Defensive Sea Area without approval from the U.S. Navy.

Nothing in the Federal regulations governing the bottomfish fishery invalidates any legally established military boundary. These regulations only provide rules for harvesting the bottomfish resource in the FCZ and assume that all other Department of Defense rules are obeyed.

The Native Hawaiian Legal Corporation cited several laws that it interprets as establishing a legal basis for native Hawaiian fishing rights in the coastal waters off the leeward Hawaiian Islands and urged the Council to protect these rights in the FMP. The Council has been requested to grant fishing rights to native Hawaiians in the past; however, in this instance, claims to a specific portion of the catch or a specific area have not been presented and supported by evidence. The Council has the authority to respond to historical, cultural, and social issues in the fisheries it manages, but measures responding to those issues must comply with the National Standards of the

Magnuson Fishery Conservation and Management Act (Magnuson Act) in the same manner as all other measures. The Council has stated that it is willing to discuss specific requests regarding native Hawaiian fishing rights.

#### Changes From Proposed Regulations

In § 683.2, a definition of *Council* is added and the definition of *State* is broadened.

In § 683.22(b), a "vessel fishing for bottomfish" is more precisely defined.

In § 683.24(b)(2)(v) and (d), the limitation to NWHI only is removed.

#### Classification

The Administrator, NOAA, determined that this FMP is necessary for the conservation and management of the Western Pacific bottomfish and seamount groundfish resources and that it is consistent with the Magnuson Act and other applicable law.

The Council prepared an environmental assessment (EA) for this FMP and concluded that there will be no significant impact on the environment as a result of this rule. A copy of the EA may be obtained from the Council at the address given in § 683.2 of the regulations.

The Administrator, NOAA, determined that this rule is not a "major rule" requiring a regulatory impact analysis under Executive Order 12291. A summary of his determination appears in the proposed rule.

The General Counsel of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this rule will not have a significant economic impact on a substantial number of small businesses. Specific regulations promulgated under this rule could have a significant impact; the analytical requirements of the Regulatory Flexibility Act will be met for each such regulation.

This rule contains a collection of information requirement subject to the Paperwork Reduction Act. Requests for information necessary to apply for fishing permits are approved by the Office of Management and Budget under OMB control number 0648-0097. Reporting requirements regarding incidental take and interaction with protected species are approved under OMB control number 0648-0099.

The Council has determined and State agencies have confirmed that this rule is consistent to the maximum extent practicable with the approved coastal zone management programs of Hawaii, America Samoa, and Guam.

#### List of Subjects in 50 CFR Part 683

Fish, Fisheries, Reporting requirements.

Dated: July 25, 1986.

William G. Gordon,  
Assistant Administrator, For Fisheries,  
National Marine Fisheries Service.

For the reasons set forth in the preamble, Title 50, Chapter VI is amended by adding a new Part 683 to read as follows:

#### PART 683—WESTERN PACIFIC BOTTOMFISH AND SEAMOUNT GROUND FISH FISHERIES

##### Subpart A—General Provisions

- Sec
- 683.1 Purpose and scope.
- 683.2 Definitions.
- 683.3 Relation to State laws.
- 683.4 Reporting.
- 683.5 Management subareas.
- 683.6 General prohibitions.
- 683.7 Enforcement.
- 683.8 Penalties.
- 683.9 Experimental Fishing Permit (EFP).

##### Subpart B—Management Measures

- 683.21 Permit requirement for the Northwestern Hawaiian Islands (NWHI).
- 683.22 Gear restrictions.
- 683.23 Fishing moratorium on Hancock Seamounts.
- 683.24 Framework for regulatory adjustments.
- 683.25 Scientific research.

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

##### Subpart A—General Provisions

###### § 683.1 Purpose and scope.

(a) These regulations implement the Fishery Management Plan for the Bottomfish and Seamount Groundfish Fisheries of the Western Pacific Region (FMP) prepared by the Western Pacific Regional Fishery Management Council under the Magnuson Fishery Conservation and Management Act (Magnuson Act).

(b) Regulations governing fishing for bottomfish and seamount groundfish by fishing vessels other than vessels of the United States are published at 50 CFR Part 611.

###### § 683.2 Definitions.

In addition to the definitions in the Magnuson Act, the terms used in this part have the following meanings (some definitions in the Magnuson Act have been repeated here to aid understanding of the regulations):

*Administrator* means the Administrator of the National Oceanic and Atmospheric Administration (NOAA), or a designee.

*Authorized officer* means:

- (a) Any commissioned, warrant, or petty officer of the U.S. Coast Guard;
- (b) Any special agent of the National Marine Fisheries Service;
- (c) Any officer designated by the head of any Federal or State agency which has entered into an agreement with the Secretary and the Commandant of

the U.S. Coast Guard to enforce the provisions of the Magnuson Act; or

(d) Any U.S. Coast Guard personnel accompanying and acting under the direction of any person described in paragraph (a) of this definition.

*Bottomfish* means the following species managed under the FMP:

Common name	Local name	Scientific name
<b>Snappers:</b>		
Silver jaw jobfish	lehi (H); palu-gustusilvia (S)	<i>Aphareus rutilans</i>
Gray jobfish	uku (H); asoama (S)	<i>Aprion virescens</i>
Squirrelfish snapper	ehu (H); palu-malau (S)	<i>Etelis carbunculus</i>
Longtail snapper	onaga, ula'ula (H); palu-loa (S)	<i>Etelis coruscans</i>
Blue stripe snapper	ta'ape (H); savane (S); funai (G)	<i>Lutjanus kasmira</i>
Yellowtail snapper	palu-i' usama (S); yellowtail kalekale	<i>Pristipomoides auricilla</i>
Pink snapper	opakapaka (H); palu-ena'ena (S); gadao (G)	<i>Pristipomoides filamentosus</i>
Yelloweye snapper	palusina (S); yelloweye opakapaka	<i>Pristipomoides flavipinnus</i>
Snapper	kalekale (H)	<i>Pristipomoides sieboldii</i>
Snapper	gindai (H,G); palu-sega (S)	<i>Pristipomoides zonatus</i>
<b>Jacks:</b>		
Giant trevally	white ulua (H); tarakito (G); sapo-anae (S)	<i>Caranx ignobilis</i>
Black jack	black ulua (H); tarakito (G); tafaui (S)	<i>Caranx lugubris</i>
Thick lipped trevally	pig ulua (H); butaguchi (H)	<i>Pseudocaranx dentex</i>
Amberjack	kahala (H)	<i>Senola dumerilii</i>
<b>Groupers:</b>		
Blacktip grouper	fausi (S); gadau (G)	<i>Epinephelus fasciatus</i>
Sea bass	hapu' upu'u (H)	<i>Epinephelus quernus</i>
Lunartail grouper	papa (S)	<i>Variola louti</i>
<b>Emperor fishes:</b>		
Amboin emperor	filoa-gutumumu (S)	<i>Lethrinus amboinensis</i>
Redgill emperor	filoa-pa'o omumu (S); mafuti (G)	<i>Lethrinus rubrioperculatus</i>

Notes: G—Guam; H—Hawaii; S—American Samoa.

*Council* means the Western Pacific Fishery Management Council, 1164 Bishop Street, Room 1608, Honolulu, HI 96813, 808-523-1368.

*Fishery conservation zone (FCZ)* means that area adjacent to the United States which, except where modified to accommodate international boundaries, encompasses all waters from the seaward boundary of each of the coastal states to a line each point of which is 200 nautical miles from the baseline from which the territorial sea of the United States is measured.

*Fishery management area* means the FCZ off the coasts of Hawaii, American Samoa, and Guam.

#### *Fishing means:*

- (a) The catching, taking, or harvesting of fish;
- (b) The attempted catching, taking, or harvesting of fish;
- (c) Any other activity which can reasonably be expected to result in the catching, taking, or harvesting of fish; or
- (d) Any operations at sea in support of, or in preparation for, any activity described above.

This term does not include any scientific research activity which is conducted by a scientific research vessel.

#### *Fishing gear:*

- (a) *Bottom Trawl* means a trawl in which the otter boards or the footrope of the net are in contact with the sea bed.

(b) *Gill net* means a rectangular net with one or more layers of mesh which is set upright in the water.

(c) *Hook-and-line* means one or more hooks attached to one or more lines.

(d) *Set net* means a stationary, buoyed, and anchored gill net.

(e) *Trawl net* means a cone or funnel-shaped net which is towed through the water by one or more vessels.

*Fishing trip* means a period of time during which fishing is conducted, beginning when the vessel leaves port and ending when the vessel lands fish.

*Fishing vessel* means any vessel, boat, ship, or other craft which is used for, equipped to be used for, or of a type which is normally used for (a) fishing; or (b) aiding or assisting one or more vessels at sea in the performance of any activity relating to fishing, including, but not limited to, preparation, supply, storage, refrigeration, transportation, or processing.

*Fishing year* means the year beginning at 0001 local time on January 1 and ending at 2400 local time on December 31.

*Incidental catch or incidental species* means species caught while fishing for the primary purpose of catching a different species.

*Land or landing* means to begin offloading any fish, to arrive in port with the intention of offloading any fish, or to cause any fish to be offloaded.

*Magnuson Act* means the Magnuson Fishery Conservation and Management Act, 16 U.S.C. 1801 *et seq.*, as amended.

*Maximum sustainable yield (MSY)* means an average over a reasonable length of time of the largest catch which can be taken continuously from a stock.

*Official number* means the documentation number issued by the U.S. Coast Guard or the certificate number issued by a State or by the U.S. Coast Guard for undocumented vessels.

*Operator*, with respect to any vessel, means the master or other individual on board and in charge of that vessel.

*Owner*, with respect to any vessel, means:

(a) Any person who owns that vessel in whole or in part;

(b) Any charterer of the vessel, whether bareboat, time, or voyage;

(c) Any person who acts in the capacity of a charterer including but not limited to parties to a management agreement, operating agreement, or any similar agreement that bestows control over the destination, function, or operation of the vessel; or

(d) Any agent designated as such by a person described in paragraph (a), (b), or (c) of this definition.

*Person* means any individual (whether or not a citizen or national of the United States), any corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State), and any Federal, State, local or foreign government or any entity of any such government.

*Regional Director* means the Director, Southwest Region National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, CA 90731, or a designee.

*Seamount groundfish* means the following species managed by the FMP:

Common name	Scientific name
Armoredhead	<i>Pentaceros richardsoni</i>
Alfonsin	<i>Beryx splendens</i>
Rattfish	<i>Hyperoglyphe japonica</i>

*Secretary* means the Secretary of Commerce, or a designee.

*State* means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, and any other Commonwealth, territory or possession of the United States.

*U.S.-harvested fish* means fish caught, taken, or harvested by vessels of the United States within any fishery regulated under the Magnuson Act.

*Vessel of the United States* means (a) a vessel documented or numbered by

the U.S. Coast Guard under U.S. law; or (b) a vessel, under five net tons, which is registered under the laws of any State.

#### § 683.3 Relation to State laws.

This part recognizes that any State law which pertains to vessels registered under the laws of that State while in the fishery management area, and which is consistent with the FMP, including any State landing law, continues in effect with respect to fishing activities regulated under this part.

#### § 683.4 Reporting.

(a) This part recognizes that catch and effort data necessary for implementing the FMP are collected by the State of Hawaii, American Samoa, and Guam under existing State data collection programs. No additional Federal reports are required of fishermen or processors as long as the data collection and reporting systems operated by the State agencies continue to provide the Secretary with statistical information adequate for management.

(b) Permit holders in the Northwestern Hawaiian Islands are required to report any incidental take or fishing interaction with protected species.

#### § 683.5 Management subareas.

(a) The fishery management area is divided into five subareas for the regulation of bottomfish and seamount groundfish fishing with the following designations and boundaries:

(1) *Main Hawaiian Islands* means the FCZ of the Hawaiian Islands Archipelago lying to the east of 161°20' W. longitude.

(2) *Northwestern Hawaiian Islands* means the FCZ of the Hawaiian Islands Archipelago lying to the west of 161°20' W. longitude. However, for the purpose of regulations issued under this part, Midway Island is treated as part of the Northwestern Hawaiian Islands Subarea.

(3) *Hancock Seamount* means that portion of the FCZ in the Northwestern Hawaiian Islands west of 180°00' W. longitude and north of 28°00' N. latitude.

(4) *Guam* means the FCZ of the Territory of Guam.

(5) *American Samoa* means the FCZ of the Territory of American Samoa.

(b) The inner boundary of the fishery management area is a line coterminous with the seaward boundaries of the State of Hawaii, the Territory of American Samoa, and the Territory of Guam (the "3 mile-limit").

(c) The outer boundary of the fishery management area is a line drawn in such a manner that each point on it is 200 nautical miles from the baseline from which the territorial sea is

measured, or is coterminous with adjacent international maritime boundaries. The outer boundary of the fishery management area north of Guam will extend to those points which are equidistant between Guam and the island of Rota in the Commonwealth of the Northern Mariana Islands.

#### § 683.6 General Prohibitions.

It is unlawful for any person to do the following:

(a) Possess, have custody or control of, ship or transport, offer for sale, sell, purchase, import or export any bottomfish or seamount groundfish taken, retained, or landed in violation of the Magnuson Act, this part, or any other regulation promulgated under the Magnuson Act;

(b) Refuse to allow an authorized officer to board a fishing vessel subject to such person's control for purposes of conducting any search or inspection in connection with the enforcement of the Magnuson Act, this part, or any other regulation promulgated under the Magnuson Act;

(c) Forcibly assault, resist, oppose, impede, intimidate, or interfere with any authorized officer in the conduct of any inspection or search described in paragraph (b) of this section;

(d) Resist a lawful arrest for any act prohibited by this part;

(e) Interfere with, delay, or prevent, by any means, the apprehension or arrest of another person, with the knowledge that such other person has committed any act prohibited by this part;

(f) Interfere with, obstruct, delay, or prevent by any means a lawful investigation or search conducted in the process of enforcing the Magnuson Act;

(g) Transfer, or attempt to transfer, directly or indirectly, any U.S.-harvested bottomfish or seamount groundfish to any foreign fishing vessel within the FCZ, unless the foreign vessel has been issued a permit which authorizes the receipt of U.S.-harvested fish of the species being transferred;

(h) Fail to comply immediately with enforcement and boarding procedures specified in § 683.7;

(i) Fish for bottomfish or seamount groundfish in violation of any terms or conditions attached to an experimental fishing permit (EFP) issued under § 683.9;

(j) Fish for bottomfish or seamount groundfish using gear prohibited under § 683.22.

(k) Violate any other provision of this part, the Magnuson Act, any notice issued under Subpart B of this part, or any other regulation or permit promulgated under the Magnuson Act.

#### § 683.7 Enforcement.

(a) *General.* The operator of, or any other person aboard, any fishing vessel subject to this part must immediately comply with instructions and signals issued by an authorized officer to stop the vessel and with instructions to facilitate safe boarding and inspection of the vessel, its gear, equipment, fishing records, and catch for purposes of enforcing the Magnuson Act and this part.

(b) *Communications.* (1) Upon being approached by a U.S. Coast Guard vessel or aircraft, or other vessel or aircraft with an authorized officer aboard, the operator of a fishing vessel must be alert for communications conveying enforcement instructions.

(2) If the size of the vessel and the wind, sea, and visibility conditions allow, loudhailer is the preferred method for communicating between vessels. If use of a loudhailer is not practicable, and for communications with an aircraft, VHF-FM or high frequency radiotelephone will be employed. Hand signals, placards, or voice may be employed by an authorized officer and message blocks may be dropped from an aircraft.

(3) If other communications are not practicable, visual signals may be transmitted by flashing light directed at the vessel signaled. Coast Guard units will normally use the flashing light signal "L" as the signal to stop.

(4) Failure of a vessel's operator to stop his vessel when directed to do so by an authorized officer using loudhailer, radiotelephone, fishing light signal, or other means constitutes *prima facie* evidence of the offense of refusal to permit an authorized officer to board.

(5) The operator of a vessel who does not understand a signal from an enforcement unit and who is unable to obtain clarification by loudhailer or radiotelephone must consider the signal to be a command to stop the vessel instantly.

(c) *Boarding.* The operator of a vessel directed to stop must—

(1) Guard Channel 16, VHF-FM, if so equipped;

(2) Stop immediately and lay to or maneuver in such a way as to allow the authorized officer and his party to come aboard;

(3) Except for those vessels with a freeboard of four feet or less, provide a safe ladder, if needed, for the authorized officer and his party to come aboard;

(4) When necessary to facilitate the boarding or when requested by an authorized officer, provide a manrope or safety line, and illumination for the ladder; and

(5) Take such other actions as necessary to facilitate boarding and to ensure the safety of the authorized officer and the boarding party.

(d) **Signals.** The following signals, extracted from the International Code of Signals, may be sent by flashing light by an enforcement unit when conditions do not allow communications by loudhailer or radiotelephone. Knowledge of these signals by vessel operators is not required. However, knowledge of these signals and appropriate action by a vessel operator may preclude the necessity of sending the signal "L" and the necessity for the vessel to stop instantly.

(1) "AA" repeated (.-.-.)<sup>1</sup> is the call to an unknown station. The operator of the signaled vessel should respond by identifying the vessel by radiotelephone or by illuminating the vessel's identification.

(2) "RY-CY" (.-.-.-.-.-) means "you should proceed at slow speed, a boat is coming to you." This signal is normally employed when conditions allow an enforcement boarding without the necessity of the vessel being boarded coming to a complete stop, or, in some cases, without retrieval of fishing gear which may be in water.

(3) "SQ3" (.-.-.-.-.-) means "you should stop or heave to; I am going to board you."

(4) "L" (.-.-) means "you should stop your vessel instantly."

#### § 683.8 Penalties.

Any person or fishing vessel found to be in violation of this part will be subject to the civil and criminal penalty provisions and forfeiture provisions prescribed in the Magnuson Act, 15 CFR Part 904 (Civil Procedures), and other applicable law.

#### § 683.9 Experimental Fishing Permit (EFP).

(a) **General.** The Secretary may authorize, for limited experimental purposes, the direct or incidental harvest of bottomfish or seamount groundfish managed by the FMP which would otherwise be prohibited by this part. No experimental fishing may be conducted unless authorized by an EFP issued by the Secretary in accordance with the criteria and procedures specified in this section. EFPs will be issued without charge.

(b) **Application.** An applicant for an EFP must submit to the Regional Director at least 60 days before the desired effective date of the EFP a written application including, but not limited to, the following information:

- (1) The date of the application;
  - (2) The applicant's name, mailing address, and telephone number;
  - (3) A statement of the purposes and goals of the experiment for which an EFP is needed, including a general description of the arrangements for disposition of all species harvested under the EFP;
  - (4) A statement of whether the proposed experimental fishing has broader significance than the applicant's individual goals;
  - (5) For each vessel to be covered by the EFP—
    - (i) Vessel name;
    - (ii) Name, address, and telephone number of owner and master;
    - (iii) U.S. Coast Guard documentation, State license, or registration number;
    - (iv) Home port;
    - (v) Length of vessel;
    - (vi) Net tonnage; and
    - (vii) Gross tonnage.
  - (6) A description of the species (directed and incidental) to be harvested under the EFP and the amount(s) of such harvest necessary to conduct the experiment;
  - (7) For each vessel covered by the EFP, the approximate time(s) and place(s) fishing will take place, and the type, size, and amount of gear to be used; and
  - (8) The signature of the applicant.
- (c) The Secretary may request from an applicant additional information necessary to make the determinations required under this section. An applicant will be notified of an incomplete application within 10 working days of receipt of the application. An incomplete application will not be considered until completed by the applicant.
- (d) **Issuance.** (1) If an applicant contains all of the required information, the Secretary will publish a notice of receipt of the application in the *Federal Register* with a brief description of the proposal, and will give interested persons an opportunity to comment. The Secretary will also forward copies of the application to the Western Pacific Fishery Management Council, the U.S. Coast Guard, and the fishery management agency of the affected State, accompanied by the following information:
- (i) The current utilization of domestic annual harvesting and processing capacity (including existing experimental harvesting, if any) of the directed and incidental species for which an EFP is being requested;
  - (ii) A citation of the regulation or regulations which, without the EFP, would prohibit the proposed activity; and

(iii) Biological information relevant to the proposal.

(2) At a Western Pacific Fishery Management Council meeting following receipt of a complete application, the Secretary will consult with the Council and the Director of the affected State fishery management agency concerning the permit application. The applicant will be notified in advance of the meeting at which the application will be considered and invited to appear in support of the application if the applicant desires.

(3) Within 5 working days after the consultation in paragraph (c)(2) of this section, or as soon as practicable thereafter, the Secretary will notify the applicant in writing of the decision to grant or deny the EFP, and, if denied, the reasons for the denial. Grounds for denial of an EFP include, but are not limited to, the following:

(i) The applicant had failed to disclose material information required, or has made false statements as to any material fact, in connection with his or her application; or

(ii) According to the best scientific information available, the harvest to be conducted under the permit would detrimentally affect any species of fish in a significant way; or

(iii) Issuance of the EFP would inequitably allocate fishing privileges among domestic fishermen or would have economic allocation as its sole purpose; or

(iv) Activities to be conducted under the EFP would be inconsistent with the intent of this section or the management objectives of the FMP; or

(v) The applicant has failed to demonstrate a valid justification for the permit; or

(vi) The activity proposed under the EFP would create a significant enforcement problem.

(4) The decision of the Secretary to grant or deny an EFP is the final action of the Department of Commerce. If the permit is granted, the Secretary will publish a notice in the *Federal Register* describing the experimental fishing to be conducted under the EFP. The Secretary may attach terms and conditions to the EFP consistent with the purpose of the experiment including, but not limited to, the following:

(i) The maximum amount of each species which can be harvested and landed during the term of the EFP, including trip limits, where appropriate;

(ii) The number, sizes, names, and identification numbers of the vessels authorized to conduct fishing activities under the EFP;

<sup>1</sup> Period (.) means a short flash of light. Dash (-) means a long flash of light.

(iii) The times and places where experimental fishing may be conducted;

(iv) The type, size, and amount of gear which may be used by each vessel operated under the EFP;

(v) The condition that observers be carried aboard vessels operated under an EFP;

(vi) Data reporting requirements; and

(vii) Such other conditions as may be necessary to assure compliance with the purposes of the EFP consistent with the objectives of the FMP.

(d) *Duration.* Unless otherwise specified in the EFP or a superseding notice or regulation, and EFP is effective for no longer than one year unless revoked, suspended, or modified. EFP's may be renewed following the application procedures in this section.

(e) *Alteration.* Any permit that has been altered, erased, or mutilated is invalid.

(f) *Transfer.* EFPs issued under this part are not transferable or assignable. EFPs are valid only for the vessels for which they are issued.

(g) *Inspection.* EFPs issued under this part must be carried aboard the vessels for which they are issued. EFPs must be presented for inspection upon request of any authorized officer.

(h) *Sanctions.* Failure of the holder of an EFP to comply with the terms and conditions of an EFP, a notice issued under Subpart B of this part, any other applicable provision of this part, the Magnuson Act, or any other regulation promulgated thereunder, will be grounds for revocation, suspension, or modification of the EFP with respect to all persons and vessels conducting activities under the EFP. Any action taken to revoke, suspend, or modify an EFP will be governed by 15 CFR Part 904, Subpart D.

#### Subpart B—Management Measures

##### § 683.21 Permit requirement for the Northwestern Hawaiian Islands (NWHI).

(a) *General.* Any vessel of the United States engaged in fishing for bottomfish or seamount groundfish in the NWHI must have a permit issued under this section.

(b) *Applications.* (1) An application for a permit under this section must be submitted to the Regional Director by the vessel owner or operator at least 15 days before the date on which the applicant desires to have the permit made effective.

(2) Each application must be submitted on an appropriate form which may be obtained from the Regional Director. Each application must be signed by the vessel owner or operator and contain the following information:

- (i) The applicant's name;
- (ii) The owner's name, mailing address, and telephone number;
- (iii) The operator's name, mailing address, and telephone number;
- (iv) The name of the vessel;
- (v) The vessel's official number;
- (vi) The radio call sign of the vessel;
- (vii) The home port of the vessel;
- (viii) Gross registered tons of the vessel;
- (ix) Registered length of the vessel;
- (x) Beam of the vessel;
- (xi) Fuel capacity of the vessel;
- (xii) Average cruising speed of the vessel;
- (xiii) Maximum range of the vessel;
- (xiv) Horsepower of the vessel;
- (xv) Purchase price of the vessel;
- (xvi) Purchase date of the vessel;
- (xvii) Age of the vessel;
- (xviii) The vessel's fish hold capacity;
- (xix) Type of refrigeration and capacity;
- (xx) Type and number of fishing gear;
- (xxi) Whether the application is for a new permit or a renewal;
- (xxii) Number and expiration date of any prior permit for the vessel issued under this part.

(c) *Fees.* No fee is required for a permit issued under this section.

(d) *Change in application information.* Any change in the information specified in paragraph (b) of this section must be reported to the Regional Director ten days before the effective date of the change.

(e) *Issuance.* (1) Within 15 days after receipt of a properly completed application, the Regional Director will determine whether to issue a permit.

(2) If an incomplete or improperly completed permit application is filed, the Regional Director will notify the applicant in writing of the deficiency in the application. If the applicant fails to correct the deficiency within 30 days following the date of notification, the application will be considered abandoned.

(3) Permits issued under this section will be accompanied by an informational package advising the permit holder of the applicable laws and regulations regarding threatened and endangered species in the NWHI. Permit holders are required to report any incidental take or fisheries interaction with protected species on a form provided for that purpose.

(f) *Expiration.* Permits issued under this section expire on June 30 following issuance of the permit.

(g) *Renewal.* An application for renewal of a permit must be submitted to the Regional Director in the same manner as described in paragraph (b) of this section.

(h) *Alteration.* Any permit that has been substantially altered, erased, or mutilated is invalid.

(i) *Replacement.* Permits may be issued to replace lost or mutilated permits. An application for a replacement permit is not considered a new application.

(j) *Transfer.* Permits issued under this section are not transferable or assignable to other persons. A permit is valid only for the vessel for which it is issued.

(k) *Display.* Any permit issued under this section must be on board the vessel at all times while the vessel is still fishing for bottomfish or seamount groundfish in the NWHI. Any permit issued under this section must be displayed for inspection upon request of any Authorized Officer.

(l) *Sanctions.* Procedures governing permit sanctions and denials are found at 15 CFR Part 904, Subpart D.

##### § 683.22 Gear restrictions.

(a) *Bottom trawls and bottom set gill nets.* Fishing for bottomfish and seamount groundfish with bottom trawls and bottom set gill nets is prohibited.

(b) *Possession of gear.* Possession of a bottom trawl and bottom set gill net by any vessel having a permit under § 683.21 or otherwise established to be fishing for bottomfish or seamount groundfish in the management subareas is prohibited.

(c) *Poisons and explosives.* The possession or use of any poisons, explosives, or intoxicating substances for the purpose of harvesting bottomfish and seamount groundfish is prohibited.

##### § 683.23 Fishing moratorium on Hancock Seamounts.

Fishing for bottomfish and seamount groundfish on the Hancock Seamount is prohibited until six years after the effective date of these regulations.

##### § 683.24 Framework for regulatory adjustments.

(a) *Annual reports.* By March 31 of each year a Council-appointed bottomfish monitoring team will prepare an annual report on the fishery by area covering the following topics:

- (1) Fishery performance data;
- (2) Summary of recent research and survey results;
- (3) Habitat conditions and recent alterations;
- (4) Enforcement activities and problems;
- (5) Administrative actions (e.g., data collection and reporting, permits);
- (6) State and Territorial management actions;

(7) Assessment of need for Council action (including biological, economic, social, enforcement, administrative, and State/Federal needs, problems, and trends). Indications of potential problems warranting further investigation may be signaled by the following indicator criteria:

(i) Mean size of the catch of any species in any area is a pre-reproductive size;

(ii) Ratio of fishing mortality to natural mortality for any species;

(iii) Harvest capacity of the existing fleet and/or annual landings exceed best estimate of MSY in any area;

(iv) Significant decline (50 percent or more) in bottomfish catch per unit of effort from baseline levels;

(v) Substantial decline in ex-vessel revenue relative to baseline levels;

(vi) Significant shift in the relative proportions of gear in any one area;

(vii) Significant change in the frozen/fresh components of the bottomfish catch;

(viii) Entry/exit of fishermen in any area;

(ix) Per-trip costs for bottomfishing exceed per-trip revenues for a significant percentage of trips;

(x) Significant decline or increase in total bottomfish landings in any area;

(xi) Change in species composition of the bottomfish catch in any area;

(xii) Research results;

(xiii) Habitat degradation or environmental problems;

(xiv) Reported interactions between bottomfishing operations and protected species in the NWHI.

(8) Recommendations for Council action; and

(9) Estimated Impacts of recommended action.

(b) *Recommendation of management action.* (1) The team may present management recommendations to the Council at any time. Recommendations may cover actions suggested for Federal regulations, State/territorial action, enforcement or administrative elements, and research and data collection. Recommendations will include an assessment of urgency and the effects of not taking action.

(2) The Council will evaluate the team's reports and recommendations,

and the indicators of concern. The Council will assess the need for one or more of the following types of management action:

(i) Catch limits;

(ii) Size limits;

(iii) Closures;

(iv) Effort limitations;

(v) Access limitations; or

(vi) Other measures.

(3) The Council may recommend management action by either the State/territorial governments or by Federal regulation.

(c) *Federal management action.* (1) If the Council believes that management action should be considered, it will make specific recommendations to the Regional Director after taking the following steps:

(i) Request and consider the views of its Scientific and Statistical Committee and bottomfish advisory panel; and

(ii) Obtain public comments at a public hearing.

(2) The Regional Director will consider the Council's recommendation and accompanying data, and if he concurs with the Council's recommendation will propose regulations to carry out the action. If the Regional Director rejects the Council's proposed action, a written explanation for the denial will be provided to the Council within two weeks of the decision.

(3) The Council may appeal denial by writing to the Assistant Administrator for Fisheries, who must respond in writing within 30 days.

(4) The Regional Director and the Assistant Administrator for Fisheries will make their decisions in accord with the Magnuson Act, other applicable law, and the FMP.

(5) To minimize conflicts between the Federal and State management systems, the Council will use the procedures in this subsection to respond to State/territorial management actions. Council consideration of action would normally begin with a representative of the State or territorial government bringing a potential or actual management conflict or need to the Council's attention.

(d) *Access limitation procedures.* (1) If access limitation is proposed for adoption or subsequent modification

through the process described in this subsection, the following requirements must be met:

(i) The bottomfish monitoring team must consider and report to the Council on present participation in the fishery; historical fishing practices in, and dependence on, the fishery; economics of the fishery; capability of fishing vessels used in the fishery to engage in other fisheries; cultural and social framework relevant to the fishery; and any other relevant considerations;

(ii) Public hearings must be held specifically addressing the limited access proposals;

(iii) A specific advisory subpanel of persons experienced in the fishing industry will be created to advise the Council and the Regional Director on administrative decisions; and

(iv) Council's recommendation to the Regional Director must be approved by a two-thirds majority of the voting members.

(2) If prior participation in the fishery is used as a factor in any access limitation system recommended by the Council, August 7, 1985, is the date selected by the Council as the date to be used for the NWHI and May 30, 1986, for American Samoa and Guam.

#### § 683.25 Scientific research.

Nothing in this part is intended to inhibit or prevent any scientific research which is conducted in the fishery management area by a scientific research vessel. The Secretary will acknowledge notification of *bona fide* scientific research involving bottomfish and seamount groundfish and conducted by a scientific research vessel by issuing to the operator or master of that vessel a letter of acknowledgment, containing information on the purpose and scope (locations and schedules) of the activities. The Secretary will transmit copies of such letters to the Council and to State and Federal administrative and enforcement agencies to ensure that all concerned parties are aware of the research activities.

[FR Doc. 86-17211 Filed 7-28-86; 1:02 pm]

BILLING CODE 3510-22-M

# Proposed Rules

Federal Register

Vol. 51, No. 147

Thursday, July 31, 1986

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

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Part 51

#### United States Standards for Grades of Seed Potatoes

##### Correction

In FR Doc. 86-16508 beginning on page

26390 in the issue of Wednesday, July 23, 1986, make the following correction:

#### § 51.3006 [Corrected]

On page 26393, in § 51.3006(c), the information in Table II was displayed incorrectly. Table II should read as follows:

(C) TABLE II.—INTERNAL DEFECTS

[X—indicates method of scoring unless otherwise noted]

Defect	Damage	
	When materially detracting from the appearance of the potato	When removal causes a loss of more than 5 percent of the total weight of the potato
ingrown sprouts.....		x.
Internal discoloration occurring interior to the vascular ring (such as, Internal Brown Spot, Mahogany Browning and Heat Necrosis.)	When more than the equivalent of three scattered light brown spots $\frac{1}{8}$ inch (3.2 mm) in diameter. <sup>1</sup>	x.
All other internal discoloration <i>excluding</i> discoloration confined to the vascular ring.....		x.
	Serious Damage	
	When seriously detracting from the appearance of the potato	When removal causes a loss of more than 10 percent of the total weight of the potato
Internal Discoloration confined to the vascular ring.....		x.
Hollow Heart or Hollow Heart with discoloration.....	When affected area exceeds that of a circle $\frac{1}{8}$ inch (19.1 mm) in diameter. <sup>1</sup>	

<sup>1</sup> Definitions of damage and serious damage are based on potatoes that are 2½ inches (63.5 mm) in diameter or 6 ounces (170.10 g) in weight. Correspondingly lesser or greater areas are permitted on smaller or larger potatoes.

BILLING CODE 1505-01-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Airspace Docket No. 86-AEA-3]

#### Proposed Alteration to Control Zone, Aberdeen, MD

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This notice proposes to change the operating hours of the Phillips AAF, Aberdeen MD, Control Zone to more correctly align the effective hours of the Control Zone with the operating hours of the Air Traffic Control Tower.

**DATE:** Comments must be received on or before September 19, 1986.

**ADDRESSES:** Send comments on the proposal in triplicate to: Howard R.

McGlauffin, Manager, Airspace and Procedures Branch, AEA-530, Federal Aviation Administration, Docket 86-AEA-3, Fitzgerald Federal Building (formerly Federal Building), John F. Kennedy International Airport, Jamaica, New York 11430.

The official dockets may be examined in the Office of Regional Counsel, Federal Aviation Administration, Fitzgerald Federal Building (formerly Federal Building), John F. Kennedy International Airport, Jamaica, New York 11430.

An informal docket may also be examined during normal business hours in the Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Fitzgerald Federal Building, J.F.K. International Airport, Jamaica, New York 11430; Telephone: (718) 917-1228.

#### FOR FURTHER INFORMATION CONTACT:

Howard R. McGlauffin, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Fitzgerald Federal

Building, J.F.K. International Airport, Jamaica, New York 11430; Telephone: (718) 917-1228.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 86-AEA-3." The

postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in the notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

#### Availability of NPRMs

Any person may obtain a copy of the Notice of Proposed Rulemaking (NPRM) by submitting a request to the Office of Regional Counsel, AEA-7, Federal Aviation Administration, Fitzgerald Federal Building (formerly Federal Building), John F. Kennedy International Airport, Jamaica, New York 11430. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

#### The Proposal

The FAA is considering an amendment to § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71). The present control zone hours of operations, (from 0800 to 1630 hours, local time, Mondays, through Fridays), are being altered to realign the published control zone hours with the normal operating hours of the Air Traffic Control Tower. The expanded hours are due to increased military aviation mission requirements. This action, when taken, will provide all users of the Phillips Army Airfield those services associated with the Control Zone. Section 71.171 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7460.6 dated January 2, 1986.

The FAA has determined that this amendment 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 will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### List of Subjects in 14 CFR Part 71

Aviation safety, control zone.

#### The Proposed Amendment

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

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.

#### § 71.171 [Amended]

2. Section 71.171 is amended as follows:

#### Aberdeen, MD—[Amended]

This Control Zone is effective from 0600 to 2000 hours, local time, Monday, through Friday, excluding Federal legal holidays, or during the specific dates and times established in advance by a Notice to Airmen.

Issued in Jamaica, New York, on July 21, 1986.

Edmund Spring,

Manager, Air Traffic Division, Eastern Region.

[FR Doc. 86-17138 Filed 7-30-86; 8:45 am]

BILLING CODE 4910-13-M

#### 14 CFR Part 71

#### [Airspace Docket No. 86-AEA-2]

#### Proposed Alteration to Control Zone, Fort George G. Meade, MD

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to

change the operating hours of the Tipton AAF, Fort George G. Meade, MD. Control Zone to more correctly align the effective hours of the Control Zone with the operating hours of the Air Traffic Control Tower.

DATE: Comments must be received on or before September 19, 1986.

ADDRESS: Send comments on the proposal in triplicate to: Howard R. McGlaulin, Manager, Airspace and Procedures Branch, AEA-530, Federal Aviation Administration, Docket 86-AEA-2, Fitzgerald Federal Building (formerly Federal Building), John F. Kennedy International Airport, Jamaica, New York 11430.

The official dockets may be examined in the Office of Regional Counsel, Federal Aviation Administration, Fitzgerald Federal Building (formerly Federal Building), John F. Kennedy International Airport, Jamaica, New York 11430.

An informal docket may also be examined during normal business hours in the Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Fitzgerald Federal Building, J.F.K. International Airport, Jamaica, New York 11430; Telephone: (718) 917-1228.

FOR FURTHER INFORMATION CONTACT: Howard R. McGlaulin, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Fitzgerald Federal Building, J.F.K. International Airport, Jamaica, New York 11430; Telephone: (718) 917-1228.

#### SUPPLEMENTARY INFORMATION:

#### Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the

airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 86-AEA-2." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in the notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

#### Availability of NPRMs

Any person may obtain a copy of the Notice of Proposed Rulemaking (NPRM) by submitting a request to the Office of Regional Counsel, AEA-7, Federal Aviation Administration, Fitzgerald Federal Building (formerly Federal Building), John F. Kennedy International Airport, Jamaica, New York 11430. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

#### The Proposal

The FAA is considering an amendment to § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71), the present control zone hours of operation (from 0700 to 1600 hours, local time, Mondays, Tuesdays, Thursdays and Fridays and from 0900 to 1700 hours, local time, Saturday), are being altered to realign the published control zone hours with the normal operating hours of the Air Traffic Control Tower. The expanded hours are due to increased military aviation mission requirements. This action, when taken, will provide all users of the Tipton Army Airfield those services associated with the Control Zone. Section 71.171 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7460.6 dated January 2, 1986.

The FAA has determined that this amendment 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 will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### List of Subjects in 14 CFR Part 71

Aviation safety, Control zone.

#### The Proposed Amendment

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

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.

#### § 71.171 [Amended]

2. Section 71.171 is amended as follows:

#### Fort Meade, MD [Amended]

This Control Zone is effective from 0700 to 1600 hours, local time, Mondays, Tuesdays, Thursdays and Fridays and from 0700 to 2200 hours, local time, Saturday. Closed Sundays and Federal legal holidays, or during the specific dates and times established in advance by a Notice to Airmen.

Issued in Jamaica, New York, on July 21, 1986.

Edmund Spring,

Manager, Air Traffic Division, Eastern Region.

[FR Doc. 86-17139 Filed 7-30-86; 8:45 am]

BILLING CODE 4910-13-M

#### 14 CFR Part 71

[Airspace Docket No. 85-AEA-11]

#### Proposed Alteration to Control Zone, Calverton, NY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to change the configuration of the Calverton/Peconic Field Control Zone by deleting the southwest extension from the 5-mile radius zone. This action is taken, at the request of the using agency, to relinquish the airspace.

DATE: Comments must be received on or before September 19, 1986.

ADDRESSES: Send comments on the proposal in triplicate to: Howard R. McGlaufflin, Manager, Airspace and Procedures Branch, AEA-530, Federal Aviation Administration, Docket 85-AEA-11, Fitzgerald Federal Building (formerly Federal Building), John F. Kennedy International Airport, Jamaica, New York 11430.

The official dockets may be examined in the Office of Regional Counsel, Federal Aviation Administration, Fitzgerald Federal Building (formerly Federal Building), John F. Kennedy International Airport, Jamaica, New York 11430.

An informal docket may also be examined during normal business hours in the Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Fitzgerald Federal Building, J.F.K. International Airport, Jamaica, New York 11430; Telephone: (718) 917-1228.

FOR FURTHER INFORMATION CONTACT: Howard R. McGlaufflin, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Fitzgerald Federal Building, J.F.K. International Airport, Jamaica, New York 11430; Telephone: (718) 917-1228.

#### SUPPLEMENTARY INFORMATION:

##### History

On July 8, 1982, the Instrument Landing System, (ILS) approach to Runway 05 at Calverton/Peconic Field was discontinued. The sole purpose of the control zone extension was to provide protected airspace for military aircraft and private aircraft with an authorized Prior Permission Request (PPR), executing an ILS approach to Calverton/Peconic Field.

#### Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those

comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 85-AEA-11." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in the notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

#### Availability of NPRMs

Any person may obtain a copy of the Notice of Proposed Rulemaking (NPRM) by submitting a request to the Office of Regional Counsel, AEA-7, Federal Aviation Administration, Fitzgerald Federal Building (formerly Federal Building), John F. Kennedy International Airport, Jamaica, New York 11430. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

#### The Proposal

The FAA is considering an amendment to § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to amend the Calverton, NY, Control Zone configuration by deleting the southwest extension, within 3 miles each side of the Calverton, New York, VORTAC 210° radial, from the 5-mile radius zone. Section 71.171 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7460.6 dated January 2, 1986.

The FAA has determined that this amendment 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 will not have a significant economic impact on a substantial number of small entities

under the criteria of the Regulatory Flexibility Act.

#### List of Subjects in 14 CFR Part 71

Aviation safety, Control zone.

#### The Proposed Amendment

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

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.

#### § 71.171 [Amended]

2. Section 71.171 is amended as follows:

#### Calverton, NY [Amended]

By removing the words "within 3 miles each side of the Calverton, NY, VORTAC 210° radial, extending from the 5-mile radius zone to 8.5 miles southwest of the VORTAC."

Issued in Jamaica, New York, on July 21, 1986.

Edmund Spring,

Manager, Air Traffic Division, Eastern Region.

[FR Doc. 86-17140 Filed 7-30-86; 8:45 am]

BILLING CODE 4910-13-M

#### 14 CFR Part 71

#### [Airspace Docket No. 85-AEA-12]

#### Proposed Alteration to Control Zone, Indiantown Gap, PA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to change the operating hours of the Muir AAF, Fort Indiantown Gap, PA, Control Zone to more correctly align the effective hours of the Control Zone with the operating hours of the Air Traffic Control Tower and weather reporting facilities.

DATE: Comments must be received on or before September 19, 1986.

ADDRESSES: Send comments on the proposal in triplicate to: Howard R. McGlaulin, Manager, Airspace and Procedures Branch, AEA-530, Federal Aviation Administration, Docket 85-AEA-12, Fitzgerald Federal Building (formerly Federal Building), John F. Kennedy International Airport, Jamaica, New York 11430.

The official dockets may be examined in the Office of Regional Counsel, Federal Aviation Administration,

Fitzgerald Federal Building (formerly Federal Building), John F. Kennedy International Airport, Jamaica, New York, 11430.

An informal docket may also be examined during normal business hours in the Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Fitzgerald Federal Building, J.F.K. International Airport, Jamaica, New York 11430; Telephone: (718) 917-1228.

#### FOR FURTHER INFORMATION CONTACT:

Howard R. McGlaulin, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Fitzgerald Federal Building, J.F.K. International Airport, Jamaica, New York 11430; Telephone: (718) 917-1228.

#### SUPPLEMENTARY INFORMATION:

#### Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 85-AEA-12." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in the notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

#### Availability of NPRM's

Any person may obtain a copy of the Notice of Proposed Rulemaking (NPRM) by submitting a request to the Office of Regional Counsel, AEA-7, Federal Aviation Administration, Fitzgerald Federal Building (formerly Federal

Building), John F. Kennedy International Airport, Jamaica, New York 11430. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

### The Proposal

The FAA is considering an amendment to § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71), the present control zone hours of operation (from 0800 to 1630 hours, local time, Sunday and Monday and from 0800 to 2300 hours, local time, Tuesday through Saturday), are being altered to realign the published control zone hours with the normal operating hours of the Air Traffic Control Tower and weather observation facility. The expanded hours are due to increased military aviation training requirements. This action when taken, will provide all users of the Muir Army Terminal Area "flight following" for terminal IFR/VFR, and en route local and transition aircraft, in addition to those services associated with the Control Zone.

Section 71.171 of part 71 of the Federal Aviation Regulations was republished in Handbook 7460.6 dated January 2, 1986.

The FAA has determined that this amendment 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 will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

### List of Subjects in 14 CFR Part 71

Aviation safety, Control zone.

### The Proposed Amendment

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

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.

### § 71.171 [Amended]

2. Section 71.171 is amended as follows:

#### Fort Indiantown Gap, PA [Amended]

This Control Zone is effective from 0800 to 2400 hours, local time, Monday through Friday and from 0800 to 1600 hours, local time, Saturday and Sunday, excluding Federal legal holidays, or during the specific dates and times established in advance by a Notice to Airmen which thereafter will be continuously published in the Airport/Facility Directory.

Issued in Jamaica, New York, on July 21, 1986.

Edmund Spring,

Manager, Air Traffic Division, Eastern Region.

[FR Doc. 86-17137 Filed 7-30-86; 8:45 am]

BILLING CODE 4910-13-M

## DEPARTMENT OF JUSTICE

### Parole Commission

#### 28 CFR Part 2

### Paroling, Recommitting and Supervising Federal Prisoners; Cocaine Offenses

AGENCY: Parole Commission.

ACTION: Advance notice of proposed rulemaking.

**SUMMARY:** The United States Parole Commission proposes to amend its paroling policy guidelines contained in 28 CFR 2.20 to more appropriately sanction offenses related to the freebased form of cocaine popularly known as "CRACK".

**DATE:** Public comment must be received by September 2, 1986.

**ADDRESS:** Comments should be addressed to: Alan J. Chaset, Deputy Director of Research and Program Development, U.S. Parole Commission, 5550 Friendship Blvd., Chevy Chase, Maryland 20815, Telephone (301) 492-5980.

**FOR FURTHER INFORMATION CONTACT:** Alan J. Chaset, Telephone (301) 492-5980.

**SUPPLEMENTARY INFORMATION:** As part of its paroling policy guidelines (as contained in 28 CFR 2.20), the Parole Commission has developed an Offense Behavior Severity Index to assist in categorizing the severity of various forms of criminal conduct. Specific crimes and offenses are contained in offense examples within the various chapters of that index. Presently, offense

examples 921 and 922 of Chapter Nine, Subchapter C contain the severity gradings for various cocaine offenses. Those two offense examples read as follows:

#### Subchapter C—Cocaine Offenses

##### 921 Distribution or Possession with Intent to Distribute

(a) If extremely large scale (e.g., involving 15 kilograms or more of 100% purity, or equivalent amount), grade as Category Eight [except as noted in (c) below];

(b) If very large scale (e.g., involving 5 kilograms but less than 15 kilograms of 100% purity, or equivalent amount), grade as Category Seven [except as noted in (c) below];

(c) Where the Commission finds that the offender had only a peripheral role\*, grade conduct under (a) or (b) as Category Six;

(d) If large scale (e.g., involving more than 1 kilogram but less than 5 kilograms of 100% purity, or equivalent amount), grade as Category Six [except as noted in (e) below];

(e) Where the Commission finds that the offender had only a peripheral role, grade conduct under (d) as Category Five;

(f) If medium scale (e.g., involving 100 grams-1 kilogram of 100% purity, or equivalent amount), grade as Category Five;

(g) If small scale (e.g., involving 5-99 grams of 100% purity, or equivalent amount), grade as Category Four;

(h) If very small scale (e.g., involving 1.0-4.9 grams of 100% purity, or equivalent amount), grade as Category Three;

(i) If extremely small scale (e.g., involving less than 1 gram of 100% purity, or equivalent amount), grade as Category Two.

##### 922 Simple Possession

Category One.

In the past several weeks, the Parole Commission, like the public in general, has been introduced to information about a new, more potent form of cocaine known as "CRACK". Details as to the addictive nature of this drug, as to its manufacture and the typical distribution methods associated with it, and as to its availability to a wider audience of users because of its relatively inexpensive street sales price have convinced the Commission that the existing sanctions provided for cocaine in the Offense Behavior Severity Index may not appropriately sanction offenses related to this freebased form of cocaine.

The Parole Commission proposes, therefore, to amend its paroling policy guidelines contained in 28 CFR 2.20 and to develop separate guidelines for "CRACK". In this regard, the Parole Commission seeks public comment as to the nature and content of those guidelines.

For instance, the present guidelines for heroin and opiate offenses take into account the fact that Dilaudid

(Hydromorphone) is a more potent drug than heroin; distributed amounts of Dilaudid are multiplied by a factor of two (2) to convert such amounts to their heroin equivalents. If a relative potency factor for "CRACK" can be established and demonstrated, a similar conversion for "CRACK" might be appropriate. Or, since the drug offense guidelines contain various categories as to scale, an offense example for "CRACK" might be developed to reflect the typical "extremely small scale" to "extremely large scale" amounts for that drug. Finally, the guidelines for heroin and cocaine are now based on the weight and purity of the drug involved. Since there may be difficulties associated with getting purity analyses for "CRACK", guidelines based upon both measures may not be appropriate. The weight of the drug alone may be the only significant variable. Input on these and other related strategies are sought by the Commission.

Dated: July 25, 1986.

Benjamin F. Baer,  
Chairman, U.S. Parole Commission.

[FR Doc. 86-17185 Filed 7-30-86; 8:45 am]

BILLING CODE 4410-01-M

## GENERAL SERVICES ADMINISTRATION

### 41 CFR Part 101-41

#### Payment of Substitute Documents

**AGENCY:** Federal Supply Service, GSA.  
**ACTION:** Proposed rule.

**SUMMARY:** The General Services Administration proposes to amend the Federal Property Management Regulations by providing that payment on carrier billings supported by substitute billing documents will be delayed until certifying officers can verify that a prior payment has not been made. Military finance offices have reported that a significant number of duplicate payments result when payment of a substitute document is made prior to the receiving of the original billing document or when a substitute billing document is submitted for payment less than 30 calendar days after the original billing document has been submitted. Because payments are generally made within 30 days after receipt of a billing, certifying offices do not have sufficient time to ensure that previous payments have not been made. This proposal will alleviate the duplicate payment problem by considering substitute billings as doubtful claims and delaying payment until verification has been made.

**COMMENT DATE:** Written comments must be received by no later than 4:00 p.m., September 2, 1986.

**ADDRESS:** Comments should be sent to the General Services Administration (FWCP), Washington, DC 20405.

**FOR FURTHER INFORMATION CONTACT:** John W. Sandfort, Chief, Regulations, Procedures, and Review Branch, Office of Transportation Audits (202-786-3014).

**SUPPLEMENTARY INFORMATION:** The Prompt Payment Act requires that carrier bills be paid by the due date, usually not later than 30 calendar days after receipt of a proper billing, to avoid interest penalties. A previous change to section 101-41.307 permits carriers to submit a self-certified original freight waybill [Standard Form (SF) 1105 or SF 1205] for payment when the original Government bill of lading (GLB) or original personal property GBL is lost or destroyed. That change enabled carriers to receive timely payments but has significantly increased the number of duplicate payments made by paying offices.

The General Services Administration has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of \$100 million or more; a major increase in costs to consumers or others; or significant adverse effects. Therefore, a regulatory impact analysis has not been prepared. The GSA has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

The reporting forms required by this regulation are not subject to the provisions of Pub. L. 96-511, the Paperwork Reduction Act of 1980, and FIRM 201-45.6.

#### List of Subjects in 41 CFR Part 101-41

Air carriers, Accounting, Claims, Freight forwarders, Government property management, Maritime carriers, Moving of household goods, Passenger services, Railroads, Transportation.

GSA proposed to amend Part 101-41 as follows:

#### PART 101-41—TRANSPORTATION DOCUMENTATION AND AUDIT

1. The authority citation for 41 CFR Part 101-41 continues to read:

Authority: 31 U.S.C. 3726, and 40 U.S.C. 486(c).

2. The table of contents for Part 101-41 is amended by adding § 101-41.307-3 as follows:

101-41.307-3 Payment of substitute documents.

#### Subpart 101-41.3—Freight Transportation Services Furnished for the Account of the United States

3. Section 101-41.307-3 is added to read as follows:

#### § 101-41.307-3 Payment of substitute documents.

SF 1105 and SF 1205 documents certified in accordance with procedures in § 101-41.307-2 may be construed as doubtful claims and payment delayed until certifying officers verify that transportation bills associated with these forms have not previously been paid.

Dated: July 11, 1986.

Donald C. J. Gray,

Commissioner, Federal Supply Service.

[FR Doc. 86-17277 Filed 7-30-86; 8:45 am]

BILLING CODE 6820-24-M

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Parts 2 and 94

[PR Docket No. 86-174]

#### Accommodation of Radio Local Area Network Stations in the 1700-1710 MHz Band; Order Extending Comment Period

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule; order extending comment period.

**SUMMARY:** The FCC is extending the time for submission of comments and reply comments in this Docket concerning the operation of radio local area networks in the 1700-1710 MHz band. This action is taken to allow interested parties ample opportunity to comment and assure a complete record in this proceeding.

**DATES:** Comments will now be due by August 22, 1986 and reply comments will be due by September 19, 1986.

**ADDRESS:** Federal Communications Commission, 1919 M Street, NW, Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Eugene Thomson, Private Radio Bureau, (202) 634-2443.

**Order Extending Comment Period**

In the matter of Amendment of Parts 2 and 94 of the Commission's rules to accommodate radio local area network stations in the 1700-1710 MHz Band; PR Docket No. 86-174, RM-5072.

Adopted: July 2, 1986.

Released: July 23, 1986.

By the Acting Chief, Private Radio Bureau.

1. On May 1, 1986, the Commission adopted a *Notice of Proposed Rule Making (Notice)* in the above captioned matter. This *Notice* appeared in the *Federal Register*, 51 FR 19570, on May 30, 1986. Comments were due by July 23, 1986, and reply comments were due by August 22, 1986.

2. The National Telecommunications and Information Administration (NTIA) has filed a petition to extend the comment period. It states that the National Oceanic and Atmospheric Administration (NOAA), which operates the TIROS-N series of meteorological satellites with downlinks in the 1700-1710 MHz band, is concerned about interference from radio local area network systems to meteorological satellite receivers. Accordingly, NOAA has retained an engineering contractor to study the interference potential. NTIA states that an extension of the comment period time is necessary for the Executive Branch to collect data, complete the studies, and prepare recommendations.

3. We recognize the importance of the issue of potential interference between radio local area networks and meteorological satellite receivers. Therefore, to permit the gathering of adequate information concerning interference between such systems, we are extending the comment period to assure a complete record in this proceeding.

4. Accordingly, IT IS ORDERED, pursuant to the authority set forth in § 0.331 of the Commission's Rules and Regulations, that interested parties will have until August 22, 1986 to file comments, and until September 19, 1986 to file reply comments in this proceeding.

Federal Communications Commission.  
Michael T.N. Fitch,

Acting Chief, Private Radio Bureau.

[FR Doc. 86-17228 Filed 7-30-86; 8:45 am]

BILLING CODE 6712-01-M

**47 CFR Part 67**

[CC Docket Nos. 78-72 and 80-286]

**MTS and WATS Market Structure**

**AGENCY:** Federal Communications Commission.

**ACTION:** Further notice of proposed rulemaking.

**SUMMARY:** This action requests comments on the effects of subscriber line charges, the federal lifeline assistance program, and high cost assistance measures on the primary goals of the access charge proceeding. It also requests comments on the provisions for mandatory national pooling of non-traffic sensitive costs and revenues. This action is taken in order to determine what further steps the Commission should take to achieve these goals.

**EFFECTIVE DATE:** Comments are due August 29, 1986 and replies are due October 1, 1986.

**ADDRESS:** Federal Communications Commission, Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Barbara Lynch, Common Carrier Bureau, (202) 632-6363.

This is a summary of the Commission's further notice of proposed rulemaking, CC Docket Nos. 78-72 and 80-286, adopted June 27, 1986 and released July 2, 1986.

The full text of Commission decisions are available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, Northwest, Washington, DC the complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street, Northwest, Suite 140, Washington, DC 20037.

**Summary of Further Notice of Proposed Rulemaking**

1. With the issuance of this Further Notice of Proposed Rulemaking (*Further Notice*), the Federal Communications Commission (FCC) initiates a proceeding to examine the effects of (1) subscriber line charges (SLCs), (2) the federal lifeline assistance program, and (3) the present measures to assist high cost telephone companies on the primary goals of the access charge proceeding. Preserving universal service, promoting economic efficiency, eliminating service pricing discrimination, and deterring uneconomic bypass are the four longstanding goals in the access charge proceeding. The FCC stated that it is undertaking this examination to determine what further steps it should take to achieve these goals. It stated further that it also is initiating this inquiry pursuant to recommendations of the Federal-State Joint Board in CC Docket 80-286 that the FCC previously adopted which recommend that a Joint

Board proceeding be initiated to examine the effects of SLCs and the federal lifeline assistance program on the overall goals of the access charge proceeding.

2. In this *Further Notice*, it is requesting comments from all interested parties on the designated issues. It is also asking the Joint Board in CC Docket 80-286 to examine these issues and prepare recommendations for further action. Moreover, it asks the Joint Board to examine in the proceeding our provisions for mandatory national pooling of non-traffic sensitive (NTS) cost and revenues. Further, it appoints Federal Communications Commissioner James H. Quello to fill the position on the Joint Board in CC Docket 80-286 vacated by former Commissioner Henry Rivera.

3. The FCC stated that an important purpose of this *Further Notice* is to determine whether limited residential and single-line business SLCs have been successful in furthering its primary goals. It stated that it is vitally important that it review at this point the initial impact that limited SLCs have had in advancing its goals and examine further steps that may be appropriate to achieve further progress. Further, it noted that it is not limiting this proceeding to an examination of SLCs, but expanding it to include the examination of the federal lifeline program and high cost assistance measures. The FCC stated that the lifeline program and high cost assistance measures are important complements to SLCs in furthering its goals and, as such, must be included in any examination of SLCs. In particular, the FCC is interested in assessing whether the measures presently in place reflect a properly targeted response to the need of subscribers in high cost areas or in low income households.

4. Specifically, the FCC seeks comments on whether subscriber line charges should be increased (and, if so, to what level and on what schedule), modified in some fashion, or remain unchanged at their present level. Commenters that support changes in the current SLCs should describe their proposed modifications with specificity and indicate how their plans would move the industry forward in attaining all four of the goals. In addition, the FCC asks parties to examine the existing lifeline and high cost assistance measures and state whether these programs also should be modified, and in what manner, in ways to further the goals. Parties should consider the interrelationship between these various programs in developing their proposals

and comments. Proposals should take an integrated approach that is designed to further all of the goals (rather than advance one or two at the expense of others).

5. The FCC also seeks comment on the present mandatory pooling mechanism to assist the Joint Board in its recommendations. It concludes that the general pooling issues reflected in two recent petitions filed with the FCC and referred to the Joint Board should be considered within the scope of this rulemaking proceeding in order to enable the Joint Board to consider a full range of options. Accordingly, parties are invited to submit comments on what, if any, changes in the present pooling process for common line costs and revenues are now necessary or appropriate to advance the goals of the access charge plan, and how such changes would interact with other possible modifications to SLCs, lifeline programs, and high cost assistance in serving that purpose.

6. The FCC has found that a regulatory flexibility analysis is not required for the adoption of access charge rules or jurisdictional separations procedures.

7. Members of the public are advised that for purposes of *ex parte* contracts this proceeding is a non-restricted, informal inquiry and rulemaking proceeding. See generally § 1.1231 of the Commission's Rules, 47 CFR 1.123 (1985). Proceedings before the Joint Board will be governed by these *ex parte* rules as modified by the procedures adopted by the Joint Board in February 1982, CC Docket 80-286, FCC 82-106 (released March 5, 1982).

8. 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 imposed on the public.

#### Ordering Clauses

9. Accordingly, it is ordered That Federal Communications Commissioner James H. Quello shall serve on the Joint Board in CC Docket 80-286.

10. It is further ordered that the Joint Board shall consider the issues raised in this Further Notice and submit recommendations to this Commission for its consideration. This action is taken pursuant to sections 4(i), 4(j), 201, 202, 203, 205, 218, 221(c), 403, and 410 of the Communications Act of 1934, 47 U.S.C. 154(i) & (j), 201, 202, 203, 205, 218, 221(c), 403, and 410 (1985).

11. It is further ordered, pursuant to applicable procedures set forth in § 1.415 and 1.419 of the Commission's Rules, that comments on the designated issues are to be filed no later than August 29, 1986. Replies are to be filed no later than October 1, 1986. 47 CFR 1.415 and 1.419 (1985).

Federal Communications Commission.

William J. Tricarico,

[FR Doc. 86-17227 Filed 7-30-86; 8:45 am]

BILLING CODE 6712-01-M

#### 47 CFR Part 73

[MM Docket No. 86-314, RM-5030]

#### Radio Broadcasting Services; Brewer and Skowhegan, ME

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition filed by Stone Communications, Inc., proposing the substitution of FM Channel 262C2 for Channel 265A at Brewer, Maine, and modification of the Class A license for Station WGUY-FM to reflect Channel 262C2. In order to accommodate the substitution at Brewer, it will be necessary to substitute FM Channel 297A for vacant Channel 261A at Skowhegan, Maine. The proposal could provide Brewer with a first Class C2 channel.

**DATES:** Comments must be filed on or before September 15, 1986, and reply comments on or before September 30, 1986.

**ADDRESS:** Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows: Alfred C. Frawley, Brann and Isaacson, 95 Park Street, Lewiston, Maine 04240 (Counsel to petitioner).

**FOR FURTHER INFORMATION CONTACT:** Kathleen Scheuerle, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 86-314, adopted July 8, 1986, and released July 24, 1986. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800,

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

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

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

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

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 86-17231 Filed 7-30-86; 8:45 am]

BILLING CODE 6712-01-M

#### 47 CFR Part 73

[MM Docket No. 86-313, RM-5342]

#### Radio Broadcasting Services; Grand Marais, MN

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition filed by Timothy D. Martz, proposing the allotment of FM Channel 263 to Grand Marais, Minnesota. This allotment could provide for a first FM broadcast service for the community.

**DATES:** Comments must be filed on or before September 15, 1986, and reply comments on or before September 30, 1986.

**ADDRESS:** Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows: James R. Bayes, Jerry V. Haines, Wiley & Rein, 1776 "K" Street, NW., Washington, DC 20006 (Counsel for the petitioner).

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

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 86-313; adopted July 3, 1986, and released July 24, 1986. The full text of

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

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

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

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

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

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

[FR Doc. 86-17232 Filed 7-30-86; 8:45 am]

BILLING CODE 6712-01-M

## DEPARTMENT OF DEFENSE

### 48 CFR Parts 232 and 252

#### Department of Defense Federal Acquisition Regulation Supplement; Customary Progress Payment Rates

**AGENCY:** Department of Defense (DoD).

**ACTION:** Proposed rule and request for comments.

**SUMMARY:** The Defense Acquisition Regulatory Council is considering revisions to Parts 232 and 252 of the DoD Federal Acquisition Regulation Supplement (DFARS) regarding progress payments.

**DATE:** Comments on the proposed rule should be submitted in writing to the DAR Council at the address shown below no later than September 2, 1986, to be considered in the formulation of the final rule. Please cite DAR Case 85-245 in all correspondence related to this issue.

**ADDRESS:** Interested parties should

submit written comments to: Defense Acquisition Regulatory Council, ATTN: Mr. Charles W. Lloyd, Executive Secretary, ODASD(P)/DARS, c/o OASD(A&L)(MRS), Room 3C841, The Pentagon, Washington, DC 20301-3062.

**FOR FURTHER INFORMATION CONTACT:** Mr. Charles W. Lloyd, Executive Secretary, DAR Council, (202) 697-7266.

#### SUPPLEMENTARY INFORMATION:

##### A. Background

The proposed rule revises the progress payment provisions contained in the DoD FAR Supplement (DFARS) to accomplish the following: (1) Delete the clauses at 252.232-7005 and 252.232-7006 as these clauses are being prepared for inclusion in the Federal Acquisition Regulation, (2) provide guidance within the Progress Payment clause for situations where more than one progress payment rate is being used, and (3) adjust the contractor minimum investment requirement used in determining flexible progress payments. These proposed changes, if adopted, will be made to the interim rule coverage published in the *Federal Register* on May 2, 1985 (50 FR 18666) and issued Departmentally to the Military Departments and Defense Agencies on April 25, 1985, and the final rule coverage published in the *Federal Register* on April 21, 1986 (51 FR 13517) and issued Departmentally to the Military Departments and Defense Agencies on April 7, 1986. Appropriate proposed changes to the Federal Acquisition Regulation will be published in a forthcoming *Federal Register* Notice.

##### B. Regulatory Flexibility Act Information

The proposed changes to the DoD FAR Supplement should have no impact on small business. A Regulatory Flexibility Analysis was prepared for the changes proposed for the Federal Acquisition Regulation and that analysis indicated that there would be little or no impact on small business. The DoD FAR Supplement changes do not exceed those changes made to the Federal Acquisition Regulation.

##### C. Paperwork Reduction Act Information

The rule does not contain information collection requirements which require the approval of OMB under 44 U.S.C. 3501, et seq.

### List of Subjects in 48 CFR Parts 232 and 252

Government procurement.

Charles W. Lloyd,  
Executive Secretary, Defense Acquisition  
Regulatory Council.

Therefore, it is proposed that 48 CFR Parts 232 and 252 be amended as follows:

1. The authority citation for 48 CFR Parts 232 and 252 continues to read as follows:

Authority: 5 U.S.C. 301, 10 U.S.C. 2202, DoD Directive 5000.35, and DoD FAR Supplement 201.301.

### PART 232—CONTRACT FINANCING

#### 232.102 [Amended]

2. Section 232.102 is amended by removing from paragraph (e)(2) the last two sentences.

#### 232.111 [Amended]

3. Section 232.111 is amended by removing paragraphs (S-71) and (S-72).

#### 232.501-1 [Amended]

4. Section 232.501-1 is amended by removing paragraph (S-70).

#### 232.502-1 [Amended]

5. Section 232.502-1 is amended by changing in the third and fourth sentences of paragraph (S-71)(2) the investment percentages from 15% to 20%; by removing in the first sentence of paragraph (S-71)(4) the words "CASH III" and inserting the word "CASHFLOW"; and changing in paragraph (S-71)(7) the percentage figures reading "17%", "13%", and "15%" to read "22%", "18%", and "20%" respectively.

#### 232.502-4 [Amended]

6. Section 232.502-4 is amended by removing paragraphs (S-72), (S-73) and (S-74).

### PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

#### 252.232-7004 [Amended]

7. Section 252.232-7004 is amended by changing the date of the clause to read "(JUL 1986)" in lieu of "(MAY 1985)"; and by changing the percentage figures in the clause to read "twenty percent (20%)", "twenty-two percent (22%)", and "eighteen percent (18%)" in lieu of "fifteen percent (15%)", "seventeen percent (17%)", and "thirteen percent (13%)" respectively.

252.232-7005, 252.232-7006, 252.232-7007  
[Removed]

8. Sections 252.232-7005, 252.232-7006, 252.232-7007 are removed.

[FR Doc. 86-17218 Filed 7-30-86; 8:45 am]

BILLING CODE 3810-01-M

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

#### Endangered and Threatened Wildlife and Plants; Public Hearings and Reopening of Comment Period on Proposed Endangered Status and Critical Habitat for the Mount Graham Red Squirrel

**AGENCY:** Fish and Wildlife Service, Interior.

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

**SUMMARY:** The U.S. Fish and wildlife Service gives notice that two public hearings will be held on the proposed determination of endangered status and critical habitat for the Mount Graham red squirrel (*Tamiasciurus hudsonicus grahamensis*) and that the comment period on the proposal is reopened. These hearings and the reopening of the comment period will allow comments on this proposal to be submitted from all interested parties.

**DATES:** The public hearings will be held from 7 to 10 p.m., on Tuesday, August 26, 1986, in Tucson, Arizona and 7 to 10 p.m., on Wednesday, August 27, 1986, in Thatcher, Arizona. The comment period on this proposal is reopened on August 26, 1986. The comment period, which originally closed on July 21, 1986, now closes November 21, 1986. Comments received after the closing date may not be considered in the final decision on this proposal.

**ADDRESSES:** The public hearings will be held at the following locations:

1. Tucson, Arizona, Council Chambers, City Hall, 255 West Alameda Street—August 26, 1986;

2. Thatcher, Arizona, South Campus Lecture Room 3, Eastern Arizona College—August 27, 1986.

Written comments and materials concerning this proposal should be sent to the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, NM 87103. Comments and materials received will be available for public inspection during normal business hours, by appointment, at the Service's Regional Endangered Species

Office, 500 Gold Avenue SW., Room 4000, Albuquerque, NM.

**FOR FURTHER INFORMATION CONTACT:** For information on the public hearings contract Alisa M. Shull, endangered Species Biologist, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, NM U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, NM 87103 (505/766-3972 or FTS 474-3972).

#### SUPPLEMENTARY INFORMATION:

##### Background

The Mount Graham red squirrel is found only in the Pinaleno Mountains of southeastern Arizona. The squirrel is threatened by habitat alteration and possibly competition with an introduced squirrel species. A proposal of endangered status with critical habitat for the Mount Graham red squirrel was published in the *Federal Register* (51 FR 18630) on May 21, 1986.

Section 4(b)(5)(E) of the Endangered Species Act of 1973, as amended, requires that a public hearing be held, if requested within 45 days of the publication of a proposed rule. That 45-day period, for this proposal, ended on July 7, 1986. The Service received two requests for a public hearing in Safford, Arizona on this proposal and two requests for a public hearing in Tucson, Arizona. Request were received from Mr. John Davis, Managing Editor, *Earth First!*, Tucson, Arizona, on June 18, 1986; Ben Smith, Chairman, Graham County Board of Supervisors, Safford, Arizona, on June 25, 1986; Ned Powell, Tucson, Arizona, on June 27, 1986; and Governor Aker, Mayor, City of Safford, Safford, Arizona, on July 3, 1986.

The Service has scheduled public hearings for August 26, 1986, from 7:00 to 10:00 p.m., Council Chambers (City Hall), 255 West Alameda Street, Tucson, Arizona; and on August 27, 1986, from 7:00 to 10:00 p.m., South Campus Lecture Room 3, Eastern Arizona College, Thatcher, Arizona. Those parties wishing to make statements for the record should have available a copy of their statements to be presented to the Service at the start of the hearings. Oral statements may be limited to 5 or 10 minutes, if the number of statements to be presented necessitates some limitation. There are no limits to the length of written comments presented at these hearings or mailed to the Service during the comment period.

The comment period on the proposal originally closed on July 21, 1986. To accommodate the hearings, the Service is reopening the public comment period. Written comments will now be received from August 26 until November 21, 1986,

at the Service office in the ADDRESSES section.

#### Author

This notice was prepared by Alisa M. Shull, Endangered Species Biologist, U.S. Fish and Wildlife Service, Albuquerque, NM.

**Authority:** The authority for this action is the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.; Pub. L. 93-205, 87 Stat. 884; Pub. L. 94-359, 90 Stat. 911; Pub. L. 95-632, 92 Stat. 3751; Pub. L. 96-159, 93 Stat. 1225; Pub. L. 97-304, 96 Stat. 1411).

#### List of Subjects in 50 CFR Part 17

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

Dated: July 25, 1986.

Conrad A. Fjelland,

Acting Regional Director.

[FR Doc. 86-17191 Filed 7-30-86; 8:45 am]

BILLING CODE 4310-55-M

#### 50 CFR Part 17

#### Endangered and Threatened Wildlife and Plants; Extension of Comment Period on the Proposed Critical Habitat Designation for the Endangered Least Bell's Vireo

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Proposed rule; extension of comment period.

**SUMMARY:** The U.S. and Wildlife Service gives notice that the comment period is extended until January 1, 1987 to receive further comments concerning the proposed designation of critical habitat for the least Bell's vireo. The Service has been informed that ongoing biological surveys are currently being conducted on the bird. These surveys could provide valuable information in reference to the designation of critical habitat. A final decision regarding designation of critical habitat will be made after all materials received by the Service have been evaluated.

**DATE:** Comments from all interested parties must be received by January 1, 1987.

**ADDRESSES:** Comments and materials should be sent to the Regional Director, U.S. Fish and Wildlife Service, Suite 1692 Lloyd 500 Building, 500 NE Multnomah Street, Portland, Oregon 97232. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

**FOR FURTHER INFORMATION CONTACT:** Mr. Wayne S. White, Chief, Division of

Endangered Species, at the above address (503/231-6131 or FTS 429-6131).

#### SUPPLEMENTARY INFORMATION:

##### Background

The Service decided to defer a decision on the designation of critical habitat for the least Bell's vireo for one year until May 3, 1987 (51 FR 16474). As explained in the listing final rule, because of the complexity of the economic analysis, the large number of comments and data received, and the difficulty and significance of the issues involved, this deferral was necessary.

A number of parties affected by the listing and potentially by a designation of critical habitat have been involved in developing Habitat Conservation Plans for the vireo. These individuals are currently conducting biological surveys which could provide valuable information to the Service in reference to designation of critical habitat. In order to accept this information, the Service is extending the open comment period until January 1, 1987.

##### Author

The primary author of this notice is Ms. Carolyn Bohan, U.S. Fish and Wildlife Service, 500 NE. Multnomah St., Suite 1692, Portland, Oregon 97232 (503/231-6131 or FTS 429-6131).

##### Authority

The authority for this action is the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*; Pub. L. 93-205, 87 Stat. 884; Pub. L. 94-359, 90 Stat. 911; Pub. L. 95-632, 92 Stat. 3751; Pub. L. 96-159, 93 Stat. 1225; Pub. L. 97-304, 96 Stat. 1411).

##### List of Subjects in 50 CFR Part 17

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

Dated: July 24, 1986.

William S. Shake,

Regional Director.

[FR Doc. 86-17192 Filed 7-30-86; 8:45 am]

BILLING CODE 4310-55-M

##### 50 CFR Part 20

#### Supplemental Environmental Impact Statement (SEIS) on Migratory Bird Hunting

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of intent, request for comments.

**SUMMARY:** The U.S. Fish and Wildlife Service (Service) intends to supplement its 1975 programmatic environmental

impact statement (EIS) on the Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds. The Service seeks suggestions and comments on the scope and substance of the supplemental EIS, and options or alternatives to be considered. Federal and state agencies and the public are invited to present their views on the subject in writing to the Service.

**DATE:** Written comments should be submitted not later than September 29, 1986.

**ADDRESSES:** Address all written comments to Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Matomic Building, Room 536, Washington, DC 20240.

**FOR FURTHER INFORMATION CONTACT:** Rollin D. Sparrowe, Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Matomic Building, Room 536, Washington, DC 20240. (202/254-3207)

**SUPPLEMENTARY INFORMATION:** The Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. 703 *et seq.*; 40 Stat. 755), provides authority for the Service to promulgate regulations allowing and governing the hunting of migratory game birds in the families Anatidae (waterfowl), Gruidae (cranes), Rallidae (rails), Scolopacidae (snipe and woodcock) and Columbidae (doves and pigeons). Some basic regulations, for example, governing hunting methods, are carried on a continuing basis and changed only as a need arises. Other regulations governing seasons and limits are promulgated annually, in part due to considerations such as the abundance of birds which can change from year to year. These annual regulations have been promulgated by the Service each year since 1918, and are contained in 50 CFR Part 20.

Migratory bird hunting is an activity of considerable ecological and socio-economic importance. In June 1975, the Service published a final EIS on the Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds. The continuation of annual regulations was the proposed action and the preferred alternative. Four other alternatives were considered: (A) No action, i.e., regulations would not be promulgated and thus no legal hunting of migratory birds would occur; (B) Regulations would be set by states; (C) International regulations would be established; and (D) Regulations would be issued for periods longer than one year. The alternatives were evaluated in light of their probable biological and socio-economic impacts, and the proposed action was determined to be preferable. Sport hunting of migratory

birds continues today under annual regulations issued by the Service.

The thesis of the 1975 EIS, sport hunting of migratory birds under annual regulations, appears to have been a fundamentally sound approach to affording important recreational opportunity while providing adequate protection for migratory bird populations. However, since 1975 a number of developments have occurred. The status of some migratory bird populations has changed. The use of special harvest strategies, e.g., zones and early seasons, has expanded considerably. Advances in the collection and interpretation of data have been made, and management concepts such as stabilized regulations have evolved. New administrative and procedural directions have been given to the Service, including detailed and uniform guidance on the National Environmental Policy Act process. These developments make it desirable to supplement the EIS and reexamine some of the issues associated with the issuance of annual regulations.

The Service intends to develop a supplemental EIS on the Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds, beginning the process with this announcement. Federal and state agencies, private conservation organizations and all other interested parties and individuals are invited to participate in the process by presenting their views on the subject. The Service seeks suggestions and comments regarding the scope and substance of the supplemental EIS, particular issues to be addressed and why, and options or alternatives to be considered. Comments should be submitted in writing to the above address by the deadline indicated. The development of this supplemental EIS will be conducted in accordance with the requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4371 *et seq.*), NEPA Regulations (40 CFR 1500-1508), other appropriate federal regulations, and Service procedures for compliance with those regulations. The Service anticipates a late spring, 1987, publication date for a draft supplemental EIS to be followed by public meetings prior to preparation of the final supplemental EIS.

Dated: July 24, 1986.

Frank Dunkle,

Director.

[FR Doc. 86-17047 Filed 7-30-86; 8:45 am]

BILLING CODE 4310-55-M

## 50 CFR Part 23

**Revised Listing for Cactaceae (Cacti) in Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora****AGENCY:** Fish and Wildlife Service, Interior.**ACTION:** Proposed rule.

**SUMMARY:** The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) regulates international trade in certain animal and plant species. Appendices I, II, and III of CITES list those species for which trade is controlled. This proposal announces a recent decision of the Parties of CITES to amend the listing of Cactaceae (cacti) in Appendix II, and invites comments on whether the United States should enter a reservation on the amendments. The effect of a reservation is to exempt a Party from implementing CITES as specified for the particular species.

**DATES:** The Service will consider all comments received by August 15, 1986 in determining whether the United States should enter a reservation. The amendments described in this proposal will enter into effect on August 29, 1986.

**ADDRESSES:** Please send correspondence concerning this proposal to the Chief, Office of Scientific Authority, Mail stop: Room 527, Matomic Building, U.S. Fish and Wildlife Service, Washington, DC 20240. Background materials, as well as materials received, will be available for public inspection from 8:00 a.m. to 4:00 p.m. Monday through Friday in Room 537, 1717 H Street NW., Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Dr. Charles W. Dane at the address given above, or telephone (202) 653-5948.

**SUPPLEMENTARY INFORMATION:**  
Background

Postal procedures for amending the lists of animal and plant species included in Appendices I and II of CITES are provided in Article XV of CITES. Under this article, the Kingdom of the Netherlands proposed that the annotation "All species of the family in the Americas" be deleted from Cactaceae in Appendix II, and that the separate listing of *Rhipsalis* species be deleted from Appendix II. The Secretariat sent the proposal to the Parties together with its recommendation of support on February 26, 1986 (see the Service's notice in the Federal Register of April 2, 1986, 51 FR

11328). In response to the Service's notice, no one raised any objections to the proposal and the three organizations named below supported it: Cactus and Succulent Society of America, Center for Environmental Education, and Natural Resources Defense Council.

At the end of the Secretariat's 60-day comment period, six Parties had responded and informed the Secretariat that they fully supported the proposal or had no objection to it; the United States indicated its full support on April 24, 1986. On May 1, 1986, the Secretariat notified the Parties that if no objection to the proposal was received from a Party by May 31, 1986, the amendments would enter into force 90 days later in accord with the provisions of Article XV. No objections were received by the Secretariat, which on June 10, 1986, notified the Parties that the amendments enter into force August 29, 1986.

Article XV of CITES enables any Party to exempt itself from implementing CITES as specified for particular species if it enters a reservation with respect to the species. In the case of a nation that is a Party at the time an amendment is adopted, a reservation may be entered only during the period of 90 days after the Parties decided to place the species in Appendix I and II. The Service requests comments on whether it should recommend that the United States enter a reservation on the above amendments. At present, the Service proposes not to recommend a reservation, since the amendments coincide with current U.S. regulatory practices. It would do so only if evidence is presented to show that implementation of the amendments would be contrary to the interests or law of the United States.

The intent of these amendments is to require regulation of international trade in artificially propagated and naturalized cacti originating from outside the Americas, since some Parties and the CITES Secretariat had interpreted the annotation quoted above to exclude those cacti. The effect is that all species of cacti not in Appendix I will remain listed in Appendix II (where all species of *Rhipsalis* are included in the family listing), and specimens in international trade originating from outside as well as within the Americas will be regulated. (Native cacti worldwide are unaffected and remain regulated, and certain parts and derivatives of cacti are unaffected and remain exempt; 50 FR 48212, November 22, 1985.)

Acceptance of the amendments would have little effect in the United States, which since September 15, 1980 (45 FR 56923) has been regulating all cacti in Appendix II regardless of their origin

(artificially propagated, naturalized, or native in or outside the Americas). The amendments will, however, require some other Parties to CITES to broaden the scope of their regulation of cacti. Uniform regulation will assist enforcement efforts and thus bring greater protection to native cacti.

**Note.**—The Department has determined that amendments to CITES appendices, which result from actions of the Parties to CITES, do not require the preparation of Environmental Assessments as defined under authority of the National Environmental Policy Act (42 U.S.C. 4321-4347); 516 DM 2, Appendix I, section 1.10. The Department also has determined that this listing action is not a rule for purposes of Executive Order 12291, and that the Regulatory Flexibility Act (5 U.S.C. 601) and Paperwork Reduction Act of 1980 (Pub. L. 96-511) do not apply to this listing process.

This rule would simply implement changes in the listing of Cactaceae (cacti) in Appendix II of CITES that already have been approved by the Parties, that coincide with our current regulatory practice, and that the United States is bound to accept unless it enters a reservation. Even if the United States were to enter a reservation, under the Lacey Act Amendments of 1981 (16 U.S.C. 3371 et seq.) the United States would require CITES permits or their equivalent for imports from nonreserving Parties (50 FR 48216, November 22, 1985). Only a 15-day comment period is provided herein, since a decision is required by August 29, 1986, the public has had opportunity to comment on this general topic from the Service's previous notice, and the proposal coincides with current U.S. regulatory practice.

This proposal was prepared by Dr. Bruce MacBryde, Botanist, Office of Scientific Authority, under authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.).

**List of Subjects in 50 CFR Part 23**

Endangered and threatened plants, Endangered and threatened wildlife, Exports, Fish, Imports, Marine mammals, Plants (agriculture), Treaties.

**Proposed Regulation Promulgation**

Accordingly, for the reasons set out in the preamble above, it is hereby proposed to amend Title 50, Chapter I, Subchapter B, Part 23 of the Code of Federal Regulations, as set forth below.

**PART 23—ENDANGERED SPECIES CONVENTION**

1. The authority citation for Part 23 continues to read as follows:

**Authority:** Convention on International Trade in Endangered Species of Wild Fauna and Flora, TIAS 8249; and Endangered Species Act of 1973, 87 Stat. 884, 16 U.S.C. 1531-43.

2. It is proposed to amend the list in § 23.23(f) under PLANT KINGDOM, Family Cactaceae, by (a) removing the entry "*Rhipsalis* spp. . . . Mistletoe cacti . . . II . . . 7/1/75" and (b) revising the first entry under Cactaceae to read as follows:

**§ 23.23 Species listed in Appendices I, II, and III.**

\* \* \* \* \*

(f) \* \* \*

Species	Common name	Appendix	Date listed (month/day/year)
Family Cactaceae:	Cacti:		
All species except those in App. I.	.....	II	7/1/75

Dated: July 22, 1986.

**P. Daniel Smith,**

*Deputy Assistant Secretary for Fish and Wildlife and Parks.*

[FR Doc. 17193 Filed 7-30-86; 8:45 am]

BILLING CODE 4310-55-M

# Notices

Federal Register

Vol. 51, No. 147

Thursday, July 31, 1986

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

## DEPARTMENT OF AGRICULTURE

### Cooperative Agreement; University of Missouri

**AGENCY:** Office of International Cooperation and Development, USDA.  
**ACTION:** Notice of intent to amend a cooperative agreement.

**Activity:** The Office of International Cooperation and Development (OICD) intends to amend a Cooperative Agreement with the University of Missouri. The purpose of this relationship is to collaborate in the development of analytical and evaluative methodologies in food and nutrition economics for application in developing countries.

**Authority:** Section 1458 of the National Agricultural Research, Extension and Teaching Policy Act of 1977, as amended (7 U.S.C. 3291), and the Food Security Act of 1985 (Pub. L. 99-198).

OICD announces the availability of funds for fiscal year 1987 (FY 1987) to amend an agreement with the University of Missouri to provide additional funding and extend the duration of the support until 30 September 1989. The amended agreement will specifically focus on the analysis of major food policy issues in Jamaica using the 1975-77 and 1984 Household Expenditure Surveys previously processed by the University. This is a joint research activity which is meant to build on the considerable work already done by the University in Jamaica. Because the University processed the data and are familiar with the Jamaican institutions, they are uniquely qualified to analyze the data. Also, the University has been conducting research on consumption patterns in the United States and Canada and has a particular expertise in analyzing consumption issues. Expansion and continuation of this collaborative project will enhance the University's expertise in the area of

consumption issues analysis, and therefore augment their efforts in conducting this type of research.

Based on the above, this is not a formal request for application. An estimated \$180,000 will be available during the period FY 1987-89 to support this work—yearly amounts will vary and are subject to change. It is anticipated that the amendment to the agreement will be funded over a 3-year budget period.

**Information may be obtained from:**  
 Nancy J. Croft, Contracting Officer,  
 Management Services Branch, Office of  
 International Cooperation and  
 Development, U.S. Department of  
 Agriculture (58-319A-4-073,  
 Amendment 4).

Dated: July 28, 1986.

Allen Wilder,

Contracting Officer.

[FR Doc. 86-17188 Filed 7-30-86; 8:45 am]

BILLING CODE 3410-DP-M

### Cooperative Agreements; Texas Tech University

**AGENCY:** Office of International Cooperation and Development, USDA.  
**ACTION:** Notice of intent to enter into a cooperative agreement.

**Activity:** The Office of International Cooperation and Development (OICD) intends to enter into a Cooperative Agreement with Texas Tech University. The purpose of this relationship is to collaborate in the study of dryland ecosystems to increase agricultural productivity under dryland conditions and improve the quality of life of small subsistence farmers in arid and semi-arid regions.

**Authority:** Section 1458 of the National Agricultural Research, Extension and Teaching Policy Act of 1977, as amended (7 U.S.C. 3291), and the Food Security Act of 1985 (Pub. L. 99-198).

OICD announces the availability of funds during fiscal year 1986 (FY1986) to enter into a cooperative agreement with Texas Tech University, International Center for Arid and Semi-Arid Land Studies, Lubbock, Texas, to transfer soil and water management technologies. This activity is designed to improve the understanding of land and water resources in arid and semi-arid regions of developing countries through special

studies on various aspects of dryland ecosystems. The University will conduct analysis on dryland resources of existing Agency for International Development and other donor activities, along with studies for technological interventions and how they relate to similar processes in the developed world. This agreement will fund university graduate research and will augment the University's graduate program and ICASALS program in the area of dryland studies.

The University faculty has both the professional experience through the ICASALS research program and a close working relationship with colleagues in the collaborating countries and the development community that are needed for this activity. OICD will provide only project assistance to the University.

Based on the above, this is not a formal request for applications. Approximately \$60,000 will be available in FY1986. The proposed agreement will be funded for 24 months. Funding estimate and time period may vary and are subject to change.

**Information may be obtained from:**  
 Nancy J. Croft, Contracting Officer,  
 Management Services Branch, Office of  
 International Cooperation and  
 Development, U.S. Department of  
 Agriculture (58-319R-6-039).

Dated: July 28, 1986.

Allen Wilder,

Contracting Officer.

[FR Doc. 86-17189 Filed 7-30-86; 8:45 am]

BILLING CODE 3410-DP-M

## Forest Service

**Land and Resource Management Plan, Lassen National Forest, Butte, Lassen, Modoc, Plumas, Shasta, Siskiyou, and Tehama Counties, CA; Extension to the Public Review and Comment Period for the Proposed Forest Plan and Draft Environmental Impact**

In response to public request the Lassen National Forest has extended the public review and comment period for the Proposed Forest Plan and Draft Environmental Impact Statement until Monday September 8, 1986.

All written comments should be sent to Forest Supervisor, Richard A. Henry, Lassen National Forest, 55 South Sacramento Street, Susanville,

California 96130 by September 8, 1986. The Forest Service will respond to all public comments in the final Environmental Impact Statement.

For additional information contact Michael Condon at the above address or by telephone at 916-257-2151.

David W. Jones,

Acting Forest Supervisor.

July 23, 1986.

[FR Doc. 86-17155 Filed 7-30-86; 8:45 am]

BILLING CODE 3410-11-M

## Soil Conservation Service

### Pigeon Roost Creek Watershed, Kentucky

**AGENCY:** Soil Conservation Service, USDA.

**ACTION:** Notice of a finding of no significant impact.

**SUMMARY:** Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Pigeon Roost Creek Watershed, Jackson County, Kentucky.

**FOR FURTHER INFORMATION CONTACT:** Allan Heard, Assistant State Conservationist, Soil Conservation Service, 333 Waller Avenue, Lexington, KY 40504, telephone: 606-233-2747.

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

The project concerns a plan for reducing floodwater and sediment damages to residential, commercial, and industrial properties; to transportation facilities in McKee, Kentucky; and to agricultural activities in the benefited areas. The planned works of improvement include the installation of two (2) floodwater retarding dams, a 265 foot concrete dike, and stabilization measures adjacent to the dike.

The Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State and local agencies, and interested parties. A

limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Allan Heard.

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

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

Dated: July 25, 1986.

Randall W. Giessler,

State Conservationist.

[FR Doc. 86-17148 Filed 7-30-86; 8:45 am]

BILLING CODE 3410-16-M

### Fifth Ward Watershed, Louisiana

**AGENCY:** Soil Conservation Service, USDA.

**ACTION:** Notice of availability of a record of decision.

**SUMMARY:** Horace J. Austin, responsible Federal official for projects administered under the provisions of Pub. L. 83-566, 16 U.S.C. 1001-1008, in the State of Louisiana, is hereby providing notification that a record of decision to proceed with the installation of the Fifth Ward Watershed project is available. Single copies of this record of decision may be obtained from Horace J. Austin at the address shown below.

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

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention. State and local review procedures for Federal and federally assisted programs and projects are applicable)

Dated: July 22, 1986.

Horace J. Austin,

State Conservationist.

[FR Doc. 86-17144 Filed 7-30-86; 8:45 am]

BILLING CODE 3410-16-M

### Chimacum Creek Watershed, Washington; Deauthorization of Federal Funding

**AGENCY:** Soil Conservation Service, USDA.

**ACTION:** Notice of intent to deauthorize Federal funding.

**SUMMARY:** Pursuant to the Watershed Protection and Flood Prevention Act, Pub. L. 83-566, and the Soil Conservation Service Guidelines (7 CFR Part 622), The Soil Conservation Service Gives notice of the intent to deauthorize Federal funding for the Chimacum Creek Watershed project, Jefferson County, Washington.

#### FOR FURTHER INFORMATION CONTACT:

Lynn A. Brown, State Conservationist, Soil Conservation Service, W. 920 Riverside, Spokane, Washington 99201, telephone (509) 456-3710.

#### SUPPLEMENTARY INFORMATION:

A determination has been made by Lynn A. Brown, that the proposed works of improvement for the Chimacum Creek project will not be installed. The sponsoring local organizations have concurred in this determination and agree that Federal funding should be deauthorized for the project. Information regarding this determination may be obtained from Lynn A. Brown, State Conservationist, at the above address and telephone number.

No administrative action on implementation of the proposed deauthorization will be taken until 60 days after the date of this publication in the **Federal Register**.

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

Dated: July 22, 1986.

Lynn A. Brown,

State Conservationist.

[FR Doc. 86-17172 Filed 7-30-86; 8:45 am]

BILLING CODE 3410-16-M

## COMMISSION ON CIVIL RIGHTS

### Pennsylvania Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a community forum of the Pennsylvania Advisory Committee to the Commission will convene at 10:30 a.m. and adjourn at 5:00 p.m. on August 21, 1986, at the William J. Green Federal Building, Room 6306, 600 Arch Street, Philadelphia, Pennsylvania. The purpose of the forum is to gather additional information on new strategies in advancing civil rights, including the use of housing vouchers.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson Murray Friedman or John Binkley, Director of the Mid-Atlantic Regional Office at (202) 523-5264, (TDD 202/523-5264). Hearing impaired persons who will attend the meeting and require the services of a sign language interpreter, should contact the Regional Office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, July 26, 1986.

**Donald A. Deppe,**

*Program Specialist for Regional Programs.*

[FR Doc. 86-17194 Filed 7-30-86; 8:45 am]

BILLING CODE 6335-01-M

#### **West Virginia Advisory Committee; Agenda and Notice of Public Meeting**

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a community forum of the West Virginia Advisory Committee to the Commission will convene at 10:00 a.m. and adjourn at 4:00 p.m. on August 26, 1986, at the 17th Circuit Court of Monongalia County, High Street, Morgantown, West Virginia. The purpose of the forum is to explore civil rights issues in West Virginia related to education, the administration of justice, employment, and housing. A brief meeting to plan future activities of the Committee will follow the forum.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson Adam Kelly or John Binkley, Director of the Mid-Atlantic Regional Office at (202) 523-5264 (TDD 202/523-5264). Hearing impaired persons who will attend the meeting and require the services of a sign language interpreter, should contact the Regional Office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, July 25, 1986.

**Donald A. Deppe,**

*Program Specialist for Regional Programs.*

[FR Doc. 86-17195 Filed 7-30-86; 8:45 am]

BILLING CODE 6335-01-M

#### **DEPARTMENT OF COMMERCE**

##### **Foreign-Trade Zones Board**

[Docket No. 26-86]

##### **Proposed Foreign-Trade Zone—Sierra Vista, AZ (Naco Customs Port of Entry); Application and Public Hearing**

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Sierra Vista Economic Development Foundation, Inc. (SVEDF), an Arizona non-profit corporation, requesting authority to establish a general-purpose foreign-trade zone in Sierra Vista, Arizona, adjacent to the Naco Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on July 15, 1986. The applicant is authorized to make this proposal under Chapter 18, Title 44, Arizona Revised Statutes.

The proposed foreign-trade zone involves a 13.4-acre site off State Highway 90 within the Bella Vista Industrial Park in Sierra Vista. The SVEDF will develop and operate the zone facility.

The application indicates that several area firms have indicated an interest in using zone procedures for the storage/distribution of electronic components and assemblies, communication equipment, bicycle components, auto accessories, furniture and blinds. No manufacturing approvals are being sought at this time. Such requests would be made to the Board on a case-by-case basis.

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: Dennis Puccinelli (Chairman), Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, DC 20230; Donald Gough, Deputy Assistant Regional Commissioner, U.S. Customs Service, Southwest Region, 5850 Felipe St., Houston, TX 77057; and Colonel Dennis F. Butler, District Engineer, U.S. Army Engineer District Los Angeles, P.O. Box 2711, Los Angeles, CA 90053.

As part of its investigation, the examiners committee will hold a public hearing on August 26, 1986, beginning at 9:00 a.m., in the Council Chambers of the Sierra Vista City Hall, 2400 E. Tacoma St., Sierra Vista.

Interested parties are invited to present their views at the hearing. Persons wishing to testify should notify the Board's Executive Secretary in

writing at the address below or by phone (202/377-2862) by August 18. Instead of an oral presentation, written statements may be submitted in accordance with the Board's regulations to the examiners committee, care of the Executive Secretary, at any time from the date of this notice through September 29, 1986.

A copy of the application and accompanying exhibits will be available during this time for public inspection at each of the following locations:

Port Director's Office, U.S. Customs Service, 106 D Street, P.O. Box 337, Naco, AZ 85620

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 1529, 14th & Pennsylvania NW., Washington, DC 20230.

Dated: July 28, 1986.

**Dennis M. Puccinelli,**

*Acting Executive Secretary.*

[FR Doc. 86-17267 Filed 7-30-86; 8:45 am]

BILLING CODE 3510-25-M

[Docket No. 19-86]

##### **Foreign-Trade Zone 29; Louisville, KY; Application for Subzone at Toyota Auto Plant in Scott County, KY; Correction**

On June 17, 1986, notice was given concerning a proposal for a special-purpose subzone for the auto manufacturing plant of Toyota Motor Manufacturing, U.S.A., Inc. in Scott County, Kentucky (51 FR 21946, 6/17/86).

In referring to the size of the plant in para 2, line 4, the notice is amended to substitute the words "1400-acre" for "400-acre."

Dated: July 28, 1986.

**Dennis Puccinelli,**

*Acting Executive Secretary.*

[FR Doc. 86-17266 Filed 7-30-86; 8:45 am]

BILLING CODE 3510-25-M

#### **International Trade Administration**

[A-588-086]

##### **Spun Acrylic Yarn From Japan; Preliminary Results of Antidumping Duty Administrative Review and Tentative Determination To Revoke in Part**

**AGENCY:** International Trade Administration/Import Administration, Commerce.

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

and tentative determination to revoke in part.

**SUMMARY:** In response to requests by 8 manufacturers and/or exporters, the Department of Commerce has conducted an administrative review of the antidumping duty order on spun acrylic yarn from Japan. The review covers 8 of the 13 known manufacturers, and/or exporters of this merchandise to the United States and the period April 1, 1983 through March 31, 1985. There were no known shipments of this merchandise to the United States by the 8 firms during the period and there are no known unliquidated entries.

As a result of the review, the Department has preliminarily determined to revoke the antidumping duty order with respect to Asahi Chemical, Japan Exlan, Diafibers, and Mitsubishi Rayon.

Interested parties are invited to comment on these preliminary results and tentative determination to revoke in part.

**EFFECTIVE DATE:** July 31, 1986.

**FOR FURTHER INFORMATION CONTACT:** Barbara Victor or John Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 377-5222/3601.

**SUPPLEMENTARY INFORMATION:**

**Background**

On May 29, 1984, the Department of Commerce ("the Department") published in the *Federal Register* (49 FR 22368) the final results of its last administrative review of the antidumping duty order on spun acrylic yarn from Japan (45 FR 24127, April 8, 1980). The Department received requests for an administrative review from 8 of the 13 known manufacturers and/or exporters, in accordance with § 353.53a(a) of the Commerce Regulations, and we published a notice of initiation of the antidumping duty administrative review in the *Federal Register* on March 14, 1986 (51 FR 8862).

**Scope of the Review**

Imports covered by the review are shipments of spun acrylic piled yarn for machine knitting, currently classifiable under items 310.5015 and 310.5049 of the Tariff Schedules of the United States Annotated. The review covers 8 of the 13 known manufacturers and/or exporters of Japanese spun acrylic yarn to the United States and the period April 1, 1983 through March 31, 1985. There were no known shipments of this merchandise to the United States by

these 8 firms during the period and there are no known unliquidated entries.

**Preliminary Results of the Review and Tentative Determination To Revoke in Part**

Asahi Chemical Ind. Co. Ltd., Japan Exlan Corp., Diafibers Co. Ltd., and Mitsubishi Rayon Co. Ltd., requested partial revocation of the order and, as provided for in § 353.54(e) of the Commerce Regulations, have agreed in writing to an immediate suspension of liquidation and reinstatement in the order under circumstances specified in the written agreement. These firms have not shipped this merchandise to the United States for more than four years. The other four firms subject to this review had no shipments during the period.

As a result of our review, we preliminarily determine that the following margins exist for the period April 1, 1983 through March 31, 1985:

Manufacturer/exporter	Margin (per-cent)
Asahi Chemical Ind. Co. Ltd.	<sup>1</sup> 20.26
Japan Exlan Corp.	<sup>1</sup> 18.33
Diafibers Co., Ltd.	<sup>1</sup> 18.33
Mitsubishi Rayon Co. Ltd.	<sup>1</sup> 20.25
Teijin Shoji Kaisha, Ltd.	<sup>1</sup> 29.05
Mitsubishi Corp.	<sup>1</sup> 20.26
Nichimen Corp.	<sup>1</sup> 23.19
Nishio-Iwai Corp.	<sup>1</sup> 18.33

<sup>1</sup> No shipments during the period.

Therefore, we tentatively determine to revoke the antidumping duty order on spun acrylic yarn from Japan with respect to Asahi Chemical Ind. Co. Ltd., Japan Exlan Corp., Diafibers Co., Ltd., and Mitsubishi Rayon Co. Ltd. If this partial revocation is made final, it will apply to all unliquidated entries of this merchandise exported by these firms entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice.

Interested parties may submit written comments on these preliminary results and tentative determination to revoke in part within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held 45 days after the date of publication or the first workday thereafter. The Department will publish the final results of this administrative review including the results of its analysis of issues raised in any such written comments or hearing.

Further, as provided for in § 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties based on the above margins shall be required for those firms. For any

shipments from the five remaining known manufacturers/exporters of Japanese spun acrylic yarn not covered by this review, the cash deposit will continue to be at the rates published in the final results of the last administrative review for each of those firms (49 FR 22368, May 29, 1984).

For any future entries from a new exporter of Japanese spun acrylic yarn not covered in this or prior reviews, whose first shipments occurred after March 31, 1985, a cash deposit of 29.05 percent shall be required. These deposit requirements are effective for all shipments of Japanese spun acrylic yarn entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review.

This administrative review, tentative determination to revoke in part, and notice are in accordance with sections 751(a) (1) and (c) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1), (c)), and §§ 353.53a and 353.54 of the Commerce Regulations (19 CFR 353.53a; 50 FR 32556, August 13, 1985; 353.54).

Dated: July 27, 1986.

**Gilbert B. Kaplan,**

*Deputy Assistant Secretary for Import Administration.*

[FR Doc. 86-17271 Filed 7-30-86; 8:45 am]

**BILLING CODE 3510-DS-M**

[A-427-072]

**Viscose Rayon Staple Fiber From France; Preliminary Results of Antidumping Duty Administrative Review and Tentative Determination To Revoke in Part**

**AGENCY:** International Trade Administration, Import Administration, Commerce.

**ACTION:** Notice of preliminary results of antidumping duty administrative review and tentative determination to revoke in part.

**SUMMARY:** In response to a request by Achille Bayart, the Department of Commerce has conducted an administrative review of the antidumping finding on viscose rayon staple fiber from France. The review covers 1 of the 3 known manufacturers and/or exporters of this merchandise to the United States and the period March 1, 1984 through February 28, 1985. There were no known shipments of this merchandise to the United States by this firm during the period and there are no known unliquidated entries.

As a result of the review, the Department has preliminarily

determined to revoke the antidumping finding with respect to Achille Bayart.

Interested parties are invited to comment on these preliminary results and tentative determination to revoke in part.

**EFFECTIVE DATE:** July 31, 1986.

**FOR FURTHER INFORMATION CONTACT:** Barbara Victor or John Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-5222/3601.

**SUPPLEMENTARY INFORMATION:**

**Background**

On November 16, 1984, the Department of Commerce ("the Department") published in the *Federal Register* (49 FR 45467) the final results of its last administrative review of the antidumping finding on viscose rayon staple fiber from France (44 FR 17157, March 21, 1979). The Department received a request for an administrative review from Achille Bayart, in accordance with § 353.53a(a) of the Commerce Regulations, and we published a notice of initiation of the antidumping duty administrative review in the *Federal Register* on February 12, 1986 (51 FR 5219).

**Scope of the Review**

Imports covered by this review are shipments of Viscose rayon staple fiber, except solution dyed, in noncontinuous form, not carded, not combed and not otherwise processed, wholly of filaments (except laminated filaments and plexiform filaments), currently classifiable under items 309.4320 and 309.4325 of the Tariff Schedules of the United States Annotated. The review covers 1 of the 3 known manufacturers and/or exporters of French viscose rayon staple fiber to the United States and the period March 1, 1984 through February 28, 1985. There were no known shipments of this merchandise to the United States by this firm during the period and there are no known unliquidated entries.

**Preliminary Results of the Review and Tentative Determination To Revoke in Part**

Achille Bayart requested partial revocation of the finding and, as provided for in § 353.54(e) of the Commerce Regulations, has agreed in writing to an immediate suspension of liquidation and reinstatement in the finding under circumstances specified in the written agreement. Achille Bayart has not shipped this merchandise to the United States for more than four years.

Therefore, we tentatively determine to revoke the antidumping finding on viscose rayon staple fiber from France with respect to Achille Bayart. If this partial revocation is made final, it will apply to all unliquidated entries of this merchandise exported by Achille Bayart entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice.

Interested parties may submit written comments on these preliminary results and tentative determination to revoke in part within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held 45 days after the date of publication or the first workday thereafter. The Department will publish the final results of this administrative review including the results of its analysis of issues raised in any such written comments or hearing.

Further, as provided for in § 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties of 24 percent shall be required for Achille Bayart. For any shipments from the two remaining known manufacturers/exporters of French viscose rayon staple fiber not covered by this review, the cash deposit will continue to be at the rates published in the final results of the last administrative review for each of those firms (49 FR 45467, November 16, 1984).

For any future entries from a new exporter of French viscose rayon staple fiber not covered in this or prior reviews, whose first shipments occurred after February 28, 1985, a cash deposit of 24 percent shall be required. These deposit requirements are effective for all shipments of French viscose rayon staple fiber entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review.

This administrative review, tentative determination to revoke in part, and notice are in accordance with sections 751(a)(1) and (c) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1), (c)), and §§ 353.53a and 353.54 of the Commerce Regulations (19 CFR 353.53a; 50 FR 32556, August 13, 1985; 353.54).

Dated: July 27, 1986.

Gilbert B. Kaplan,

*Deputy Assistant Secretary for Import Administration.*

[FR Doc. 86-17270 Filed 7-30-86; 8:45 am]

BILLING CODE 3510-DS-M

**Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review**

**AGENCY:** International Trade Administrative/Import Administration, Commerce.

**ACTION:** Notice of Opportunity to request administrative review of antidumping or countervailing duty order, finding, or suspended investigation.

**Background**

Each year during the anniversary month of the publication of an antidumping or countervailing duty order, finding, or suspension of investigation, an interested party as defined in section 771(9) of the Tariff Act of 1930 may request, in accordance with § 353.53a or § 355.10 of the Commerce Regulations, that the Department of Commerce ("the Department") conduct an administrative review of that antidumping or countervailing duty order, finding, or suspended investigation.

**Opportunity to Request a Review**

Not later than August 31, 1986, interested parties may request administrative review of the following orders, findings, or suspended investigations, with anniversary dates in August, for the following periods:

	Period
Antidumping Duty Proceeding:	
Cadmium from Japan.....	08/01/85-07/31/86
Nitrocellulose from France.....	08/01/85-07/31/86
Pagers from Japan.....	08/01/85-07/31/86
Tapered Roller Bearings from Japan.....	08/01/85-07/31/86
Clear Sheet Glass from Taiwan.....	08/01/85-07/31/86
Titanium Sponge from USSR.....	08/01/85-07/31/86
Stainless Steel Wire Rods from France.....	08/01/85-07/31/86
Acrylic Sheet from Japan.....	08/01/85-07/31/86
Countervailing Duty Proceeding:	
Live Swine from Canada.....	03/26/85-12/31/85
Copper Rod and Wire from New Zealand.....	05/23/85-12/31/85
Pipes and Tubes from Thailand.....	06/03/85-12/31/85

A request must conform to the Department's interim final rule published in the *Federal Register* (50 FR 32556) on August 13, 1985. Seven copies of the request should be submitted to the Deputy Assistant Secretary for Import Administration, International Trade Administration, Room B-099, U.S. Department of Commerce, Washington, DC 20230.

The Department will publish in the *Federal Register* a notice of "Initiation of Antidumping (Countervailing) Duty Administrative Review," for requests received by August 31, 1986.

If the Department does not receive by August 31, 1986 a request for review of entries covered by an order or finding listed in this notice and for the period identified above, the Department will instruct the Customs Service to assess antidumping or countervailing duties on those entries at a rate equal to the cash deposit of (or bond for) estimated antidumping or countervailing duties required on those entries at the time of entry, or withdrawal from warehouse, for consumption and to continue to collect the cash deposit previously ordered.

This notice is not required by statute but is published as a service to the international trading community.

Dated: July 27, 1986.

Gilbert B. Kaplan,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 86-17269 Filed 7-30-86; 8:45 am]

BILLING CODE 3510-DS-M

### **Litharge, Red Lead, and Lead Stabilizers From Mexico; Preliminary Results of Countervailing Duty Administrative Review**

**AGENCY:** International Trade Administration/Import Administration, Commerce.

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

**SUMMARY:** The Department of Commerce has conducted an administrative review of the countervailing duty order on litharge, red lead and lead stabilizers from Mexico. The review covers the period January 1, 1984 through December 31, 1984 and 11 programs.

As a result of the review, the Department has preliminarily determined the bounty or grant to be 1.56 percent *ad valorem* for the period of review. We invite interested parties to comment on these preliminary results.

**EFFECTIVE DATE:** July 31, 1986.

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

**SUPPLEMENTARY INFORMATION:**

#### **Background**

On December 6, 1982, the Department of Commerce ("the Department") published in the *Federal Register* (47 FR 54847) a countervailing duty order on litharge, red lead, and lead stabilizers from Mexico. On October 18, 1985, three

Mexican exporters requested in accordance with § 355.10 of the Commerce Regulations an administrative review of the order. We published the initiation of the administrative review on January 21, 1986 (51 FR 2747). The Department has now conducted that administrative review in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

#### **Scope of Review**

Imports covered by the review are shipments of Mexican litharge, red lead, and lead stabilizers, which include lead compounds "not specifically provided for" ("NSPF") and pigments containing lead NSPF. Such merchandise is currently classifiable under the following items of the Tariff Schedules of the United States Annotated: litharge, 473.5200; red lead, 473.5600; lead compounds NSPF, 419.0400; and pigments containing lead NSPF, 473.9000.

The review covers the period January 1, 1984 through December 31, 1984 and 11 programs: (1) FOMEX; (2) Article 94 of the Banking Law; (3) import duty reductions; (4) accelerated depreciation; (5) CEPFOFI; (6) state tax incentives; (7) FONEI; (8) FOGAIN; (9) CEDI; (10) NDP preferential discounts; and (11) Bancomext loans.

#### **Analysis of Programs**

##### **(1) FOMEX**

The Fund for the Promotion of Exports of Mexican Manufactured Products ("FOMEX") is a trust of the Mexican Treasury Department, with the National Bank of Foreign Trade acting as trustee for the program. The National Bank of Foreign Trade, through financial institutions, makes FOMEX loans available at non-commercial rates to manufacturers and exporters for two purposes: pre-export (production) financing and export financing. We consider both pre-export and export FOMEX loans to be export bounties or grants since these loans are given only on merchandise destined for export. We found that the annual interest rate that financial institutions charged borrowers for FOMEX pre-export financing outstanding during the period of review, denominated in Mexican pesos, was either 7 or 8 percent. The annual interest rate for FOMEX export financing, denominated in the currency of the importing country, was either 5 to 7.1 percent during the period of review.

Since we lacked information on effective FOMEX interest rates in this case, we chose nominal peso and dollar rates as our benchmarks. For peso-denominated loans, we used as a

benchmark for the commercial interest rate in Mexico the average of the nominal interest rates published monthly by the Banco de Mexico in the *Indicadores Economicos*. For dollar-denominated loans, we used interest information obtained from the U.S. Federal Reserve Board.

We consider the benefit, or the cash flow effect, from loans to occur when the interest is paid. The interest on FOMEX pre-export loans is paid at maturity. Since both 1983 and 1984 FOMEX pre-export loans matured during 1984, we used a peso benchmark from both years. For FOMEX export loans, on which the interest is pre-paid, we used only a 1984 benchmark.

Based on this information, we preliminarily determine that comparable peso-denominated loans were available commercially at 63.25 percent for the outstanding pre-export loans from 1983 and 59.77 percent for the pre-export loans obtained in 1984. Comparable dollar-denominated loans were available in 1984 at 13.51 percent. We found the resulting interest differentials to range between 51.77 percent and 56.25 percent for peso-denominated loans and between 6.4 percent and 8.51 percent for dollar-denominated loans.

Two of the four known exporters of this merchandise, Pigmentos y Oxidos, S.A. ("PYOSA") and Productos Industriales de Plomo ("PIPSA"), used these programs during the period of review. Because both exporters were able to tie all FOMEX loans to exports to specific countries, we used only the FOMEX loans on U.S. shipments and allocated the benefit over only the value of total U.S. shipments during the period of review. On this basis, we preliminarily determine the benefit from FOMEX pre-export loans to be 0.86 percent *ad valorem* and from FOMEX export loans to be 0.53 percent *ad valorem*, for a total benefit during the review period of 1.39 percent *ad valorem*.

As of June 1984, PYOSA and PIPSA, who account for over 99 percent of the merchandise exported to the United States, renounced both pre-export and export FOMEX loans on U.S. shipments. The companies also certified that they would not apply for such loans on U.S. shipments in the future. Based on the verified data for 1984 and the renunciations, we preliminarily determine, for purposes of cash deposit of estimated countervailing duties, that Mexican exporters of this merchandise are currently receiving no benefit from this program.

**(2) Article 94 of the Banking Law**

Section 2 of Article 94 of the General Law of Credit Institutions and Auxiliary Organizations ("the Banking Law") established that up to 25 percent of a bank's total deposits must be funneled as loans into specially designated sectors of economic activity. Loans granted under section 2 are obtained at below-market interest rates.

In Circular 1842/79, the Banco de Mexico established 12 categories of industries that are eligible to obtain financing under section 2 of Article 94. Most categories carry their own maximum interest rates, set by the Banco de Mexico. Category 12 consists only of exports of manufactured products.

We consider financing obtained at non-commercial interest rates under category 12 to constitute an export bounty or grant because it is given only on merchandise destined for export. PIPSA received short-term category 12 financing on U.S. shipments at non-commercial rates during the period of review and had one category 12 loan outstanding at the end of 1983. The interest on category 12 loans is paid at maturity. To calculate the benefit from these peso-denominated loans, we used as a benchmark the same average commercial interest rates as for the FOMEX U.S. shipments pre-export loans. The resulting interest differentials were 11.25 percent in 1983 (for the outstanding loan) and 9.61 percent in 1984.

Since these Article 94 loans are based on shipments to specific countries, we allocated the benefit that PIPSA received on its exports to the United States over the value of total exports of the merchandise to the United States during the period of review.

On this basis, we preliminarily determine the benefit from this program to be 0.01 percent *ad valorem*.

**(3) Import Duty Reductions**

The Mexican government grants import duty reductions on machinery, spare parts, and tools to companies located in free zones or border areas. If the company transports the imported equipment to other areas of Mexico, it must pay the full duty. Since these reductions are limited to companies located in specific regions of the country, we preliminarily determine that this program is countervailable.

Oxidos y Pigmentos, S.A. ("OyPM"), a new producer that began exporting litharge to the United States in December 1984, used this program during the review period. OyPM used the imported equipment for producing

litharge sold in Mexico and abroad. To calculate the benefit, we took the difference between the actual import duties paid and what the payment would have been absent the reduction, and allocated the result over OyPM's total 1984 sales of litharge. We then weight-averaged the benefit by OyPM's share of the total value of Mexican exports of the merchandise to the United States. On this basis, we preliminarily determine the benefit from this program to be 0.16 percent *ad valorem* during the review period.

**(4) Accelerated Depreciation**

Article 28 of the 1984 Mexican Income Tax Law allows all companies to depreciate machinery and equipment at rates up to a maximum of 75 percent of the purchase value in the first year, ten percent in the following two years, and five percent in the last year. Because these rates of depreciation are available to all industries in Mexico, we preliminarily determine that this program is not countervailable.

**(5) Other Programs**

We also examined the following programs and preliminarily find that exporters of litharge, red lead, and lead stabilizers did not use them during the review period:

- (A) Certificates of Fiscal Promotion ("CEPROFI");
- (B) State tax incentives;
- (C) Fund for Industrial Development ("FONEI");
- (D) Guarantee and Development Fund for Medium and Small Industries ("FOGAIN");
- (E) Tax Rebate Certificates ("CEDI");
- (F) National Development Program ("NDP") preferential discounts; and
- (G) National Bank of Foreign Trade ("Bancomext") loans.

**Preliminary Results of Review**

As a result of our review, we preliminarily determine the bounty or grant to be 1.56 percent *ad valorem*. The Department intends to instruct the Customs Service to assess countervailing duties of 1.56 percent of the f.o.b. invoice price on all shipments of this merchandise exported on or after January 1, 1984 and on or before December 31, 1984.

The elimination of benefits under the FOMEX loan program reduces the total estimated bounty or grant to 0.17 percent *ad valorem*, a rate the Department considers *de minimis*. Therefore, the Department intends to instruct the Customs Service to waive deposits of estimated countervailing duties, as provided by section 751(a)(1) of the Tariff Act, on all shipments of this

merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review. This deposit waiver shall remain in effect until publication of the final results of the next administrative review.

OyPM requested a zero rate or an exclusion from the countervailing duty order. This issue is moot because the company received benefits during the period of review. Furthermore, we cannot grant exclusion from a countervailing duty order once the order has been published. The Commerce Regulations require that requests for exclusions be submitted within 30 days of publication of a notice to initiate an investigation (19 CFR 355.38).

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held 55 days after the date of publication or the last workday preceding. Any request for an administrative protective order must be made no later than five days after the date of publication. The Department will publish the final results of this administrative review including the results of its analysis of issues raised in any such written comments or at a hearing.

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

Dated: July 26, 1986.

Gilbert B. Kaplan,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 86-17286 Filed 7-30-86; 8:45 am]

BILLING CODE 3510-DS-M

### Subcommittee on Export Administration of the President's Export Council; Partially Closed Meeting

A partially closed meeting of the President's Export Council Subcommittee on Export Administration will be held August 21, 1986, 9 a.m. to 3 p.m., Department of Commerce, Herbert Hoover Building, Room 4830, 14th and Constitution Avenue, NW., Washington, DC.

The Subcommittee provides advice on matters pertinent to those portions of the Export Administration Act as amended that deal with United States

policies of encouraging trade with all countries with which the United States has diplomatic or trading relations, and of controlling trade for national security and foreign policy reasons.

#### General Session

9:00 a.m.-11:50 a.m. Status reports by Ad Hoc Chairmen and various developments at Commerce in the International Trade area.

#### Executive Session

1:30 p.m.-3 p.m. Discussions of matters properly classified under Executive Order 12356 dealing with matters pertaining to the control of exports for national security, foreign policy or short supply reasons under the Export Administration Act of 1979, as amended in 1985. A Notice of Determination to close meetings or portions of meetings of the subcommittee to the public on the basis of 5 U.S.C. 522(c)(1) was approved October 17, 1985 in accordance with the Federal Advisory Committee Act. A copy of the Notice is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, (202) 377-4217.

For further information and copies of the minutes, contact Debra Waggoner (202) 377-4244.

Dated: July 24, 1986.

Willard A. Workman,

Director, Strategic Planning and Policy Division, Export Administration.

[FR Doc. 86-17287 Filed 7-30-86; 8:45 am]

BILLING CODE 3510-DT-M

#### National Oceanic and Atmospheric Administration

#### South Atlantic Fishery Management Council; Public Meeting

**AGENCY:** National Marine Fisheries Service, NOAA, Commerce.

The South Atlantic Fishery Management Council will convene a public meeting, August 18-22, 1986, in Charleston, SC, to discuss the king and Spanish mackerel, spiny lobster, and swordfish fishery management plans; discuss the status of the calico scallop fishery, as well as discuss other fishery management and administrative matters. A detailed agenda will be available to the public on or about August 8, 1986. For further information contact Robert K. Mahood, Executive Director, South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, SC 29407; telephone: (803) 571-4366.

Dated: July 28, 1986.

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

[FR Doc. 86-17272 Filed 7-30-86; 8:45 am]

BILLING CODE 3510-22-M

#### COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

#### Requesting Public Comment on Bilateral Textile Consultations With the Government of the People's Republic of China Concerning Man-Made Fiber Textile Products in Categories 638 and 659-C

July 28, 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 August 1, 1986. For further information contact Diana Solkoff, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212.

#### Background

On June 27, 1986, pursuant to the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 19, 1983, as amended, between the Governments of the United States and the People's Republic of China, the Governments of the United States requested consultations concerning imports into the United States of man-made fiber knit shirts in Category 638 and man-made fiber coveralls and overalls in Category 659-C (only T.S.U.S.A. Nos. 381.3325, 381.9805, 384.2205, 384.2530, 384.8606, 384.8607 and 384.9310), produced or manufactured in China and exported to the United States.

Summary market statements concerning these categories follow this notice.

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 F.R. 55709), as amended on April 7, 1983 (48 F.R. 15175), May 3, 1983 (48 F.R. 19924), December 14, 1983 (48 F.R. 55607), December 30, 1983 (48 F.R. 57584), April 4, 1984 (49 F.R. 13397), June 28, 1984 (49 F.R. 26622), July 16, 1984 (49 F.R. 28754), November 9, 1984 (49 F.R. 44782), and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1986).

Anyone wishing to comment or provide data or information regarding the treatment of Categories 638 and 659-C under the agreement with the People's Republic of China, or on any other aspect thereof, or to comment on domestic production or availability of textile products included in these categories, is invited to submit such comments or information in ten copies to Mr. William H. Houston III, Chairman, Committee for the Implementation of Textile Agreements, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230. Because the exact timing of the consultations is not yet certain, comments should be submitted promptly. Comments or information submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, Room 3100, U.S. Department of Commerce, 14th and Constitution Avenue NW, Washington, DC, and may be obtained upon written request.

Further comment may be invited regarding particular comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments regarding any aspect of the agreement or the implementation thereof is not a waiver in any respect of the exemption contained in 5 U.S.C. 553(a)(1) relating to matters which constitute "a foreign affairs function of the United State."

Pursuant to the terms of the bilateral agreement, the People's Republic of China is obligated under the consultation provision to limit its exports to the United States of man-made fiber textile products in the following categories during the ninety-day period which began on June 27, 1986 and extends through September 24, 1986 to the following levels:

Category	90 day restraint level
638.....	144,466 dozen.
659-C.....	101,256 pounds.

The People's Republic of China is also obligated under the bilateral agreement, if no mutually satisfactory solution is reached during consultations, to limit its exports to the United States during the twelve-months following the ninety-day consultation period (September 25, 1986-September 24, 1987) to the following levels:

Category	12-mo. restraint level
638.....	422,702 dozen.
659-C.....	314,366 pounds.

The United States Government has decided, pending a mutually satisfactory solution, to control imports of textile products in Categories 638 and 659-C exported during the ninety-day period at the levels described above. The United States remains committed to finding a solution concerning these categories. Should such a solution be reached in consultations with the Government of the People's Republic of China, further notice will be published in the **Federal Register**.

In the event the limits established for Categories 638 and 659-C for the ninety-day period are exceeded, such excess amounts, if allowed to enter at the end of the restraint period, shall be charged to the levels defined in the agreement for the subsequent twelve-month period.

**SUPPLEMENTARY INFORMATION:** On December 30, 1985 a letter to the Commissioner of Customs was published in the **Federal Register** (50 FR 53182) from the Chairman of the Committee for the Implementation of Textile Agreements which established restraint limits for certain categories of cotton, wool and man-made fiber textile products, produced or manufactured in the People's Republic of China and exported during 1986. The notice which preceded that letter referred to the consultation mechanism which applies to categories of textile products under the bilateral agreement, such as Categories 638 and 659-C, which are not subject to specific ceilings and for which levels may be established during the year. In the letter to the Commissioner of Customs which follows this notice, ninety-day levels are established for these categories.

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

July 28, 1986.

*Market Statement—Category 638—Men's and Boys' Man-Made Fiber Knit Shirts*

China

June 1986.

#### Summary and Conclusions

U.S. imports of Category 638 from China were 162,623 dozens in the first four months of 1986, compared to 101,445 dozens imported in the same period of 1985, a 60 percent increase. China is the fourth largest supplier of Category 638 and the largest uncontrolled supplier, accounting for 5 percent of total imports during the year ending April 1986.

The U.S. market for Category 638 has been disrupted by imports. The sharp and

substantial increase in imports from China has contributed to this disruption and continuation of the growth would create a real risk of further disruption.

#### U.S. Production and Market

In 1984, production was 32,845,000 dozens, 0.6 percent below the 1982 level of 33,049,000 dozens, and 4 percent below the 1983 level.

The market for domestically produced and imported men's and boys' man-made fiber knit shirts grew 6 percent between 1982 and 1984, however U.S. producers did not share in the growth. Their share of the market fell from 85 percent in 1982 to 80 percent in 1984.

#### U.S. Imports and Import Penetration

U.S. imports of Category 638 increased 44 percent between 1982 and 1984, rising from 5,871,000 dozens in 1982 to 8,458,000 dozens in 1984. The ratio of imports to domestic production was relatively stable at around 18 percent for 1982 and 1983 but increased sharply to 26 percent in 1984 as imports increased by one-third with no increase in production.

Year-ending April 1986 imports of U.S. Category 638 rose 11 percent, increasing to 8,674,000 dozens. Imports reached 3,660,000 dozens in the first four months of 1986, a 34 percent increase over the same period in 1985.

#### Duty-Paid Values and U.S. Producer's Prices

Approximately 75 percent of Category 638 imports during the first four months of 1986 from China entered under the following two TSUSA numbers: 381.8920—men's or boys' man-made fiber knit T-shirts, not ornamented; 381.8930—men's and boys' man-made fiber knit shirts, not ornamented. These garments from China entered the U.S. at landed, duty paid values below U.S. producers prices for comparable garments.

#### China

*Market Statement—Category 659 Pt.—Coveralls and Overalls*

June 1986.

#### Summary and Conclusions

U.S. imports of Category 659 Pt. coveralls and overalls from China totaled 24,324 dozens in year-ending April, 1986, compared to 5,986 dozens a year earlier, a 306 percent increase. During full year 1985, 17,152 dozens were imported, 26 percent more than the number imported in 1984. Imports reached 8,481 in the first four months of 1986, approximately six and one half times the level in the first four months of 1985.

The U.S. market for Category 659 Pt. coveralls and overalls has been disrupted by imports. The sharp and substantial increase in imports from China has contributed to this disruption and continuation of the growth would create a real risk of further disruption.

#### U.S. Production and Market

U.S. Production of Category 659 Pt. coveralls and overalls declined substantially over the past few years. Between 1982 and 1984 production declined from 605,000 dozens to 465,000 dozens, a 23 percent decline. During this period the U.S. market remained virtually stable. While imports supplied a

greater share, the U.S. producers' share dropped from 83 percent to 63 percent.

#### U.S. Imports and Imports Penetration

U.S. imports of Category 659 Pt. coveralls and overalls increased 125 percent between 1982 and 1984, rising from 121,000 dozens to 272,000 dozens. In 1985, imports increased an additional 39 percent; during the first four months of 1986 imports were 88 percent above the same period in 1985. The imports to production ratio increased from 20 percent in 1982 to 59 percent in 1984.

#### Duty-Paid Values and U.S. Producer Prices

Approximately 66 percent of Category 659 Pt. coverall and overall imports during the first four months of 1986 from China entered under TSUSA number 384.9310 (previously 383.9210)—women's man-made fiber coveralls, overalls and jumpsuits, not knit, not ornamented. These garments from China entered the U.S. at landed, duty paid values below U.S. producers' prices for comparable garments.

July 28, 1986.

#### Committee for the Implementation of Textile Agreements

Commissioner of Customs

Department of the Treasury Washington, DC 20229

Dear Mr. Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 19, 1983, as amended, between the Governments of the United States and the People's Republic of China; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on August 1, 1986, entry into the United States for consumption and withdrawal from warehouse for consumption of man-made fiber textile products in Categories 638 and 659-C,<sup>1</sup> produced or manufactured in the People's Republic of China and exported during the ninety-day period which began on June 27, 1986 and extends through September 24, 1986, in excess of the following levels of restraint:

Category	90-day restraint level <sup>1</sup>
638.....	144,466 dozen.
659-C.....	101,256 pounds.

<sup>1</sup> The limit has not been adjusted to account for any imports exported after June 26, 1986.

Textile products in Categories 638 and 659-C which have been exported to the United States prior to June 27, 1986 shall not be subject to this directive.

Textile products in Categories 638 and 659-C which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or

<sup>1</sup> In Category 659, only TSUSA Numbers 381.3325, 381.9805, 384.2205, 384.2530, 384.8606, 384.8607 and 384.9310.

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. number 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 (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 (1986).

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

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

Sincerely,

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 86-17265 Filed 7-30-86; 8:45 am]

BILLING CODE 3510-DR-M

## DEPARTMENT OF DEFENSE

### Department of the Air Force

#### Air Force Activity for Conversion to Contract

**ACTION:** Notice.

The Air Force recently determined that the T-38 Training Aircraft Maintenance function at Holloman AFB, NM will be examined for conversion to contract.

For further information contact Mr. Ross Clark, HQ TAC/XPMP, Langley AFB, VA, telephone (804) 764-5174.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 86-17161 Filed 7-30-86; 8:45 am]

BILLING CODE 3910-01-M

#### USAF Scientific Advisory Board; Meeting

July 18, 1986.

The USAF Scientific Advisory Board Ad Hoc Committee to Review the Air Force Science and Technology Programs for Reliability, Maintainability and Logistics will conduct a closed meeting at the Westinghouse Corporation in Baltimore, Maryland on August 26, 1986 and at the Pentagon, Washington, DC on August 27, 1986, 8:00 am to 5:00 pm.

The purpose of the meeting will be to review Air Force Reliability, Maintainability and Logistics technology

programs and evaluate their completeness and innovativeness to achieve Air Force goals.

The meeting concerns matters listed in section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly, will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at 202-697-8404.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 86-17164 Filed 7-30-86; 8:45 am]

BILLING CODE 3910-01-M

### Corps of Engineers, Department of the Army

#### Intent To Prepare a Draft Environmental Impact Statement (DEIS) for Ocean Disposal Site Designation off San Francisco Bay

**AGENCY:** U.S. Army Corps of Engineers, Department of Defense.

**ACTION:** Notice of intent to prepare a draft environmental impact statement (DEIS).

**SUMMARY:** 1. The proposed action is the designation of an ocean disposal site under the Marine Protection, Research and Sanctuaries Act off San Francisco Bay, California. The site, once designated, could be used for disposal of material dredged in San Francisco Bay which meets the criteria for ocean disposal as described at 40 CFR part 227. This site would replace the 100-fathom disposal site which has not been used since the Farallon Islands Marine Sanctuary was established in 1981.

2. *Alternatives.* The following alternatives are being considered. Relevant data on the alternative sites is summarized in the attached table. Baseline information; including physical, chemical and biological data; was collected at Stations 1 and 2 in 1983. Baseline data on the other sites is being collected now.

a. No action alternative.

b. Designation of a near-shore site. Station 1 and Site B3 are being considered.

c. Designation of a mid-shelf site. Station 2 and Site B1 are being considered.

d. Designation of a shelf-break site. Sites B2 and B5 are being considered.

e. Designation of a deep water site. Site B4 being considered.

3. *Scoping.* Federal, state and local agencies, and interested private organizations and individuals are invited to submit written comments on the proposed action within 30 days of the publication of this notice to the Chief, Environmental Branch, San Francisco District, Corps of Engineers, 211 Main Street, San Francisco, California 94105 (ATTN: M. Hooper, SPNPE-R). A public scoping meeting will be held in the Presidio Theater on Wednesday, August 27, 1986, at one o'clock to discuss any issues raised during the 30-day review period.

4. *Important Issues.* The following issues have been identified as significant, and will be addressed in the DEIS:

Biotic resources  
Sediment transport  
Sediment characteristics  
Navigational safety  
Water quality and depth  
Feasibility of monitoring  
Consistency with Coastal Zone Regulations  
Distance from dredging sites  
Areas of concentrated commercial fishing  
Areas of potential minerals management  
Areas of military importance  
Cultural resources

5. The DEIS is scheduled to be issued in May, 1987.

6. Questions about the proposed action and DEIS can be directed to Maggie Hooper at (415)974-0440 or FTS 454-0440.

Dated: July 25, 1986.

Andrew M. Perkins, Jr.,

Lieutenant Colonel, Corps of Engineers, District Engineer.

#### ALTERNATIVE SITES

Site	Location (lat/long.)	Distance from Golden Gate (NMI)	Water depth (fathoms)
<b>Nearshore Sites:</b>			
Site B3 .....	37°16'06"N; 122°33'15"W	32	35-45
Station 1 .....	37°40'00"N; 122°44'00"W	13	25-30
<b>Midshelf Sites:</b>			
Site B1 .....	37°31'16"N; 122°48'32"W	22	45-50
Station 2 .....	37°29'00"N; 122°57'22"W	28	80-155

## ALTERNATIVE SITES—Continued

Site	Location (lat./long.)	Distance from Golden Gate (NMI)	Water depth (fathoms)
Shelf-Break Sites:			
Site B2	37°22'46"N; 122°50'11"W	30	60-80
Site B5	37°29'39"N; 122°55'12"W	26	60-75
Deep-Water Sites: Site B4	37°30'00"N; 123°08'00"W	34	450-550

[FR Doc. 86-17151 Filed 7-30-86; 8:45 am]

BILLING CODE 3710-FS-M

## Defense Logistics Agency

## Privacy Act of 1974; Computer Matching Program and System of Records Amendment; Department of Defense (DoD)/State Medicaid Agencies

**AGENCY:** Defense Enrollment/Eligibility Reporting System (DEERS), Defense Logistics Agency (DLA), Department of Defense (DoD).

**ACTION:** Notice of new ongoing computer matching program between DEERS and state Medicaid agencies to determine the extent to which state Medicaid beneficiaries are eligible for DoD health care benefits.

**SUMMARY:** The purpose of this document is to provide information for public comment concerning the DEERS proposal to conduct an ongoing computer matching program and to propose an amendment of the DEERS' system of records by adding a new "routine use" permitting the match.

**DATE:** The proposed action will be effective, without further notice, September 2, 1986, unless comments are received which would result in a contrary determination.

**ADDRESS:** Send written comments to Mr. Larry Bigbee, Director, Data Base Systems Division, Defense Manpower Data Center, DLA, 2100 Garden Road, Suite J, Monterey, CA 93940-5316. Telephone: (408)375-9524, Autovon: 878-2126.

**FOR FURTHER INFORMATION CONTACT:** Mr. Aurelio Nepa, Jr., Staff Director, Defense Privacy Office, ODASD(A), The Pentagon, Washington, DC 20301-1100. Telephone: (202) 694-3027, Autovon: 224-3027.

**SUPPLEMENTARY INFORMATION:** DoD/DEERS as the matching agency, proposes to match by computer, its system of records with the records of the fifty states and the District of Columbia, to identify the extent to which Medicaid beneficiaries are eligible for Uniformed

Services health care benefits. This will be a continuing match program to be repeated periodically as states update their Medicaid roles.

Set forth below is the information required by the paragraph 5.f.(1) of the Revised Supplemental Guidance for Conducting Computerized Matching Programs issued by the Office of Management and Budget (47 FR 21656 May 19, 1982). A copy of this notice has been provided to both Houses of Congress and the Office of Management and Budget on July 24, 1986 pursuant to Appendix I to OMB Circular No. A-130—"Federal Agency Responsibilities for Maintaining Records About Individuals" dated December 12, 1985.

The Defense Logistics Agency systems of records as prescribed by the Privacy Act of 1974, as amended (5 U.S.C. 522a) have been published in the *Federal Register* as follows:

FR Doc. 85-10237 (50 FR 22897) May 29, 1985.

FR Doc. 85-30123 (50 FR 51898) December 20, 1985.

Patricia H. Means,  
OSD Federal Register Liaison Officer,  
Department of Defense.  
July 28, 1986.

## Report of a New Ongoing Computer Matching Program Between the Department of Defense (DoD) and State Medicaid Agencies

a. **Authority:** The legal authority under which the computer match is being conducted is 10 U.S.C. 136; 1969 Pub. L. 91-121, Section 404(A)(2), "Establishment of the Assistant Secretary of Defense Health Affairs; the Presidentially Commissioned Department of Defense, Department of Health, Education and Welfare, Office of Management and Budget Report of the Health Care Study (completed December 1975)"; DoD Directive 1341.1, "Defense Enrollment/Eligibility Reporting System"; DoD Instruction 1341.2, "DEERS Procedures"; Title XIX of the Social Security Act; 5 U.S.C. 552a and OMB Revised Supplemental Guidance for Conducting Matching Programs (47 FR 21656, May 19, 1982).

b. **Program Description:** Since the Health Care Financing Administration (HCFA) in the Department of Health and Human Services (HHS) is the federal agency responsible for providing federal funding and overall policy to the State Medicaid agencies administering their own state programs, it is a "payor of last resort," therefore, any other health care entitlements which may be provided to Medicaid beneficiaries must take precedence to Medicaid.

This new ongoing computer matching program will involve the Defense Enrollment/Eligibility Reporting System (DEERS) as the matching agency and state Medicaid agencies as the source agencies.

The purpose of the data base matches is to determine the extent to which state Medicaid beneficiaries are eligible for Uniformed Services health care benefits including CHAMPUS (Civilian Health and Medical Program of the Uniformed Services on contract basis). Matching oversight will be supplied by the Health Care Financing Administration (HCFA) of the Department of Health and Human Services (HHS). Prior to any data base matches being considered, a Memorandum of Understanding (MOU) between DEERS and the individual states will be signed by the representative of the state requesting the match and will include guidelines, uses and limitations on the exchanged data.

DEERS will receive a computer tape from each state Medicaid agency with the name, date of birth, SSAN, and address of its Medicaid beneficiaries. DEERS will match each tape received with its record system containing active and retired personnel and their dependents and provide a response tape to the individual states listing those individuals found to be eligible (hits) for Uniformed Services benefits on the states' Medicaid roles. DEERS will maintain an accounting of each disclosure. As the payor of the last resort, Medicaid must defer to DoD medical programs to provide care to beneficiaries. The response tape will include the same data elements provided by the states. The DEERS data base will ensure the display of the most current data known at any point in time. The states will make the necessary contact with the matched (hits) beneficiaries to make them aware of this potential eligibility for DoD military/civilian health benefits. A contact letter has been designed to advise these state beneficiaries of the DoD requirement of use of those benefits in catchment areas. Other forms of recipient contact that are

routinely practiced by the individual states will also be utilized as desired:

c. *Records to be Matched:* The records to be matched are as follows:

*State Medicaid Agencies (Source Agencies)*

Beneficiary records of the various State Medicaid agencies.

*DoD Record System (Matching Agency)*

System Identification: S322.50DLA-LZ.

System Name: Defense Enrollment/Eligibility Reporting System (DEERS).

Federal Register Citation: 50 FR 51901, December 20, 1986.

Since the published DoD record system notice (DEERS) does not meet the "routine use" requirement for conducting this computer matching program, the record system notice is hereby being amended in this Federal Register issuance together with the proposed matching program. The specific changes to the DEERS record system notice being amended are set forth below followed by the record system notice, as amended, published in its entirety.

d. *Period of the Match:* The initial match of this proposed ongoing matching program will begin as soon as possible after this public notice becomes effective as set forth under "DATE" in the preamble of this notice and will continue until all states and the District of Columbia have been completed. Follow-on additional matches will be performed as the states, on an individual scheduled basis, update their Medicaid roles.

e. *Security Safeguards:* Computer tapes containing personal data are stored in a secure computer processing facility at the W. R. Church Data Processing Center, Naval Postgraduate School, Monterey, California. Access to the tapes and data is limited to authorized personnel only. Each state Medicaid agency will sign a MOU which limits the use of information to purposes cited above. DoD authorizes the state to use DEERS data for the following purposes: To identify Medicaid eligibles who are also eligible for CHAMPUS and/or direct care in Military Treatment Facilities (MTFs). No other use of DEERS data is authorized without prior clearance from DoD. The state agrees to use the data in accordance with Federal and State Regulations for the Administration of the Medicaid Programs.

f. *Retention and Disposition of Records:* Upon receipt of the state tape, DEERS will match the supplied information with the last monthly extract of the data base and return the

data on the supplier's own tape. Responses will be overwritten on the input tapes. The output records resulting from the match of records on DEERS with those received from the states will be returned to the states.

**S322.50 DLA-LZ**

*System Name:*

Defense Enrollment/Eligibility Reporting System (DEERS) (50 FR 51901) December 20, 1986.

*Changes:*

Authority of maintenance of the system:

Add: "; Title XIX of the Social Security Act; 5 U.S.C. 552a and OMB Revised Supplemental Guidance for Conducting Matching Programs (47 FR 21656, May 19, 1982)."

*Purpose(s):*

Add the following sentence at the end: "The purpose of the data base matches are to identify Medicaid recipients who are potentially eligible for Uniformed Service health care benefits."

*Routine uses of records maintained in the system, including categories of users and the purposes of such uses:*

Add the following two new paragraphs: "To each of the fifty states and the District of Columbia for the purpose of conducting an ongoing computer matching program with state Medicaid agencies to determine the extent to which state Medicaid beneficiaries may be eligible for Uniformed Services health care benefits, including CHAMPUS."

"See also the 'Blanket Routine Uses' set forth at the beginning of the Defense Logistics Agency's listing of its record system notices."

*System manager(s) and address:*

Delete entire entry and substitute: "Director, DEERS/DBSD, Defense Manpower Data Center, Suite J, 2100 Garden Road, Monterey, CA 93940-5316."

*Notification procedures:*

Delete entire entry and substitute: "Information may be obtained from: Director, DEERS/DBSD, Defense Manpower Data Center, Suite J, 2100 Garden Road, Monterey, CA 93940-5316. (408) 646-2126, Autovon: 878-2126."

*Record access procedures:*

Delete first sentence and substitute: "Requests from individuals should be addressed to: Director, DEERS/DBSD, Defense Manpower Data Center, Suite J, 2100 Garden Road, Monterey, CA 93940-5316."

*Contesting record procedures:*

Delete entire entry and substitute the following: "The Defense Logistics Agency (DLA) rules for access to records and for contesting and appealing initial determinations by the individual concerned are contained in Defense Logistics Agency Regulation DLAR 5400.21 (32 CFR Part 1286)."

*Record source categories:*

Delete the period after the last word "care" and add: ", and personal data from state Medicaid agencies."

**§ 322.50 DLA-LZ**

*System Name:*

Defense Enrollment/Eligibility Reporting System (DEERS).

*System Location:*

Primary location: W.R. Church Computer Center, Navy Postgraduate School, Monterey, CA 93943-5000.

Decentralized segments—Two eligibility centers are maintained and operated by contractors in Monterey, CA and Arlington, VA; and the Processing Center for Automation of DoD Forms 1172 in Santa Barbara, CA.

Back-up files maintained at the Defense Manpower Data Center, 550 Camino El Estero, Monterey, CA 93940-3231.

*Categories of Individuals Covered by the System:*

Active duty Armed Forces and reserve personnel and their dependents, retired Armed Forces personnel and their dependents; surviving dependents of deceased active duty or retired personnel; active duty and retired Coast Guard personnel; active duty and retired Public Health Service (PHS) personnel (Commissioned Corps) and their dependents; and active duty and retired National Oceanic and Atmospheric Administration (NOAA) employees (Commissioned Corps) and their dependents; and State Department employees employed in a foreign country and their dependents and any other individuals entitled to care under the health care program; providers and potential providers of health care; and any individual who submits a health care claim.

*Categories of Records in the System:*

Computer files containing beneficiary's name, Service or Social Security Number of sponsor, enrollment number, relationship of beneficiary to sponsor, residence address of beneficiary to sponsor, residence address of beneficiary (includes zip

code), date of birth of beneficiary, sex of beneficiary, branch of service of sponsor, dates of beginning and ending eligibility, number of dependents of sponsor, primary unit duty location of sponsor, race and ethnic origin of beneficiary, occupation of beneficiary, rank/pay grade of sponsor, and claim records of CHAMPUS claims containing enrollee, patient and provider data such as cause of treatment, amount of payment, name and Social Security or Tax ID number of providers of care.

#### **Authority for Maintenance of the System:**

10 U.S.C. 136; 1969 Pub. L. 91-121, Section 404(A)(2), "Establishment of the Assistant Secretary of Defense for Health Affairs; the Presidentially Commissioned Department of Defense, Department of Health, Education and Welfare, Office of Management and Budget Report of the Health Care Study (completed December 1975)"; DoD Directive 1341.1, "Defense Enrollment/Eligibility Reporting System"; DoD Instruction 1341.2, "DEERS Procedures"; Title XIX of the Social Security Act; 5 U.S.C. 552a and OMB Revised Supplemental Guidance for Conducting Matching Programs (47 FR 21656, May 19, 1982).

#### **Purposes(s):**

The purpose of the system is to provide a data base for determining eligibility to receive health care benefits under the Uniformed Health Services Delivery System and CHAMPUS, to monitor the accuracy of payments and to identify and collect overpaid amounts and to detect fraud and abuse of the benefit program by claimants and providers. The purpose of the data base matches are to identify Medicaid recipients who are potentially eligible for Uniformed Service Health care benefits.

#### **Routine Uses of Records Maintained in the System, Including Categories of Users and the Purposes of Such Uses:**

Department of Health and Human Services; Veterans Administration; Federal Preparedness Agency; Commerce Department and Transportation Department for the conduct of health care studies, for the planning and allocation of medical resources, for support of the DEERS enrollment process, and to identify individuals not entitled to health care. The data provided includes data on ages, sex, residence and other demographic parameters. To other Federal agencies to identify fraud and abuse of the federal agency's programs and to identify debtors and collect debts

and overpayments in the DoD health care programs. State, local and territorial governments to help eliminate fraud and abuse in their benefits programs.

To each of the fifty states and the District of Columbia for the purpose of conducting an ongoing computer matching program with state Medicaid agencies to determine the extent to which state Medicaid beneficiaries may be eligible for Uniformed Services health care benefits, including CHAMPUS.

See also the "Blanket Routine Uses" set forth at the beginning of the Defense Logistics Agency's listing of its record system notices.

#### **Policies and Practices for Storing, Retrieving, Accessing, Retaining and Disposing of Records in the System:**

##### *Storage:*

Records are maintained on magnetic tapes and discs are housed in a controlled computer media library.

##### *Retrievability:*

Records about individuals are retrieved by an algorithm determined by contractor which uses name, enrollment number, Social Security Number, date of birth, rank and duty location as possible inputs. Retrievals are made on a summary basis by geographic characteristics and location and demographic characteristics. Information about individuals will not be distinguishable in such summary retrievals. Retrievals for the purposes of generating address lists for direct mail distribution of health care information may be made using selection criteria based on geographic and demographic keys.

##### *Safeguards:*

Computerized records are maintained in a controlled area accessible only to authorized personnel. Entry to these areas is restricted to those personnel with a valid requirement and authorization to enter. Physical entry is restricted by the use of locks, guards, administrative procedures (e.g., fire protection regulations). Exits used solely for emergency situations is secured to prevent unauthorized intrusion.

Personal data stored at a separate location for backup purposes is protected at least comparably to the protection provided at the primary location.

Requirements for protection of information are binding on contractors or their representative and are subject to the following minimum standards:

Access to personal information is restricted to those who require the records in the performance of their official duties, and to the individuals who are the subject of the record or their authorized representative. Access to personal information is further restricted by the use of passwords which are changed periodically.

All those officials whose duties require access to, or processing and maintenance of, personal information are trained in the proper safeguarding and use of the information.

##### *Retention and Disposal:*

Computerized records on an individual are maintained as long as the individual is legally eligible to receive health care benefits from the Uniformed Health Sciences Delivery System. The records are maintained for two (2) years after termination of eligibility.

Records may be disposed of or destroyed only in accordance with DoD Component record management regulations which conform to the controlling disposition of such material as set forth in 44 U.S.C. 3301-3314. Non-record material containing personal information and other material of similar temporary nature is destroyed as soon as its intended purpose has been served under procedures established by the Head of the DoD Component consistent with the following requirement. Such material shall be destroyed by tearing, burning, melting, chemical deposition, pulping, pulverizing, shredding, or mutilation sufficient to preclude recognition or reconstruction of the information.

##### *System Manager(s) and Address:*

Director, DEERS/DBSD, Defense Manpower Data Center, Suite J, 2100 Garden Road, Monterey, CA 93940-5316.

##### *Notification Procedures:*

Information may be obtained from: Director, DEERS/DBSD, Defense Manpower Data Center, Suite J, 2100 Garden Road, Monterey, CA 93940-5316. (408) 646-2126. Autovon: 878-2126.

##### *Record Access Procedures:*

Requests from individuals should be addressed to: Director DEERS/DBSD, Defense Manpower Data Center, Suite J, 2100 Garden Road, Monterey, CA 93940-5316.

Written requests for the information should contain full name of individual and sponsor, if applicable, and other attributes required by previously mentioned search algorithm.

For personal visits the individual should be able to provide a data element

required to satisfy the previously mentioned algorithm.

Identification should be corroborated with a driver's license or other positive identification.

#### *Contesting Record Procedures:*

The Defense Logistics Agency (DLA) rules for access to records and for contesting and appealing initial determinations by the individual concerned are contained in Defense Logistics Agency Regulation DLAR 5400.21 (32 CFR Part 1286).

#### *Record Source Categories:*

Personnel and financial pay systems of the Military Departments, the Coast Guard, the Public Health Service, the National Oceanic and Atmospheric Administration, other Federal agencies having employees eligible for military medical care, and personal data from state Medicaid agencies.

#### *System Exempted From Certain Provisions of the Act:*

None.

[FR Doc. 86-17259 Filed 7-30-86; 8:45 am]

BILLING CODE 3510-01-M

## DEPARTMENT OF EDUCATION

### Notice of Proposed Information Collection Requests

**AGENCY:** Department of Education.

**ACTION:** Notice of proposed information collection requests.

**SUMMARY:** The Deputy Under Secretary for Management invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1980.

**DATE:** Interested persons are invited to submit comments on or before September 2, 1986.

**ADDRESSES:** Written comments should be addressed to the office of Information and Regulatory Affairs, Attention: Desk Officer, Department of Education, Office of Management and Budget, 726 Jackson Place, NW., Room 3208, New Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collection requests should be addressed to Margaret B. Webster, Department of Education, 400 Maryland Avenue, SW., Room 4074, Switzer Building, Washington, DC 20202.

**FOR FURTHER INFORMATION CONTACT:** Margaret B. Webster (202) 426-7304.

**SUPPLEMENTARY INFORMATION:** Section 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal

agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations.

The Director, Information Resources Management Service publishes this notice containing proposed information collection requests prior to the submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Agency form number (if any); (6) Reporting burden; and/or (7) Recordkeeping burden; and (8) Abstract. OMB invites public comment at the address specific above. Copies of the requests are available from Margaret Webster at the address specified above.

Dated: July 28, 1986.

George P. Sotos,

Director Information Resources Management Service.

### Office of Educational Research and Improvement

Type of Review: Extension

Title: Common Core of Data Survey System 1986-87

Agency Form Number: 2442,2443,2443-1,2446,2447

Frequency: Annually

Affected Public: State or local governments

Reporting Burden: Responses: 57; Burden Hours: 5130

Recordkeeping Burden: Recordkeepers: 0; Burden Hours: 0

**Abstract:** These surveys provide information about student enrollment, graduates, teachers, and related finances and are used in the allocation of Federal funds under Chapter 1, Education Consolidation and Improvement Act. Data are also provided to the general public as requested.

### Office of Special Education and Rehabilitative Services

Type of Review: New

Title: Evaluation of the National Institute of Handicapped Research (NIHR) Research and Training Centers Program

Agency Form Number: B20-17P

Frequency: Once only

Affected Public: Non-profit institutions

Reporting Burden: Responses: 334;

Burden Hours: 1004

Recordkeeping Burden: Recordkeepers: 0; Burden Hours: 0

**Abstract:** This evaluation will assess impacts and effectiveness of the Research and Training Centers (RTC) program through a survey of all RTCs and of agencies and organizations that use RTC research findings and training activities to improve rehabilitation practice.

### Office of the Undersecretary

Type of Review: New

Title: Survey and Interview of Adult Literacy Activities

Agency Form Number: R80-6P

Frequency: On occasion

Affected Public: State and local governments, business and other for-profit, federal agencies, and non-profit institutions.

Reporting Burden: Responses: 1500;

Burden Hours: 1500

Recordkeeping Burden: Recordkeepers: 0; Burden Hours: 0

**Abstract:** The Survey of Adult Literacy Activities is needed to collect information about State activities that address the problem of functional illiteracy in the United States. This effort is part of President Reagan's Adult Literacy Initiative.

### Office of Elementary and Secondary Education

Type of Review: Extension

Title: Application for School Assistance in Federally Affected Areas

Agency Form Number: A10-10P

Frequency: Annually

Affected Public: Individuals or households; state and local governments; non-profit institutions

Reporting Burden: Responses: 3,000,300; Burden Hours: 327,840

Recordkeeping Burden: Recordkeepers: 3300 Burden Hours: 1

**Abstract:** This application is used by local education agencies that apply through their State educational agencies for grants under the Impact Aid Program.

### Office of Elementary and Secondary Education

Type of Review: Revision

Title: Nomination Form for the Identification of Unusually Successful Programs that Serve Disadvantaged Youth

Agency Form Number: ED 2474

Frequency: Annually

Affected Public: State or local governments

Reporting Burden: Responses: 51; Burden Hours: 1275

Recordkeeping Burden: Recordkeepers: 0; Burden Hours: 0

Abstract: State and local education agencies use this form to identify and describe unusually successful programs serving disadvantaged youth. The Department of Education selects the most successful of these programs and publishes descriptions of these programs in a source book for use by other agencies seeking to improve their compensatory education programs.

#### Office of Postsecondary Education

Type of Review: Extension

Title: Application for Magnet Schools Assistance Program

Agency Form Number: A10-1P

Frequency: Annually

Affected Public: State or local governments

Reporting Burden: Responses: 150; Burden Hours: 3000

Recordkeeping Burden: Recordkeepers: 0; Burden Hours: 0

Abstract: This application is used by local educational agencies to apply for magnet schools projects. The Department needs this information to make awards and insure that proposed projects meet the requirements of the statute and regulations.

#### Office of Postsecondary Education

Type of Review: Extension

Title: Performance Report for the Talent Search, Upward Bound and Educational Opportunity Centers Programs

Agency Form Number: E40-12P, and E40-12-P1

Frequency: Annually

Affected Public: State or local governments; non-profit institutions; small businesses or organizations

Reporting Burden: Responses: 635; Burden Hours: 3175

Recordkeeping Burden: Recordkeepers: 0; Burden Hours: 0

Abstract: The Performance Report collects program achievement data from grantees as prescribed in Departmental regulations.

#### Office of Postsecondary Education

Type of Review: Revision

Title: Application for Federal Student Aid

Agency Form Number: ED 255

Frequency: Annually

Affected Public: Individuals or households

Reporting Burden: Responses: 6,270,200; Burden Hours: 6,897,220

Recordkeeping Burden: Recordkeepers: 0; Burden Hours: 0

Abstract: This form is the common Federal financial aid application to be used to determine the need and eligibility of a student for financial assistance under Title IV of the Higher Education Act, as amended.

#### Office of Postsecondary Education

Type of Review: Extension

Title: Continuation Application for Grants Under the Educational Opportunity Centers Program

Agency Form Number: ED 343

Frequency: Annually

Affected Public: State or local governments

Reporting Burden: Responses: 37; Burden Hours: 555

Recordkeeping Burden: Recordkeepers: 0; Burden Hours: 0

Abstract: This form is used to apply for continuation grant funds under the Educational Opportunity Centers Program.

#### Office of Postsecondary Education

Type of Review: Extension

Title: Application for Assistance under the College Housing Program

Agency Form Number: ED 866

Frequency: Annually

Affected Public: Non-profit institution

Reporting Burden: Responses: 400; Burden Hours: 9600

Recordkeeping Burden: Recordkeepers: 20; Burden Hours: 20

Abstract: The Application for Assistance under the College Housing Program is required of postsecondary institutions in order to apply and compete for low interest loans for the construction, rehabilitation, and purchase of housing and related facilities.

#### Office of Postsecondary Education

Type of Review: Extension

Title: Physician's Certification of Borrower's Total and Permanent Disability

Agency Form Number: ED 1172

Frequency: Once only

Affected Public: Individuals or households

Reporting Burden: Responses: 200; Burden Hours: 100

Recordkeeping Burden: Recordkeepers: 0; Burden Hours: 0

Abstract: This form is submitted by medical authorities on behalf of borrowers who hold National Direct Student Loan, Federal Insured Student Loan and/or Cuban loan notes and who desire to have the balance of the note cancelled due to borrower's total and permanent disability. This is the only vehicle the Department of Education has to collect this information.

#### Office of Postsecondary Education

Type of Review: Revision

Title: Application form for Cooperative Education

Agency Form Number: ED 1193

Frequency: NA

Affected Public: Non-profit institutions

Reporting Burden: Responses: 357;

Burden Hours: 3376

Recordkeeping Burden: Recordkeepers: 0; Burden Hours: 0

Abstract: This application is needed by eligible applicants to apply for grant funds authorized under Title VIII of the Higher Education Act, as amended. Application information is used to evaluate proposals and obligate grant funds.

[FR Doc. 86-17251 Filed 7-30-86; 8:45 am]

BILLING CODE 4000-01-M

#### DEPARTMENT OF ENERGY

##### National Petroleum Council; Coordinating Subcommittee on U.S. Oil and Gas Outlook; Meeting

Notice is hereby given that the Coordinating Subcommittee on U.S. Oil and Gas Outlook will meet in August 1986. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Coordinating Subcommittee on U.S. Oil and Gas Outlook will function as the coordinating and integrating function of the task group activities. It will also be responsible for development of recommendations as to actions which are indicated for avoiding or mitigating future crises with respect to oil and gas supply and demand.

The Coordinating Subcommittee on U.S. Oil and Gas Outlook will hold its third meeting on Thursday, August 14 and Friday, August 15, 1986, at 9:00 a.m., in the 29th Floor Conference Room of Tenneco Inc., Tenneco Building, 1010 Milam Street, Houston, Texas.

The tentative agenda for the Coordinating Subcommittee on U.S. Oil and Gas Outlook meeting follows:

1. Opening remarks by the Chairman and Government Cochairman.
2. Discuss study assignments.
3. Review individual drafting assignments.
4. Discuss any other matters pertinent to the overall assignment from the Secretary of Energy.

The meeting is open to the public. The Chairman of the Coordinating Subcommittee on U.S. Oil and Gas

Outlook is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Coordinating Subcommittee on U.S. Oil and Gas Outlook will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Ms. Pat Dickinson, Advanced Fuels, Technology, Extraction and Environmental Controls, Fossil Energy, 301/353-2340, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 1E-190, DOE Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC, on July 25, 1986.  
**Donald L. Bauer,**  
*Acting Assistant Secretary for Fossil Energy.*  
 [FR Doc. 86-17284 Filed 7-30-86; 8:45 am]  
 BILLING CODE 6450-01-M

#### National Petroleum Council; Future Supply/Demand Factors Task Group; Meeting

Notice is hereby given that the Future Supply/Demand Factors Task Group will meet in August 1986. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Future Supply/Demand Factors Task Group's activities will be to identify the major factors that will affect the U.S.'s future supply and demand of oil and gas and to evaluate the influence such factors could have on the vulnerability of the U.S. to future energy crises.

The Future Supply/Demand Factors Task Group will hold its fourth meeting on Tuesday, August 12, 1986, starting at 9:00 a.m., in Room 1429 of the Gulf Tower, 1301 McKinney Street, Houston, Texas.

The tentative agenda for the Future Supply/Demand Factors Task Group meeting follows:

1. Opening remarks by the Chairman and Government Cochairman.
2. Review progress of Task Group study assignments.
3. Discuss any other matters pertinent to the overall assignment from the Secretary of Energy.

The meeting is open to the public. The Chairman of the Future Supply/Demand

Factors Task Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Future Supply/Demand Factors Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Ms. Pat Dickinson, Advanced Fuels, Technology, Extraction and Environmental Controls, Fossil Energy, 301/353-2430, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 1E-190, DOE Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC, on July 25, 1986.  
**Donald L. Bauer,**  
*Acting Assistant Secretary for Fossil Energy.*  
 [FR Doc. 86-17283 Filed 7-30-86; 8:45 am]  
 BILLING CODE 6450-01-M

#### Economic Regulatory Administration

[Docket No. ERA-C&E-86-19; OFP Case No. 61057-9304-21-22]

#### Consolidated Power Co.; Petition for Exemption, Extension

**AGENCY:** Economic Regulatory Administration, Energy.

**ACTION:** Notice of extension of decision period on petition for exemption by Consolidated Power Co. for a proposed powerplant to be located in West Rutland, Vermont.

The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby extends by six months to January 18, 1987, the Decision Period within which to either grant or deny the request for a permanent exemption from the prohibitions of Title II of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8301 *et seq.*) (FUA) filed by Consolidated Power Co. for its proposed gas-fired combined cycle powerplant to be located in West Rutland, Vermont. Section 501.68(a) of 10 CFR Part 501—Administrative Procedures and Sanctions, Subpart F—allows for the extension of the decision period on an exemption petition to a specified date by publishing such notice in the *Federal Register* and stating the reasons for such extension.

This extension by ERA of the decision period to grant or deny the petition is necessary to enable Consolidated Power Co. to furnish additional environmental data and to properly consider issues associated with this case.

Issued at Washington, DC, on July 25, 1986.  
**Robert L. Davies,**  
*Director, Office of Fuels Programs, Economic Regulatory Administration.*  
 [FR Doc. 86-17206 Filed 7-30-86; 8:45 am]  
 BILLING CODE 6450-01-M

#### Federal Energy Regulatory Commission

[Docket No. TA86-12-20-003]

#### Algonquin Gas Transmission Co., Proposed Changes in FERC Gas Tariff

July 28, 1986.

Take notice that Algonquin Gas Transmission Company ("Algonquin Gas") on July 21, 1986 tendered for filing the following tariff sheets to its FERC Gas Tariff, Second Revised Volume No. 1:

- Fifth Substitute Original Sheet No. 205 proposed to be effective December 31, 1985
- Fourth Revised First Revised Sheet No. 205 proposed to be effective January 1, 1986
- Third Revised Substitute Second Revised Sheet No. 205 proposed to be effective February 1, 1986
- Third Revised Fourth Revised Sheet No. 205 proposed to be effective April 1, 1986
- First Revised Fifth Revised Sheet No. 205 proposed to be effective June 1, 1986

Algonquin Gas states that such tariff sheets are being filed pursuant to the provisions of Section 7 of its Rate Schedule F-4 to reflect in its rates, effective December 31, 1985 and in its rates filed and made effective subsequent to December 31, 1985, an increase in the Contract Adjustment Demand Rate to be charged by its pipeline supplier, Texas Eastern Transmission Corporation ("Texas Eastern"), as set forth in Texas Eastern's July 11, 1986 filing.

Algonquin Gas requests that the Commission accept the above tariff sheets to be effective as proposed.

Algonquin Gas notes that a copy of this filing is being served upon each affected party and interested state commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests

should be filed on or before August 5, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-17244 Filed 7-30-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA86-15-20-000 & 001]

**Algonquin Gas Transmission Co.,  
Proposed Changes in FERC Gas Tariff**

July 28, 1986.

Take notice that Algonquin Gas Transmission Company ("Algonquin Gas") on July 21, 1986 tendered for filing Ninth Revised Sheet No. 204 to its FERC Gas Tariff, Second Revised Volume No. 1.

Algonquin Gas states that such tariff sheet is being filed to reflect in Algonquin Gas' Rate Schedule F-3 changes in the underlying rates of National Fuel Gas Supply Corporation ("National Fuel") as set forth in National Fuel's July 1, 1986 filing, proposed to be effective August 1, 1986.

Algonquin Gas requests that the Commission accept Ninth Revised Sheet No. 204 to be effective August 1, 1986 to coincide with the proposed effective date of National Fuel's rate change.

Algonquin Gas notes that a copy of this filing is being served upon each affected party and interested state commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before August 5, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-17245 Filed 7-30-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA86-16-20-000 & 001]

**Algonquin Gas Transmission Co.;  
Proposed Changes in FERC Gas Tariff**

July 28, 1986.

Take notice that Algonquin Gas Transmission Company ("Algonquin Gas") on July 21, 1986 tendered for filing the following tariff sheets to its FERC Gas Tariff, Second Revised Volume No. 1:

Fifteenth Revised Sheet No. 201

Sixth Revised Sheet No. 205

First Revised Sheet No. 214

Ninth Revised Sheet No. 241

Algonquin Gas states that such tariff sheets are being filed pursuant to the provisions of Section 17 of the General Terms and Conditions, Section 7 of Rate Schedule F-4 and Section 9 of Rate Schedule SS-III of its FERC Gas Tariff, Second Revised Volume No. 1, to reflect a reduction in purchased gas cost to be charged by its supplier, Texas Eastern Transmission Corporation ("Texas Eastern").

Algonquin Gas proposes the effective date of the above-mentioned tariff sheets to be August 1, 1986 to coincide with the proposed effective date of Texas Eastern's rate change.

Algonquin Gas notes that a copy of this filing is being served upon each affected party and interested state commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before 8-5-86. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-17246 Filed 7-30-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER86-601-000]

**Central Vermont Public Service Corp.;  
Filing of Initial Rate Schedule**

July 25, 1986.

Take notice that on July 17, 1986, Central Vermont Public Service

Corporation ("CVPS") tendered for filing as an initial rate schedule a System Sales Agreement (the "Agreement") between the Unitil Power Corporation ("Unitil") and Central Vermont Public Service Corporation. The Agreement, dated July 1, 1986, provides for the sale of 25 MW of capacity and related energy from the CVPS system to Unitil and the purchase by Unitil of energy and capacity from the CVPS system.

Unitil shall pay CVPS a monthly capacity charge of \$9.35 KW/month as well as an energy charge and a transmission charge. A September 30, 1986 effective date has been requested.

Copies of the filing were served upon the respective jurisdictional customers of the parties hereto, as well as the Vermont Public Service Board and the New Hampshire PUC. CVPS further states that the filing is in accordance with Part 35 of the Commission's Regulations.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before August 5, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make any protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-17247 Filed 7-30-86; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 9309-001]

**Coos Hydro Associates; Surrender of  
Preliminary Permit**

July 25, 1986.

Take notice that the Coos Hydro Associates, the permittee for the Lyman Project No. 9309, has requested that the preliminary permit be terminated. The preliminary permit for Project No. 9309 was issued on December 23, 1985, and would have expired on November 30, 1988. The project would have been located on the Connecticut River, in Coos County, New Hampshire and Essex County, Vermont.

The permittee filed the request on July 17, 1986, and the preliminary permit for

Project No. 9309 shall remain in effect through the thirtieth day after issuance of this notice unless that day is a Saturday, Sunday, or holiday as described in 18 CFR 385.2007, in which case the permit shall remain in effect through the first business day following that day. New applications involving this project site, to the extent provided for under 18 CFR Part 4, may be filed on the next business day.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-17242 Filed 7-30-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA86-2-26-000, 001]

### Natural Gas Pipeline Company of America; Change in Rates

July 28, 1986.

Take notice that on July 22, 1986, Natural Gas Pipeline Company of America (Natural) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1 (Tariff), the below listed tariff sheets to be effective September 1, 1986.

Sixty-first Revised Sheet No. 5  
Twenty-eighth Revised Sheet No. 5A  
Fourteenth Revised Sheet No. 5C  
Fourteenth Revised Sheet No. 5D

The purpose of the instant filing is to reflect rate adjustments pursuant to Sections 18 and 29 of the General Terms and Conditions of Natural's Tariff (PGA and Incremental Pricing) and Paragraph 3F of the Further Stipulation and Agreement approved by Commission Letter Order of June 3, 1986, in Docket Nos. RP83-68-000 and RP83-68-010.

The overall effect of the filed for adjustments is to decrease Natural's DMQ-1 commodity rate by 10.49¢ and to increase the DMQ-1 demand and entitlement rates by \$.01 and .06¢, respectively. Appropriate adjustments have been made with respect to Natural's other sales rate schedules. The effect of these rate changes over the next six-month deferred account recovery period is a net revenue decrease of \$28.1 million. This net revenue decrease is comprised of a \$25.5 million decrease in gas costs, a \$3.1 million net revenue decrease due to changes in the deferred account recovery rate, offset by an increase of \$.5 million related to the base rate adjustment allowed under the Further Stipulation and Agreement in Docket No. RP83-68.

A copy of this filing is being mailed to Natural's jurisdictional customers and to interested state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capital Street NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211. All such motions or protests must be filed on or before August 5, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-17248 Filed 7-30-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI86-595-000]

### Sea Robin Pipeline Co.; Application by Sea Robin Pipeline Company on Behalf of Its Producer-Suppliers for Limited-Term Abandonment, Temporary Emergency Certificate, and Limited-Term Certificate With Pre-Granted Abandonment

July 24, 1986.

Take notice that on July 21, 1986, Sea Robin Pipeline Company ("Sea Robin"), 600 Travis, P.O. Box 1478, Houston, Texas 77251-1478, filed an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act and Part 157 of the Commission's Regulations, on behalf of all producer-suppliers selling natural gas to Sea Robin, seeking the following authorizations: (1) Blanket limited-term abandonment (LTA) for all certificated producer sales of natural gas to Sea Robin, regardless of Natural Gas Policy Act ("NGPA") pricing category; (2) a blanket limited-term certificate of public convenience and necessity with pre-granted abandonment authorizing interruptible sales of released gas in interstate commerce; (3) waiver of the producer rate filings under Parts 154 and 271 of the Commission's regulations with respect to producers' spot market sales of released gas under the program; (4) a temporary certificate, issued by the Director of the Office of the Pipeline and Producer Regulation (Director) pursuant to 18 CFR 375.307(a)(8), granting the requested authority on an emergency, interim basis; and (5) expedited consideration of Sea Robin's application in accordance with the policy enunciated in Order No. 436, in recent orders issued by the Commission encouraging releases and spot sales programs, and in the policy statement

set out in 18 CFR 2.77 (1986) on take-or-pay obligations.

Sea Robin states that it seeks to address an immediate crisis situation on its system resulting from existing and threatened legal actions against it for injunctive relief and decrees of specific performance in various courts that have the potential of requiring Sea Robin to take more gas into its system than it can sell. Problems of declining markets, mounting take-or-pay exposure, and the imminent curtailment of Sea Robin's takes of casinghead gas are also cited. Sea Robin asserts that this situation justifies interim relief by the Director and requests the issuance of a temporary certificate in order to alleviate circumstances which constitute an emergency within the meaning of § 157.17 of the Commission's rules.

Sea Robin has two sales customers, United Gas Pipe Line Company ("United") and Southern Natural Gas Company ("Southern"). Sea Robin asserts that sales to these customers have declined drastically over the past several years, from 238 Bcf in 1981 to 119 Bcf in 1985. During 1986, sales have continued to deteriorate at an even greater pace, with sales during the first five months of 1986 of only 35.7 Bcf. In late April 1986, Sea Robin states that United gave notice that it was ceasing its purchases altogether until further notice. Although Southern has continued to purchase gas from Sea Robin at a level of 96,000 Mcf per day, it has recently notified Sea Robin that a reduction in purchases to approximately 50,000 Mcf of gas per day will be implemented on August 1, 1986.

Sea Robin states that the loss of sales on its system has caused substantial cuts in its takes from its producers and has led to the accumulation of significant take-or-pay exposure. According to the application, at the end of the first quarter of 1986, Sea Robin reported take-or-pay claims against it in excess of \$150 million, or more than three times the value of Sea Robin's equity. In contrast to Sea Robin's current market of 96,000 Mcf of gas per day, which will be reduced to 50,000 Mcf per day on August 1, Sea Robin states that its total deliverability under contract is in excess of 500,000 Mcf of gas per day.

Sea Robin states that under injunctions and other court orders currently in effect, it is required to take a quantity up to 39,000 Mcf of gas well gas per day from Pogo Producing Company and 15,000 Mcf of gas well gas per day from Pennzoil Producing Company. Sea Robin also has casinghead production capacity

connected to its system of approximately 47,000 Mcf of gas per day. With the cuts in its sales on August 1, 1986, Sea Robin claims it will be forced to curtail substantially its takes of casinghead gas, so long as the existing injunctions remain in effect. In addition, Sea Robin asserts that it may soon be required by court orders to accept a volume of gas into its system which is greater than the volume its system can physically accommodate.

As Sea Robin seeks to allocate its limited market over conflicting producer demands, including potential requests for injunctions, Sea Robin states that it must be able to provide its producers a relief mechanism to move all categories of shut-in gas to alternative markets. Sea Robin asserts that all of the gas connected to its system is section 104, 109 and 102(d) gas, which continues to be subject to the Commission's certificate and abandonment jurisdiction under the Natural Gas Act.

Sea Robin states that under its proposed LTA, it seeks the similar authorization for its producer-suppliers to that which the Commission has granted in other LTA proceedings. *e.g.*, *Tenneco Oil Co.*, 33 FERC ¶61,134 (1985), *extended sub nom. Columbia Gas Transmission Corp.*, 34 FERC ¶61,407 and *Marathon Oil Co.*, 34 FERC ¶61,417 (1986). Because of the almost total loss of Sea Robin's market, which will necessitate further cuts in its takes from producers, including curtailment of casinghead gas, Sea Robin requests that its LTA include gas from all NGPA pricing categories. Sea Robin is willing to submit quarterly reports on sales under its LTA to the extent the Commission finds it in the public interest to do so. As with other LTA's, it is stated that Sea Robin's proposed program will extend through March 31, 1987, and will be conditioned so that Sea Robin will be absolved of take-or-pay liability for released volumes sold by its producers to third parties.

The circumstances presented in Sea Robin's application appear to meet the criteria for consideration on an expedited basis, under section 2.77 of the Commission's rules as promulgated by Order Nos. 436 and 436-A, issued October 9, and December 12, 1985, respectively, in Docket No. RM85-1-000. Sea Robin's application is on file with the Commission and available for public inspection.

Any person desiring to be heard or to make any protest should on or before 15 days after the date of publication of this notice in the *Federal Register*, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in

accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceedings. Any person wishing to become a party to the proceeding herein must file a petition to intervene in this accordance with the Commission's rules.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 86-17249 Filed 7-30-86; 8:45 am]  
BILLING CODE 6717-01-M

[Project No. 9255-001]

**Southbridge Associates; Surrender of Preliminary Permit**

July 25, 1986.

Take notice that Southbridge Associates, Permittee for the proposed Westville Lake Dam Project No. 9255, requested by letter dated July 14, 1986, that its preliminary permit be terminated. The preliminary permit was issued on October 18, 1985, and would have expired on September 30, 1988. The project would have been located on the Quinebaug River in Worcester County, Massachusetts.

The Permittee filed the request on July 14, 1986, and the preliminary permit for Project No. 9255 shall remain in effect through the thirtieth day after issuance of this notice unless that day is a Saturday, Sunday, or holiday as described in 18 CFR 385.2007, in which case the permit shall remain in effect through the first business day following that day. New applications involving this project site, to the extent provided for under 18 CFR Part 4, may be filed on the next business day.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 86-17243 Filed 7-30-86; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. TA86-6-29-000, 001]

**Transcontinental Gas Pipe Line Corp.; Proposed Changes in FERC Gas Tariff**

July 28, 1986.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco) on July 17, 1986, tendered for filing Forty-Second Revised Sheet No. 12 to its FERC Gas Tariff Second Revised Volume No. 1. The proposed effective date is August 1, 1986. The revised tariff sheet reflects a storage "tracking" rate decrease effective August 1, 1986 in accordance

with Section 26 of Transco's General Terms and Conditions. Section 26 provides for, among other things, changes in rates for storage service rendered under Transco's Rate Schedule S-2 to reflect changes in charges by Texas Eastern Transmission Corporation (Texas Eastern) under Texas Eastern's Rate Schedule X-28.

As a result of Texas Eastern's filing of July 1, 1986 in Docket No. TA86-5-17-000, 001, proposed effective August 1, 1986, Transco will decrease its demand charge and demand charge adjustment in Rate Schedule S-2 in order to flow through to Transco's customers a decrease of approximately \$65,000 annually from the amount included in Transco's filing of February 4, 1986.

Transco states that copies of the filing are being mailed to each of its customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 and Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before August 5, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 86-17250 Filed 7-30-86; 8:45 am]  
BILLING CODE 6717-01-M

[Project Nos. 2305-006; 4129-009]

**Sabine River Authority of Texas and Sabine River Authority, State of Louisiana, Olcese Water District; Availability of Environmental Assessment and Finding of No Significant Impact**

July 25, 1986.

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.

## AMENDMENTS

Project No.	Project Name	State	Water Body	Nearest Town or County	Applicant
2305-006	Toledo Bend Dam	LA/TX	Sabine River	Burr Ferry	Sabine River Authority of Texas and Sabine River Authority, State of Louisiana.
4129-009	Rio Bravo	CA	Kern River	Bakersfield	Olcese Water District.

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. 86-17241 Filed 7-30-86; 8:45 am]

BILLING CODE 6717-01-M

## Office of Hearings and Appeals

## Cases Filed; Week of June 27 Through July 4, 1986

During the Week of June 27 through July 4, 1986, the appeals and applications for exception or other relief

listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy. A submission inadvertently omitted from an earlier list has also been included.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, DC 20585.

George P. Breznay,

Director, Office of Hearings and Appeals.  
July 18, 1986.

## LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of June 27 through July 4, 1986]

Date	Name and location of applicant	Case No.	Type of submission
June 13, 1986	Economic Regulatory Administration, Washington, DC	KRZ-0150 and KRZ-0290	Interlocutory. If granted: Three additional parties would be joined in the Port Petroleum, Inc. Proposed Remedial Order proceeding involving alleged layering violations (Case No. KRO-0150), and the two Proposed Remedial Orders issued to Port Petroleum, Inc. (Case Nos. KRO-0150 and KRO-0290) would be consolidated as one proceeding.
June 30, 1986	McAlester Fuel Company, Washington, DC	KEF-0045	Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR, Part 205, Subpart V in connection with the January 30, 1986 Judgment entered by the U.S. District Court of North Dakota.
June 30, 1986	Crown Central Petroleum Corporation, Washington, DC	KEF-0044	Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR, Part 205, Subpart V in connection with the April 20, 1986 Consent Order entered into with Crown Petroleum Corporation.
June 30, 1986	Giant Industries, Inc., Washington, DC	KEF-0043	Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR, Part 205, Subpart V in connection with the May 14, 1986 Consent Order entered into with Giant Industries, Inc.
June 30, 1986	Wondrack Distributing, Inc., Washington, DC	KEE-0053	Exception to the Reporting Requirements. If granted: Wondrack Distributing would not be required to file Form EIA-782B, "Resellers/Retailers' Monthly Petroleum Product Sales Report."
July 1, 1986	The Oregonian, Portland, OR	KFA-0042	Appeal of an Information Request Denial. If granted: The May 8, 1986 Freedom of Information Request Denial issued by the Richland Operations Office would be rescinded and the Oregonian would receive access to a complete and undeleted copy of the report "SAS-C-4322".
July 3, 1986	Economic Regulatory Administration, Washington, DC	KRD-0018	Motion for Discovery. If granted: Discovery would be granted to the Economic Regulatory Administration in connection with the Statement of Objections submitted by Cities Services, Inc. in response to a Proposed Remedial Order (Case No. HRO-0285).

## REFUND APPLICATIONS RECEIVED

[Week of June 27 to July 4, 1986]

Date received	Name of refund proceeding/name of refund applicant	Case No.
June 30, 1986	Gulf/Alabama Power Company	RF40-3199
June 30, 1986	Gulf/Belzoni Butane Gas Co., Inc.	RF40-3200
July 1, 1986	Beacon/Tosco Corporation	RF238-64
June 30, 1986	Union/Texas/Vanguard Petroleum Corp.	RF140-44
July 2, 1986	Amtel/Virgle's Freeway	RF46-56

## REFUND APPLICATIONS RECEIVED—Continued

[Week of June 27 to July 4, 1986]

Date received	Name of refund proceeding/name of refund applicant	Case No.
July 2, 1986	Sigmor/Arrow Enterprises	RF242-2
July 2, 1986	Dalco/Amoco Corp.	RF248-2
June 27, 1986 thru July 3, 1986	Mobil Refund Applications	FR225-8740 thru RF225-8748 and RF225-8753 thru RF225-8778
June 27, 1986 thru July 3, 1986	Marathon Refund Applications	RF250-1 thru RF250-45

## Decisions and Orders, Week of June 9 Through June 13, 1986.

During the week of June 9 through June 13, 1986, the decisions and orders summarized below were issued with respect to appeals and applications for other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

**Appeal***Manuel J. Blanco, 6/13/86; KFA-0035*

Manuel J. Blanco (Blanco) filed an Appeal from a denial by the Energy Information Administration of a Request for Information which he had submitted under the Freedom of Information Act (the FOIA). In considering the Appeal, the DOE found that the survey information which was requested by Blanco was properly withheld under FOIA Exemption 4, 5 U.S.C. 552(b)(4). The DOE reasoned that, if the surveys were released, substantial competitive harm would be likely to occur to the firms that submitted the completed forms. Specifically, the DOE found that disclosure of information showing each manufacturer's customer types, export regions, and import suppliers would reveal the firm's marketing strategy and relative market strength. Furthermore, the DOE determined that total revenue figures were also correctly withheld because a competitor could use this information to anticipate and then undercut a firm's future bid. Accordingly, Blanco's Appeal was denied.

**Motion for Discovery***Murphy Oil Corp., 6/9/86; HRD-0248*

The Office of Hearings and Appeals issued a Decision and Order granting in part a Motion for Discovery filed by Murphy Oil Corporation in connection with a Proposed Remedial Order that alleges the firm violated 10 CFR 212.83(c)(2)(iii)(E). The OHA discussed its preliminary views on two issues in the enforcement proceeding, whether Murphy's non-product costs attributable to refining crude oil for others were available for passthrough on the products sold by Murphy, and whether Murphy's marketing costs should be calculated on a per-unit rather than a total dollar basis. The OHA also addressed the remedy in the PRO which called for a report covering additional months followed by payment for violation in those months to the DOE. The OHA stated its preliminary view that the remedy sought is inappropriate for months other than the specific audit months, and that a final remedial order, if issued, would require only submission of data for months other than audit months.

In its motion Murphy sought material in three general categories: the complete administrative record of 10 CFR 212.83(c)(2), the Economic Regulatory Administration's contemporaneous construction of that regulation, and information on the ERA's audits of Murphy and other refiners. The Motion for Discovery was granted in part and Murphy was permitted to discover that part of the administrative record not available in the Public Reading Room at the DOE's Freedom of Information Office. In addition, Murphy was allowed to submit documentation supporting its allocation of only utility, additives and refinery fuel costs to volumes processed for others, and information refuting a DOE interpretation of the refiner price rule provision on marketing costs.

**Interlocutory Order**

*ERA/Barkett Oil Co., KRZ-0020; ERA/Barkett Oil Co., KRZ-0021; ERA/Barkett Oil Co., KRZ-0022; ERA/Lawrence Oil Co., KRZ-0023; ERA/Anchor Distributors, 6/13/86; KRZ-0024;*

On January 15, 1986, the Economic Regulatory Administration (ERA) filed a "Motion to Amend Consolidated Proposed Remedial Orders" issued to Barkett Oil Co., Lawrence Oil Co. and Anchor Distributors, Inc. in a series of enforcement proceedings pending before OHA. The ERA's motion sought to amend the Proposed Remedial Orders (PROs) pursuant to the determinations reached in a September 17, 1985 Decision and Order issued by OHA, which resolved all legal issues in the underlying enforcement proceedings. The firms did not oppose the ERA's Motion. Accordingly, the DOE determined that the Motion to Amend be granted and issue the PROs as final Remedial Orders of the DOE.

**Implementation of Special Refund Procedures**

*Marathon Petroleum Company, 6/11/86; KEF-0021*

The DOE issued a Decision and Order implementing a plan for the distribution of \$21,082,535.86, received through a consent order entered into with Marathon Petroleum Company. The DOE segregated a portion of the funds, \$12,649,522, for distribution to customers of Marathon refined products who were injured as a result of their purchases from Marathon during the consent order period, January 1, 1973 through January 27, 1981. The Decision describes the presumptions that will be utilized in analyzing refund applications associated with purchases of Marathon refined products and sets forth the information which refund applications must include. The remaining portion of the Marathon fund, that associated with Marathon's sales of crude oil, will be distributed in accordance with agency policy.

**Refund Applications**

*Boswell Oil Company/King & Keeney, Inc., 6/13/86; FR179-17*

The DOE issued a Decision and Order concerning an Application for Refund from the Boswell Oil Company consent order fund filed by King & Keeney, Inc. Since the firm was an end-user of Boswell petroleum products it was only required to submit monthly purchase volumes under the procedures established in *Boswell Oil Co.*, 13 DOE ¶85,088 (1985). The refund approved in this Decision and Order totals \$1,422.

*Gulf Oil Corporation/Barksdale Oils, Inc., 6/9/86; RF40-1895 et al.*

The DOE issued a Decision and Order concerning six separate Applications for Refund filed by Barksdale Oils, Inc., a reseller-retailer of Gulf Oil Corporation petroleum products. Barksdale applied for a refund based on the procedures outlined in *Gulf Oil Corp.*, 12 DOE ¶85,048 (1984), governing the disbursement of settlement funds received from Gulf pursuant to a 1978 consent order. In accordance with those procedures, the firm demonstrated that it would not have been required to pass through to its customers a cost reduction equal to the

refund claimed with respect to four applications. The DOE therefore approved a refund totalling \$1,334 (\$1,115 principal plus \$219 interest) for those applications. Barksdale was unable to make the required demonstration for the remaining two applications, however, and those filings were denied.

*Gulf Oil Corporation/Byerlite Company, RF40-258; Celotex Corporation, 6/10/86; RF40-372*

The DOE approved in part Applications for Refund filed by two end-users of Gulf petroleum products in connection with a consent order fund made available by Gulf Oil Corporation. While each claimant provided documentation of its purchase volumes of Gulf products during the entire consent order period (August 19, 1973 through January 31, 1976), the DOE found that the majority of each firm's purchases consisted of products which were decontrolled on April 1, 1974. Accordingly, the DOE granted each claimant a refund based on the volumes of Gulf products it purchased during the relevant regulatory period. The total amount of refunds approved in this Decision is \$59,494 (\$49,714 principal plus \$9,780 interest).

*Gulf Oil Corporation/Milford Service Center, et al., 6/11/86; RF40-01440, et al.*

The DOE issued a Decision and Order concerning six Applications for Refund filed by retailers of Gulf Oil Corporation petroleum products. Each firm applied for a refund based on the procedures outlined in *Gulf Oil Corp.*, 12 DOE ¶85,048 (1984), governing the disbursement of settlement funds received from Gulf pursuant to a 1978 consent order. In accordance with those procedures, each applicant demonstrated that it would not have been required to pass through to customers a cost reduction equal to the refund claimed. After examining the applications, the DOE concluded that they should receive a total refund of \$12,867, consisting of \$10,752 in principal and \$2,115 in interest.

*Mobil Oil Corp., Gill Syrup Corp., et al., 6/10/86; RF225-161 et al.*

The Office of Hearings and Appeals granted 39 Applications for Refund from a fund obtained through a Consent Order that the DOE entered into with Mobil Oil Corporation. All of the applicants were end-users who purchased directly from Mobil and therefore were eligible for refunds equivalent to the amount of their documented purchase volumes times 100 percent of the per gallon volumetric refund amount. The total amount of the refunds granted was \$6,319, consisting of \$5,425 in principal plus \$894 in interest.

**Dismissals**

The following submissions were dismissed:

*Name and Case No.*

Berns Realty Co., RF232-394

Boy Scouts of America, RF225-2578; RF225-2579

Chicopee, RF225-2608

Clarco, RF232-390

Connolly Tool & Machine Co., RF225-2496; RF225-2497

Dan River Mills, Inc., RF225-2369  
 Don Bosco Technical H.S., RF232-408  
 Gene's Gulf RF40-3141  
 Grist Oil Company, RF7-134  
 Hardy Oil Co., Inc., KEE-0051  
 Harms Oil Co., RF213-149  
 Henry Robichaux, RF213-37  
 Holiday Gulf, Inc., RF40-3143  
 Holiday Gulf Service, RF40-3166  
 Holo-Krome Co., RF225-2609  
 Hydro Rubber Inc., RF225-2367  
 Hyman Zeik, RF232-387  
 Jerald E. Vicek, RF225-2614  
 Jinks Electric, RF225-2082  
 Ken's Gulf Service, RF40-3145  
 Michael Carlo & Associates, RF112-156  
 O.R. Saye, RF225-2474; RF225-2475  
 Ole Man River Towing, Inc., RF225-2377  
 O'Neill's Chevrolet & Buick, Inc., RF225-226  
 Our Lady Queen of Peace RF232-404  
 Quality Grinding Co., Inc., RF225-2526;  
 RF225-2527; RF225-2528  
 Ronald J. Desrocher, RF225-2481; RF225-2482  
 Russell Petroleum Corp., RF220-370  
 Small Gas Company, RF112-190  
 Small's LP Gas Company, RF40-3114  
 State of Missouri, RF13-43  
 State of Missouri, RF21-12615  
 Stinson Mfg. Company, RF225-2610  
 Technical Plastics Corp., RF225-2373  
 Thumbs Long Beach Co., RF225-2427; RF225-2428  
 Turner Mobil Service RF225-8483  
 Underwood Mold Co., Inc., RF225-2611  
 Ventura Casting Corp., RF225-2500; RF225-2501  
 Vornado, Inc., RF232-406

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, Room 1E-234, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

George B. Breznay,  
 Director, Office of Hearings and Appeals.  
 July 17, 1986.

[FR Doc. 86-17220 Filed 7-30-86; 8:45 am]  
 BILLING CODE 6450-01-M

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-3057-7]

### Privacy Act of 1974; System of Records

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Privacy Act of 1974; proposed new system of records.

**SUMMARY:** As required by the Privacy Act of 1974 (5 U.S.C. 552a), the U.S. Environmental Protection Agency (EPA) is publishing for comment a new system

of records it is proposing to maintain. The proposed system is "Office of the Comptroller Career Development Plans." The kinds of records being collected consist of information on grade, classification, career goals, skills and development plans of employees of the Office of the Comptroller. The EPA Office of the Comptroller will use these records to aid in planning for office-wide training activities as well as various staff development activities such as rotational assignments, supervisory experience, and organizational transfers.

**EFFECTIVE DATE:** The system shall become effective as proposed without further notice on September 29, 1986, unless comments are received which would result in a contrary determination.

**FOR FURTHER INFORMATION OR TO SUBMIT COMMENTS CONTACT:** Scott F. Belcher, Special Assistant to the Comptroller, Office of the Comptroller (PM-225), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460. Telephone: (202) 382-4151.

Dated: July 22, 1986.  
 Howard M. Messher,  
 Assistant Administrator for Administration and Resources Management.

### EPA-18

#### System name.

Office of the Comptroller Career Development Plans—EPA/OC/18.

#### Security Classification.

None.

#### System location.

Office of the Comptroller (PM-225), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

#### Categories of Individuals Covered by the System.

Individuals included in the system are all Office of the Comptroller employees who have agreed to be included in the system.

#### Categories of Records in the System.

Basic background information such as name, grade classification, position title, as well as short-term career goals, long-term career goals, additional skills needed to meet career goals, and development plans will be maintained in the system. In addition, general notes regarding the Career Development Program may also be maintained.

#### Authority For Maintenance of System.

5 U.S.C. 1103 and 1104; 5 U.S.C. 4103; Executive Order 11348.

### Purpose(s).

The Comptroller, his immediate staff, the employee's immediate supervisor, and/or Division Director will use this information to aid in planning for office-wide training activities and various staff development activities such as rotational assignments, supervisory experience, and organizational transfers.

### Routine Uses of Records Maintained in the System, Including Categories of Users and the Purposes of Such Uses.

Disclosure of information may be made to:

1. Members of Congress, their staffs, other Federal agencies, and State and local governments for the purpose of selecting candidates for rotations to their organizations.

2. EPA contractors who have been engaged to assist the Agency in the performance of a function associated with the Career Development Plans and who need to have access to such records in order to perform under the contract. Contractors are required to maintain the records in accordance with the requirements of the Privacy Act.

3. Department of Justice for the purpose of litigation involving the records where the defendant is: (a) EPA, or any component of EPA; (b) any employee of EPA in his or her official capacity; (c) any employee of EPA in his or her individual capacity where the Department of Justice has agreed or is considering a request to represent the employee; (d) the United States, where EPA determines that litigation is likely to affect the Agency or any of its components. The Agency may disclose such records as it deems desirable or necessary to enable the Justice Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

4. A court or adjudicative body for the purpose of litigation involving the records where EPA is authorized to appear when any of the following is a party to or has an interest in the litigation and EPA determines that use of such records is relevant and necessary to the litigation: (a) EPA, or any component of EPA; (b) any employee of the EPA in his or her official capacity; (c) any employee of EPA in his or her individual capacity where the Agency has agreed to represent the employee; (d) the United States, where EPA determines that litigation is likely to affect the Agency or any of its components. In each case EPA must determine that disclosure of the

records is a use of the information contained in the records that is compatible with the purpose for which the records were collected.

5. Also see Prefatory Statement of General Routine Uses at FR 39689 (September 15, 1976) for other routine uses applicable to this system of records.

*Policies and Practices for Storing, Retrieving, Accessing, Retaining, and Disposing of Records in the System Storage:*

Various portions of the system are maintained on a computer database and in hardcopy files.

*Retrievability*

Information is retrieved from the computer database by addressing selected data items in the system which cross-reference to an individual's name. The name is used manually access materials in alphabetized hardcopy files.

*Safeguards*

Only authorized EPA employees have access to the system. All records, both hardcopy and the computer database, when not in use or in the possession of an authorized individual, are maintained in a locked cabinet. Both the computer and cabinet are in rooms protected by door locks in a building with restricted access.

*Retention and Disposal*

Records are maintained and updated annually until individuals identified in the system (1) request that their own record be deleted, (2) transfer to another office, or (3) separate from the agency. Records retention schedule is currently pending.

*System Manager and Address:*

Comptroller (PM-225), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

*Notification Procedures*

Inquiries should be addressed to the System Manager. Additional information and requirements will be provided, if necessary.

*Record Access Procedures*

Same as Notification Procedures. In addition, individuals seeking access should reasonably specify the record contents being sought.

*Contesting Records Procedures*

Same as Notification Procedures. The record and the specific information being contested should be identified. The corrective action sought and supporting justification for the

correction should be provided by the individual.

*Record Source Categories*

Records are furnished by individuals identified in the system and supervisors. Information furnished by such individuals may be entered into the system in interpretive and summary form developed by the immediate office of the Comptroller.

*System Exempted From Certain Provisions of the Act:*

None.

[FR Doc. 86-17212 Filed 7-30-86; 8:45 am]

BILLING CODE 6560-50-M

[SW-FRL-3057-8(a)]

**Transfer of Data to Contractors**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of transfer of data and request for comments.

**SUMMARY:** The Environmental Protection Agency (EPA) will transfer to its contractor, Science Applications International Corporation (SAIC) and their subcontractors: ENSECO, Inc. and Technical Resources, Inc. (TRI), information which has been submitted under the "Rulemaking Petitions" Regulations (40 CFR 260.20 and 260.22) and under the Hazardous and Solid Waste Amendments (HSWA) of 1984. Some of the information may have a claim of business confidentiality. These firms will use this information to review and assess the completeness of the delisting petitions submitted, based on parameters specified in the Code of Federal Regulations (40 CFR 260.20 and 260.22, as amended by HSWA). The information was previously managed by SAIC under Contract Nos. 68-01-6563 and 68-01-6912).

**DATE:** The transfer of the confidential data submitted to EPA will occur no sooner than August 7, 1986.

**ADDRESSES:** Comments should be sent to Dina Villari, Document Control Officer, Office of Solid Waste, Information Management Staff (WH-562B), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC, 20460. Comments should be identified as "Transfer of Confidential Data."

**FOR FURTHER INFORMATION CONTACT:** Dina Villari, Document Control Officer, Information Management Staff (WH-562B), Office of Solid Waste, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (202) 382-4670.

**SUPPLEMENTARY INFORMATION:**

**Transfer of Data**

The U.S. Environmental Protection Agency is conducting a program to review and evaluate delisting petitions received under the "Rulemaking Petitions" Regulations (40 CFR 260.20 and 260.22) and under the Hazardous and Solid Waste Amendments (HSWA) of 1984. The Agency will make a decision whether to grant or deny each delisting petition under the authority of 40 CFR Part 260 Subpart C and HSWA.

Under EPA Contract No. 68-01-7264, SAIC of McLean, VA, ENSECO of Cambridge, MA, and TRI, of Rockville, MD, will assist the Variances Section of the Assistance Branch of the Office of Solid Waste in reviewing and assessing the completeness of the delisting petitions submitted, based on the parameters specified in the Code of Federal Regulations (40 CFR 260.20 and 260.22, as amended by HSWA), including: the description of manufacturing/treatment processes; the content of petitioned residual streams; the integrity of sampling data; and the list of raw materials and corresponding Material Safety Data Sheets.

In accordance with 40 CFR 2.305(h), EPA has determined that SAIC, ENSECO and TRI employees require access to confidential business information (CBI) submitted to EPA under 40 CFR 260.20 and 260.22, as amended by HSWA, to perform work satisfactorily under the above-noted contract. EPA is issuing this notice to inform all submitters of information under the above-noted authority that EPA may transfer to these firms, on a need-to-know basis, CBI necessary for the evaluation of delisting petitions which were submitted in response to 40 CFR 260.20 and 260.22, as amended by HSWA. Upon completing their review of materials submitted, SAIC, ENSECO, and TRI will return all such materials to EPA.

SAIC, ENSECO, and TRI have been authorized to have access to RCRA CBI under the EPA "Contractors Requirements for the Control and Security of RCRA Confidential Business Information" security manual. EPA will review the security plans of its contractors and will inspect each contractor facility and approve it prior to RCRA CBI being transmitted to the contractors. Personnel from these firms will be required to sign non-disclosure agreements and be briefed on appropriate security procedures before they are permitted access to confidential information, in accordance with the "RCRA Confidential Business

Information Security Manual" and the Contract Requirements Manual.

Dated: July 22, 1986.

J. W. McGraw,

Acting Assistant Administrator.

[FR Doc. 86-17214 Filed 7-30-86; 8:45 am]

BILLING CODE 6560-50-M

[SW-FRL-3057-8(b)]

### Transfer of Data to Contractors

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of transfer of data and request for comments.

**SUMMARY:** The Environmental Protection Agency (EPA) will transfer to its contractor, Policy Planning & Evaluation, Inc. (PP&E), information which has been, or will be, submitted to EPA under the authority of the Resource Conservation and Recovery Act (RCRA). This firm is conducting regulatory impact analyses, regulatory flexibility analyses, reporting impact analyses, operational and resource impact analyses, and environmental impact statements. Some of the information may have a claim of business confidentiality.

**DATE:** The transfer of the confidential data submitted to EPA will occur no sooner than August 7, 1986.

**ADDRESSES:** Comments should be sent to Dina Villari, Document Control Officer, Office of Solid Waste (WH-562B), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC, 20460. Comments should be identified as "Transfer of Confidential Data."

**FOR FURTHER INFORMATION CONTACT:** Dina Villari, Document Control Officer, Office of Solid Waste (WH-562B), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (202) 475-8551.

### SUPPLEMENTARY INFORMATION:

#### Transfer of Data

The U.S. Environmental Protection Agency is conducting regulatory impact analyses, regulatory flexibility analyses, reporting impact analyses, operational and resource impact analyses, and environmental impact statements in support of the policies and programs established for solid and hazardous waste management under the authority of the Resource Conservation and Recovery Act of 1976 (RCRA), including subsequent amendments through 1984.

Under EPA Contract No. 68-01-7234, Policy, Planning & Evaluation, Inc. (PP&E) will assist the Economic

Analysis Staff of the Office of Solid Waste in conducting regulatory impact analyses, regulatory flexibility analyses, reporting impact analyses, operational and resource impact analyses, and environmental impact statements. Some of the information being transferred may have been claimed as confidential business information.

In accordance with 40 CFR 2.305(h), EPA has determined that PP&E requires access to confidential business information (CBI) submitted to EPA under the authority of RCRA to perform work satisfactory under the above-noted contract. EPA is issuing this notice to inform all submitters of confidential business information that EPA may transfer to this firm, on a need-to-know basis, CBI collected under the authority of RCRA. Upon completing their review of materials submitted, PP&E will return all such materials to EPA.

PP&E has been authorized to have access to RCRA CBI under the EPA "Contractors Requirements for the Control and Security of RCRA Confidential Business Information" security manual. EPA has approved the security plan of the contractor and will inspect the facility and approve it prior to RCRA CBI being transmitted to the contractor. Personnel from this firm will be required to sign non-disclosure agreements and be briefed on appropriate security procedures before they are permitted access to confidential information, in accordance with the "RCRA Confidential Business Information Security Manual" and the Contract Requirements Manual.

Dated: July 22, 1986.

J. W. McGraw, Jr.,

Acting Assistant Administrator.

[FR Doc. 86-17213 Filed 7-30-86; 8:45 am]

BILLING CODE 6560-50-M

[OPP-180695; FRL-3057-6]

### Pesticides; Emergency Exemptions; Arkansas State Plant Board et al.

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** EPA has granted specific exemptions for the control of various pests to seven States and the U.S. Department of Interior, and one quarantine exemption. Also listed are four crisis exemptions initiated by three States. These exemptions, issued during the month of May, are subject to application and timing restrictions and reporting requirements designed to protect the environment to the maximum extent possible. Information on these

restrictions is available from the contact persons in EPA listed below.

**DATES:** See each specific, quarantine, and crisis exemption for its effective dates.

**FOR FURTHER INFORMATION CONTACT:** See each exemption for the name of the contact person. The following information applies to all contact people: by mail:

Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

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

**SUPPLEMENTARY INFORMATION:** EPA has granted specific exemptions to the:

1. Arkansas State Plant Board for the use of bromoxynil on rice to control hemp sesbania, morningglory, and cocklebur; May 9, 1986 to August 1, 1986. (Jim Tompkins)

2. Arkansas State Plant Board for the use of sethoxydim on snap beans to control volunteer corn; May 8, 1986 to June 15, 1986. (Jim Tompkins)

3. Mississippi Department of Agriculture and Commerce for the use of bromoxynil on rice to control hemp sesbania, morningglory and cocklebur; May 9, 1986 to August 1, 1986. (Jim Tompkins)

4. New York State Department of Environmental Conservation for the use of permethrin on bulb onions to control onion thrips; May 16, 1986 to November 30, 1986. (Jim Tompkins)

5. North Dakota Department of Agriculture for the use of sethoxydim on flax to control foxtail and wild oats; May 16, 1986 to August 1, 1986. (Jim Tompkins)

6. Oklahoma Department of Agriculture for the use of glyphosate on wheat to control volunteer rye; May 8, 1986 to May 31, 1986. (Jim Tompkins)

7. Oregon Department of Agriculture for the use of fluazifop on onions to control grassy weeds; May 8, 1986 to August 1, 1986. (Libby Pemberton)

8. Oregon Department of Agriculture for the use of hexakis on raspberries to control two-spotted spider mites; May 29, 1986 to September 30, 1986. (Libby Pemberton)

9. Washington Department of Agriculture for the use of sethoxydim on cannery green peas to control ryegrass and barnyard grass; May 21, 1986 to August 1, 1986. (Jim Tompkins)

10. Washington Department of Agriculture for the use of glyphosate on wheat to control volunteer rye; May 8, 1986 to July 31, 1986. (Jim Tompkins)

11. U.S. Department of the Interior for the use of sodium cyanide in the M-44 device to control (1) coyotes and red foxes in the Grays Lake National Wildlife Refuge in Idaho for protection of the endangered whooping crane, and (2) coyotes and foxes in the Mississippi Sandhill Crane National Wildlife Refuge in Jackson County, Mississippi, for protection of the endangered Mississippi Sandhill Crane. A notice of receipt of the emergency exemption for public comment was published in the *Federal Register* of May 22, 1986 (51 FR 18840). One comment in support of the exemptions was received within the comment period. The emergency exemption is effective from May 28, 1986 to May 28, 1987. (Jack E. Housenger)

12. EPA issued a quarantine exemption to the California Department of Food and Agriculture for the use of phosmet on ornamentals and crabapples to control the apple maggot; May 16, 1986 to May 14, 1989. (Libby Pemberton) Crisis exemptions were initiated by the:

1. Alabama Department of Agriculture on May 30, 1986, for the use of fluazifop-P-butyl on peanuts to control emerged Texas Panicle. Since it was anticipated that this program would be needed for more than 15 days, Alabama requested a specific exemption to continue it. The need for this program is expected to last until July 15, 1986. (Jim Tompkins)

2. North Carolina Department of Agriculture on May 22, 1986, for the use of fluazifop-P-butyl on peanuts to control annual grasses. Since it was anticipated that this program would be needed for more than 15 days, North Carolina requested a specific exemption to continue it. The need for this program is expected to last until August 15, 1986. (Jim Tompkins)

3. North Carolina Department of Agriculture on May 22, 1986, for the use of sethoxydim on peanuts to control annual grasses. Since it was anticipated that this program would be needed for more than 15 days, North Carolina requested a specific exemption to continue it. The need for this program is expected to last until August 15, 1986. (Jim Tompkins)

4. Wisconsin Department of Agriculture on May 27, 1986, for the use of aluminum tris (O-ethylphosphonate) on ginseng to control foliage infection and root rot. Since it was anticipated that this program would be needed for more than 15 days, Wisconsin requested a specific exemption to continue it. The need for this program is expected to last until September 1, 1986. (Libby Pemberton)

Authority: 7 U.S.C. 136.

Dated: July 22, 1986.

Douglas D. Camp,

Director, Office of Pesticide Programs.

[FR Doc. 86-17215 Filed 7-30-86; 8:45 am]

BILLING CODE 6560-50-M

## FEDERAL COMMUNICATIONS COMMISSION

### Agency Information Collection Under OMB Review

July 23, 1986.

The following information collection requirements have been approved by the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, Pub. L. 96-511 (44 U.S.C. 3507). For further information contact Doris Benz, Federal Communications Commission, (202) 632-7513.

OMB Number: 3060-0031

Title: Application for Consent to Assignment of Broadcast Station Construction Permit or License

Form No.: FCC 314

The approval on FCC 314 has been extended through 6/30/89. The March 1983 edition with the previous expiration date of 3/31/86 will remain in use until updated forms are available.

OMB Number: 3060-0032

Title: Application for Consent to Transfer of Control of Corporation Holding Broadcast Station Construction Permit or License

Form No.: FCC 315

The approval on FCC 315 has been extended through 6/30/89. The March 1983 edition with the previous expiration date of 3/31/86 will remain in use until updated forms are available.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 86-17233 Filed 7-30-86; 8:45 am]

BILLING CODE 6712-01-M

### Applications for Consolidated Hearing; Central Virginia Educational Television Corp. and Shenandoah Valley Educational Television Corp.

1. The Commission has before it the following mutually exclusive applications for a new TV station:

Applicant, City and State	File No.	MM Docket No.
A. Central Virginia Educational Television Corp.; Charlottesville, VA.	BPET-851225KH.....	86-215

Applicant, City and State	File No.	MM Docket No.
B. Shenandoah Valley Educational Television Corp.; Charlottesville, VA.	BPET-860115KF.....	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

#### Issue heading and Applicant(s)

Satellite, B  
Comparative, A,B  
Ultimate, A,B

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street NW., Washington, DC 20037 (Telephone No. (202) 857-3800).

Roy J. Stewart,  
Chief Video Services Division, Mass Media Bureau.

[FR Doc. 86-17234 Filed 7-30-86; 8:45 am]

BILLING CODE 6712-01-M

## FEDERAL ELECTION COMMISSION

[Notice 1986-3]

### Filing Dates for Hawaii Special Election

AGENCY: Federal Election Commission.

ACTION: Notice of filing dates for Hawaii special election.

SUMMARY: Committees required to file reports in connection with the Hawaii special election to be held on September 20, 1986, must file a 12-day pre-election report by September 8, 1986, and a 30-day post-election report by October 20, 1986. The quarterly report due October 15, 1986, is waived for those committees required to file these reports.

After filing these reports, committees should file a year-end report, due January 31, 1987.

Ms. Bobby Werfel, Public Information Office, 999 E Street N.W., Washington, DC 20463, Telephone: (202) 376-3120, Toll free: (800) 424-9530.

All principal campaign committees of candidates in the special election and all other political committee which support candidates in this election and who do not file on a monthly basis shall file a 12-day pre-election report due on September 8, 1986, with coverage dates from the closing date of the last report filed through August 31, 1986, and a 30-day post-election report due on October 20, 1986, with coverage dates from September 1, 1986, through October 10, 1986. The quarterly report due October 15, 1986, is waived for those committees required to file these reports.

After filing these reports, committees should file a year-end report, due January 31, 1987.

Dated: July 28, 1986.

Joan D. Aikens,

*Chairman, Federal Election Commission.*

[FR Doc. 86-17256 Filed 7-30-86; 8:45 am]

BILLING CODE 6715-01-M

## FEDERAL HOME LOAN BANK BOARD

### Senior Executive Service, Performance Awards; Schedule for Awarding Bonuses

In accordance with the Office of Personnel Management directive dated July 21, 1980, the Federal Home Loan Bank Board hereby gives notice that SES bonuses will be awarded on or after August 15, 1986.

**FOR FURTHER INFORMATION CONTACT:** William R. Casey, Director of Personnel, Federal Home Loan Bank Board, (202) 377-6050.

John M. Buckley, Jr.,

*Executive Secretary, Federal Home Loan Bank Board.*

[FR Doc. 86-17145 Filed 7-30-86; 8:45 am]

BILLING CODE 6720-01-M

### Senior Executive Service Performance Review Board Updated Membership

In accordance with Title IV of the Civil Service Reform Act of 1978, the Federal Home Loan Bank Board hereby gives notice of new memberships on the SES Performance Review Board. Current members are S.G. Frank Haas, III (Chairman), Jean C. Chabot, Richard L. Petrocci, Richard C. Pickering, John C. Price, Rosemary Stewart, and Julie L. Williams.

**FOR FURTHER INFORMATION CONTACT:** William R. Casey, Director of Personnel, Federal Home Loan Bank Board, (202) 377-6050.

John M. Buckley, Jr.,

*Executive Secretary, Federal Home Loan Bank Board.*

[FR Doc. 86-17154 Filed 7-30-86; 8:45 am]

BILLING CODE 6720-01-M

## FEDERAL MARITIME COMMISSION

### Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No. 224-003708-001.

Title: Baltimore Terminal Agreement.

Parties:

I.T.O. Corporation of Baltimore

Japan Line Ltd.

Kawasaki Kisen Kaisha, Ltd.

Mitsui O.S.K. Lines, Ltd.

Nippon Yusen Kaisha

Yamashita-Shinnihon Steamship Co., Ltd.

Synopsis: The proposed amendment would allow for the withdrawal or addition of steamship lines to the agreement. The parties have requested a shortened review period.

Agreement No. 202-009548-034.

Title: United States Atlantic and Gulf Ports/Eastern Mediterranean and North African Freight Conference.

Parties:

Farrell Lines, Inc.

Lykes Bros. Steamship Co., Inc.

Pharos Lines, S.A.

Waterman Steamship Corporation

Synopsis: The proposed amendment would modify the independent action provisions of the agreement to provide that the chairman shall file the rate or service item in the tariff for use by the member within the ten (10) day period following the receipt by the chairman of the notice.

Agreement No. 213-010494-002.

Title: SITRAM/BWAL Westbound Space Charter Agreement

Parties:

Barber West Africa Line

Societe Ivoirienne de Transport Maritime

Synopsis: The proposed amendment would provide that breakbulk shipments of cocoa in bags would be booked on a Liner Term basis rather than the Free In-Liner Out basis accorded other cargoes.

Agreement No. 202-010636-016.

Title: U.S. Atlantic-North Europe Conference.

Parties:

Atlantic Container Line (G.I.E.)

Dart-ML Limited

Hapag-Lloyd AG

Sea-Land Service, Inc.

United States Lines, Inc.

Trans Freight Lines

Compagnie Generale Maritime (CGM)

Nedlloyd Lijnen, B.V.

Gulf Container Line (GCL), B.V.

Synopsis: The proposed amendment would modify the agreement by excluding any member organized under FMC Agreement No. 207-009498, from the provisions requiring that related companies offering common carrier service in the trade comply with the Agreement in respect to the transport by Wallenius Line of set-up packed or unpacked automobiles, trucks, and house trailers in any car carrier vessel operated by Wallenius Line. The parties have requested a shortened review period.

Dated: July 28, 1986.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

*Secretary.*

[FR Doc. 86-17253 Filed 7-30-86; 8:45 am]

BILLING CODE 6730-01-M

### Ocean Freight Forwarder License Applicants; Accord Shipping Co. et al.

Notice is hereby given that the following persons have filed applications for licenses as ocean freight forwarders with the Federal Maritime Commission pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718) and 46 CFR 510.

Persons knowing of any reason why any of the following persons should not receive a license are requested to contact the Office of Freight Forwarders, Federal Maritime Commission, Washington, DC 20573.

Goang-Yih Chang, d.b.a. Accord  
Shipping Company, 110 West Ocean  
Blvd., Suite 810, Long Beach, CA 90802  
Lisanika Freight Forwarders, 34-36 30th  
Street, Long Island City, NY 11106,  
Officer: Elisa G. Nikas, President/  
Director

David G. Kuepker, d.b.a. Dolphin  
Brokerage International, 2205  
Belvedere Road, West Palm Beach, FL  
33406

General Cargo Services, Inc., c/o 10065  
N.W. 6th Terrace, Miami, FL 33172,  
Officers: Octavio I. Gutierrez,  
President; Enrique Salinas, Vice  
President/Secretary; Jaime Kronfler,  
Vice President/Treasurer.

Dated: July 28, 1986.

Joseph C. Polking,

Secretary.

[FR Doc. 86-17254 Filed 7-30-86; 8:45 am]

BILLING CODE 6730-01-M

#### **Ocean Freight Forwarder License Revocations; Morrison Express Corp. (U.S.A.) et al.**

Notice is hereby given that the  
following ocean freight forwarder  
licenses have been revoked by the  
Federal Maritime Commission pursuant  
to section 19 of the Shipping Act of 1984  
(46 U.S.C. app. 1718) and the regulations  
of the Commission pertaining to the  
licensing of ocean freight forwarders, 46  
CFR 510.

License Number: 2630

Name: Morrison Express Corporation  
(U.S.A.)

Address: 11100 Hindry Ave., Los  
Angeles, CA 90045

Date Revoked: July 16, 1986

Reason: Failed to maintain a valid  
surety bond

License Number: 2726

Name: J.O.C. International, Inc.

Address: c/o 3704 Remuda Way, Pinole,  
CA 94564

Date Revoked: July 17, 1986

Reason: Requested revocation  
voluntarily

License Number: 2800

Name: Harwell and Cary, Inc.

Address: P.O. Box 1744, Mobile, AL  
36633

Date Revoked: July 20, 1986

Reason: Failed to maintain a valid  
surety bond

License Number: 2425

Name: Daro Transportation Ltd.

Address: Box 528, Maspeth, New York  
11378

Date Revoked: July 23, 1986

Reason: Surrendered license voluntarily.

Eugene P. Stakem,

Deputy Director, Bureau of Tariffs.

[FR Doc. 86-17255 Filed 7-30-86; 8:45 am]

BILLING CODE 6730-01-M

#### **FEDERAL RESERVE SYSTEM**

##### **City Bankshares, Inc.; Correction**

This notice corrects a previous  
Federal Register document (FR Doc. No.  
86-16081, published at page 25939 of the  
issue for Thursday, July 17, 1986.

**A. Federal Reserve Bank of Kansas  
City** (Thomas M. Hoenig, Vice President)  
925 Grand Avenue, Kansas City,  
Missouri 64198:

1. *City Bankshares, Inc.*, Oklahoma  
City, Oklahoma; to acquire 100 of the  
voting shares of Wilshire Bancshares,  
Inc., Oklahoma City, Oklahoma, and  
thereby indirectly acquire Wilshire  
Bank, Oklahoma City, Oklahoma.

Comments on this application must be  
received by August 13, 1986.

Board of Governors of the Federal Reserve  
System, July 25, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-17174 Filed 7-30-86; 8:45 am]

BILLING CODE 6210-01-M

##### **Gulf Harbor Banks, Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies**

The companies listed in this notice  
have applied for the Board's approval  
under section 3 of the Bank Holding  
Company Act (12 U.S.C. 1842) and  
§ 225.14 of the Board's Regulation Y (12  
CFR 225.14) to become a bank holding  
company or to acquire a bank or bank  
holding company. The factors that are  
considered in acting on the applications  
are set forth in section 3(c) of the Act (12  
U.S.C. 1842(c)).

Each application is available for  
immediate inspection at the Federal  
Reserve Bank indicated. Once the  
application has been accepted for  
processing, it will also be available for  
inspection at the offices of the Board of  
Governors. Interested persons may  
express their views in writing to the  
Reserve Bank or to the offices of the  
Board of Governors. Any comment on  
an application that requests a hearing  
must include a statement of why a  
written presentation would not suffice in  
lieu of a hearing, identifying specifically  
any questions of fact that are in dispute  
and summarizing the evidence that  
would be presented at a hearing.

Unless otherwise noted, comments  
regarding each of these applications

must be received not later than August  
22, 1986.

**A. Federal Reserve Bank of Atlanta**  
(Robert E. Heck, Vice President) 104  
Marietta Street, NW., Atlanta, Georgia  
30303:

1. *Gulf Harbor Banks, Inc.*, Dunedin,  
Florida; to become a bank holding  
company by acquiring 100 percent of the  
voting shares of Gulf Bank of Dunedin,  
Dunedin, Florida, a *de novo* bank.

**B. Federal Reserve Bank of Chicago**  
(Franklin D. Dreyer, Vice President) 230  
South LaSalle Street, Chicago, Illinois  
60690:

1. *Citizens Community Bankshares,  
Inc.*, Wittenberg, Wisconsin; to acquire  
99.8 percent of the voting shares of  
Crandon National Bank, Crandon,  
Wisconsin. Comments on this  
application must be received by August  
20, 1986.

2. *Lincoln Financial Corporation*, Fort  
Wayne, Indiana; to acquire 100 percent  
of the voting shares of Angola State  
Bancorp, Angola, Indiana, and thereby  
indirectly acquire Angola State Bank,  
Angola, Indiana. Comments on this  
application must be received by August  
21, 1986.

3. *Middletown Bancorp, Inc.*,  
Middletown, Illinois; to become a bank  
holding company by acquiring 100  
percent of the voting shares of  
Middletown State Bank, Middletown,  
Illinois. Comments on this application  
must be received by August 21, 1986.

**C. Federal Reserve Bank of  
Minneapolis** (Bruce J. Hedblom, Vice  
President) 250 Marquette Avenue,  
Minneapolis, Minnesota 55480:

1. *Northfield Bancshares, Inc.*,  
Northfield, Minnesota; to become a bank  
holding company by acquiring 100  
percent of the voting shares of First  
Bank, N.A.—Northfield, Northfield,  
Minnesota.

**D. Federal Reserve Bank of Dallas**  
(Anthony J. Montelaro, Vice President)  
400 South Akard Street, Dallas, Texas  
75222:

1. *Calvert Capital Corporation*,  
Calvert, Texas; to become a bank  
holding company by acquiring 100  
percent of the voting shares of Citizens  
Bank and Trust, Calvert, Texas.

Board of Governors of the Federal Reserve  
System, July 25, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-17175 Filed 7-30-86; 8:45 am]

BILLING CODE 6210-01-M

**North Georgia Bancshares, Inc.;  
Formation of, Acquisition by, or  
Merger of Bank Holding Companies;  
and Acquisition of Nonbanking  
Company**

The company listed in this notice has applied under § 225.14 of the Board's Regulation Y (12 CFR 225.14) for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) to become a bank holding company or to acquire voting securities of a bank or bank holding company. The listed company has also applied under § 225.23(a)(2) of Regulation Y (12 CFR 225.23(a)(2)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies, or to engage in such an activity. Unless otherwise noted, these activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than August 22, 1986.

**A. Federal Reserve Bank of Atlanta**  
(Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *North Georgia Bancshares, Inc.*, Canton, Georgia; to become a bank

holding company by acquiring 100 percent of the voting shares of North Georgia Bank, Canton, Georgia, which is currently operating as North Georgia Savings and Loan Association, Canton, Georgia.

Applicant has also applied to engage *de novo* through its subsidiary, N.G.B.S. Investments, Inc., Canton, Georgia, in operating a title insurance agency pursuant to section 4(c)(8)(C)(i) of the Bank Holding Company Act. These activities will be conducted in the area surrounding Canton and Woodstock, Georgia.

Board of Governors of the Federal Reserve System, July 25, 1986.

James McAfee,

*Associate Secretary of the Board.*

[FR Doc. 86-17176 Filed 7-30-86; 8:45 am]

BILLING CODE 6210-01-M

**Security Holding, Inc., et al.;  
Applications to Engage de Novo in  
Permissible Nonbanking Activities**

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party

commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than August 19, 1986.

**A. Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Security Holding, Inc.*, Denver, Colorado; to engage *de novo* through its subsidiary, Securities Mortgage Funding Corporation, Denver, Colorado, in making and servicing loans and other extensions of credit as would be made by a mortgage company pursuant to § 225.25(b)(1) of the Board's Regulation Y. These activities will be conducted in Colorado.

**B. Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *Mission Valley Bancorp.*, Pleasanton, California; to engage directly in real estate advisory activities, including advising banks, other financial institutions and real estate development companies about loan procurement, joint venture participation, joint venture contracts, construction and loan disbursement supervision and similar activities pursuant to § 225.25(b)(4) of the Board's Regulation Y. Comments on this application must be received by August 20, 1986.

Board of Governors of the Federal Reserve System, July 25, 1986.

James McAfee,

*Associate Secretary of the Board.*

[FR Doc. 86-17177 Filed 7-30-86; 8:45 am]

BILLING CODE 6210-01-M

**DEPARTMENT OF HEALTH AND  
HUMAN SERVICES**

**Alcohol, Drug Abuse, and Mental  
Health Administration**

**Research Grants for Imaging  
Technology in Alcohol Research**

**AGENCY:** National Institute on Alcohol Abuse and Alcoholism HHS.

**ACTION:** Issuance of a special program announcement for research grants on imaging technology in alcohol research.

**SUMMARY:** The National Institute on Alcohol Abuse and Alcoholism (NIAAA) announces the availability of a special program announcement for Research Grants for Imaging Technology in Alcohol Research. These awards will

support research grants that utilize imaging biotechnology to study the etiology and pathology of alcoholism. Areas of research interest include biophysics and biochemistry at the molecular, cellular, tissue, organ, and whole body levels; histopathology; animal or human physiology and pathology; and other relevant clinical and biomedical disciplines. Supports may be requested for up to 5 years. It is estimated that up to \$1 million will be available in 1987 and future years, subject to final congressional action, to support research grants under this announcement.

Receipt Date for Applications: February 1, June 1, and October 1 of each year.

For a Copy of the Announcement Contact: The National Clearinghouse for Alcohol Information (NCALI), Box 2345, Rockville, Maryland 20852, Telephone (301) 468-2600.

Donald Ian Macdonald,  
Administrator, Alcohol, Drug Abuse, and  
Mental Health Administration.

[FR Doc. 86-17153 Filed 7-30-86; 8:45 am]  
BILLING CODE 4160-20-M

#### Food and Drug Administration

[Docket No. 86F-0294]

#### EMS-CHEMIE AG; Filing of Food Additive Petition

**AGENCY:** Food and Drug Administration.  
**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing that EMS-CHEMIE AG has filed a petition proposing that the food additive regulations be amended to provide for the safe use of Nylon 6/12 resin in contact with food.

**FOR FURTHER INFORMATION CONTACT:** Vir Anand, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-56790.

**SUPPLEMENTARY INFORMATION:** Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 5B3848) has been filed by EMS-CHEMIE AG, Domat, Switzerland, proposing that § 177.1500 *Nylon resins* (21 CFR 177.1500) be amended to provide for the safe use of Nylon 6/12 resin in contact with food.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's

finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c).

Dated: July 24, 1986.

Sanford A. Miller,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 86-17182 Filed 7-30-86; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 86F-0279]

#### Milk Industry Foundation, the NutraSweet Co., and Beatrice Dairy Products, Inc.; Filing of Food Additive Petition

**AGENCY:** Food and Drug Administration.  
**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing that the Milk Industry Foundation, The NutraSweet Co., and Beatrice Dairy Products, Inc., have filed a petition proposing that the food additive regulations be amended to provide for the safe use of aspartame as a sweetener in refrigerated flavored milk beverages.

**FOR FURTHER INFORMATION CONTACT:** Carl L. Giannetta, Center for Food Safety and Applied Nutrition (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-426-8950.

**SUPPLEMENTARY INFORMATION:** Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 6A3945) has been filed by the Milk Industry Foundation, 888 Sixteenth St. NW., Washington, DC 20006, Beatrice Dairy Products, Inc., 1526 South State St., Chicago, IL 60605, and The NutraSweet Co., 4711 Golf Rd., Skokie, IL 60076, proposing that § 172.804 *Aspartame* (21 CFR 172.804) be amended to provide for the safe use of aspartame as a sweetener in refrigerated flavored milk beverages.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c), as published in the **Federal Register** of April 26, 1985 (50 FR 16636).

Dated: July 24, 1986.

Sanford A. Miller,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 86-17184 Filed 7-30-86; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 86G-0289]

#### The National Fish Meal and Oil Association; Filing of Petition For Affirmation of Gras Status

**AGENCY:** Food and Drug Administration.  
**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing that a petition (GRASP 6G0316) has been filed on behalf of the National Fish Meal and Oil Association proposing to affirm that menhaden oil and partially hydrogenated menhaden oil are generally recognized as safe (GRAS) as direct human food ingredients.

**DATE:** Comments by September 29, 1986.

**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:** Lawrence J. Lin, Center for Food Safety and Applied Nutrition (HFF-334), Food and Drug Administration, 200 C St. NW., Washington, DC 20204, 202-426-5487.

**SUPPLEMENTARY INFORMATION:** Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))) and the regulations for affirmation of GRAS status in § 170.35 (21 CFR 170.35), notice is given that a petition (GRASP 6G0316) has been filed on behalf of the National Fish Meal and Oil Association, 2000 M St. NW., Suite 580, Washington, DC 20036, proposing to affirm that menhaden oil and partially hydrogenated menhaden oil are GRAS for use as direct human food ingredients.

The petition has been placed on display at the Dockets Management Branch (address above).

Any petition that meets the format requirements outlined in § 170.35 is filed by the agency. There is no prefilming review of the adequacy of data to support a GRAS conclusion. Thus, the filing of a petition for GRAS affirmation should not be interpreted as a preliminary indication of suitability for GRAS affirmation.

The potential environmental impact of this section is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's

finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c).

Interested persons may, on or before September 29, 1986 review the petition and/or file comments (two copies, identified with the docket number found in brackets in the heading of this document) with the Dockets Management Branch (address above). Comments should include any available information that would be helpful in determining whether the substances are, or are not, GRAS. A copy of the petition and received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: July 24, 1986.

Sanford A. Miller,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 86-17183 Filed 7-30-86; 8:45 am]

BILLING CODE 4160-01-M

#### National Institutes of Health

##### Meeting of the Fogarty International Center Advisory Board

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Fogarty International Center (FIC) Advisory Board, September 16, 17, 1986, in the Stone House (Building 16), at the National Institutes of Health.

The meeting will be open to the public on September 16 from 8:30 a.m. to 4:30 p.m. and on September 17 from 9:00 a.m. to 12 noon. On September 16, the agenda will include an Overview Report by Dr. Craig K. Wallace, Director of the FIC; reports from Advanced Studies, Research Awards, and Resources Working Groups, and from the Advisory Committee to the NIH Director; a presentation and discussion of the Administration's international science policy; a presentation on Biomedical Research and Research Training in Africa; and an overview of program evaluation at FIC, with specific focus on two recently completed evaluation projects. On September 17, the agenda includes a report from the World Health Assembly, and a review of needs for International Collaborative Research in Hepatitis. Attendance by the public will be limited to space available.

In accordance with the provisions of sections 552b(c)(4) and 552b(c)(6) of Title 5, U.S. Code, the meeting will be closed to the public on September 16, 1986, at 4:30 p.m. for review, discussion,

and evaluation of individual research fellowship applications. These applications contain information of a proprietary nature, including detailed research protocols, designs, and other technical information; and personal information about individuals associated with the applications.

Myra Halem, Committee Management Officer, Fogarty International Center, Building 38A, Room 609, and 301-496-1491, will provide a summary of the meeting and a roster of the committee members.

Dr. Coralie Farlee, Assistant Director for Planning and Evaluation, Fogarty International Center (Executive Secretary) Building 38A, Room 609, telephone 301-496-1491, will provide substantive program information.

Dated: July 22, 1986.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 86-17288 Filed 7-30-86; 8:45 am]

BILLING CODE 4140-01-M

##### National Cancer Institute; Meeting of the Cancer Biology-Immunology Contract Review Committee

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Cancer Biology-Immunology Contract Review Committee, National Cancer Institute, National Institutes of Health, August 15, 1986, Building 31, Conference Room 4, Bethesda, Maryland 20892.

This meeting will be open to the public on August 15, from 2:00 p.m. to 2:30 p.m., to review administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in section 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on August 15, from approximately 2:30 p.m. until adjournment for the review, discussion and evaluation of contract proposals. These proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the proposals, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20892 (301/496-5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. Wilna Woods, Executive Secretary, Cancer Biology-Immunology Contract Review Committee, National Cancer Institute, Westwood Building, Room 807, National Institutes of Health, Bethesda, Maryland 20892 (301/496-7030) will furnish substantive program information.

Dated: July 22, 1986.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 86-17289 Filed 7-30-86; 8:45 am]

BILLING CODE 4140-01-M

##### National Heart, Lung, and Blood Institute; Meeting of Board of Scientific Counselors

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Heart, Lung, and Blood Institute Board of Scientific Counselors, November 13 and 14, 1986, National Institutes of Health, 9000 Rockville Pike, Building 10, Room 7N214, Bethesda, Maryland 20892. This meeting will be open to the public from 9:00 a.m. to 4:00 p.m. November 13 and from 9:30 a.m. to 12 noon on November 14 for discussion of the general trends in research relating to cardiovascular, pulmonary and certain hematologic diseases. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 12 noon to adjournment November 14 for the review, discussion, and evaluation of individual programs and projects conducted by the National Institutes of Health, including consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Terry Bellicha, Chief, Public Inquiry Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland 20892, phone (301) 496-4236, will provide a summary of the meeting and a roster of the Board members. Substantive program information may be obtained from Dr. Jack Orloff, Director, Division of Intramural Research, NHLBI, NIH, Building 10, Room 7N214, phone (301) 496-2116.

Dated: July 23, 1986.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 86-17290 Filed 7-30-86; 8:45 am]

BILLING CODE 4140-01-M

### National Institute of Neurological and Communicative Disorders and Stroke; Meeting

Pursuant to the Pub. L. 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Neurological and Communicative Disorders and Stroke, on October 22-24, 1986, Conference Room 1B-07, Building 36, Bethesda, Maryland.

This meeting will be open to the public from 9:00 a.m. to 5:00 p.m. on October 23 to discuss program planning and program accomplishments. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 8:00 p.m. until 10:00 p.m. on October 22 and from 9:00 a.m. until adjournment on October 24 for the review, discussion and evaluation of individual programs and projects conducted by the National Institutes of Health, including consideration of personnel qualifications and performances, the competence of individual investigators and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Freedom of Information Coordinator, Mr. Edward M. Donohue, Federal Building, Rm. 1004, 7550 Wisconsin Avenue, Bethesda, MD 20892, telephone (301) 496-9231, will furnish a summary of the meeting and rosters of committee members upon request.

The Executive Secretary from whom substantive program information may be obtained is Dr. Irwin J. Kopin, Director, Intramural Research Program, NINCDS, Building 10, Room 5N214, NIH, Bethesda, MD 20892, telephone (301) 496-4297.

(Catalog of Federal Domestic Assistance Program No. 13.853, Clinical Basis Research; No. 13.854, Biological Basis Research)

Dated: July 23, 1986.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 86-17291 Filed 7-30-86; 8:45 am]

BILLING CODE 4140-01-M

### National Institute of Neurological and Communicative Disorders and Stroke; Meeting

Pursuant to the Pub. L. 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Neurological and Communicative Disorders and Stroke, National Institute of Health, September 17-19, 1986, in a Conference Room at the Marine Biology Laboratory in Woods Hole, Massachusetts.

This meeting will be open to the public from 9:00 a.m.-5:00 p.m. on September 18 to discuss program planning and program accomplishments. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 8:00 p.m. until 10:00 p.m. on September 17 and from 9:00 a.m. to adjournment on September 19 for review, discussion and evaluation of individual programs and projects conducted by the National Institutes of Health, including consideration of personnel qualifications and performances, the competence of individual investigators and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Freedom of Information Coordinator, Mr. Edward M. Donohue, Federal Building, Rm. 1004, 7550 Wisconsin Avenue, Bethesda, MD 20892, telephone (301) 496-9231, will furnish summaries of the meeting and a roster of committee members upon request.

The Executive Secretary from whom substantive program information may be obtained is Dr. Irwin J. Kopin, Director, Intramural Research Program, NINCDS, Building 10, Room 5N214, NIH, Bethesda, MD 20892, telephone (301) 496-4297. (Catalog of Federal Domestic Assistance Program No. 13.853, Clinical Basis Research; No. 13.854, Biological Basis Research)

Dated: July 23, 1986.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 86-17292 Filed 7-30-86; 8:45 am]

BILLING CODE 4140-01-M

### National Institute of Neurological and Communicative Disorders and Stroke; Meetings

Pursuant to Pub. L. 92-463, notice is hereby given of the meetings of the committees of the National Institute of Neurological and Communicative Disorders and Stroke.

These meetings will be open to the public as indicated below in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Summaries of meetings, rosters of committee members, and other information pertaining to the meetings can be obtained from the Executive Secretary indicated.

Name of Committee: National Advisory Neurological and Communicative Disorders and Stroke Council and Its Planning Subcommittee.

Date: September 10, 1986 (Planning Subcommittee).

Place: National Institutes of Health, Building 31, Conference Room 8A49, 9000 Rockville Pike, Bethesda, Maryland 20892.

Open: 1:00 p.m.-3:00 p.m.

Agenda: To discuss program planning, program accomplishments and special reports.

Closed: 3:00 p.m.-5:00 p.m.

Closure Reason: For review of grant applications.

Date: September 11-12, 1986 (Council).

Place: National Institutes of Health, Building 31C, Conference Room 6, 9000 Rockville Pike, Bethesda, Maryland 20892.

Open: September 11, 9:00 a.m.-1:00 p.m.

Agenda: To discuss program planning, program accomplishments and special reports.

Closed: September 11, 1:00 p.m.-recess; September 12, 8:30 a.m.-adjournment.

Closure Reason: For review of grant applications.

Executive Secretary: John C. Dalton, Ph.D., Director, NINCDS-EAP, National Institutes of Health, Bethesda, Maryland 20892. Telephone: 301/496-9248.

Name of Committee: Communicative Disorders Review Committee.

Date: October 23 and 24, 1986

Place: Federal Building, 7550 Wisconsin Avenue, Bethesda, Maryland 20892.

Open: October 23, 1:00 p.m.-2:00 p.m.

Agenda: To discuss program planning, program accomplishments and special reports.

Closed: October 23, 2:00 p.m.-recess; October 24, 8:30 a.m.-adjournment.

Closure Reason: To review grant applications.

Executive Secretary: Dr. Marilyn Semmes,  
Federal Building, Room 9C-14, National  
Institutes of Health, Bethesda, Maryland  
20892, Telephone: 301/496-9223.

Name of Committee: Neurological  
Disorders Program Project Review A  
Committee.

Date: November 6-8, 1986.

Place: Ramada Inn, 8400 Wisconsin  
Avenue, Bethesda, Maryland 20814.

Open: November 6, 8:00 p.m.-8:30 p.m.

Agenda: To discuss program planning,  
program accomplishments and special  
reports.

Closed: November 6, 8:30 p.m.-recess;  
November 7, 8:30 a.m.-recess; November 8,  
8:00 a.m.-adjournment.

Closure Reason: To review grant  
applications.

Executive Secretary: Dr. Herbert Yellin,  
Federal Building, Room 9C-14, National  
Institutes of Health, Bethesda, Maryland  
20892, Telephone: 301/496-9223.

Name of Committee: Neurological  
Disorders Program Project Review B  
Committee.

Date: November 7-9, 1986.

Place: Capital Holiday Inn, Federal Center  
Plaza, 550 C Street SW., Washington, D.C.  
20024.

Open: November 7, 8:30 a.m.-9:00 a.m.

Agenda: To discuss program planning,  
program accomplishments and special  
reports.

Closed: November 7, 9:00 a.m.-recess;  
November 8, 8:30 a.m.-recess; November 9,  
8:00 a.m.-adjournment.

Closure Reason: To review grant  
applications.

Executive Secretary: Dr. A. Beau White,  
Federal Building, Room 9C-14, National  
Institutes of Health, Bethesda, Maryland  
20892, Telephone: 301/496-9223.

(Catalog of Federal Domestic Assistance  
Program No. 13.853, Clinical Basis Research;  
No. 13.854, Biological Basis Research)

Dated: July 22, 1986.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 86-17293 Filed 7-30-86; 8:45 am]

BILLING CODE 4140-01-M

### **National Institute on Aging; Meeting of the National Advisory Council on Aging**

Pursuant to Pub. L. 92-463, notice is  
hereby given of the meeting of the  
National Advisory Council on Aging,  
National Institute on Aging, (NIA), on  
September 18-19, 1986, in Building 31,  
Conference Room 6, National Institutes  
of Health, Bethesda, Maryland. This  
meeting will be open to the public on  
Thursday, September 18, from 10:30 a.m.  
until noon for a status report by the  
Director, National Institute on Aging;  
and the annual review for the NIA  
Biomedical Research and Clinical  
Medicine Program. It will be open to the  
public on Friday, September 19, from  
9:00 a.m. until adjournment for the

annual review of the NIA Behavioral  
Sciences Program; a report on the NIA  
Centennial Activities; and a report on  
the ad hoc Committee on Program.  
Attendance by the public will be limited  
to space available.

In accordance with the provisions set  
forth in sections 552b(c)(4) and  
552b(c)(6), Title 5, U.S. Code and section  
10(d) of Pub. L. 92-463, the meeting of  
the Council will be closed to the public  
on September 18 from 2:00 p.m. to recess  
for the review, discussion, and  
evaluation of individual grant  
applications. These applications and the  
discussions could reveal confidential  
trade secrets or commercial property  
such as patentable material and  
personal information concerning  
individuals associated with the  
applications, the disclosure of which  
would constitute a clearly unwarranted  
invasion of personal privacy.

Because this meeting is scheduled so  
far in advance, it is suggested that you  
contact Mrs. June McCann, Council  
Secretary for the National Institute on  
Aging, National Institutes of Health,  
Building 31, Room 2C05, Bethesda,  
Maryland, 20892, (301/496-5898), for  
specific information.

(Catalog of Federal Domestic Assistance  
Program No. 13.866, Aging Research, National  
Institutes of Health)

Dated: July 22, 1986.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 86-17294 Filed 7-30-86; 8:45 am]

BILLING CODE 4140-01-M

### **National Library of Medicine; Meetings of the Board of Regents, the Extramural Programs Subcommittee, and the Lister Hill Center Subcommittee**

Pursuant to Pub. L. 92-463, notice is  
hereby given of the meeting of the Board  
of Regents of the National Library of  
Medicine on September 17-18, 1986, in  
the Board Room of the National Library  
of Medicine, 8600 Rockville Pike,  
Bethesda, Maryland, the meetings of the  
Lister Hill Center and the Extramural  
Programs Subcommittees of the Board of  
Regents of the preceding day, September  
16, from 12:30 p.m. to 1:30 p.m., in the  
7th-floor Conference Room, and from  
2:00 to 3:00 p.m. in the 5th-floor  
Conference Room of the Lister Hill  
Center Building, respectively. The  
meeting of the Board will be open to the  
public from 9:00 a.m. to 4:00 p.m. on  
September 17 and from 9:00 a.m. to  
approximately 12:00 noon on September  
18 for administrative reports and  
program discussions. The entire meeting  
of the Lister Hill Center Subcommittee

will be open to the public. Attendance  
by the public will be limited to space  
available.

In accordance with provisions set  
forth in sections 552b(c)(4), 552b(c)(6),  
Title 5, U.S. Code and section 10(d) of  
Pub. L. 92-463, the entire meeting of the  
Extramural Programs Subcommittee on  
September 16, will be closed to the  
public, and the regular Board meeting on  
September 18 will be closed from  
approximately 12:00 noon to  
adjournment for the review, discussion,  
and evaluation of individual grant  
applications. These applications and the  
discussion could reveal confidential  
trade secrets or commercial property,  
such as patentable material and  
personal information concerning  
individuals associated with the  
applications, the disclosure of which  
would constitute a clearly unwarranted  
invasion of personal privacy.

Mr. Robert B. Mehnert, Chief, Office  
of Inquiries and Publications  
Management, National Library of  
Medicine, 8600 Rockville Pike, Bethesda,  
Maryland 20894, Telephone Number:  
301-496-6308, will furnish a summary of  
the meeting, rosters of Board members,  
and other information pertaining to the  
meeting.

(Catalog of Federal Domestic Assistance  
Program No. 13.879—Medical Library  
Assistance, National Institutes of Health)

Dated: July 22, 1986.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 86-17295 Filed 7-30-86; 8:45 am]

BILLING CODE 4140-01-M

### **Bureau of Land Management**

[AA-6659-A2; AA-6717-A2]

### **Alaska Native Claims Selection; Choggiung Ltd.**

In accordance with Departmental  
regulation 43 CFR 2650.7(d), notice is  
hereby given that the decision to issue  
conveyance (DIC) to Choggiung Limited,  
notice of which was published in the  
**Federal Register** on page 21423 of  
Volume 51, No. 113, on June 12, 1986, is  
modified by adding an additional State  
selection application to be rejected.

A notice of the modified DIC will be  
published once a week, for four (4)  
consecutive weeks, in the Anchorage  
Times. Copies of the modified DIC may  
be obtained by contacting the Bureau of  
Land Management, Alaska State Office,  
701 C Street, Box 13, Anchorage, Alaska  
99513.

Any party claiming a property interest  
which is adversely affected by the

decision shall have until September 2, 1986 to file an appeal on the issue in the modified DIC. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management, Division of Conveyance Management (960), address identified above, where the requirements for filing an appeal may be obtained. Parties who do not file an appeal in accordance with the requirements in 43 CFR Part 4, Subpart E, shall be deemed to have waived their rights.

Except as modified, the decision, notice of which was given June 12, 1986, is final.

Betty L. Sprott,

*Acting Section Chief, Branch of ANCSA Adjudication.*

[FR Doc. 86-17156 Filed 7-30-86; 8:45 am]

BILLING CODE 4310-JA-M

#### Colorado; Craig District Advisory Council; Meeting

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of advisory council meeting.

**SUMMARY:** This notice sets forth the schedule and agenda for public involvement for the forthcoming meeting of the Craig District Advisory Council meeting.

**DATE:** Date and time of meeting: Wednesday, August 27, 1986, 10 a.m.

**ADDRESS:** Address of meeting: Craig District Office, 455 Emerson Street, Craig, Colorado 81625.

**FOR FURTHER INFORMATION CONTACT:** Mary Pressley, Public Affairs, Bureau of Land Management, (303) 824-8261.

In accordance with Pub. L. 94-579, notice is hereby given that there will be a meeting of the Craig District Advisory Council on August 27, 1986.

Advisory Council members will be briefed on the Little Snake Resource Management Plan and the Wolf Ridge Corporation's (IRI) Nahcolite Solution Mine EIS.

The meeting will begin at 10 a.m. at the Craig District Office, 455 Emerson Street, Craig, Colorado 81625. The meeting will be open to the public; anyone wishing to attend or make a statement should notify the District Manager, Bureau of Land Management, 455 Emerson Street, Craig, Colorado 81625, by August 22, 1986.

Summary minutes of the Council Meeting will be maintained in the Craig District Office and will be available for public inspection and reproduction during regular business hours.

Dated: July 18, 1986.

Larry P. Bauer,

*Acting District Manager.*

[FR Doc. 86-17158 Filed 7-30-86; 8:45 am]

BILLING CODE 4310-JB-M

[AA-250-06-4321-02]

#### Wild Horse and Burro Advisory Board; Meeting

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of meetings of the Wild Horse and Burro Advisory Board.

**SUMMARY:** Notice is hereby given that two meetings of the Wild Horse and Burro Advisory Board will be held in September 1986. The first will be in Reno, Nevada, at the Holiday Inn, 1000 East Sixth Street, on September 3-5, 1986. The second will be in Ontario, California, at the Clarion Hotel, 2200 East Holt Boulevard, on September 29 and 30, 1986. The meeting hours will be 9 a.m. to 4 p.m., except for Wednesday, September 3, when the Board will be on a field tour.

**DATES:** Reno, Nevada: Wednesday, Thursday, and Friday, September 3, 4, and 5, 1986. Ontario, California: Monday and Tuesday, September 29 and 30, 1986.

**ADDRESS:** Director (250), Bureau of Land Management, Premier Building, Room 901, Washington, DC 20240.

#### FOR FURTHER INFORMATION OR TO SCHEDULE OR SUBMIT TESTIMONY

**CONTACT:** John S. Boyles, Chief, Division of Wild Horses and Burros, at the above address; telephone (202) 653-9215.

**SUPPLEMENTARY INFORMATION:** The Board, which was chartered on February 19, 1986, advises the Secretary of the Interior through the Director, Bureau of Land Management, and the Secretary of Agriculture, through the Chief, Forest Service, on matters pertaining to management and protection of wild free-roaming horses and burros on the Nation's public lands.

The proposed agenda for the Reno meeting is:

#### Wednesday, September 3

Tour Lovelock, Nevada, contract maintenance facility and visit with fertility control researchers, veterinarians, and facility contractor; observe soil and vegetation condition in herd areas; tour Palomino Valley corrals to observe condition of wild horses immediately after capture and preparation for adoption.

#### Thursday, September 4

Morning: Additional wild horse and burro background information; presentation by BLM Nevada State Director; discussion of Board objectives.

Afternoon: Public statements.

#### Friday, September 5

Morning-Board meets in working session; consideration of major issues and alternatives.

Afternoon: Board meets in working session; discussion of administrative matters.

The proposed agenda for the Ontario meeting is:

#### Monday, September 29

Morning: Board meets in working session.

Afternoon: Public statements.

#### Tuesday, September 30

Morning: Board meets in working session.

Afternoon: Board meets in working session.

The meetings will be open to the public. Opportunity will be given for members of the public to make oral statements to the Board on the afternoon of September 4 in Reno and the afternoon of September 29 in Ontario. Persons wishing to make statements at these meetings should notify the Bureau of Land Management, at the address or telephone number given above, by August 25 for the Reno meeting or September 19 for the Ontario meeting, so that time can be scheduled for their presentations. Depending on the number of speakers, it may be necessary to limit the length of each presentation. Speakers should address specific wild horse and burro issues and are encouraged to submit a written copy of their testimony to the address given above or bring a written copy to the meeting. Persons unable to attend the meeting but who wish to provide testimony may submit a written statement to the address above.

Dated: July 25, 1986.

David C. O'Neal,

*Acting Director, Bureau of Land Management.*

[FR Doc. 86-17186 Filed 7-30-86; 8:45 am]

BILLING CODE 4310-84-M

[NV-930-06-4333-02]

#### Nevada Off-Road Vehicle Designation; Designation Order NV-060-8601

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of off-road vehicle designation decisions.

#### Decision

Notice is hereby given relating to the use of off-road vehicles on public lands in accordance with the authority and requirements and Executive Orders 11644 and 11989, and regulations contained in 43 CFR Part 8340. The following described lands under administration of the Bureau of Land Management are designated as open, limited, or closed to off-road motorized vehicle use.

The 4.4 million acre area of public lands affected by the designation is known as the Shoshone-Eureka Resource Area, which includes most of Lander and the southern two-thirds of Eureka counties and a portion of northern Nye County, Nevada. These decisions are a result of resource management decisions made in the 1984 Shoshone-Eureka Resource Management Plan and Environmental Impact Statement and comments received from three public meetings and numerous written responses influenced the designation decision. This designation is published as final today. Under 43 CFR 4.21 an appeal may be filed within 30 days with the Interior Board of Land Appeals.

#### A. Open Designation

The entire 4.4 million acres of the Shoshone-Eureka Resource Area is designated open to off-road vehicles, except that within wilderness study areas, motorized vehicle use is limited to existing travel routes. There are no parts of the resource area where the use of off-road vehicles is currently a problem.

#### B. Limited Designation

Off-road vehicle travel is limited to existing travel routes in the following wilderness areas:

1. Simpson Park WSA (NV-060-428).
2. Roberts WSA (NV-060-541).
3. Antelope WSA (NV-060-231/241).

These designations become effective upon publication in the *Federal Register* and will remain in effect until rescinded or modified by the authorized officer. An environmental assessment describing the impact of these designations is available for inspection at the offices listed below.

**ADDRESS:** For further information about these designations, contact either of the following Bureau of Land Management Officials:

District Manager, Battle Mountain District Office, N. 2nd and Scott Streets, P.O. Box 1420, Battle Mountain, Nevada 89820

Area Manager, Shoshone-Eureka Resource Area, N. 2nd and Scott Streets P.O. Box 1420, Battle Mountain, Nevada 89820

Dated: July 17, 1986.

Terry L. Plummer,  
District Manager.

[FR Doc. 86-17149 Filed 7-30-86; 8:45 am]

BILLING CODE 4310-HC-M

[AK-026-4213-10; F-035073]

#### Realty Action; Renewal of Lease at Melozitna Hot Springs, AK

This notice of realty action is for a twenty year renewal of hot springs lease F-035073 at Melozitna Hot Springs, containing 160 acres in protracted sections 23 and 24, T. 4 S., R. 20 E., Kateel River Meridian, Alaska, approximately 36 miles northeast of Ruby, Alaska. The original lease was issued in 1966 for twenty years under the Act of March 3, 1925. Current leaseholder, Melozi Hot Springs, Inc., has complied with the terms of the original lease and is designated bidder for renewal under section 302 of the Federal Land Policy and Management Act of 1976. Rental shall be for appraised fair market value. Designated bidder submit an application per 43 CFR 2920.5-2(f) within 30 days from date of publication of this notice. Per 43 CFR 2920.6, designated bidder shall reimburse the United States for reimbursable costs, estimated to be \$6,000.

Proposed use is continued operation of Melozitna Hot Springs Lodge as a resort. Existing improvements include an airstrip, lodge, three rental cabins, greenhouse and pool. Proposed major construction is rental cabins.

Further information can be obtained by calling Boyce Bush at (907) 356-5380 or writing to the address below. Comments on this lease renewal will be accepted for a period of 30 days from date of publication of this notice.

Written comments must be submitted to Roger Bolstad, Northwest Area Manager, 1541 Gaffney Road, Fairbanks, AK 99703.

Comments received will be considered in writing the land action decision document. Failing an adverse decision by the Northwest Area Manager, renewal lease will issue to Melozi, Hot Springs, Inc.

Roger Bolstad,

Northwest Area Manager.

[FR Doc. 86-17159 Filed 7-30-86; 8:45 am]

BILLING CODE 4310-JA-M

[CO-070-06-4212-14; C-35209]

#### Realty Action; Non-Competitive Sale of Public Lands in Garfield County, CO

The following described land has been examined and identified as suitable for disposal by sale under section 203 of the Federal Land Policy and Management Act of 1976 (43 USC 1713) at the fair market value of \$1,000,000.

Sixth Principal Meridian

T. 6 S., R. 94 W.,

Sec. 23, lots 2 and 10.

Containing 12.74 acres in Garfield County, Colorado.

This land has not been used for and is not required for any federal purpose. The location and physical characteristics of the parcels make it difficult and uneconomical to manage as public land. Disposal would best serve the public interest. The disposal would be consistent with the Bureau's planning recommendations as approved in the Glenwood Springs Resources Management Plan, January 1984.

This land is being offered to William F. Clough by direct non-competitive sale at the appraised fair market value.

Minerals beneath the parcels, except oil, gas and coal, will also be offered for conveyance. The mineral interests being offered have no known mineral value. A bid on the parcel will also constitute application for conveyance of those mineral interests offered under the authority of section 209(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1719(b)). On the sale date, the bidder will be required to deposit an additional \$50.00 nonrefundable filing fee and application for the conveyance of offered minerals pursuant to 43 CFR 2720.1-2(c).

The patent issued as the result of the sale will be subject to all valid existing rights and reservations of record and will contain a reservation to the United States for a right-of-way for ditches and canals under the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945), and Leasable Minerals—Oil, Gas and Coal under the Act of July 17, 1914. The patent would also be subject to the existing railroad rights-of-way D-038231, C-093824, C-31656, and Oil and Gas Lease Applications C-31376 and C-2799.

#### Sale Procedures

The designated bidder, William F. Clough, will be required to submit payment of at least 20 percent of the appraised fair market value by cash, certified or cashier check, or money order to the Bureau of Land Management at 50629 Highway 6 & 24,

Glenwood Springs, Colorado, on the 30th day of September, 1986. The balance of the appraised fair market value will be due within 180 days, payable in the same form at the same location. Failure to submit the remainder of the payment within 180 days of receipt of the decision notice accepting the bid deposit will result in cancellation of the sale offering and forfeiture of the deposit.

#### Further Information and Public Comment

Additional information concerning this sale offering, including the planning documents and environmental assessment, is available for review in the Glenwood Springs Resource Area Office at 50629 Highway 6 & 24, P.O. Box 1009, Glenwood Springs, Colorado 81602.

For a period of 60 days from the date of this notice, interested parties may submit comments to the District Manager, Grand Junction District Office, Bureau of Land Management, 764 Horizon Drive, Grand Junction, Colorado 81506. Objections will be reviewed by the State Director who may sustain, vacate, or modify this realty action. In the absence of any objections, this Notice of Realty Action will become the final determination of the Department of the Interior.

Dated: July 21, 1986.

Dick Freil,

*District Manager, Grand Junction District.*

[FR Doc. 86-17157 Filed 7-30-86; 8:45 am]

BILLING CODE 4310-JB-M

[MT-070-06-4212-12]

#### Realty Action; Exchange; Montana

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Designation of public lands in Granite, Missoula, and Powell counties, Montana, for transfer out of federal ownership in exchange for lands owned by the State of Montana.

**SUMMARY:** BLM proposes to exchange public land with the State of Montana in order to achieve more efficient management of the public land through consolidation of ownership.

The following public land is being considered for disposal by exchange pursuant to section 206 of the Federal Land Policy and Management Act of October 21, 1976, 43 U.S.C. 1716.

#### Principal Meridian Montana

T. 8 N., R. 15 W.,	
Sec. 5, lots 2, 3, 4, S½NW¼,	
SW¼, W½SE¼	465.76
Sec. 8, all	640.00
Sec. 17, W½E½, W½	480.00
Sec. 21, W½SW¼, E½SE¼	160.00
Sec. 28, E½NE¼	80.00
T. 11 N., R. 11 W.,	
Sec. 14, lot 1	41.72
Sec. 22, N½, NW¼SW¼,	
NE¼SE¼	400.00
T. 11 N., R. 16 W., Sec. 4,	
SW¼SW¼	40.00
T. 12 N., R. 15 W., Sec. 21,	
N½N½	160.00
T. 12 N., R. 17 W.,	
Sec. 13, lots 1, 2, 3, 4, 5, 6, 7,	
NW¼NE¼, NE¼NW¼,	
W½W½, SE¼SW¼,	
SW¼SE¼	582.74
Sec. 24, Lots 6, 7, NW¼	239.03

The lands described above comprise 3,289.25 acres, more or less, in Granite, Missoula, and Powell counties. These lands will be segregated from entry under the mining laws, except the mineral leasing laws, effective upon publication of this notice in the **Federal Register**. The segregative effect will terminate upon issuance of patent to the State of Montana, upon publication in the **Federal Register** of termination of the segregation, or two years from the date of this publication, whichever comes first.

Final determination on disposal will await completion of an environmental analysis.

**DATE:** For a period of 45 days from date of publication in the **Federal Register** interested parties may submit comments to the Butte District Manager, P.O. Box 3388, Butte, Montana 59792, or to the Garnet Area Manager, 3255 Fort Missoula Road, Missoula, Montana 59801.

**SUPPLEMENTARY INFORMATION:** Detailed information concerning the exchange is available at the Butte District Office and at the Garnet Resource Area Office, 3255 Fort Missoula Road, Missoula, Montana 59801.

James A. Moorhouse,

*District Manager.*

[FR Doc. 86-17178 Filed 7-30-86; 8:45 am]

BILLING CODE 4310-DN-M

[NM-010-06-4212-18-NAHO; NM-010-0118]

#### Realty Action; Navajo Land Selection in San Juan County, NM

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of realty action on land selection.

**SUMMARY:** Pursuant to section 11(a) of the Act of December 22, 1974 (88 Stat. 1716), section 4 of the Act of July 8, 1980 (94 Stat. 929) and sections 105 and 106 of the Act of October 30, 1984 (98 Stat. 3157), the Albuquerque District of the Bureau of Land Management (BLM) has determined that 34,593.68 acres of public land qualify for selection by the Navajo Tribe and can be conveyed in trust to be held as part of the Navajo Reservation. The specific lands involved are described below in Exhibits "A", "B", "C" and "D".

#### Exhibit "A"

	Acres
T. 22N., R. 10 W., NMPM,	
Sec. 26, N½	320.00
Sec. 27, N½	320.00
T. 22 N., R. 11 W., NMPM,	
Sec. 14, N½	320.00
Sec. 24: N½NE¼, SE¼NE¼	120.00
T. 23 N., R. 12 W., NMPM,	
Sec. 6: lots 16-23 incl	339.38
Sec. 7: lots 5-19, incl	630.79
Sec. 8: lots 1-14 incl	594.74
Sec. 9: lots 1-4, incl	170.32
Sec. 17: lots 1-4, incl, 6-13	503.88
Sec. 18: lot 5	42.21
Sec. 20: lots 1, 2, 3, 7, 8	207.83
Sec. 21: lots 4, 5	83.28
Sec. 25: W½	320.00
Sec. 33: E½	320.00
Sec. 34: all	640.00
Sec. 35: N½, SW¼, N½SE¼,	
SW¼SE¼	600.00
T. 23 N., R. 13 W., NMPM,	
Sec. 1: all	640.00
Sec. 6: lots 1-4 incl., S½NE¼,	
E½W½, SE¼	442.92
Sec. 7: lots 1-5 incl.,	
E½NW¼, NE¼SW¼	203.84
Sec. 9: lots 10, 11, 14, 15, 16,	
17, 22, 23	308.60
Sec. 10: lots 5, 6, 9, 11-23 incl.	595.63
Sec. 11: lots 1-4 incl., N½,	
N½S½	650.28
Sec. 12: lots 1-4 incl., N½,	
N½S½	643.52
Sec. 25: all	640.00
T. 24 N., R. 13 W., NMPM,	
Sec. 31: lots 1-4 incl., 6-9	
incl., E½W½, SE¼	521.55
Total	10,178.77

#### Exhibit "B"

	Acres
T. 22 N., R. 10 W., NMPM	
Sec. 5: S½	320.00
Sec. 6: lots 6, 7, E½SW¼,	
SE¼	318.95
Sec. 7: lots 1-4 incl., E½W½,	
E½	638.60
Sec. 8: all	640.00
Sec. 9: S½S½	160.00
Sec. 10: S½SW¼	80.00
Sec. 14: all	640.00

	Acres
Sec. 15; all.....	640.00
Sec. 17; all.....	640.00
Sec. 18; lots 1-4 incl., E½W½, E½.....	638.96
Sec. 19; lots 1-4 incl., E½W½, E½.....	637.72
Sec. 21; N½.....	320.00
Sec. 22; all.....	640.00
Sec. 23; all.....	640.00
T. 22 N., R. 11 W., NMPM, Sec. 8; lots 8-15 incl.....	334.12
Sec. 10; SE¼.....	160.00
Sec. 12; all.....	640.00
T. 23 N., R. 11 W., NMPM, Sec. 18; lots 1-4 incl., E½, E½W½.....	634.16
Sec. 19; lots 1-4 incl., E½, E½W½.....	636.04
Sec. 20; all.....	640.00
Sec. 27; SW¼.....	160.00
Sec. 28; S½NW¼, S½.....	400.00
Sec. 33; all.....	640.00
Sec. 34; all.....	640.00
Sec. 35; NW¼, S½.....	480.00
T. 23 N., R. 12 W., NMPM Sec. 3; lots 5-16 incl.....	509.14
Sec. 4; lots 5-20 incl.....	681.19
Sec. 5; lots 9-12 incl.....	171.27
Sec. 6; lot 15.....	42.87
Sec. 9; E½.....	320.00
Sec. 10; lots 1-8 incl.....	338.52
Sec. 12; lots 1-16 incl.....	674.32
Sec. 13; lots 1, 2, 7-10 incl., 15, 16.....	333.10
Sec. 15; lots 1-8 incl.....	333.66
Sec. 17; lot 5, W½SW¼.....	122.04
Sec. 18; lot 6, SE¼NE¼, E½SE¼.....	162.07
Sec. 20; lots 4, 5, 6.....	124.61
Sec. 21; lot 1-3 incl., 6-16 incl., incl.....	580.17
Sec. 22; lots 3-6 incl., 11-14 incl.....	331.11
Sec. 24; lots 1, 2, 7, 8 SE¼.....	324.98
Sec. 25; E½.....	320.00
Sec. 27; all.....	640.00
Sec. 28; E½.....	320.00
Sec. 35; SE¼SE¼.....	40.00
Total.....	18,687.60

## Exhibit "C"

	Acres
T. 23 N., R. 12 W., NMPM Sec. 31; lots 1-4 incl., E½, E½W½.....	635.28
T. 23 N., R. 13 W., NMPM, Sec. 13; S½, NW¼.....	480.00
Sec. 14; all.....	640.00
Sec. 15; N½NW¼.....	80.00
Sec. 23; all.....	640.00
Sec. 24; all.....	640.00
Total.....	3,115.28

## Exhibit "D"

	Acres
T. 23 N., R. 12 W., NMPM, Sec. 3; lots 5-16 incl.....	509.14
Sec. 4; lots 5-20 incl.....	681.19
Sec. 5; lots 9-20 incl.....	513.29
Sec. 7; SE¼SE¼.....	40.00
Sec. 8; S½SW¼.....	80.00

	Acres
Sec. 9; NE¼, S½.....	480.00
Sec. 10; lots 1-8 incl.....	338.52
Sec. 15; lots 1-8 incl.....	333.66
Sec. 17; W½SW¼, SE¼SW¼.....	120.00
Sec. 18; E½E½.....	160.00
T. 23 N., R. 11 W., NMPM, Sec. 19; E½E½.....	160.00
Sec. 20; W½, W½E½.....	480.00
Sec. 29; all.....	640.00
Sec. 30; lots 1-4 incl., E½W½, E½.....	635.36
Sec. 31; lots 1-4 incl., E½W½, E½.....	634.84
Total.....	5,806.00

The purpose of this selection is to compensate the Navajo Tribe for lands they relinquished to the Hopi Tribe within the "joint use area" of the reservation that was established by Executive Order of December 16, 1882.

The terms and conditions applicable to this selection are as follows:

1. The Exhibit "A" lands are free of encumbrances and both the surface and mineral estate can be conveyed.

2. The Exhibit "B" lands are encumbered with coal Preference Right Lease Applications and can not be conveyed until the lease rights are adjudicated.

3. The Exhibit "C" lands are withdrawn under Public Land Order (PLO) 6525 and can not be conveyed until the withdrawal is revoked.

4. The Exhibit "D" lands consist of federal mineral estate with private or state surface ownership, where only the federal mineral estate will be conveyed to satisfactorily meet the acreage obligation.

5. All lands will be conveyed subject to prior existing rights including but not limited to rights-of-way, mineral leases and outstanding mining claims. After conveyance, the mineral leases will be assigned to the Navajo Tribe.

6. Cultural resources will be protected by the Bureau of Indian Affairs who have the same responsibilities as BLM with respect to 36 CFR Part 800.

7. The special legislation that authorizes this selection precludes the need for a planning amendment, environmental analysis and grazing notification requirements.

8. The special legislation language authorizes and mandates the Secretary of Interior to transfer qualifying public lands, making this a non-discretionary action.

## Contact

**FOR FURTHER INFORMATION CONTACT:**  
Bob Muller at the Albuquerque District Office, 505-766-2302.

Dated: July 22, 1986.

L. Paul Applegate,

District Manager.

[FR Doc. 86-17173 Filed 7-30-86; 8:45 am]

BILLING CODE 4310-FB-M

[CO-010-86-4351-12]

### Road Closed and Abandoned in Rio Blanco County, CO

**AGENCY:** Bureau of Land Management (BLM), Interior.

**ACTION:** Notice of road closed and abandoned to entry or use.

**SUMMARY:** Pursuant to 43 CFR Part 8340 and 43 CFR Part 8364 regulations, the BLM will close and abandon the following road located on public lands in the White River Resource Area:

Big Beaver Creek Road, approximately .5 miles

Township 1 North, Range 91 West, 6th P.M.

Sec. 18, SE¼,

Sec. 19, NE¼.

No public access is available to this road and it is not maintained by the BLM. All motorized vehicular uses in this area will be restricted to prevent continued degradation of the soils, vegetation and wildlife habitat resources, and for public safety. Administrative motorized vehicular access by Federal or State agencies may be approved by the authorized officer.

**DATE:** This action is effective August 15, 1986, and will remain in effect until such time that an Off-Road Vehicle Implementation Plan is prepared for the White River Resource Area.

**ADDRESS:** Additional information on this road closure and abandonment can be obtained from B. Curtis Smith, Area Manager, BLM, White River Resource Area, P.O. Box 928, Meeker, Colorado 81641.

Dated: July 23, 1986.

B. Curtis Smith,

Area Manager.

[FR Doc. 86-17168 Filed 7-30-86; 8:45 am]

BILLING CODE 4310-JB-M

[ID-943-06-4520-12]

### Idaho; Filing of Plats of Survey

The plats of survey of the following lands were officially filed in the Idaho State Office, Bureau of Land Management, Boise, Idaho, on the dates hereinafter stated:

Boise Meridian

T. 48 N., R. 2 E., Accepted March 7, 1986,  
Officially filed April 17, 1986.

T. 48 N., R. 1 W., Accepted March 7, 1986.  
Officially filed April 18, 1986.  
T. 46 N., R. 1 E., Accepted March 24, 1986.  
Officially filed April 23, 1986.  
T. 45 N., R. 4 E., Accepted March 28, 1986.  
Officially filed April 24, 1986.  
T. 48 N., R. 4 E., Accepted April 11, 1986.  
Officially filed April 28, 1986.  
T. 19 N., R. 24 E., Accepted April 11, 1986.  
Officially filed April 28, 1986.  
T. 6 N., R. 5 E., Accepted May 21, 1986.  
Officially filed July 10, 1986.  
T. 12 S., R. 13 E., Accepted May 21, 1986.  
Officially filed July 10, 1986.  
T. 8 S., R. 6 E., Accepted May 21, 1986.  
Officially filed July 11, 1986.  
T. 6 N., R. 3 W., Accepted May 21, 1986.  
Officially filed July 11, 1986.  
T. 2 N., R. 3 W., Accepted May 8, 1986.  
Officially filed July 9, 1986.

The above plats represent surveys, dependent resurveys, and subdivisions. Inquiries about these lands should be addressed to Chief, Branch of Cadastral Survey, Idaho State Office, Bureau of Land Management, 3380 Americana Terrace, Boise, Idaho 83706.

Dated: July 23, 1986.  
Sharon L. Deroin,  
Chief, Land Services Section.  
[FR Doc. 86-17169 Filed 7-30-86; 8:45 am]  
BILLING CODE 4310-GG-M

[MT-920-06-4520-11]

#### Land Resource Management; Survey Plats Filing; Montana

**AGENCY:** Bureau of Land Management, Montana State Office, Interior.

**ACTION:** Notice of filing of plats of survey.

**SUMMARY:** Plats of survey of the lands described below accepted June 9, 1986, and June 25, 1986, were officially filed in the Montana State Office effective 10 a.m. on July 10, 1986.

#### Principal Meridian, Montana

T. 16 N., R. 22 E.

The plat, in four sheets, representing the dependent resurvey of a portion of the Fourth Standard Parallel North, through Range 22 East, the south and east boundaries, a portion of the west boundary, and a portion of the subdivisional lines; and the survey of the subdivision of sections 1, 3, 4, 7, 8, 9, 15, 17, 18, 19, 20, 22, 23, 24, 25, 26, 27, 34, and 35, Township 16 North, Range 22 East, Principal Meridian, Montana, was accepted June 25, 1986. The area described is in Fergus County.

#### Principal Meridian, Montana

T. 16 N., R. 23 E.

The plat, in four sheets, representing the dependent resurvey of a portion of the Fourth Standard Parallel North,

through Range 23 East, the south and east boundaries, and a portion of the subdivisional lines; and the survey of the subdivision of sections 2, 3, 7, 8, 9, 10, 11, 12, 13, 14, 18, 21, 22, 23, 25, 28, 33, 34, and 35, Township 16 North, Range 23 East, Principal Meridian, Montana, was accepted June 25, 1986. The area described is in Fergus County.

#### Principal Meridian, Montana

T. 33 N., R. 30 E.

The plat representing the dependent resurvey of a portion of the north boundary and a portion of the subdivisional lines, Township 33 North, Range 30 East, Principal Meridian, Montana, was accepted June 9, 1986. The area described is in Phillips County.

#### Principal Meridian, Montana

T. 33 N., R. 31 E.

The plat representing the dependent resurvey of a portion of the Eighth Standard Parallel North, through Range 31 East, the west boundary, and a portion of the subdivisional lines, Township 33 North, Range 31 East, Principal Meridian, Montana, was accepted June 9, 1986. The area described is in Phillips County.

#### Principal Meridian, Montana

T. 33 N., R. 32 E.

The plat representing the dependent resurvey of a portion of the Eighth Standard Parallel North, through Range 32 East, the west boundary, and a portion of the subdivisional lines, Township 33 North, Range 32 East, Principal Meridian, Montana, was accepted June 9, 1986. The area described is in Phillips County.

#### Principal Meridian, Montana

T. 34 N., R. 30 E.

The plat representing the dependent resurvey of a portion of the west boundary and a portion of the subdivisional lines, Township 34 North, Range 30 East, Principal Meridian, Montana, was accepted June 9, 1986. The area described is in Phillips County.

#### Principal Meridian, Montana

T. 34 N., R. 31 E.

The plat representing the dependent resurvey of south, east, and west boundaries and a portion of the subdivisional lines, Township 34 North, Range 31 East, Principal Meridian, Montana, was accepted June 9, 1986. The area described is in Phillips County.

#### Principal Meridian, Montana

T. 34 N., R. 32 E.

The plat representing the dependent resurvey of the south boundary and a portion of the subdivisional lines,

Township 34 North, Range 32 East, Principal Meridian, Montana, was accepted June 9, 1986. The area described is in Phillips County.

#### Principal Meridian, Montana

T. 35 N., R. 30 E.

The plat representing the dependent resurvey of a portion of the west boundary, the north boundary and a portion of the subdivisional lines, Township 35 North, Range 30 East, Principal Meridian, Montana, was accepted June 9, 1986. The area described is in Phillips County.

#### Principal Meridian, Montana

T. 35 N., R. 31 E.

The plat representing the dependent resurvey of the north, east, south, and west boundaries and the subdivisional lines, Township 35 North, Range 31 East, Principal Meridian, Montana, was accepted June 9, 1986. The area described is in Phillips County.

#### Principal Meridian, Montana

T. 35 N., R. 32 E.

The plat representing the dependent resurvey of a portion of the north and south boundaries and a portion of the subdivisional lines, Township 35 North, Range 32 East, Principal Meridian, Montana, was accepted June 9, 1986. The area described is in Phillips County.

These surveys were executed at the request of the Lewistown District Office for the administrative needs of the Bureau.

**EFFECTIVE DATE:** July 10, 1986.

**FOR FURTHER INFORMATION CONTACT:** Bureau of Land Management, 222 North 32nd Street, P.O. Box 36800, Billings, Montana 59107.

Dated: July 23, 1986.  
Marvin LeNoue,  
Acting State Director.  
[FR Doc. 86-17150 Filed 7-30-86; 8:45 am]  
BILLING CODE 4310-DN-M

[OR-943-06-4520: GP6-298]

#### Filing of Plats of Survey; Oregon

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** The plats of survey of the following described lands have been officially filed in the Oregon State Office, Portland, Oregon on the date hereinafter stated:

#### Willamette Meridian

T. 26 S., R. 3 W.,  
T. 1 S., R. 9 W.,

T. 22 S., R. 9 W.

The above-listed plats were accepted June 27, 1986 and officially filed June 27, 1986.

T. 4 S., R. 4 E.,  
T. 4 S., R. 5 E.

The above-listed plats were accepted July 3, 1986 and officially filed July 10, 1986.

The plats represent dependent resurveys, corrective dependent resurveys, and subdivision of sections.

**FOR FURTHER INFORMATION CONTACT:** Bureau of Land Management, 825 N.E. Multnomah Street, P.O. Box 2965, Portland, Oregon 97208.

Dated: July 22, 1986.

**B. LaVelle Black,**  
*Chief, Branch of Lands and Mineral Operations.*

[FR Doc. 86-17170 Filed 7-30-86; 8:45 am]

BILLING CODE 4310-33-M

[WY-940-06-4520-12]

### Filing of Plats of Survey; Wyoming

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Filing of plats of survey.

**SUMMARY:** The plats of survey of the following described lands were officially filed in the Wyoming State Office, Bureau of Land Management, Cheyenne, Wyoming, effective 10:00 A.M., July 16, 1986.

Sixth Principal Meridian

T. 24 N., R. 83 W.

The plat representing the dependent resurvey of a portion of the south boundary, a portion of the subdivisional lines, and the subdivision of certain sections, T. 24 N., R. 83 W., Sixth Principal Meridian, Wyoming, Group No. 340, was accepted July 11, 1986.

T. 25 N., R. 83 W.

The plat representing the dependent resurvey of a portion of the subdivisional lines, and the subdivision of sections 30 and 32, T. 25 N., R. 83 W., Sixth Principal Meridian, Wyoming, Group No. 340, was accepted July 11, 1986.

T. 22 N., R. 84 W.

The plat representing the dependent resurvey of a portion of the west boundary, a portion of the subdivisional lines, and the subdivision of certain sections, T. 22 N., R. 84 W., Sixth Principal Meridian, Wyoming, Group No. 340, was accepted July 11, 1986.

T. 23 N., R. 84 W.

The plat representing the dependent resurvey of portions of the south and east boundaries, a portion of the subdivisional lines, and the subdivision of certain sections, T. 23 N., R. 84 W., Sixth Principal Meridian, Wyoming, Group No. 340, was accepted July 11, 1986.

T. 24 N., R. 84 W.

The plat representing the dependent resurvey of portions of the south, east and west boundaries, a portion of the subdivisional lines, and the subdivision of certain sections, T. 24 N., R. 84 W., Sixth Principal Meridian, Wyoming, Group No. 340, was accepted July 11, 1986.

T. 25 N., R. 84 W.

The plat representing the dependent resurvey of the Sixth Standard Parallel North, through R. 84 W., portions of the east boundary and subdivisional lines, and the subdivision of certain sections, T. 25 N., R. 84 W., Sixth Principal Meridian, Wyoming, Group No. 340, was accepted July 11, 1986.

These surveys were executed to meet certain administrative needs of the Bureau of Reclamation.

**ADDRESS:** All inquiries concerning these lands should be sent to the Wyoming State Office, Bureau of Land Management, P.O. Box 1829, 2515 Warren Avenue, Cheyenne, Wyoming 82003.

Dated: July 21, 1986.

**Dennis D. Bland,**  
*Acting Chief Cadastral Surveyor for Wyoming.*

[FR Doc. 86-17179 Filed 7-30-86; 8:45 am]

BILLING CODE 4310-22-M

[NM 46836]

### New Mexico; Proposed Continuation of Withdrawal; Correction

In FR Doc. 86-14417 appearing on page 23279 in the issue of Thursday, June 26, 1986, column one, make the following correction:

Under Supplemental Information, fourth and fifth lines, Public Land Order 1030 of November 15, 1954, should read Secretarial Order of December 17, 1907.

Dated: July 25, 1986.

**Monte G. Jordan,**  
*Acting State Director.*

[FR Doc. 86-17199 Filed 7-30-86; 8:45 am]

BILLING CODE 4310-FB-M

[F-14879-A]

### Alaska Native Claims Selection; Kotlik Yupik Corp.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of sec. 14(a) of the Alaska Native Claims Settlement Act of December 18, 1971 (ANCSA), 43 U.S.C. 1601, 1613(a), will be issued to Kotlik Yupik Corporation for approximately 5 acres. The lands involved are in the vicinity of Kotlik, Alaska.

Kateel River Meridian, Alaska

T.28 S., R. 25 W. (Unsurveyed).

A parcel of land located within secs. 23 and 26.

A notice of the decision will be published once a week for four (4) consecutive weeks in THE TUNDRA DRUMS. Copies of the decision may be obtained by contacting the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513 ((907) 271-5960).

Any party claiming a property interest which is adversely affected by the decision shall have until September 2, 1986 to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management, Division of Conveyance Management (960), address identified above, where the requirements for filing an appeal can be obtained. Parties who do not file an appeal in accordance with the requirements of 43 Part 4, subpart E shall be deemed to have waived their rights.

**Steven L. Willis,**  
*Section Chief, Branch of ANCSA Adjudication.*

[FR Doc. 86-17278 Filed 7-30-86; 8:45 am]

BILLING CODE 4310-JA-M

[CO-050-06-4212-140C2410; C-36840, C-36882, C-40717]

### Realty Action; Sale of Public Lands in Saguache, Park, and Alamosa Counties, CO

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of Realty Action C-36840, Modified Competitive sale of Public Lands in Saguache County; C-36882, Modified Competitive Sale of

Public Lands in Park County; C-40717, Competitive Sale of Public Lands in Alamosa County.

**SUMMARY:** The following described lands have been examined and identified as suitable for disposal by sale under section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750, 43 U.S.C. 1701, 1713) at no less than the appraised fair market value (minimum bid price) listed below:

Parcel No.	Sale type	Legal description	Acreage	Minimum bid price
S-11.....	MC	T. 44 N., R. 7 E., NMPM	60.83	\$24,800
S-12.....	MC	Sec. 30, Lot 2..... T. 43 N., R. 10 E., NMPM	41.68	15,300
S-6.....	C	Sec. 18, Lots 3, 4 E½SW¼, T. 37 N., R. 12 E., NMPM	161.44	16,200
A-1.....	C	Sec. 10, S½SE¼.....	80.00	10,000
A-2.....	C	Sec. 15, S½NE¼..... T. 29 S., R. 73 W., 6th PM	80.00	10,000
A-3.....	C	Sec. 21, Lot 2, NE¼NW¼, T. 45 S., R. 72 W., 6th PM	82.47	10,300
307.....	MC	Sec. 1, Lots 5, 6, 7.....	74.53	11,500

C—Competitive; MC—Modified Competitive.

The Total acreage in this sale offering is 580.95 acres.

These lands are hereby segregated from appropriation under the public land laws, pending decision and action on the sale proposal.

The general public as well as adjacent landowners are permitted to bid on those parcels identified for competitive bidding. Bids from adjacent landowners will be the only ones accepted on those parcels identified for sale by modified competitive procedures on the initial sale day. **Sale Procedures:** Bidding will be by sealed bid only. No bids will be accepted for less than the minimum bid price for each parcel. Sealed bids will be accepted until 1 p.m. on September 29, 1986. Bid opening will be at 2 p.m. on the sale day at the Canon City District Office. Any of the parcels not sold at this September 29th sale will be reoffered for sale by competitive bidding to the general public beginning October 15, 1986 and the 1st and 3rd Wednesdays each month thereafter until sold or the sale is canceled.

A more detailed sales prospectus providing specific information on each sale parcel, including patent reservations and restrictions will be available upon request.

**DATE:** Comment period ends 45 days from publication. Sale date is September 29, 1986.

**FOR FURTHER INFORMATION CONTACT:** Contact the District Manager, Canon

City District Office, 3080 East Main Street, P.O. Box 311, Canon City, Colorado, 81212. Interested parties should submit comments within 45 days of this notice. Comments will be evaluated by the District Manager, who may cancel or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become the final determination of the Department of the Interior.

Stuart L. Freer,

Associate District Manager.

[FR Doc. 86-17280 Filed 7-30-86; 8:45 am]

BILLING CODE 4310-J8-M

[WY-010-06-4212-14; W-89645]

### Wyoming; Realty Action, Direct Sale of Public Land in Washakie County WY

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Postponement of realty action direct sale of public land in Washakie County.

**SUMMARY:** The Notice of Realty Action—The sale of public land in Washakie County, published in the *Federal Register*, Volume 51, No. 79 on April 24, 1986, at Page 15551 is hereby postponed. Postponement is required to comply with the U.S. District Court's Preliminary Injunction Order dated February 10, 1986, involving the National Wildlife Federation V. Burford, et al. lawsuit, civil action No. 85-2238. The legal action concerns the Public Land Withdrawal Review Program and prohibits modifying, terminating or altering any withdrawal, classification, or other designation governing the protection of lands in the public domain that was in effect on January 1, 1981. In accordance with the above, the small tract classification affecting the subject parcel of land has been reinstated by this injunction.

The public sale action will be postponed until a decision concerning the legal action terminates the sale or allows the sale to be consummated. If the sale is allowed, the sale action will proceed without further publication of notice in the *Federal Register*.

Dated: July 24, 1986.

Chester E. Conard,

District Manager.

[FR Doc. 86-17279 Filed 7-30-86; 8:45 am]

BILLING CODE 4310-22-M

### Bureau of Indian Affairs

#### 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 for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed collection of information and related forms and explanatory material may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Bureau clearance officer and to the Office of Management and Budget Interior Department Desk Officer, Washington, DC 20503, telephone 202-395-7340.

**Title:** Procedures for Establishing that an American Indian Group Exists as an Indian Tribe, 25 CFR Part 83

**Abstract:** The regulations contain seven criteria to be addressed by American Indian groups seeking Federal acknowledgment. The process provides groups an opportunity to present their arguments for recognition.

Bureau Form Number: BIA-8304, BIA-8305, BIA-8306

**Frequency:** One-time only

**Description of Respondents:**

Unrecognized American Indian groups

**Annual Responses:** 4

**Annual Burden Hours:** 10,528

**Bureau Clearance Officer:** Ann Bolton  
202-343-3577

John D. Geary,

Acting Deputy to the Assistant Secretary—Indian Affairs (Tribal Services).

June 27, 1986.

[FR Doc. 86-17171 Filed 7-30-86; 8:45 am]

BILLING CODE 4310-02-M

### Minerals Management Service

#### Development Operations Coordination Document; CNG Producing Co.

**AGENCY:** Minerals Management Service, Interior.

**ACTION:** Notice of the receipt of a proposed development operations coordination document (DOCD).

**SUMMARY:** Notice is hereby given that CNG Producing Company has submitted a DOCD describing the activities it proposes to conduct on Lease OCS-G 2391, Block A-571, High Island Area, offshore Texas. Proposed plans for the above area provide for the development

and production of hydrocarbons with support activities to be conducted from an onshore base located at Cameron, Louisiana.

**DATE:** The subject DOCD was deemed submitted on July 14, 1986.

**ADDRESSES:** A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 1420 South Clearview Parkway, New Orleans, Louisiana, Room 913, (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

**FOR FURTHER INFORMATION CONTACT:** Michael J. Tolbert; Minerals Management Service; Gulf of Mexico OCS Region; Field Operations; Plans, Platform and Pipeline Section; Exploration/Development Plans Unit; Phone (504) 736-2867.

**SUPPLEMENTARY INFORMATION:** The purpose of this Notice is to inform the public, pursuant to sec. 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected States, executives of affected States, local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: July 16, 1986.

J. Rogers Pearcy,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 86-17160 Filed 7-30-86; 8:45 am]

BILLING CODE 4310-MR-M

### Outer Continental Shelf (OCS) Oil and Gas Information Program; Alaska

Notice: Availability of *Alaska Summary Report (June 1984-December 1985)*

**SUMMARY:** The OCS Information Program (OCSIP) has published the *Alaska Summary Report (June 1984-December 1985)*, OCS Information Report MMS 86-0023, in compliance with the OCS Land Act Amendments of 1978 and 30 CFR 252.4. The document combines for the first time information that normally would have been presented in three separate subregional documents: The Arctic, the Bering Sea, and the Gulf of Alaska Summary Reports.

The consolidated format, covering information pertinent to the entire Alaska OCS Region, is more cost effective to publish. Overlap and repetition of data is eliminated. However, the four standard chapters with appendixes are still included. Chapter 1 presents information regarding offshore oil and gas resources of the Alaska Region. Chapter 2 discusses the magnitude and timing of OCS development. Chapter 3 contains oil and gas transportation strategies, and Chapter 4 discusses the nature and location of onshore support facilities. The appendixes present OCS-related studies and issues in Alaska and a description of the PRESTO model used to generate resource estimates.

To further achieve a more cost effective program, OCSIP has combined the Summary Reports and Indexes into one document for each of the OCS Regions. The first of this series to be published will be the *Pacific Summary Report/Index (November 1984-February 1986)*, to be published in August 1986.

**ADDRESS:** Copies of the documents may be obtained free of charge from the OCS Information Program, Minerals Management Service, 1951 Kidwell Drive, Suite 601, Mail Stop 642, Vienna, Virginia 22180.

**FOR FURTHER INFORMATION CONTACT:** Douglas L. Slitor, Chief, OCS Information Program, Minerals Management Service, 1951 Kidwell Drive, Suite 601, Mail Stop 642, Vienna, Virginia 22180.

Dated: June 27, 1986.

John B. Rigg,

Associate Director for Offshore Minerals Management.

[FR Doc. 86-17163 Filed 7-30-86; 8:45 am]

BILLING CODE 4310-MR-M

### Gulf of Mexico Outer Continental Shelf Region; Public Scoping Meeting

This notice is issued in accordance with 40 CFR 1501.7. A public scoping meeting will be held on September 30, 1986, at 1 p.m. in the Killian Room of the International Trade Center, 250 North Water Street, Mobile, Alabama.

The purpose of the scoping meeting is to provide the Department of the Interior and the Minerals Management Service with input from individuals, public and private groups, and Government Agencies, to develop the Environmental Impact Statement for two proposed offshore oil and gas lease sales in the Gulf of Mexico Outer Continental Shelf Region. The two proposed lease sales

which will be discussed are: Central Gulf of Mexico, scheduled for March 1988, and Eastern Gulf of Mexico, scheduled for November 1988.

For further information, contact Mark Rouse at (504) 736-2787, or write Minerals Management Service, Gulf of Mexico OCS Region, 1420 Clearview, Parkway, New Orleans, Louisiana 70123-2394.

Dated: July 25, 1986.

J. Rogers Pearcy,

Regional Director, Gulf of Mexico OCS Region, Minerals Management Service.

[FR Doc. 86-17281 Filed 7-30-86; 8:45 am]

BILLING CODE 4310-MR-M

### Proposed Oil and Gas Operations on the Gulf of Mexico Outer Continental Shelf (OCS)

**AGENCY:** Minerals Management Service, Interior.

**ACTION:** Notice of the availability of environmental documents prepared for OCS mineral exploration, development, and production proposals on the Gulf of Mexico OCS.

**SUMMARY:** The Minerals Management Service (MMS), in accordance with Federal Regulations (40 CFR 1501.4 and 1506.6) that implement the National Environmental Policy Act (NEPA), announces the availability of NEPA-related Environmental Assessments (EAs) and Findings of No Significant Impact (FONSI), prepared by the MMS for the following oil and gas exploration, development, and production activities proposed on the Gulf of Mexico OCS. This listing includes all proposals for which FONSI were prepared by the Gulf of Mexico in the 3-month period preceding this Notice.

Activity/operator	Location	Date
Exxon Company, U.S.A., five exploratory wells; SEA No. N-2422.	DeSoto Canyon, Block 513, Lease OCS-G 6473; 126 miles southwest of Panama City, Florida.	April 10, 1986
Shell Offshore Inc., revision of two unit exploratory wells; SEA No. U-439.	Charlotte Harbor, Block 622, Lease OCS-G 4950; 112 miles southwest of Port Manatee, Florida.	May 2, 1986
Exxon Pipeline Company; 12-inch, 2,100-foot offshore pipeline, entrenched to an onshore facility at Grand Isle, Louisiana, SEA No. G-8382.	West Delta, Block 73; Offshore Louisiana.	April 17, 1986

Activity/operator	Location	Date
Placid Oil Company, 16-inch natural gas and 14-inch crude oil pipelines; SEA Nos. G-8390 and 8391.	Green Canyon, Block 29; Ewing Bank, Blocks 999, 998, 954, 953, and 909; South Timberline, South Addition, Blocks 319, 318, 313, 314, 301, 300, 299, and 272; Ship Shoal South Addition, Blocks 307, 284, 285, 282, 281, 262, 257, 256, 239, and 240; and Ship Shoal, Blocks 231, 230, 217, 216, and 207; Offshore Louisiana.	June 13, 1986
Placid Oil Company, 24-well subsea development drilling template, floating production system, and shallow water platform; SEA No. N-2421.	Ship Shoal, Block 207, Green Canyon, Blocks 29 and 31, and Ewing Bank, Block 999, Leases OCS-G 1523, 5882, 6994, and 6931, respectively; 78 miles offshore Lafourche Parish, Louisiana.	May 30, 1986
Conoco Inc. Tension leg well platform, development and production activity; SEA No. N-2275.	Green Canyon, Block 184, Lease OCS-G 4518; 95 miles southwest of Terrebonne Parish, Louisiana.	June 12, 1986

Persons interested in reviewing environmental documents for the proposals listed above or obtaining information about EAs and FONSI's prepared for activities on the Gulf of Mexico OCS are encouraged to contract the MMS office in the Gulf of Mexico OCS Region.

**FOR FURTHER INFORMATION CONTACT:** Public Information Unit, Information Services Section, Gulf of Mexico OCS Region, Minerals Management Service, 1420 South Clearview Parkway, New Orleans, Louisiana 70123, Telephone (504) 736-2519.

**SUPPLEMENTARY INFORMATION:** The MMS prepares EAs and FONSI's for proposals which relate to exploration for and the development/production of oil and gas resources on the Gulf of Mexico OCS. The EAs examine the potential environmental effects of activities described in the proposals and present MMS conclusions regarding the significance of those effects. Environmental Assessments are used as a basis for determining whether or not approval of the proposals constitutes major Federal actions that significantly affect the quality of the human environment in the sense of NEPA section 102(2)(C). A FONSI is prepared in those instances where the MMS finds that approval will not result in significant effects on the quality of the human environment. The FONSI briefly presents the basis for that finding and

includes a summary or copy of the EA. This notice constitutes the public notice of availability of environmental documents required under the NEPA Regulations.

Dated: July 25, 1986.

**J. Rogers Percy,**

*Regional Director, Gulf of Mexico OCS Region.*

[FR Doc. 86-17282 Filed 7-30-86; 8:45 am]

**BILLING CODE 4310-MR-M**

## INTERSTATE COMMERCE COMMISSION

[Docket No. AB-117 (Sub-No. 3X)]

**Elgin, Joliet and Eastern Railway Co.; Discontinuance of Trackage Rights and Service in Cook County, IL**

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Notice of exemption.

**SUMMARY:** The Interstate Commerce Commission exempts from the requirements of 49 U.S.C. 10903 *et seq.*, the discontinuance of trackage rights and service by Elgin, Joliet and Eastern Railway Company over approximately 7.07 miles of track in Cook County, IL, subject to conditions for protection of employees.

**DATES:** This exemption is effective on September 2, 1986. Petitions to stay must be filed by August 15, 1986. Petitions for reconsideration must be filed by August 25, 1986.

**ADDRESSES:** Send pleadings referring to AB-117 (Sub-No. 3X) to:

- (1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423
- (2) Petitioner's representative: Alice C. Saylor, P.O. Box 68, Monroeville, PA 15146.

**FOR FURTHER INFORMATION CONTACT:** Donald J. Shaw, Jr., (202) 275-7693.

### 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.

**Noreta R. McGee,**

*Secretary.*

[FR Doc. 86-17205 Filed 7-30-86; 8:45 am]

**BILLING CODE 7035-01-M**

[Finance Docket No. 30831]

**Sequatchie Valley Railroad Co., Inc.; Exemption for Acquisition and Operation of Rail Lines; Seaboard System Railroad Co.**

Sequatchie Valley Railroad Co., Inc. (SVRR), has filed a notice of exemption to (1) acquire and operate a line of Seaboard System Railroad Company (SBD) between milepost 0.58 at Bridgeport, AL, and milepost 11.0 at Kimball, TN; and (2) lease and operate SBD's contiguous line between milepost 11.0 at Kimball and milepost 39.9 at Brush Creek, TN. Any comments must be filed with the Commission and served on Eric D. Gerst, Philadelphia Bourse, Suite 900, 21 South Fifth Street, Philadelphia, PA 19106.

The notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Decided: July 24, 1986.

By the Commission, Director Jane F. Mackall, Office of Proceedings.

**Noreta R. McGee,**

*Secretary.*

[FR Doc. 86-17203 Filed 7-30-86; 8:45 am]

**BILLING CODE 7035-01-M**

[Docket No. AB-273 (Sub-No. IX)]

**Camino, Placerville & Lake Tahoe Railroad Co.; Abandonment Exemption; El Dorado County, CA**

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Notice of exemption.

**SUMMARY:** The Interstate Commerce Commission exempts from the prior approval requirements of 49 U.S.C. 10903, *et seq.*, the abandonment by the Camino, Placerville & Lake Tahoe Railroad Company of its entire 8-mile line of railroad in El Dorado County, CA.

**DATES:** This exemption is effective on September 2, 1986. Petitions to stay must be filed by August 11, 1986, and petitions for reconsideration must be filed by August 20, 1986.

**ADDRESSES:** Send pleadings referring to Docket No. AB-273 (Sub-No. IX) to:

- (1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423
- (2) Petitioner's representative: Richard L. Bredeman, c/o B.R. Garcia Traffic

Service, 1926-B Tice Valley Blvd.,  
Walnut Creek, CA 94595.

**FOR FURTHER INFORMATION CONTACT:**

Donald J. Shaw, Jr., (202) 275-7693.

**SUPPLEMENTARY INFORMATION:**

Additional information is contained in the Commission's decision. To purchase a copy of the full decision writer 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: July 24, 1986.

By the Commission, Chairman Gradison, Vice Chairman Simmons, Commissioners Sterrett, Andre, and Lamboley.

Noreta R. McGee,

Secretary.

[FR Doc. 86-17204 Filed 7-30-86; 8:45 am]

BILLING CODE 7035-01-M

## DEPARTMENT OF JUSTICE

### Notice of Lodging of a Consent Decree; United States et al. v. Reilly Tar & Chemical Corp. et al.

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that a proposed consent decree in *United States, et al. v. Reilly Tar & Chemical Corporation, et al.*, Civil Action No. 4-80-469, has been lodged with the United States District Court for the District of Minnesota on July 24, 1986. The consent decree resolves an action brought by the United States under sections 106 and 107 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 and under section 7003 of the Resource Conservation and Recovery Act of 1976 against Reilly Tar & Chemical Corporation ("Reilly"), the former owner and operator of a coal tar refinery and a creosote plant in St. Louis Park, Minnesota, and against the current owners of the former Reilly plant site. The complaint alleged that materials from the former Reilly plant site had contaminated the soil and groundwater in the vicinity of the site with hazardous substances, including polynuclear aromatic hydrocarbons ("PAHs") presenting an imminent and substantial endangerment to public health and the environment. The State of Minnesota, the City of St. Louis Park and the City of Hopkins intervened as plaintiffs.

The consent decree requires Reilly to implement a remedial program in each of the aquifer systems underlying its former plant site. In the uppermost aquifer, the drift-Platteville, Reilly is to construct and operate both source control and gradient control well

systems. Reilly is also to investigate the levels of contamination in that aquifer north of the plant site and undertake any remedial measures required on the basis of the results of that investigation. In the next aquifer down, the St. Peter, Reilly is required to undertake a remedial investigation and feasibility study to investigate the levels of contamination found there and propose remedial measures. Reilly is also required to implement remedial measures in St. Peter as required on the basis of the information available after the study is completed. In the Prairie du Chien-Jordan aquifer, the principal drinking water aquifer in the area, Reilly is required to construct and operate a drinking water treatment plant to service two St. Louis Park drinking water wells, and to operate source control and gradient control wells to remove contaminated groundwater from the aquifer. In the Iron-ton-Galesville aquifer, Reilly would be required to operate a source control well, and in the Mt. Simon-Hinckley, the deepest aquifer, Reilly is required to undertake 30 years monitoring to determine whether the aquifer is contaminated. If contamination is found in the Mt. Simon-Hinckley, Reilly is required to take remedial measures. After 30 years of monitoring, Reilly is required to formulate and implement a plan for continued monitoring and treatment in this aquifer.

Reilly is also required to investigate multi-aquifer wells in the vicinity of the site and properly abandon those wells which may provide a means for inter-aquifer flow. Reilly is required to fill in contaminated wetland areas so that they do not provide a nesting or resting place for migratory waterfowl. Moreover, unless a highway intersection is built by the State, Reilly is required to permanently cover and fill soil areas affected by the activities of its former plant. Finally, Reilly has agreed to a 30-year monitoring program at drinking water wells in St. Louis Park, Hopkins, Edina and Minnetonka and to take remedial measures, including treatment, if water at these wells is found to exceed the stringent drinking water criteria in the consent decree.

Reilly has agreed to reimburse the United States for \$1,720,000 plus interest for its past costs and to reimburse the State of Minnesota \$1,000,000 for its past costs.

The landowner defendants—the Housing and Redevelopment Authority of St. Louis Park, Oak Park Village, Inc. and Philips Investment Co.—have agreed to provide access to their property so that remedial measures may be performed. They have further agreed

to submit any plans for development of their property to the United States and the State of Minnesota for approval and not to develop their property except in accordance with approved plans.

Attached to the consent decree as an exhibit is an agreement between Reilly and the City of St. Louis Park. This agreement only resolves claims between Reilly and the City. Neither the United States nor the State of Minnesota is a party to that agreement. Under the agreement, the City has agreed to act on Reilly's behalf to perform some of Reilly's obligations under the consent decree. This agreement does not operate to relieve Reilly of any of its obligations to the United States or the State of Minnesota under the consent decree.

The Department of Justice will receive for thirty (30) days from the date of publication of this notice, written comments relating to the consent decree. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, DC 20530 and should refer to *United States, et al. v. Reilly Tar & Chemical Corporation, et al.*, D.J. Ref. No. 90-7-1-21.

The proposed consent decree may be examined at the Office of the United States Attorney, District of Minnesota, 234 United States Courthouse, 110 South 4th Street, Minneapolis, Minnesota 55401; at the Region V office of the Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604; and the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1515, Ninth Street and Pennsylvania Avenue, NW., Washington, DC 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please enclose a check in the amount of \$22.30 (10 cents per page reproduction charge) payable to the Treasurer of the United States.

F. Henry Habicht II,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 86-17080 Filed 7-28-86; 12:23 pm]

BILLING CODE 4410-01-M

## LIBRARY OF CONGRESS

### Changes in Hours of Service

**AGENCY:** Library of Congress.

**ACTION:** Notice, correction.

**SUMMARY:** This document corrects a notification of changes in hours of service appearing on pages 25124 and 25125 in the *Federal Register* of Thursday, July 10, 1986.

Accordingly, the Library of Congress is correcting the notification as follows: On page 25125, column one, first full sentence, is corrected to read "The hours of service in the general reading rooms will be from 8:30 a.m. to 9:30 p.m. Monday through Friday, \*\*\*\*\*".

Dated: July 24, 1986.

Glen A. Zimmerman,

Associate Librarian for Management.

[FR Doc. 86-17167 Filed 7-30-86; 8:45 am]

BILLING CODE 1410-01-M

## MERIT SYSTEMS PROTECTION BOARD

### Call for GPO Printing Riders for Reprinting of Rules of Practice in Proceedings Before the Merit Systems Protection Board in Pamphlet Form

**AGENCY:** Merit Systems Protection Board.

**ACTION:** Notice of call for printing riders for the reprinting of MSPB rules of practice in proceedings: MSPB practices and procedures.

**SUMMARY:** The purpose of this notice is to inform Federal agencies that the Merit Systems Protection Board (MSPB) is printing a limited number of MSPB Practices and Procedures in pamphlet form. This pamphlet is a reprinting of the MSPB Practices and Procedures published in the *Federal Register* on July 10, 1986 (51 FR 25146, July 10, 1986). Departments and agencies can order copies of the pamphlets by riding MSPB's printing requisition #6-00142 with the Government Printing Office.

**DATE:** Agency requisitions (Standard Form 1) must be submitted no later than September 4, 1986.

**ADDRESS:** Interested departments and agencies should send requisitions—through their Washington, DC headquarters offices authorized to procure printing—to the Government Printing Office, Requisitions Section, Room 836, Washington, DC 20401. Agencies may estimate the cost by using the current Government Printing Office price list of printing services and the printing information contained in the **SUPPLEMENTARY INFORMATION** section below.

**FOR FURTHER INFORMATION CONTACT:** Concerning the publication MSPB Practices and Procedures, call Mr. Bentley Roberts on (202) 653-8900. His address is: Office of Assistant Managing

Director for Management, Internal Analysis and Review Division, MSPB, 1120, Vermont Avenue NW., Washington, DC 20419.

**SUPPLEMENTARY INFORMATION:** The publication of 5 CFR Part 1201 in the *Federal Register* (51 FR 25146, July 10, 1986) represents the first complete update of the MSPB rules of practices and procedures since they were originally published over 6 years ago. Agencies should make copies of these rules available to employees in jobs involving personnel management, employee appeals, or other functions that may require knowledge of the MSPB appellate process. The pamphlet size will be 5 1/2" by 9 1/2" and will consist of approximately 43 pages of text.

Dated: July 28, 1986.

Robert E. Taylor,

Clerk of the Board.

[FR Doc. 86-17236 Filed 7-30-86; 8:45 am]

BILLING CODE 7400-01-M

## NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

### Records Schedules

**AGENCY:** National Archives and Records Administration, Office of Records Administration.

**ACTION:** Notice of availability of proposed records schedules; request for comments.

**SUMMARY:** The National Archives and Records Administration (NARA) publishes a notice at least monthly of all agency requests for records disposition authority (records schedules) which include records being proposed for disposal or which reduce the records retention period for records already authorized for disposal. The first notice was published on April 1, 1985. Records schedules identify records of continuing value for eventual preservation in the National Archives of the United States and authorize agencies to dispose of records of temporary value. NARA invites public comment on proposed records disposals as required by 44 U.S.C. 3303a(a).

**DATE:** Comments must be received in writing on or before September 29, 1986.

**ADDRESS:** Address comments and requests for single copies of schedules identified in this notice to the Records Appraisal and Disposition Division (NIR), National Archives and Records Administration, Washington, DC 20408. Requestors must cite the control number assigned to each schedule when requesting a copy. The control number

appears in parentheses immediately after the title of the requesting agency.

**SUPPLEMENTARY INFORMATION:** Each year U.S. government agencies create billions of records in the form of paper, film, magnetic tape, and other media. In order to control the accumulation of records, Federal agencies prepare records schedules which specify when the agency no longer needs them for current business and what happens to the records after the expiration of this period. Destruction of the records requires the approval of the Archivist of the United States, which is based on a thorough study of their potential value for future use. A few schedules are comprehensive; they list all the records of an agency or one of its major subdivisions. Most schedules cover only one office, or one program, or a few series of records, and many are updates of previously approved schedules.

This public notice identifies the Federal agencies and their appropriate subdivisions requesting disposition authority, includes a control number assigned to each schedule, and briefly identifies the records scheduled for disposal. The complete records schedule contains additional information about the records and their disposition. Additional information about the disposition process will be furnished with each copy of a records schedule requested.

### Schedules Pending Approval

1. Department of the Air Force, Directorate of Administration, Records Management Branch (N1-AFU-86-22). Weather observation records.

2. Department of the Air Force, Directorate of Administration, Records Management Branch (N1-AFU-86-53). Airdrop inspection Records.

3. Department of the Air Force, Directorate of Administration, Records Management Branch (N1-AFU-86-54). Mail and Cargo handling records.

4. Department of the Army, Records Management Operations Office (N1-AU-86-55). Accounting documents.

5. Department of Commerce, Office of the General Counsel (NC1-40-85-1). Comprehensive schedule covering records relating to the agency's legal and legislative programs.

6. General Services Administration, Federal Property Resources Service (N1-291-86-1). Administrative and program records relating to the Nicaro project, a U.S. Government sponsored Cuban nickel mining concern. Includes correspondence, reports, maps, drawings, financial and operating records, and other materials relating to the project. Records having archival

value have been designated for retention in the National Archives and Records Administration (NARA).

7. Department of the Interior, Mineral Management Service (NC1-57-84-7). Compensation schedule covering records relating to the offshore mineral and royalty management responsibilities of the Federal Government.

Dated: July 24, 1986.

James C. Megronigle,

*Acting Archivist of the United States.*

[FR Doc. 86-17166 Filed 7-30-86; 8:45 am]

BILLING CODE 7515-01-M

## NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

### Design Arts Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Design Arts Advisory Panel (Overview Section) to the National Council on the Arts will be held on August 7, 1986, from 9:30 a.m.-5:00 p.m. in room 714 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC, 20506.

A portion of this meeting will be open to the public on August 7, from 9:30 a.m.-12:00 noon and from 1:30-5:00 p.m. Topics for discussion will include the Five-Year Planning Document, FY 1988 Guidelines and defining a role for the Design Arts Program.

The remaining session of this meeting on August 7, from 12:00-12:30 p.m. is for the purpose of discussion and development on confidential materials and projections regarding FY 1988 budget to be submitted to the Office of Management and Budget and the Congress. In accordance with the determination of the Chairman published in the Federal Register of February 13, 1980, these sessions will be closed to the public pursuant to subsection (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

If you need special accommodations due to a disability, please contact the Office for Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682-5532, TTY 202/682-5496 at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National

Endowment for the Arts, Washington, DC 20506, or call 202/682-5433.

John H. Clark,

*Director, Office of Council and Panel Operations, National Endowment for the Arts.*

July 17, 1986.

[FR Doc. 86-17165 Filed 7-30-86; 8:45 am]

BILLING CODE 7537-01-M

### Museum Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Museum Advisory Panel (Utilization of Museum Resources Section) to the National Council on the Arts will be held on August 19-21, 1986 from 9:00 a.m.-5:30 p.m. in room 730 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the Agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682-5433.

Dated: July 25, 1986.

John H. Clark,

*Director, Council and Panel Operations, National Endowment for the Arts.*

[FR Doc. 86-17146 Filed 7-30-86; 8:45 am]

BILLING CODE 7537-01-M

## NATIONAL SCIENCE FOUNDATION

### Permit Applications Received Under the Antarctic Conservation Act of 1978

**AGENCY:** National Science Foundation.

**ACTION:** Notice of permit applications received under the Antarctic Conservation Act of 1978, Pub. L. 95-541.

**SUMMARY:** The National Science Foundation (NSF) is required to publish notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the

Antarctic Conservation Act of 1978 at Title 670 of the Code of Federal Regulations. This is the required notice of permit applications received.

**DATE:** Interested parties are invited to submit written data, comments, of views with respect to this permit application by September 4, 1985. Permit applications may be inspected by interested parties at the Permit Office, address below.

**ADDRESS:** Comments should be addressed to Permit Office, Room 627, Division of Polar Programs, National Science Foundation, Washington, DC 20550.

**FOR FURTHER INFORMATION CONTACT:** Charles E. Myers at the above address or (202) 357-7934.

**SUPPLEMENTAL INFORMATION:** The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Pub. L. 95-541), has developed regulations that implement the "Agreed Measures for the Conservation of Antarctic Fauna and Flora" for all United States citizens. The Agreed Measures, developed in 1964 by the Antarctic Treaty Consultative Parties, recommended establishment of a permit system for various activities in Antarctic and designation of certain animals and certain geographic areas as requiring special protection. The regulations establish such a permit system to designate Specially Protected Areas and Sites of Special Scientific Interest. Additional information was published in the Federal Register on July 17, 1986.

The applications received are as follows:

#### 1. Applicant

Gary Miller, Biology Department, University of New Mexico, Albuquerque, New Mexico 87131.

#### Activity for Which Permit Requested

Taking. The applicant proposes to enter Cape Bird to observe the nest site selection process of Adelie penguins. Up to 200 Adelie penguins will be captured, dye-marked, tagged, and released.

#### Location

Cape Bird, Ross Island, Antarctic.

#### Dates

October 1986-February 1988.

#### 2. Applicant

Frank S. Todd, Hubbs-Sea World Research Institute, 1700 South Shores Road, San Diego, California 92109.

#### Activity for Which Permit Requested

Taking; Import into U.S.A.

The applicant proposes to conduct behavioral and field survey work, and collect eggs for an on-going long term research program on metabolism and growth rates of Antarctic birds. Eggs will be returned to Hubbs-Sea World Research Institute in San Diego. Species and number of eggs to be taken are as follows:

Species	No. of eggs
Chinstrap penguin.....	170
Gentoo penguin.....	170
Adelie penguin.....	150
Kelp Gull.....	40
Antarctic Tern.....	50
Brown Skua.....	30
Giant Petrel.....	30
Blue-eyed shag.....	50
Cape Pigeon.....	30
Shearwater.....	35
Wilson's Storm Petrel.....	25

#### Location

Nelson Island, Deception Island, King George Island, Antarctic Peninsula.

#### Dates

November–December 1986.

Authority to publish this notice has been delegated by the Director of the National Science Foundation.

Peter E. Wilkiss,

Director, Division of Polar Programs.

[FR Doc. 86-17147 Filed 7-30-86; 8:45 am]

BILLING CODE 7555-01-M

### NUCLEAR REGULATORY COMMISSION

#### Availability of Draft Generic Technical Position on Items and Activities in the High-Level Waste Geologic Repository Program Subject to 10 CFR Part 60 Quality Assurance Requirements

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of availability.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) is announcing the availability of the "Draft Generic Technical Position of Items and Activities in the High-Level Waste Geologic Repository Program Subject to 10 CFR Part 60 Quality Assurance Requirements."

**DATE:** The comment period expires September 29, 1986.

**ADDRESSES:** Send comments to John Philips, Chief, Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, 4000-MNBB, Washington, DC 20555. Copies of this document may be obtained free of charge upon written request to Linda

Luther, Docket Control Center, Division of Waste Management, U.S. Nuclear Regulatory Commission, Mail Stop 623-SS, Washington, DC 20555, Telephone 1/800/368-5642, Ext. 74426.

**FOR FURTHER INFORMATION CONTACT:** Susan G. Bilhorn, Repository Projects Branch, Division of Waste Management, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone 301/427-4682.

**SUPPLEMENTARY INFORMATION:** The Nuclear Waste Policy Act of 1982 (Pub. L. 97-425) and the Commission regulation 10 CFR Part 60 provide for interaction between the Department of Energy (DOE) and NRC prior to submittal of a license application for a geologic repository. These interactions are to fully inform DOE about the information that must be provided in a license application to allow a licensing decision to be made by NRC.

The principal mechanism for providing guidance to the DOE is the NRC staff's Site Characterization Analysis (SCA) required by the Nuclear Waste Policy Act and 10 CFR Part 60. Other means of providing guidance to supplement the SCAs are staff technical positions on both generic and site-specific issues. Generic Technical Positions (GTPs) establish the staff's position on broad technical issues that are applicable to any site and Site Technical Positions (STPs) establish the staff's position on a site-specific technical issue. A number of technical positions will be developed by the staff on both generic and site-specific issues. This announcement notices availability and solicits comments on the "Draft Generic Technical Position on Items and Activities in the High-Level Waste Geologic Repository Program Subject to 10 CFR Part 60 Quality Assurance Requirements." The purpose of this generic technical position is to provide guidance on approaches for identifying items and activities that are important to safety and waste isolation and to address measures to assure the quality of all items and activities that will be used to demonstrate compliance with the licensing requirements of 10 CFR Part 60.

In this GTP the staff explains its view of a 0.5 rem design basis accident dose limit for the geologic repository. While a dose limit for design basis accidents is not explicitly addressed in 10 CFR Part 60, the threshold value for determining which items are important to safety is a 0.5 rem dose to an individual in the unrestricted area (10 CFR 60.2). The 0.5 rem threshold value was incorporated into 10 CFR Part 60 after consideration of comments received on the proposed

rule (see NUREG-0804, "Staff Analysis of Public Comments on Proposed Rule 10 CFR Part 60, 'Disposal of High-Level Radioactive Waste in Geologic Repositories'"). At the time the final was promulgated, the staff expressed its view that few, if any, accidents could, if unmitigated, exceed the 0.5 rem dose to an individual in the unrestricted area.

The staff is now interested in receiving comments regarding potential off-site doses resulting from accident scenarios, and the impact of a 0.5 rem dose limit for design basis accidents on the design and cost of a HLW geologic repository.

Dated at Silver Spring, Maryland this 25th day of July.

For the Nuclear Regulatory Commission.

John J. Linehan,

Acting Chief, Repository Projects Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 86-17276 Filed 7-30-86; 8:45 am]

BILLING CODE 7590-01-M

### RAILROAD RETIREMENT BOARD

#### Agency Forms Submitted for OMB Review

**AGENCY:** Railroad Retirement Board.

**ACTION:** In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the Board has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

#### SUMMARY OF PROPOSAL(S):

- (1) Collection title: Railroad Verification of Claimed Unemployment or Sickness
- (2) Form(s) submitted: ID-4K, ID-4L
- (3) Type of request: Revision of a currently approved collection
- (4) Frequency of use: On occasion
- (5) Respondents: Businesses or other for-profit
- (6) Annual responses: 20,200
- (7) Annual reporting hours: 786
- (8) Collection description: The notices provide the means whereby employers can advise the Board if there are conflicts as to whether an employee who applies for benefits is, in fact, off work because of unemployment or sickness.

#### ADDITIONAL INFORMATION OR

**COMMENTS:** Copies of the proposed forms and supporting documents may be obtained from Pauline Lohens, the agency clearance officer (312-751-4692). Comments regarding the information collection should be addressed to Pauline Lohens, Railroad Retirement

Board, 844 Rush Street, Chicago, Illinois 60611 and the OMB reviewer, Judy McIntosh (202-395-6880), Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503.

Pauline Lohens,

Director of Information and Data Management.

[FR Doc. 86-17275 Filed 7-30-86; 8:45 am]

BILLING CODE 7905-01-M

## SECURITIES AND EXCHANGE COMMISSION

[Release No. IC-15227 (File No. 812-6384)]

### Cowen Income & Growth Fund, Inc.; Application

July 25, 1986.

Notice is hereby given that Cowen Income & Growth Fund, Inc. ("Applicant"), One Battery Park Plaza, New York, New York 10004, filed an application on May 14, 1986, for an order pursuant to section 6(c) of the Investment Company Act of 1940 ("Act"), exempting Applicant from the provisions of sections 2(a)(32), 2(a)(35), 22(c) and 22(d) of the Act and Rules 22c-1 and 22d-1 thereunder to the extent necessary to permit Applicant to assess a contingent deferred sales charge on redemptions of its initial and future series of shares, and to permit Applicant under certain circumstances to waive or apply credits against the contingent deferred sales charge. 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 and the rules thereunder for the relevant provisions thereof.

According to the application, Applicant is an open-end, diversified, management investment company that was incorporated under the laws of Maryland on May 12, 1986. Shares of Applicant are distributed by Cowen & Co. ("Cowen"). Through its investment management division, Cowen Asset Management, Cowen also serves as investment manager for Applicant.

Applicant proposes (1) to offer its shares subject to a contingent deferred sales charge ("Charge") and (2) to institute a plan of distribution in accordance with Rule 12b-1 under the Act. Under Applicant's proposal, its shares would be offered and sold without the deduction of a sales load at the time of the purchase. Certain redemptions of shares, however, would be subject to a Charge. The proceeds of the Charge would be paid to Cowen and

would be used in whole or in part to defray costs incurred in connection with the sale of Applicant's shares, including payments of sales commissions to Cowen's Account Representatives and on the sale of those shares.

Applicant states that the Charge would be imposed on a redemption of shares that causes the current value of the shares held by a shareholder to fall below the total dollar amount of payments for the purchase of shares made by the shareholder during the preceding five years. No Charge would be imposed to the extent that the net asset value of the shares redeemed by a shareholder does not exceed (1) the current net asset value of shares purchased more than five years prior to the redemption ("Old Value"), plus (2) the current net asset value of shares purchased through reinvestment of dividends or capital gains distributions ("Reinvestment Value"), plus (3) increases in the net asset value of the shares above payments made during the preceding five years ("Appreciation Value").

In effecting a particular redemption request, Applicant would first redeem an amount that represents Appreciation Value. If the amount of the requested redemption exceeded Appreciation Value, Applicant would next redeem an amount that represents Reinvestment Value. If the amount of the redemption exceeded Appreciation Value and Reinvestment Value, Applicant would then redeem an amount that represents Old Value. Under Applicant's proposal, the amount by which a redemption exceeds the total of Appreciation Value, Reinvestment Value and Old Value would be subject to the Charge.

Applicant states that the amount of the Charge imposed on a shareholder would depend on the number of years that have elapsed since the shareholder made the payment from which an amount is being redeemed. The amount of the Charge will decline from 5% of 0% depending on the length of time the shares have been held. Such Charge would be 5% in the first year and decrease by 1% per year, no charge being imposed after the fifth year. The amount of the Charge (if any) would be calculated by first determining the date on which the payment that is the source of the redemption was made, and then applying the appropriate percentage to the amount of the redemption subject to the Charge. All payments for shares made by a shareholder during a particular month will be aggregated and deemed to have been made on the last day of the preceding month for purposes of determining the number of years that have elapsed since the payments were

made. In determining whether a Charge is payable and, if so, the percentage Charge that is applicable, Applicant will assume that the payment for shares from which a redemption is made is the earliest payment from which a full redemption has not already been effected.

Under Applicant's proposal, the Charge would be waived on the following redemptions: (1) Any partial or total redemption of a shareholder who dies or becomes disabled, so long as the redemption is requested within one year of death or initial determination of disability; (2) any partial or complete redemption in connection with certain distributions from Individual Retirement Accounts ("IRAs") or other qualified retirement plans; (3) redemptions effected pursuant to Applicant's right to liquidate a shareholder's account, other than an IRA on other qualified retirement plan, if the aggregate net asset value of the shares held in the account is less than \$250; and (4) redemptions effected by an investment company registered under the Act in connection with the combination of the investment company with Applicant by merger, acquisition of assets or by any other transaction. Applicant also proposes to institute a one-time only reinvestment privilege under which a shareholder who redeems shares subject to the Charge and reinvests the proceeds of the redemption within 30 days after the redemption would receive a credit against the amount of the Charge paid. The percentage of the Charge credited to the shareholder would be the same as the percentage of the redemption proceeds that are reinvested.

Applicant proposes to finance its distribution expenses under a plan adopted pursuant to Rule 12b-1 under the Act ("Plan"). Under the Plan, Applicant will pay an annual fee to Cowen for expenses incurred in connection with the offering of Applicant's shares. Cowen's distribution fee will be accrued daily and paid monthly by Applicant at the annual rate of .75% of Applicant's average daily net assets. To the extent that costs incurred in a year exceed .75% of Applicant's average daily net assets, these costs may be accrued and charged against future payments, if any, under the Plan. With respect to the distribution fee payable to Cowen by a Future Fund (as defined below), the distribution fee could be lower than, equal to or higher than the fee to be paid by Applicant, but in no event higher than 1.25% of the average daily net assets of the affected series of shares.

Applicant submits that its proposal is consistent with the policies underlying the Act. Nonetheless, to avoid any possibility that questions may be raised as to the various definitional and regulatory sections of the Act, Applicant seeks an exemption to the extent necessary or appropriate from sections 2(a)(32), 2(a)(35), 22(c) and 22(d) of the Act and Rules 22c-1 and 22d-1 thereunder to cover not only current shares of Applicant but also (a) any additional series of classes of shares Applicant may offer in the future on substantially the same basis as Applicant offers its shares and (b) any other registered investment company organized in the future that employs an affiliated person of Cowen as investment adviser or principal underwriter ("Future Fund").

Applicant believes that the Charge is fair and in the best interests of Applicant's shareholders for a number of reasons. Applicant submits that the operation of the Charge will enable Applicant's shareholders to have the advantages of greater investment dollars working for them from the time of their purchase of Applicant's shares than would be the case if Applicant's shares were sold subject to a traditional front-end sales load. Applicant further asserts that the Charge is fair to shareholders because it applies only to redemptions of amounts representing purchase payments for shares and does not apply to either increases in the value of a shareholder's account through capital appreciation or to increases representing reinvestment of distributions.

Applicant contends that certain of the waivers from the Charge are justified on basic considerations of fairness to shareholders. Applicant submits that, like its proposed waivers of the Charge, its proposed one-time only credit of all or a portion of the Charge applicable to a shareholder who redeems shares subject to the Charge and reinvests the proceeds of the redemption within 30 days after the redemption is in the interests of shareholders.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than August 15, 1986, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, 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.

Jonathan G. Katz,

Secretary.

[FR Doc. 17261 Filed 7-30-86; 8:45 am]

BILLING CODE 8010-01-M

[Release No. IC-15225 (File No. 812-6344)]

**El Paso Funding Corp.; Application Pursuant to Section 6(c) for Exemption From All Provisions of the Act**

July 24, 1986.

Notice is hereby given that El Paso Funding Corporation ("Applicant"), a Delaware corporation, filed an application on April 11, 1986, and an amendment thereto on July 14, 1986, for an order of the Commission pursuant to section 6(c) of the Investment Company Act of 1940 ("Act"), exempting Applicant from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below, and to the Act for the text of its relevant provisions.

According to the application, Applicant is a Delaware corporation and expects to have all of its shares of common stock owned by The Corporation Trust Company, or a company controlled by it. Applicant represents that there has been, and undertakes that in the future there will be no public offering of Applicant's common stock or any other equity security. Applicant further represents that there is, and in the future will be, no class of equity securities of Applicant other than its common stock. Applicant has been created to participate as lender in one or more leveraged lease transactions ("Leases"), in which El Paso Electric Company, a Texas corporation ("El Paso"), is the lessee ("Lessee").

According to the application, El Paso generates and distributes electricity through an interconnected system to customers in certain areas of Texas and New Mexico. El Paso is regulated in both states by utility authorities and is also subject to regulation by the Federal Energy Regulatory Commission in certain matters that include wholesale electric rates and the issuance of securities.

Applicant's sole purpose is to assist El Paso in the refinancing, in whole or in part, of El Paso's 15.8% undivided ownership interest in the Palo Verde Nuclear Generating Station ("PVNGS"). PVNGS, located near Phoenix Arizona, consists primarily of three 1,270 megawatt electric generating units, each containing a pressurized water nuclear steam supply system, and certain related common facilities. Ownership of PVNGS is governed by the Arizona Nuclear Power Project Participation Agreement, dated August 23, 1973, as amended, and pursuant thereto, Arizona Public Service Company, an Arizona utility, is authorized to act as agent for the owners of PVNGS, and has responsibility and control over construction, operation and maintenance of PVNGS.

Applicant states that its participation as lender in the Leases will be limited to making loans pursuant to a Loan and Security Agreement or a Trust Indenture and Security Agreement (in either case, a "Lease Indenture") to certain lessors ("Lessors") under such Leases which will be payable primarily from rentals and other payments by the Lessee. Applicant states that the Lessor under each Lease will be First National Bank of Boston acting as trustee for one or more beneficiaries pursuant to a trust agreement, formed exclusively for the purpose of the lease financing. Applicant states that a portion of the purchase price of the property owned by the Lessors and leased to the Lessee ("Leased Property") will be paid by the beneficiaries of the grantor trust that acts as Lessor and that amount will constitute their equity investment in the Leased Property. The loans by Applicant will be without recourse to the general credit of the Lessors or their respective beneficiaries, and will be evidenced by non-recourse obligations of the respective Lessors ("Lessor Notes"). Applicant states that under each Lease, the Lessee will be obligated to make rental payments sufficient to pay the principal of and premiums, if any, and interest on the Lessor Notes issued in connection therewith. Applicant further states that such obligations of the Lessee will be absolute and unconditional, without right of counterclaim, set off, deduction or defense. Applicant expects to enter into an agreement ("Commitment Agreement") with El Paso pursuant to which Applicant will agree to make loans to one or more Lessors designated by El Paso from time to time.

Applicant intends to acquire the funds necessary for the purchase of the Lessor Notes through the issuance of its debt

securities in one or more series with differing maturities ("Lease Obligation Bonds") which will be secured on a parity basis by a first lien on, and a security interest in, all of the assets of Applicant, consisting primarily of the Lessor Notes so acquired and previously acquired and which may include a lien or security interest in the Leased Property. Lessor Notes held by Applicant may only consist of Lessor Notes issued in connection with any Lease to which El Paso is a party, as lessee, in conjunction with its ownership interest in PVNGS.

Applicant states that the Lease Obligation Bonds will be issued under a common indenture and a separate supplemental indenture for each series other than the initial series (collectively, "Collateral Trust Indenture") which will establish the terms of the Lease Obligation Bonds of that series. It is expected that the trustee under the Collateral Trust Indenture ("Trustee") will be a bank or trust company not affiliated with any of the Lessors and will not be a trustee under any indenture of El Paso or its subsidiaries. At each Lease closing the Lessor Notes will be pledged and assigned directly to the Trustee. Applicant expects that the Lessor Notes will be issued under circumstances making such transactions exempt from the registration requirements under the Securities Act of 1933 ("Securities Act").

Applicant states that the Lease Indentures will set forth the terms and conditions under which the Lessor Notes will be issued. Applicant represents that each Lease Indenture will require the Lessor to grant to Applicant (if the Lease Indenture is a Loan and Security Agreement) or a trustee under the Lease Indenture ("Lease Indenture Trustee") (if the Lease Indenture is a Trust Indenture and Security Agreement), an assignment or rents, including basic rentals and certain other payments, to be made by the Lessee under the applicable Lease. The Lease Indenture Trustee or the Applicant may have a lien on or security interest in, the Leased Property. In the event no such lien or security interest is created, the Lessor will covenant that, so long as any Lessor Note is outstanding, it will not incur any other debt not constituting Lessor Notes or otherwise in connection with the Leased Property, and except for certain limited, permitted liens, it will not create any lien or security interest in such property. Thus, Applicant states, these two covenants combined ensure that if a Lessor defaults on a Lessor Note, the Leased Property will be available to satisfy the claims of the Trustee, acting

for the benefit of Lease Obligation Bondholders. Applicant states that it will be precluded from purchasing any Lessor Note unless (i) such Lessor Note is issued in respect of Leased Property having a fair market sales value of the time of purchase at least equal to 110% of the original principal amount of such Lessor Note or, (ii) such Lessor Note and all other Lessor Notes (if any) issued by the relevant Lessor are issued in respect of Leased Property having an aggregate fair market value (measured, in each case, as of the date such Leased Property was first financed under the Lease) at least equal to 110% of the original principal amount of such Lessor Note and such other Lessor Notes. Further, Applicant states that each Lease Indenture will include as events of default, without limitation: (a) payment defaults on the Lessor Notes issued thereunder and (b) events of default under the related Lease.

According to the application, the various series of Lease Obligation Bonds will have terms which may differ as to interest rates, sinking fund obligations of Applicant, the right of Applicant to redeem such Lease Obligation Bonds and other matters. The interest rates, maturities and principal amounts of each series of Lease Obligation Bonds will be established based on prevailing market conditions, thereby giving Applicant flexibility to take advantage of changing market conditions. If the maturity dates cash flow of the Lessor Notes exceed the cash requirements of Applicant's obligations under the Lease Obligation Bonds, the resulting funds ("Temporary Funds") will be invested by Applicant in certain investments ("Permitted Investments"), in each case maturing at such time as necessary to pay Applicant's obligations under the Lease Obligation Bonds. Applicant states that Lease Obligation Bonds, which may include commercial paper and intermediate-term and long-term obligations, will be issued in the private or public markets in the United States, and offering outside the United States under circumstances reasonably designed to assure that such Lease Obligation Bonds are not offered or sold to citizens or residents of the United States.

Applicant proposes that the initial issuance of Lease Obligation Bonds will be through an underwritten public offering of one or more series having an aggregate principal amount of approximately \$490 to \$546 million (assuming a total sales price for EL Paso's 15.8% interest in PVNGS Unit 2 of \$700 million). Applicant represents that, although EL Paso will not be the

actual issuer of the Lease Obligation Bonds, it will be considered the "issuer" for purpose of the Securities Act and any registration statement filed under the Securities Act relating to the Lease Obligation Bonds will name El Paso as the sole registrant.

Applicant represents that it will assign and pledge to the Trustee under the Collateral Trust Indenture, as security for the payment of the principal of and premium, if any, and interest on all Lease Obligation Bonds, the Lessor Notes and other assets held by Applicant, including any lien or security interest it may have in the Leased Property. Each Lessor Note will in turn be secured by the assigned rentals and other assigned payments under a Lease and may be secured by a lien or security interest in the Leased Property. Applicant states that the Trustee will give immediate notice to the Lease Obligation Bondholders of any rights granted by the Collateral Trust Indenture to it, which will include the right to exercise voting powers, to give any consents or waivers or the exercise of any rights and remedies thereunder. The Collateral Trust Indenture will authorize the Lease Obligation Bondholders to direct by notice to the Trustee, within a specific period of time, that it take any action or cast any vote in its capacity as a holder of the Lessor Notes. As a result of this pass-through voting mechanism, the rights and remedies or Lessor Noteholders will be exercisable directly by the Lease Obligation Bondholders through their fiduciary, the Trustee. The principal amount of Lessor Notes directing any action or being voted for or against any proposal will be the principal amount of the Lease Obligation Bondholders taking the corresponding position. To the extent the Trustee does not receive instruction, it will take such action with respect to the Lessor Notes as a prudent man would in the care of his own property.

Applicant states that in the event El Paso defaults in the payment of that portion of rent necessary to pay all amounts under the Lessor Notes, Applicant (if the Lease Indenture was a Loan and Security Agreement) or the Trustee (if the Lease Indenture was a Trust Indenture and Security Agreement) under the related Lease Indenture, will have the right and, upon the direction of a majority in principal amount of Lessor Notes relating to such Lease, which by virtue of the pass-through voting would be a majority of the Lease Obligation Bonds, will declare all such Lessor Notes to be due and payable and to exercise, concurrently

with the exercise by the Lessor under such Lease of any remedies available to it under such Lease, the remedies available under such Lease Indenture. Applicant states that as a holder of Lessor Notes, the Trustee under the Lease Indenture will have the right to demand, after a specified grace period, that El Paso pay all unpaid basic rent plus a stipulated amount which, in all cases, will be sufficient to pay the principal of and premium, if any, on the relevant Lessor Notes, and that it be paid directly to the Trustee for distribution to the Lease Obligation Bondholders. Applicant thus asserts that Lease Obligation bondholders will have access under the Collateral Trust Indenture and the Lease Indentures to the credit of El Paso. Moreover, Applicant asserts that Lease Obligation Bondholders will be entitled to realize on the security afforded by the assignment of rentals in an amount up to the aggregate unpaid amount of the relevant Lessor Notes secured by such assignments of rentals. The combination of Lessor Notes and the obligation of El Paso under the Leases, Applicant asserts, grants holders of Lease Obligation Bonds access to the general credit of El Paso and is, thus, equivalent of a general unsecured obligation of El Paso without limitation as to source of payment. The Lessor Notes and the Lease Indenture will provide that, upon the occurrence of certain casualty events, and certain other events which require the collapsing of the lease transaction, either (i) El Paso assume the obligations represented by the Lessor Notes or (ii) El Paso will purchase from the beneficiaries of the trust issuing the Lessor Notes the beneficial interest in such trusts and the Lessors will grant a lien and security interest in the Leased Property to secure the Lessor Notes. This assumption or purchase will be in partial satisfaction of El Paso's obligation to make payments upon early termination of the Lease in consequence of any such event. Applicant asserts that in circumstances where the Lessor Notes are not secured by the Leased Property, there will be no need to prepay the Lessor Notes in the event of a casualty. El Paso's right to assume the Lessor Notes in certain circumstances assures that El Paso will not be faced with an accelerated obligation to repay the Lessor Notes under provisions of the Leases.

Applicant states that the issue, sale and delivery of a particular series of Lease Obligation Bonds may be effected, at maximum, two months prior to the date for the consummation of the Leases ("Lease Closing Date")

applicable to the Leased Property financed with the Lease Obligation Bond proceeds. Pending the Lease Closing Date, the net proceeds of the Lease Obligation Bonds will be held by the Trustee, pursuant to the terms of the Collateral Trust Indenture. The Trustee may invest proceeds in Permitted Investments, which include direct obligations of the United States obligations fully guaranteed by the United States, certificates of deposit issued by or bankers' acceptances, of, or time deposits with, banks organized under United States law and limited to amounts of less than \$15 million in principal amount at any one time from any one bank, or commercial paper of companies doing business in the United States in amounts less than \$15 million at any one time from any one company. The commercial paper will also have the highest rating by a nationally recognized rating organization. Permitted Investments, Applicant states, also include repurchase agreements, fully collateralized by the Permitted Investments, pursuant to which a United States bank, trust company or national banking association having a net worth of at least \$200 million is obligated to repurchase the obligation not later than 90 days after its purchase.

Except to the extent payable from the proceeds of refunding Lease Obligations Bonds, proceeds of Temporary Investments or the proceeds of the initial issuance of the Lease Obligation Bonds, where the relevant Lease Closing Date does not occur simultaneously, due to the nonrecourse nature of Lessor Notes and the limited scope of Applicant's activities, payment of the principal of and premium, if any, and interest on the Lease Obligation Bonds will be made exclusively from amounts paid by the Lessee under the Leases.

Applicant asserts that its proposed activities are appropriate in the public interest because the proposed issuance of Lease Obligation Bonds will provide a convenient mechanism for EL Paso to obtain access to segment of the debt capital market other than the institutional private placement market. Applicant further asserts that an exemption would be consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act because, among other things, investors will be protected under the proposed arrangements to the same extent as under equivalent arrangements where the Act is inapplicable.

Notice is further given that any interested person wishing to request a hearing on the application may, not later

than August 14, 1986, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, 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.

Jonathan G. Katz,  
Secretary.

[FR Doc. 86-17262 Filed 7-30-86; 8:45 am]  
BILLING CODE 8010-01-M

## SMALL BUSINESS ADMINISTRATION

[License No. 09/09-0368]

### Peerless Capital Co., Inc.; Issuance of a Small Business Investment Company License

On April 2, 1986, a notice was published in the Federal Register (Vol. 51, No. 63) stating that an application has been filed by Peerless Capital Company, Inc., with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1983)) for a license as a small business investment company.

Interested parties were given until close of business May 2, 1986, to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, SBA issued License No. 09/09-0368 on July 11, 1986, to Peerless Capital Company, Inc., to operate as a small business investment company.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: July 25, 1986.

Robert G. Lineberry,  
Deputy Associate Administrator for Investment.

[FR Doc. 86-17235 Filed 7-30-86; 8:45 am]  
BILLING CODE 8025-01-M

## DEPARTMENT OF TRANSPORTATION

## National Highway Traffic Safety Administration

[Docket No. EX86-2; Notice 1]

**Carrozzeria Bertone; Petition for Temporary Exemption From Federal Motor Vehicle Safety Standard No. 208**

Carrozzeria Bertone S.p.A. of Torino, Italy, has petitioned for a temporary exemption from the passive restraint requirements of Motor Vehicle Safety Standard No. 208 *Occupant Restraint Systems*. The basis of the petition is that compliance would cause substantial economic hardship.

Notice of receipt of the petition is published in accordance with the regulations of the National Highway Traffic Safety Administration on this subject (49 CFR Part 555) and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Petitioner's total motor vehicle production in the 12-month period before filing its petition was less than 6900. Of these, slightly over 2600 were manufactured for the American market. All these were the petitioner's X1/9 two-passenger convertible. It requests exemption for a period of one year (its 1987 model year) from the passive restraint requirements of Motor Vehicle Safety Standard No. 208 which become effective September 1, 1986. It argues that "investment costs to fit passive restraints would be extremely high compared both with the retail price of the X1/9 and with the yearly volumes for the U.S. market." It estimates development and crash test costs as \$510,000, and states that it must devote its available resources for development of a passive restraint system for cars built in the 1988 and subsequent model years. The company had a net income in 1985 of approximately \$944,000 (1,417,000,000 Lire).

Bertone has been informed by the only European manufacturer of steering wheels with air bags that the low volume of the X1/9 does not warrant development of a specific unit for it. One of petitioner's other products will be equipped with this type of system, but it is not adaptable for the X1/9. Because it is a small manufacturer it "does not have the capacity to deal with suppliers" of passive belts and air bag suppliers outside Europe. It argues that an exemption would be in the public interest inasmuch as it is attempting to develop an American importer and dealer organization, and because of the unique nature of its mid-engine product "enriching the opportunities for product

selection." An exemption would be consistent with the objectives of the National Traffic and Motor Vehicle Safety Act as it will enable Bertone to devote its efforts to development of a system to be installed on 100% of its production, and because the 10% of the 2000 cars that it expects to sell here that would be excluded from compliance with the requirements, 200 units, is a very small number.

Interested persons are invited to submit comments on the petition of Carrozzeria Bertone S.p.A. described above. Comments should refer to the docket number and be submitted to Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh St. SW., Washington, DC 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The petition and supporting materials, and all comments received, are available for examination in the docket both before and after the closing date. Comments received after the closing date will be considered to the extent practicable. Notice of final action on the petition will be published in the *Federal Register* pursuant to the authority indicated below.

Comment closing date: September 2, 1986.

(Sec. 3, Pub. L. 92-546, 86 Stat. 1159 (15 U.S.C. 1410); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on: July 25, 1986.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 86-17285 Filed 7-30-86; 8:45 am]

BILLING CODE 4910-59-M

[Docket No. EX86-1; Notice 1]

**Panther Motor Car Co., Ltd.; Petition for Temporary Exemption From Federal Motor Vehicle Safety Standard No. 208**

The Panther Motor Car Company, Ltd., of Byfleet, Surrey, England, has petitioned for temporary exemption from the passive restraint requirements of Federal Motor Vehicle Safety Standard No. 208, *Occupant Restraint Systems* on the basis that compliance would cause it substantial economic hardship.

Notice of receipt of the petition is published in accordance with the regulations of the National Highway Traffic Safety Administration on this subject (49 CFR Part 555) and does not represent any agency decision or other

exercise of judgment concerning the merits of the petition.

Panther, a subsidiary of Jindo Industries Ltd., manufactures the Kallista, a roadster in the style of the 1930's. In 1985, it produced 135 motor vehicles, 26 of which were for the U.S. market. The company's facilities are small, and it has stated that it is unable to develop an automatic restraint system, "and to seek assistance from external sources is proving to be prohibitively expensive for us". The vehicle is presently equipped with a three point system meeting Standard No. 208 and Panther is informed by its supplier that the cost of developing an automatic restraint system would be \$150,000 over an estimated 15-month period. No "off the shelf" system appears available to it. Similar problems make an air bag restraint unfeasible, "even if it could be incorporated into our vehicle interior." Panther has had net losses in each of its past three fiscal years, the 1985 net loss exceeding 2,000,000 Pounds Sterling.

Panther seeks an exemption of three years. A denial of the petition would cause Panther to withdraw from the American market "with the subsequent collapse of our Distributorship and its 22 Dealers". It does not plan to bring the Kallista into compliance with the passive restraint requirements, but instead to terminate production of the car by the end of the exemption period. It argues that an exemption is in the public interest and consistent with the objectives of the National Traffic and Motor Vehicle Safety Act because the Kallista otherwise fully complies with Federal Motor Vehicle Safety Standards, and with those of "Switzerland, Sweden, and German, etc., where there are more stringent regulations in force". It believes that the continued availability of its product would provide "freedom of choice for the consumer".

Interested persons are invited to comment on the petition of The Panther Motor Car Company, Ltd., described above. Comments should refer to the docket number and be submitted to Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date below will be considered. The petition and supporting materials, and all comments received, are available for examination in the docket both before and after the closing date. Comments received after the closing date will also be filed and will be

considered to the extent practicable. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: September 2, 1986.

(Sec. 3, Pub. L. 92-548, 86 Stat. 1159 (15 U.S.C. 1410); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on July 25, 1986.

Barry Felrice,

*Associate Administrator for Rulemaking.*

[FR Doc. 86-17286 Filed 7-30-86; 8:45 am]

BILLING CODE 4910-59-M

## VETERANS ADMINISTRATION

### New Medical Center; Palm Beach County, FL; Availability of the Final Environmental Impact Statement

Notice is hereby given that a document entitled "Final Environmental Impact Statement, Veterans Administration Medical Center, Palm Beach County, Florida," dated July 1986, has been prepared as required by the National Environmental Policy Act of 1969. The document is in two volumes: The body of the report which contains factual corrections to the Draft Environmental Impact Statement and the appendices which remain unchanged

from the Draft Environmental Impact Statement.

The Environmental Impact Statement evaluates the potential environmental impacts of development of a new Veterans Administration Medical Center in northeastern Palm Beach County.

The alternatives are listed as sites 6b, 7d, 7e, 7f, 13a, and no action. Based on analyses and comments received during public review of the Draft Environmental Impact Statement, the Veterans Administration's Preferred Alternative is either site 7e or 13a, as each would equally serve the agency's needs.

The document is available for public examination in the Veterans Administration office in Washington, DC. Persons wishing to examine a copy of the document may do so at the following office: Director, Office of Environmental Affairs (088B), Room 419, Veterans Administration, 811 Vermont Avenue, NW., Washington, DC 20420, (202) 389-2922. Questions or requests for single copies of the Environmental Impact Statement and/or Appendices may be addressed to the above office.

Dated: July 21, 1986.

Thomas K. Turnage,  
*Administrator.*

[FR Doc. 86-17207 Filed 7-30-86; 8:45 am]

BILLING CODE 8320-01-M

# Sunshine Act Meetings

Federal Register

Vol. 51, No. 147

Thursday, July 31, 1986

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

## CONTENTS

	Item
Federal Deposit Insurance Corporation.....	1
Federal Election Commission.....	2
Federal Reserve System.....	3
Interstate Commerce Commission.....	4
Occupational Safety and Health Review Commission.....	5

### 1

#### FEDERAL DEPOSIT INSURANCE CORPORATION

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 5:43 p.m. on Friday, July 25, 1986, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to:

(A) Adopt a resolution: (1) Making funds available for the payment of insured deposits made in The Bank of Park County, Bailey, Colorado, which was closed by the State Bank Commissioner for the State of Colorado on Friday, July 25, 1986; and (2) appointing Bank of Mountain Valley, National Association, Conifer, Colorado, a newly-chartered national bank subsidiary of Mountain Parks Financial Corporation, Minneapolis, Minnesota, as the transfer agent for the Corporation for the payment of insured and fully secured or preferred deposits of the closed bank; and

(B)(1) Received bids for the purchase of certain assets of and the assumption of the liability to pay deposits made in Mountain Valley Bank, Conifer, Colorado, which was closed by the State Bank Commissioner for the State of Colorado on Friday, July 25, 1986; (2) accept the bid for the transaction submitted by Bank of Mountain Valley, National Association, Conifer, Colorado, a newly-chartered national bank subsidiary of Mountain Parks Financial Corporation, Minneapolis, Minnesota; and (3) provide such financial assistance, pursuant to section 13(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(2)), as was necessary to facilitate the purchase and assumption transaction.

In calling the meeting, the Board determined, on motion of Director C.C. Hope, Jr. (Appointive), concurred in by Mr. Robert J. Herrmann, acting in the place and stead of Director Robert L. Clarke (Comptroller of the Currency),

that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: July 29, 1986.

Federal Deposit Insurance Corporation.

Margaret M. Olsen,

Deputy Executive Secretary.

[FR Doc. 86-17313 Filed 7-29-86; 10:52 a.m.]

BILLING CODE 6714-01-M

### 2

#### FEDERAL ELECTION COMMISSION

"FEDERAL REGISTER" NO.: 86-16791.

PREVIOUSLY ANNOUNCED DATE AND TIME: Thursday, July 31, 1986, 10:00 a.m.

PURSUANT TO 11 CFR 2.7(D) (1) AND (2) THE COMMISSION HAS VOTED TO ADD THE FOLLOWING MATTER TO THE AGENDA: Request by Reagan-Bush '84 to respond to Commission's initial repayment determination.

\* \* \* \* \*

DATE AND TIME: Tuesday, August 5, 1986, 10:00 a.m.

PLACE: 999 E Street, NW., Washington, DC.

STATUS: This meeting will be closed to the public.

#### ITEMS TO BE DISCUSSED:

Compliance matters pursuant to 2 U.S.C. 437g Audits conducted pursuant to 2 U.S.C. 437g, 438(b), and Title 26, U.S.C.

Matters concerning participation in civil actions or proceedings or arbitration International personnel rules and procedures or matters affecting a particular employee

\* \* \* \* \*

DATE AND TIME: Thursday, August 7, 1986, 10:00 a.m.

PLACE: 999 E Street, NW., Washington, DC (Ninth Floor).

STATUS: This meeting will be open to the public.

#### MATTERS TO BE CONSIDERED:

Setting of dates of future meetings  
Correction and approval of minutes  
Draft AO 1986-23—Gary D. Lipken on behalf of The National Association of Manufacturers

Draft AO 1986-25—Benjamin A. Goldman for Public Data Access

Draft AO 1986-27—Dianna Conyers on behalf of Teamsters Local 959 Alaska Labor

Independent Voter Education

Draft AO 1986-28—Bob Ryan—Nevada

Legislature

Routine administrative matters

#### PERSON TO CONTACT FOR INFORMATION:

Mr. Fred Eiland, Information Officer, 202-376-3155.

Majorie W. Emmons,

Secretary of the Commission.

[FR Doc. 86-17374 Filed 7-29-86; 3:33 pm]

BILLING CODE 6715-01-M

### 3

#### FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS:

TIME AND DATE: 10:00 a.m., Wednesday, August 6, 1986.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

STATUS: Closed.

#### MATTERS TO BE CONSIDERED:

1. Federal Reserve Bank and Branch director appointments. (This item was originally announced for a closed meeting on July 30, 1986.)

2. Personnel actions, (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

3. Any item 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: July 29, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-17384 Filed 7-29-86; 3:46 pm]

BILLING CODE 6210-01-M

### 4

#### INTERSTATE COMMERCE COMMISSION

TIME AND DATE: 10:00 a.m., Thursday, August 7, 1986.

PLACE: Hearing Room A, Interstate Commerce Commission, 12th &

Constitution Avenue, NW., Washington, DC 20423.

**STATUS:** Open Special Conference.

**MATTERS TO BE DISCUSSED:**

No. 38783—

*Omaha Public Power District v. Burlington Northern Railroad Company;*

Ex Parte No. 290 (Sub-NO. 2)—

*Railroad Cost Recovery Procedures;*

Ex Parte No. 328—

*Investigation of Tank Car Allowance System.*

**CONTACT PERSON FOR MORE**

**INFORMATION:** Alvin H. Brown, Office of

Legislative and Public Affairs,  
Telephone: (202) 275-7252.

Noreta R. McGee,

*Secretary*

[FR Doc. 86-17335 Filed 7-29-86; 12:37 pm]

BILLING CODE 7035-01-M

**5**

**OCCUPATIONAL SAFETY AND HEALTH  
REVIEW COMMISSION**

**"FEDERAL REGISTER" CITATION OF  
PREVIOUS ANNOUNCEMENT:** 51 FR 26628  
July 24, 1986.

**PREVIOUSLY ANNOUNCED TIME AND DATE  
OF THE MEETING:** 10:00 a.m. on August 4,  
1986.

**CHANGES IN THE MEETING:** The meeting  
is rescheduled at 2:00 p.m. on August 4,  
1986.

**CONTACT PERSON FOR MORE**

**INFORMATION:** Mrs. Mary Ann Miller  
(202) 634-4015.

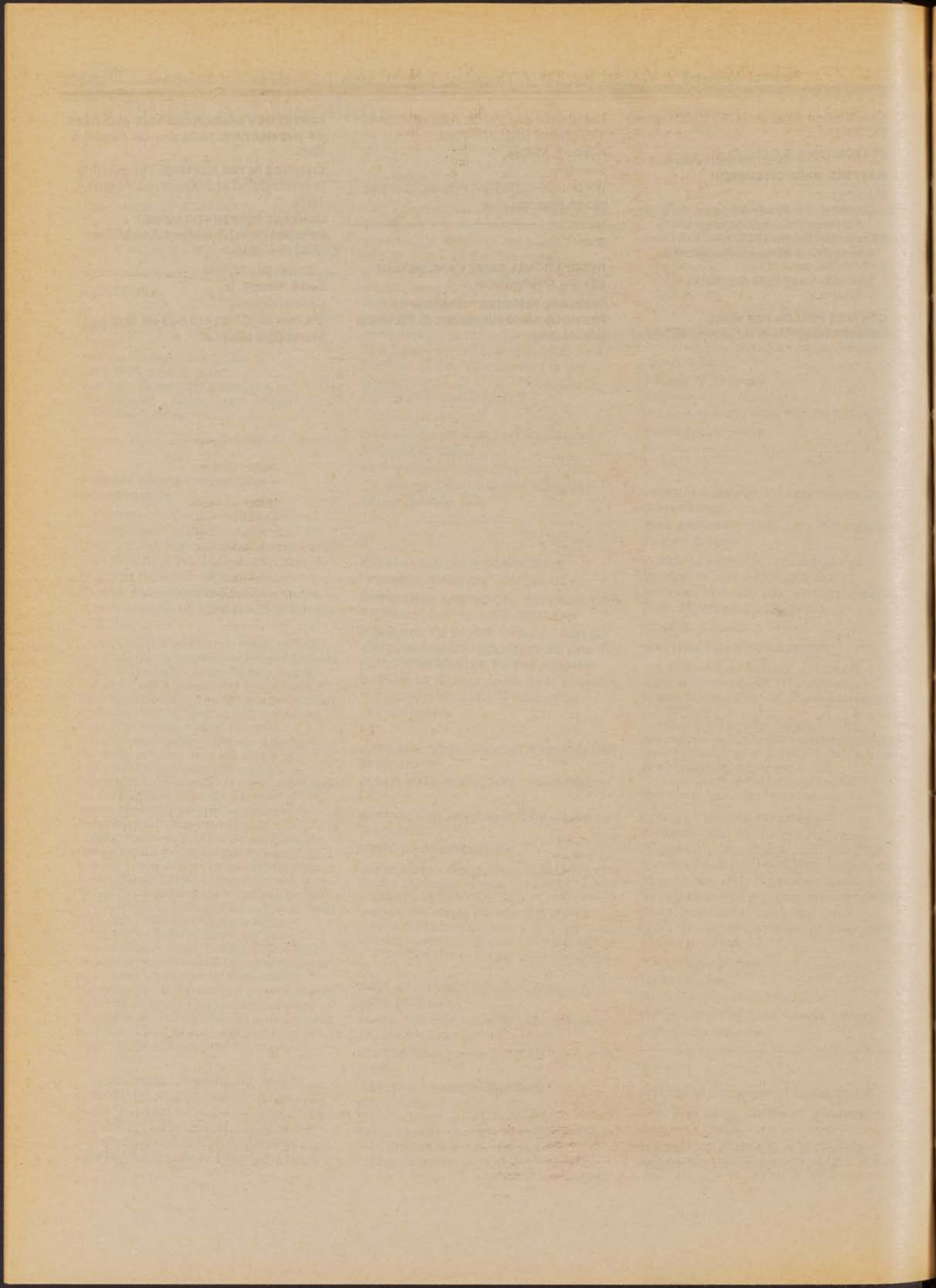
Dated: July 29, 1986.

Earl R. Ohman, Jr.,

*General Counsel.*

[FR Doc. 86-17342 Filed 7-29-86; 12:37 pm]

BILLING CODE 7600-01-M



# **Federal Register**

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**Thursday  
July 31, 1986**

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## **Part II**

### **Department of Defense General Services Administration National Aeronautics and Space Administration**

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**48 CFR Parts 9, 13, 19, and 31  
Federal Acquisition Regulations; Final  
Rule**

## DEPARTMENT OF DEFENSE

## GENERAL SERVICE ADMINISTRATION

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

## 48 CFR Parts 9, 13, 19, and 31

[Federal Acquisition Circular 84-19]

## Federal Acquisition Regulation

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

**ACTION:** Final rule.

**SUMMARY:** Federal Acquisition Circular (FAC) 84-19 amends the Federal Acquisition Regulation (FAR) with respect to the following: Small Business Size Standards, Small Business Administration (SBA) Certificate of Competency, and Travel Costs.

**EFFECTIVE DATES:** July 31, 1986, except for the provisions in section 19.102, which become effective August 8, 1986.

**FOR FURTHER INFORMATION CONTACT:** Margaret A. Willis, FAR Secretariat, Room 4041, GS Building, Washington, DC 20405, Telephone (202) 523-4755.

## SUPPLEMENTARY INFORMATION:

## A. Background

*FAC 84-19, Item III.* The revised coverage to FAR 31.109 and 31.205-46(a) is intended to comply with Title II, section 201 of the Federal Civilian Employee and Contractor Travel Expense Act of 1985 (Pub. L. 99-234). The Act specifies, "... costs incurred by contractor personnel for travel, including costs of lodging, other subsistence, and incidental expenses, shall be considered to be reasonable and allowable only to the extent that they do not exceed the rates and amounts set by subchapter I of Title 5, United States Code, or by the Administrator of General Services or the President (or his designee) pursuant to any provision of such subchapter." The new rule provides that costs for lodging, meals, and incidental expenses incurred by contractor personnel shall be considered to be reasonable and allowable to the extent they do not exceed on a daily basis the per diem rates set forth in the (1) Federal Travel Regulations, (2) Joint Travel Regulations, or (3) Standardized Regulations. Additionally, the new rule provides for situations where actual costs in excess of the specified per diem limits may be allowable. Minor changes to the proposed rule have been incorporated into this final rule in order to

accommodate comments received. This revised cost principle is applicable to all contracts resulting from solicitations issued on or after July 31, 1986.

## B. Public Comments

*FAC 84-19, Items 1 and II.* Public comments have not been solicited with respect to these revisions in FAC 84-19 since such revisions either (a) do not alter the substantive meaning of any coverage in the FAR having a significant impact on contractors or offerors, or (b) do not have a significant effect beyond agency internal operating procedures.

*FAC 84-19, Item III.* A notice of proposed rule was published in the *Federal Register* on May 30, 1986 (51 FR 19690). The Defense Acquisition Regulatory Council and the Civilian Agency Acquisition Council have considered the public comments solicited.

## C. Paperwork Reduction Act

*FAC 84-19, Items I and II.* The Paperwork Reduction Act does not apply because these final rules do not contain information collection requirements which require the approval of OMB under 44 U.S.C. 3501, et seq.

*FAC 84-19, Item III.* The information collection requirements in this rule have been approved by the Office of Management and Budget as required by 44 U.S.C. 3501, et seq., and have been assigned clearance number 9000-0088 (see FAR 1.105).

## D. Regulatory Flexibility Act

*FAC 84-19, Items I and II.* These final rules are not "significant revisions" requiring solicitation of public comment, as defined in FAR 1.501-1 and by the Regulatory Flexibility Act. Since such solicitation is not required, the Regulatory Flexibility Act does not apply.

*FAC 84-19, Item III.* These revisions will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601, et seq.) because most supplies and services obtained from small entities are acquired on a competitive fixed-price basis and the cost principles do not apply. For the remainder of the supplies and services that are obtained from small entities, the cost principles are primarily used to establish negotiation objectives. Moreover, the proposed coverage merely implements Pub. L. 99-234, which requires comparable treatment of the costs of lodging, meals, and incidental expenses for contractors and Government employees.

## List of Subjects in 48 CFR Parts 9, 13, 19, and 31

Government procurement.

Dated: July 25, 1986.

Harry S. Rosinski,

Acting Director, Office of Federal Acquisition and Regulatory Policy.

## Federal Acquisition Circular

[Number 84-19]

Except for the provisions in section 19.102, which become effective August 8, 1986, all Federal Acquisition Regulation (FAR) and other directive material contained in FAC 84-19 is effective July 31, 1986.

Eleanor Spector,

Deputy Assistant Secretary of Defense for Procurement.

T.C. Golden,

Administrator of General Services.

S. J. Evans,

Assistant Administrator for Procurement.

Federal Acquisition Circular (FAC) 84-19 amends the Federal Acquisition Regulation (FAR) as specified below.

## Item I—Small Business Size Standards

The table of industry size standards in FAR 19.102 is revised to reflect amended size standards for engineering, architectural, and surveying services. These revised size standards are effective August 8, 1986.

## Item II—SBA Certificate of Competency

FAR 19.601-1 is revised to require that all determinations that responsive small businesses lack certain elements of responsibility, shall be referred to SBA under the Certificate of Competency (COC) program. This revision reflects the requirements of Pub. L. 98-577 and current SBA rules. FAR 9.106-1, 13.104(h), and 19.602-1 are also revised in conjunction with this change.

## Item III—Travel Costs

FAR 31-109(h)(8) and 31.205-46(a) are amended to implement the requirements of Title II, section 201 of the Federal Civilian Employee and Contractor Travel Expense Act of 1985 (Pub. L. 99-234). The Act specifies, "... costs incurred by contractor personnel for travel, including costs of lodging, other subsistence, and incidental expenses, shall be considered to be reasonable and allowable only to the extent that they do not exceed the rates and amounts set by subchapter I of Chapter 57 of Title 5, United States Code, or by the Administrator of General Services or the President (or his designee) pursuant to any revision of such subchapter."

The revised cost principle coverage provides that costs for lodging, meals, and incidental expenses incurred by contractor personnel shall be considered to be reasonable and allowable to the extent that they do not exceed on a daily basis the per diem rates set forth in the (1) Federal Travel Regulations, (2) Joint Travel Regulations, or (3) Standardized Regulations. Additionally, the revised rule provides for situations where contractors may be reimbursed for actual costs in excess of the per diem limits, as authorized for Federal civilian employees.

This revised cost principle is applicable to all contracts resulting from solicitations issued on or after July 31, 1986. Therefore, 48 CFR Parts 9, 13, 19, and 31 are amended as set forth below.

1. The authority citation for 48 CFR Parts 9, 13, 19, and 31 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. Chapter 137; and 42 U.S.C. 2453(c).

## PART 9—CONTRACTOR QUALIFICATIONS

### 9.106-1 [Amended]

2. Section 9.106-1 is amended in paragraph (a)(2) by inserting a period following the word "cost", and deleting the remainder of the sentence.

## PART 13—SMALL PURCHASE AND OTHER SIMPLIFIED PURCHASE PROCEDURES

3. Section 13.104 is amended by adding paragraph (h) to read as follows:

### 13.104 Procedures.

(h) When a quotation, oral or written, is to be rejected because a small business firm is determined to be not responsible (see Subpart 9.1), see 19.6 with respect to Certificates of Competency.

## PART 19—SMALL BUSINESS AND SMALL DISADVANTAGED BUSINESS CONCERNS

### 19.102 [Amended]

4. Section 19.102 is amended in Major Group 89 by removing in SIC Code 8911 the figures "\$7.5" and "\$3.5" and inserting in each place the figure "\$2.5".

5. Section 19.602-1 is amended by revising paragraphs (a)(2) and (c)(2) to read as follows:

### 19.602-1 Referral.

(a) \* \* \*

(2) Refer the matter to the cognizant SBA Regional Office in accordance with agency procedures, except that referral

is not necessary if the small business concern—

(c) \* \* \*

(2) If applicable, a copy of the solicitation, drawings and specifications, preaward survey findings, pertinent technical and financial information, abstract of bids (if available) and any other pertinent information that supports the contracting officer's determination.

## PART 31—CONTRACT COST PRINCIPLES AND PROCEDURES

6. Section 31.109 is amended by revising paragraph (h)(8) to read as follows:

### 31.109 Advance agreements.

(h) \* \* \*

(8) Travel and relocation costs, as related to special or mass personnel movements, as related to travel via contractor-owned, -leased, or -chartered aircraft, or as related to maximum per diem rates;

7. Section 31.205-46 is amended by revising paragraph (a) to read as follows:

### 31.205-46 Travel costs.

(a)(1) Costs for transportation, lodging, meals, and incidental expenses incurred by contractor personnel on official company business are allowable subject to paragraphs (b) through (f) of this subsection. Costs for transportation may be based on mileage rates, actual costs incurred, or on a combination thereof, provided the method used results in a reasonable charge. Costs for lodging, meals, and incidental expenses may be based on per diem, actual expenses, or a combination thereof, provided the method used results in a reasonable charge.

(2) Except as provided in subparagraph (a)(3) of this subsection, costs incurred for lodging, meals, and incidental expenses (as defined in the regulations cited in (a)(2) (i) through (iii) of this subparagraph) shall be considered to be reasonable and allowable only to the extent that they do not exceed on a daily basis the maximum per diem rates in effect at the time of travel as set forth in the—

(i) Federal Travel Regulations, prescribed by the General Services Administration, for travel in the conterminous 48 United States, available on a subscription basis from the Superintendent of Documents, U.S. Government Printing Office,

Washington, DC 20402, Stock No. 022-001-81003-7;

(ii) Joint Travel Regulations, Volume 2, DoD Civilian Personnel, Appendix A, prescribed by the Department of Defense, for travel in Alaska, Hawaii, The Commonwealth of Puerto Rico, and territories and possessions of the United States, available on a subscription basis from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, Stock No. 906-010-00000-1; or

(iii) Standardized Regulations (Government Civilians, Foreign Areas), section 925, "Maximum Travel Per Diem Allowances of Foreign Areas," prescribed by the Department of State, for travel in areas not covered in (a)(2) (i) and (ii) of this paragraph, available on a subscription basis from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, Stock No. 744-088-00000-0.

(3) In special or unusual situations, actual costs in excess of the above-referenced maximum per diem rates are allowable provided that such amounts do not exceed the higher amounts authorized for Federal civilian employees as permitted in the regulations referenced in (a)(2) (i), (ii), or (iii) or this subsection. For such higher amounts to be allowable, all of the following conditions must be met:

(i) One of the conditions warranting approval of the actual expense method, as set forth in the regulations referred in (a)(2) (i), (ii), or (iii) of this subsection, must exist.

(ii) A written justification for use of the higher amounts must be approved by an officer of the contractor's organization or designee to ensure that the authority is properly administered and controlled to prevent abuse.

(iii) If it becomes necessary to exercise the authority to use the higher actual expense method repetitively or on a continuing basis in a particular area, the contractor must obtain advance approval from the contracting officer.

(iv) Documentation to support actual costs incurred shall be in accordance with the contractor's established practices provided that a receipt is required for each expenditure in excess of \$25.00. The approved justification required by (a)(3)(ii) and, if applicable, (a)(3)(iii) of this subparagraph must be retained.

(4) Subparagraphs (a)(2) and (a)(3) of this subsection do not incorporate the regulations cited in (a)(2) (i), (ii), and (iii) in their entirety. Only the coverage in the referenced regulations dealing with

special or unusual situations, the maximum per diem rates, and definitions of lodging, meals and incidental expenses are incorporated herein.

(5) An advance agreement (see 31.109) with respect to compliance with subparagraphs (a)(2) and (a)(3) of this subsection may be useful and desirable.

\* \* \* \* \*

[FR Doc. 86-17141 Filed 7-30-86; 8:45 am]

BILLING CODE 6820-61-M

# Testis Part Federal Register

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Thursday  
July 31, 1986

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## Part III

## Department of the Interior

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Fish and Wildlife Service

### 50 CFR Part 17

Endangered and Threatened Species;  
Florida Grasshopper Sparrow and  
Pondberry; Final Rules

## DEPARTMENT OF THE INTERIOR

## Fish and Wildlife Service

## 50 CFR Part 17

## Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for the Florida Grasshopper Sparrow

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

**SUMMARY:** The Florida grasshopper sparrow (*Ammodramus savannarum floridanus*), a bird endemic to the prairie region of south-central Florida, is determined by the Service to be an endangered species pursuant to the Endangered Species Act of 1973 (Act), as amended; no critical habitat is designated. In the early 1900's the populations of this bird were reportedly large and widespread in central Florida. However, surveys conducted between 1980 and 1984 indicate a present population of only about 250 adult birds. The principal reason for this decline is habitat loss or degradation resulting from conversion of native vegetation to improve pasture. This rule implements the Federal protection and recovery provisions afforded by the Act for the Florida grasshopper sparrow.

**EFFECTIVE DATE:** September 2, 1986.

**ADDRESSES:** The complete file for this rule is available for inspection, by appointment, during normal business hours at the Endangered Species Field Office, U.S. Fish and Wildlife Service, 2747 Art Museum Drive, Jacksonville, Florida 32207.

**FOR FURTHER INFORMATION CONTACT:** Mr. David J. Wesley, Endangered Species Field Supervisor at the above address (904/791-2580 or FTS 946-2580).

**SUPPLEMENTARY INFORMATION:**

## Background

The following information is abstracted primarily from a report by Delany and Cox (1985) prepared for the U.S. Fish and Wildlife Service.

The grasshopper sparrow (*Ammodramus savannarum*) occurs throughout most of temperate North America. The Florida subspecies (*A. s. floridanus*) is geographically isolated from its nearest conspecific, the eastern race (*A. s. pratensis*), by at least 500 kilometers (300 miles) and is limited in distribution to the prairie region of south-central Florida.

The Florida subspecies was discovered in 1901 by E.A. Mearns at a location "on the Kissimmee Prairie, 7 miles [11 km] east of Alligator Bluff,

Osceola County, Florida" (Mearns 1902). Howell (1932) set the northern limit of distribution as 13 km (8 mi) southwest of Kenansville (Osceola County), where 10 specimens were collected from a small colony in 1929. He also documented a 1927 report of "numerous" Florida grasshopper sparrows at a location 24 km (15 mi) northwest of Basinger (Okeechobee County); referred to two nests found south of Lake Hicpochee (Hendry County); and stated that Nicholson saw a "number" of birds southeast of Immokalee (Hendry County), where they appeared to be breeding. In 1932, an unspecified number of birds were found south of Fort Drum (Okeechobee County).

More recent records (cited by Delany and Cox 1985) include one male bird heard singing 14 km (9 mi) north of Okeechobee (1962), and two birds located 1.6 km (1 mi) south of Brighton in Glades County (1963). In 1968, one specimen was collected atypical habitat near the Everglades National Park (Dade County); one singing male was reported "west of Lake Okeechobee" in 1971. Finally, in 1973 and again in 1974, several birds were located southwest of Kenansville. Unfortunately, the lack of early distributional information precludes a precise delineation of the historical range of the subspecies.

Florida grasshopper sparrows are small, short-tailed birds, about 13 centimeters (5 inches) long. Dorsally they are much darker than the eastern race of the species (*A. s. pratensis*), being mostly black and gray, lightly streaked with brown on the nape and upper back. Ventrally, adults are whitish and unstreaked, with some buff on the throat and breast. The breast is streaked in the juvenile plumage. The stripe over the eye is ochraceous, and the bend of the wing in yellow; the feet are flesh colored. There are no obvious sexual differences. The Florida grasshopper sparrow is a well-marked subspecies that has been universally accepted as valid since it was described by Mearns in 1902. This subspecies is non-migratory, while the other two subspecies found east of the Rocky Mountains winter across the southern U.S. from Texas to South Carolina.

The Florida grasshopper sparrow inhabits the stunted growth of saw palmetto, dwarf oaks 30 to 70 cm (12-27 in) high, bluestems, and wiregrass, seemingly preferring this habitat to the grassy areas usually occupied by other subspecies of grasshopper sparrows (Howell 1932). According to Nicholson (1936), the Florida grasshopper sparrow uses the open spaces where saw palmetto are small (25 to 40 cm [10-16 in] high) and grass is sparse. A low, but

sparse growth of saw palmetto, woody shrubs, and bluestems and wiregrass, rather than sod forming grasses, is apparently needed for nesting. Dense vegetation and accumulated litter probably preclude effective foraging by the sparrow.

Delany and Cox (1985) found that, in general, grasshopper sparrows occurred on treeless, relatively poorly drained sites that have been burned frequently. Common shrubs in Florida grasshopper sparrow habitat include pawpaw (*Asimina* spp.), dwarf oak (*Quercus minima*), gopher apple (*Licania michauxii*), and St. John's Wort (*Hypericum fasciculatum*). The grass and herbaceous ground layer usually is rich in species, being dominated by pineland threeawn (*Aristida stricta*), bluestems (*Andropogon* spp.) and flat-topped goldenrod *Euthamia minor*. In wetter areas of lower elevation, the herbaceous layer includes beak rushes (*Rhynchospora* spp.), pipewort (*Eriocaulon* spp.), and yellow-eyed grass (*Xyris* spp.). Cattle grazing, at a rate of one per 8 hectares (20 acres), occurs on all sites occupied by the sparrows, and does not appear to be detrimental to the birds.

In the early 1900's the populations of Florida grasshopper sparrows were reportedly large and widespread (Howell 1932). Surveys by Delany and Cox, however, conducted between 1980 and 1984, located only 182 sparrows occurring at nine sites. These sites were in southern Osceola County, southern Polk County, northern Highlands County, western Okeechobee County, and western Glades County. Of the 182 sparrows located, 119 were males. Male sparrows are far more conspicuous than females. If each of the males was mated to a single female, a minimum population estimate for the subspecies would be less than 250 adults. In addition, Delany and Cox found sparrows at only two of the eight sites from which they have been known historically. These facts imply a reduction in both abundance and occupied range for the subspecies. Alteration and loss of habitat due to conversion of native grasslands to improved pastures have been, and continue to be, the greatest threats to the survival of the Florida grasshopper sparrow.

## Summary of Comments and Recommendations

The Service published a proposed rule in the **Federal Register** of December 15, 1985 (50 FR 51565) to list the Florida grasshopper sparrow as an endangered species. At that time, all interested

parties were requested to submit factual reports or information that might contribute to the development of a final rule. Comments on the proposal were due by February 18, 1986. Appropriate State agencies, county governments, Federal agencies, scientific authorities, private landowners, and other interested parties were contacted and requested to comment. Newspaper notices were published in the *Orlando Sentinel* on January 5, 1986, and in the *Okeechobee News* on January 10, 1986, which invited general public comment. Five comments were received as a result of the proposed rule, none of which were in opposition to it.

The Interior Department's Bureau of Land Management (BLM) pointed out that the principal range of the grasshopper sparrow contains mineral estates under BLM's management. In Polk County, there are six Federal leases totaling 243.55 ha (601.35 ac) that have been issued for phosphate mining; one tract of 16 ha (40 ac) is producing at the present time. Most of BLM's phosphate reserves are located in the Air Force's Avon Park Bombing Range in Polk and Highlands Counties, but there are no current or planned mineral leases in the Bombing Range. BLM stated that if Federal leasing is considered in any area it manages within the range of the Florida grasshopper sparrow, it will initiate consultation with the Service as required by section 7(a) of the Act.

The U.S. Air Force's Avon Park Bombing Range presented the following summary of its comments on the proposed listing: "... the present Florida grasshopper sparrow habitat in flatwood sites [on the Bombing Range] may eventually be changed as natural reforestation of pine forests occur in the future; our range impact areas should be surveyed for sparrows; wildfires from ordnance are extinguished wherever they occur outside of impact areas. We would recommend further study into the relationships of sparrows, cattle grazing, and prescribed burning."

Dr. Michael F. Delany of the Florida Game and Fresh Water Fish Commission corrected some minor errors in the proposed rule. These corrections have been made in the final rule.

The Florida Department of Natural Resources advised the Service that it had circulated the Service's Florida grasshopper sparrow proposal to appropriate staff members and requested them to provide pertinent information. No subsequent communications were received from the staff of the Department of Natural Resources.

### Summary of Factors Affecting the Species

After a thorough review and consideration of all information available, the Service has determined that the Florida grasshopper sparrow should be classified as an endangered species. Procedures found at section 4(a)(1) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and regulations (50 CFR Part 424) promulgated to implement the listing provisions of the Act were followed. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in section 4(a)(1) of the Act. These factors and their application to the Florida grasshopper sparrow (*Ammodramus savannarum floridanus*) are as follows (abstracted from Delany and Cox 1985, unless otherwise noted):

**A. The present or threatened destruction, modification, or curtailment of its habitat or range.** The principle threat to the Florida grasshopper sparrow is habitat loss or degradation resulting from conversion of native grasslands to improved pastures. The subspecies apparently can tolerate some alteration in vegetation composition and structure, as evidenced by its occurrence in some improved pastures (Stevenson in Kale 1978). Sparrows have been found in improved pastures where some native vegetation exists. It appears, however, that the species cannot adapt to conditions that result from intensive pasture management which removes all shrubs and saw palmetto. Grasshopper sparrows have been found only in areas that have at least some saw palmetto, shrubs, bluestems and/or wiregrass. Nest sites are located on the ground beneath bushes or tall clumps of grass, features that do not exist in most improved pastures.

Delany and Cox believe that six of the eight historically known populations of the Florida grasshopper sparrow may have been extirpated as a result of range management. They located seven new localities for the subspecies, plus two of the historically known sites. Areas now occupied by sparrows are managed for cattle by periodic burning during the winter (November-January) at 2- to 3-year intervals. For the most part this does not appear to have adversely affected the grasshopper sparrow populations because prescribed burning improves the habitat for this subspecies by maintaining the prairie grassland community at an early successional stage.

There is a possibility that changes in intensity of management could render

these sites unsuitable for grasshopper sparrows. More intensive management (removing saw palmetto and planting grass) would eliminate nesting sites. Less intensive management, which would exclude burning or mechanical clearing, would allow vegetation to reach a successful stage that would be unusable by the birds. Much of the land within the range of the Florida grasshopper sparrow is contained in a few large, private ranches; most of the landowners are not aware of the sparrows' existence or needs. Present land use trends indicate a continued loss of habitat for the subspecies due to increased pasture conversion and changes in intensity of management of already converted pastureland.

**B. Overutilization for commercial, recreational, scientific, or educational purposes.** There is no indication that any of these factors have had a significant impact on the Florida grasshopper sparrow in the past. However, there is a potential for adverse impact if isolated pairs are collected, or scientific collection is conducted at locations where numbers are small.

**C. Disease or predation.** Hogs, snakes, and skunks are known to destroy nests and prey upon Florida grasshopper sparrows (Nicholson in Smith 1968). However, these natural losses do not appear to be causing any of the major reductions in range and numbers that have been observed.

**D. The inadequacy of existing regulatory mechanisms.** The Florida grasshopper sparrow occurs on private land, on a State Wildlife Management Area (WMA) (Three Lakes WMA in Osceola County), and on land managed and administered by the Federal Government (U.S. Air Force's Avon Park Bombing Range); the Air Force leases pastures on the Bombing Range for cattle grazing. There are no regulatory mechanisms to assure protection of prairie grassland habitat in private ownership; however, the needs of the grasshopper sparrow are considered by the Air Force when habitat decisions are made on the Bombing Range.

The species is listed as endangered by the State of Florida (Chapter 39-27, Florida Administrative Code), but this legislation does not provide habitat protection. Habitat protection is also not afforded under the Migratory Bird Treaty Act (16 U.S.C. 703 *et seq.*).

**E. Other natural or manmade factors affecting its continued existence.** It is not known if grasshopper sparrows live directly within the target areas of the Air Force's Avon Park Bombing Range; if so, the birds might be directly affected

by exploding ordnance. The explosions might also cause fires that could spread to other areas and result in temporary damage to nearby resident sparrows' habitat. However, this is unlikely, as the Air Force has an aggressive fire control program. In addition, fires may benefit the sparrows, if they occur at the right frequency and at the right season, as indicated under factor A above. Because the Bombing Range cannot be entered, the Service cannot evaluate how many, if any, sparrows are present within the drop zone.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by this species in making this rule final. Based on this evaluation, the preferred action is to list the Florida grasshopper sparrow as endangered. The total population of this bird may be less than 250 adults at nine scattered sites in the prairie region of south-central Florida. All available evidence indicates that it has declined greatly in range and in numbers. This has been due to habitat loss or degradation resulting from pasture conversion and changes in intensity of management of converted pasture. Present land use trends indicate a continued loss of acceptable habitat for the species. Given these factors, the Florida grasshopper sparrow appears to be in danger of extinction throughout all or a significant portion of its range and therefore is being listed as an endangered species. Critical habitat has not been designated for the Florida grasshopper sparrow for reasons discussed below in the "Critical Habitat" section.

#### Critical Habitat

In order for the Florida grasshopper sparrow to survive, it is necessary to maintain a habitat that has a low (30-70 cm [12-27 in]), but sparse growth of palmettos and woody shrubs. Prescribed burning or mechanical clearing is needed to maintain this sort of suitable habitat. Delany and Cox (1985) presented the following information to illustrate how grasshopper sparrow populations fluctuate depending upon the condition of the habitat. They reported that in 1981-82, only 4 adult grasshopper sparrows were found at the Three Lakes Wildlife Management Area in Osceola County. Many of the pastures at Three Lakes were burned in the winter of 1983-84, and 37 adult grasshopper sparrows were found there in 1984.

At a pasture site in Okeechobee County, no sparrows were found in 1982, but 32 were found in 1984. This particular pasture is burned every 3

years and was last burned in the winter of 1982-83. In the summer of 1982, when no sparrows were present, it had been two and a half years since the pasture was last burned. In another pasture, only one grasshopper sparrow was found in 1982, but eight were found in 1984. This pasture is burned every 2 or 3 years, and was last burned in the winter of 1982-83. In contrast, pastures in the Avon Park Bombing Range contained eight grasshopper sparrows in 1982, but only one could be found in 1984. Some of the pasture in this area had not been burned in the intervening years, and the vegetation was generally very dense, with little bare ground. From the above, it seems evident that periodic burning (and/or mechanical clearing) of vegetative cover greatly improves the quality of pastures for grasshopper sparrows, and that the birds move from area to area as habitat improves or deteriorates.

Section 4(a)(3) of the Act, as amended, requires that to the maximum extent prudent and determinable, the Secretary designate critical habitat at the time a species is determined to be endangered or threatened. The Service finds that designation of critical habitat is not prudent for the Florida grasshopper sparrow for the following two reasons.

First, as discussed above, the Florida grasshopper sparrow is a species which moves around frequently in order to take advantage of the changing mosaic of available habitat. The habitat needs of the species are specific, and its presence in any one area over a long term cannot be predicted or assured. As one area becomes too thickly overgrown to support breeding populations, the birds move to more sparsely vegetated areas that have been recently burned or mechanically cleared. Thus, the sparrows are not stable residents of any specific area for long periods of time.

Second, most of the habitat occupied by the Florida grasshopper sparrow is on privately owned land and would not be affected by a determination of critical habitat. There would be no benefit to the species from determining any of this privately owned land as critical habitat. The only Federal agency that might be involved is the U.S. Air Force's Avon Park Bombing Range. The Air Force is already fully aware of its obligation under the Act to protect listed species.

Therefore, a determination of critical habitat would provide no benefits to the species that would not already be available through the listing itself without critical habitat. For the above reasons, the Service determines that a designation of critical habitat for the

grasshopper sparrow is not prudent at the present time.

#### Available Conservation Measures

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

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

The only Federal agency that might be affected by the Florida grasshopper sparrow listing is the U.S. Air Force (Avon Park Bombing Range). Grasshopper sparrows that are resident in target areas of the Bombing Range may be directly affected by exploding ordnance. Fires from exploding ordnance also could spread to nearby areas inhabited by grasshopper sparrows and may temporarily damage the sparrow populations. A 1000-foot extension of an existing runway may intrude into good sparrow habitat, but this will be determined via the consultation process. With the listing of the Florida grasshopper sparrow as endangered, the Air Force will be required to consult with the Service and to insure that actions it authorizes, funds, or carries out are not likely to jeopardize the continued existence of the species.

The Act and implementing regulations found at 50 CFR 17.21 set forth a series of general prohibitions and exceptions that apply to all endangered wildlife. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to take (including harass, harm, etc.—see definitions at 50 CFR 17.3), import or export, ship in interstate commerce in the course of commercial activity, or sell or offer for sale in interstate or foreign commerce any listed species. It also is illegal to possess, sell, deliver, carry, transport, or ship any such wildlife that has been taken illegally. Certain exceptions apply to agents of the Service and State conservation agencies.

Permits may be issued to carry out otherwise prohibited activities involving endangered wildlife species under certain circumstances. Regulations governing permits are at 50 CFR 17.22 and 17.23. Such permits are available for scientific purposes, to enhance the propagation or survival of the species, and/or for incidental take in connection with otherwise lawful activities. The Florida grasshopper sparrow is not used for economic purposes, is not a commercial species, and is not legally hunted, sold, or traded. Only a few requests for taking permits (mostly research on marked individuals) are anticipated. This bird is presently

protected under 50 CFR Parts 10 and 20 as a migratory bird.

#### National Environmental Policy Act

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

#### References Cited

- Delany, M.F., and J.A. Cox. 1985. Florida grasshopper sparrow status survey. Unpublished report prepared for U.S. Fish and Wildlife Service, Jacksonville, Florida. 21 pp., tables and figures.
- Howell, A.H. 1932. Florida bird life. Coward-McCann, New York, New York. 579 pp.
- Kale, H.W., II. 1978. Rare and endangered biota of Florida, Vol. 2: birds. Univ. Florida Presses, Gainesville. 121 pp.
- Mearns, E.A. 1902. Description of three new birds from the southern United States. Proc. U.S. Nat. Mus. 24:915-926.
- Nicholson, W.H. 1936. Notes on the habits of the Florida grasshopper sparrow. Auk 53:318-319.
- Smith, R.L. 1968. Grasshopper sparrow. Pp. 725-745 in O.L. Austin, Jr., ed., Life histories of North American cardinals, grosbeaks, buntings, towhees, finches, sparrows, and allies. U.S. Nat. Mus. Bull. 237, Part 2.

#### Author

The primary author of this final rule is John L. Paradiso, Endangered Species Field Office, U.S. Fish and Wildlife Service, 2747 Art Museum Drive, Jacksonville, Florida 32207 (904/791-2580 or FTS 946-2580).

#### List of Subjects in 50 CFR Part 17

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

#### Regulation Promulgation

#### PART 17—[AMENDED]

Accordingly, Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, is amended as set forth below:

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

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

2. Amend § 17.11 by adding the following, in alphabetical order under Birds, to the List of Endangered and Threatened Wildlife:

#### § 17.11 Endangered and threatened wildlife.

\* \* \* \* \*

(h) \* \* \*

Species				Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name								
BIRDS									
Sparrow, Florida grasshopper.....	<i>Ammodramus</i>	<i>savannarum</i>	<i>flori-</i>	U.S.A. (FL).....	Entire.....	E	239	NA	NA
	<i>denus</i> .								

Dated: July 11, 1986.

Susan Recce,

Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 86-17221 Filed 7-30-86; 8:45 am]

BILLING CODE 4310-55-M

#### 50 CFR Part 17

#### Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for *Lindera melissifolia*

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service determines *Lindera melissifolia* (pondberry), a

small shrub limited to 19 locations in the southeastern United States, to be an endangered species under authority of the Endangered Species Act of 1973, as amended (Act). *Lindera melissifolia* is endangered by land clearing operations, timber harvesting, drainage activities, and encroachment by competitor species. This action will implement the protection provided by the Act, for *Lindera melissifolia*.

EFFECTIVE DATE: September 2, 1986.

ADDRESSES: The complete file for this rule is available for inspection, by appointment, during normal business hours at the Asheville Endangered Species Field Office, U.S. Fish and Wildlife Service, 100 Otis Street, Room 224, Asheville, North Carolina 28801.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Robert R. Currie at the above address (704/259-0321 or FTS 672-0321).

#### SUPPLEMENTARY INFORMATION:

#### Background

*Lindera melissifolia* (pondberry) was described as a new species by Thomas Walter in 1788. The material upon which he based this description was collected from what is present-day Berkeley County, South Carolina (Maxon 1936). This deciduous shrub grows to approximately 2 meters (6 feet) tall and spreads vegetatively by stolons. Pale yellow flowers appear in early spring before the leaves. The fruit, a bright red drupe (a fleshy, single-seeded fruit), matures in late autumn (Tucker 1984). *Lindera melissifolia* is distinguished

from the two other North American members of the genus (*Lindera benzoin* (L.) Blume and *Lindera subcoriacea* Wofford) by its drooping, membranaceous, and ovately to elliptically shaped leaves that have a strong, sassafras-like odor when crushed (Wofford 1983). Since the description of *Lindera melissifolia* in 1788, the species has been reported from nine southeastern States. It currently is known to occur in six States and is believed to have been extirpated from three. The bottomland hardwood stands, the poorly drained depressions, and the margins of limestone sinks in which it grows have been tremendously reduced in number and/or quality by land clearing and drainage activities in recent and historic times (Klomp 1980, Morgan 1983, Tucker 1984). The loss or alteration of its habitat has been and continues to be the most significant threat to the continued existence of *Lindera melissifolia*.

*Lindera melissifolia* is known from only 19 populations in Arkansas, Georgia, Mississippi, Missouri, North Carolina, and South Carolina. The species is believed to have been extirpated from Alabama, Florida, and Louisiana. A summary of the information currently available on the status of this species in each of these States follows:

#### Alabama

*Lindera melissifolia* was collected in 1839 and 1840 from Wilcox County. It has not been observed or collected since then and is considered to be extirpated from the State (Tucker 1984, Miller 1984).

#### Arkansas

The Arkansas Natural Heritage Program conducted an intensive aerial and ground survey for potential *Lindera melissifolia* habitat during the summer and fall of 1985. This survey encompassed a 13-county portion of northern Arkansas. All potential sites were closely examined on the ground for the presence of pondberry. Grimmett (1985) states that it is highly unlikely that any additional pondberry sites will be found in Arkansas. Nine populations are known from the State; most of these populations have been adversely affected by timbering, land clearing, and drainage activities. One population is located along the northern border of Clay County adjacent to Missouri. This population was discovered in 1973 and historically was probably part of a larger population that extended across the Missouri-Arkansas border. Habitat alteration and destruction has reduced this population into two subunits, one on

each side of the border (S. Orzell, Arkansas Natural Heritage Commission, personal communication 1985). A second Clay County population consists of several colonies that were discovered in 1977; all have subsequently suffered severe adverse effects from timber harvesting. A third Clay County population was discovered in 1977 and occurs in an area that is heavily grazed by cattle. *Lindera melissifolia* persists at this site but probably will eventually be replaced by more aggressive weedy species. The site of a fourth Clay County population, also discovered in 1977, has since been cleared of timber and now contains few plants. In 1985, one population each was found in Woodruff and Lawrence Counties and three populations were found in Jackson County (S. Orzell, personal communication 1986). The Woodruff County population is small (less than 50 stems) and is located within a wooded depression surrounded by agricultural lands. The hydrology of the Lawrence County site has been adversely affected by flooding from adjacent rice fields and agricultural drainage ditching. The first Jackson County site consists of several scattered colonies of plants which have been adversely impacted by past cattle grazing, timbering, and trash dumping. The second site in Jackson County contains a small population occupying a 21 square foot area within a bottomland hardwood stand. The third Jackson County population is growing in a depression within a relatively undisturbed bottomland hardwood stand which is surrounded by agricultural lands. These recently discovered sites and all of the Clay County sites are on privately owned, unprotected land and are endangered by further habitat alteration (Peacock 1985).

#### Florida

Steyermark (1949) reports early collections of *Lindera melissifolia* from Florida by Hale and Mohr. The species has not been observed or collected in the State since then and is currently considered to be extirpated from Florida (Tucker 1984). Cooper (1984) believes that these reports may be based upon erroneous locality data on the specimens. She further states that the amount of potential habitat for *Lindera melissifolia* in Florida is very limited.

#### Georgia

R.B. McCartney (Woodlander's Inc., pers. comm. 1986) reports that two populations of *Lindera melissifolia* are known from Wheeler County, Georgia. Both populations are privately-owned lands. One of the two Georgia populations has been severely impacted

by domestic hogs. Part of this population has been salvaged and relocated to adjacent State owned lands; however the continued existence of both groups is tenuous at best. The other known Georgia population is relatively undisturbed at present; however, it receives no protection and could be lost to future agricultural, silvicultural, or residential development. An additional 1903 record from Montgomery County apparently involved one of the Wheeler County populations; prior to Wheeler County's creation in 1913, these locations were a part of Montgomery County.

#### Louisiana

Steyermark (1949) reports an early Hale collection from Louisiana. No specific locality information was recorded with the specimen. The species has not been observed or collected in the State since then and is assumed to be extirpated (Tucker 1984, Mercer 1984).

#### Mississippi

*Lindera melissifolia* occurs in two populations in this State. One population is in Sharkey County on lands administered by the U.S. Forest Service. A portion of this population is within an officially designated Research Natural Area (Carter 1985). The second population occurs on privately owned lands in nearby Sunflower County (C. Norquist, U.S. Fish and Wildlife Service, personal communication 1986). Field work, conducted by the Mississippi Natural Heritage Program, has failed to reveal the presence of other new populations of pondberry (Gordon 1984).

#### Missouri

One population of *Lindera melissifolia* is found in Ripley County. As stated previously, this population was probably part of a larger Arkansas-Missouri population at one time. Most of this population is on lands owned by the Missouri Department of Conservation and The Nature Conservancy. A few small groups of plants are located on adjacent privately owned land. In October 1985, a portion of the *Lindera melissifolia* population owned by The Nature Conservancy was adversely affected by unauthorized timber harvesting at the site (Chaplin 1985).

#### North Carolina

One extant population of *Lindera melissifolia* occurs in Bladen County, North Carolina. The area in which the plant occurs has been severely impacted by logging activities, drainage ditching, and conversion of adjacent lands to

agriculture and pine monoculture (J. Moore, North Carolina Natural Heritage Program, personal communication 1985). An adjacent site, discovered by Tucker in 1979 (Tucker 1984) has apparently been destroyed by logging and land clearing operations. One other record from Robeson County has since been determined to refer to the related species *Lindera subcoriacea*.

#### South Carolina

Four populations of *Lindera melissifolia* occur on U.S. Forest Service land in Berkeley County (Porcher 1980). Radford *et al.* (1968) report that the species also occurs in Colleton County. However, D. Rayner (South Carolina Department of Wildlife and Marine Resources, personal communication 1985) reports that searches of all major herbaria have failed to reveal the existence of a specimen to document the occurrence of the species in Colleton County. During 1984 Rayner conducted field searches of most of the available habitat in Colleton County and did not locate any populations.

Federal government actions on this species began with section 12 of the Endangered Species Act of 1973, which directed the Secretary of the Smithsonian Institution to prepare a report on those plants considered to be endangered, threatened, or extinct. This report, designated as House Document No. 94-51, was presented to Congress on January 9, 1975. The Service published a notice in the July 1, 1975, *Federal Register* (40 FR 27823) of its acceptance of the report of the Smithsonian Institution as a petition within the context of section 4(c)(2) (now Section 4(b)(3)) of the Act, and of its intention thereby to review the status of the plant taxa named within. *Lindera melissifolia* was included in the July 1, 1975, notice of review. On December 15, 1980, the Service published a revised notice of review for native plants in the *Federal Register* (45 FR 82480); *Lindera melissifolia* was included in that notice as a category-2 species. Category-2 species are those for which listing as endangered or threatened may be warranted, but for which the substantial data on biological vulnerability and threats are not currently known or on file to support proposed rules.

Section 4(b)(3)(B) of the Endangered Species Act, as amended in 1982, requires the Secretary to make certain findings on pending petitions within 12 months of their receipt. Section 2(b)(1) of the 1982 Amendments further requires that all petitions pending on October 13, 1982, be treated as having been newly submitted on that date. This was the case for *Lindera melissifolia* because of

the acceptance of the 1975 Smithsonian report as a petition. On October 13, 1983, and again on October 12, 1984, the Service found that the petitioned listing of *Lindera melissifolia* was warranted, but precluded in accordance with 4(b)(3)(B)(iii). Subsequent to this finding, the Service received a report on the status of *Lindera melissifolia* (Tucker 1984). This status report and other available information indicated that the addition of *Lindera melissifolia* to the Federal List of Endangered and Threatened Plants was warranted. On August 13, 1985, the Service published, in the *Federal Register* (50 FR 32581), a proposal to list *Lindera melissifolia* as an endangered species. That proposal constituted the next one-year finding as required by the 1982 amendments to the Endangered Species Act. The proposal provided information on the species' biology, status, and threats, and the potential implications of listing. The proposal also solicited comments on the status, distribution, and threats to the species.

#### Summary of Comments and Recommendations.

In the August 13, 1985, proposed rule (50 FR 32581) and associated notifications, all interested parties were requested to submit factual reports or information that might contribute to the development of a final rule. Appropriate State agencies, country governments, Federal agencies, scientific organizations, and other interested parties were contacted and requested to comment. Newspaper notices inviting public comment were published in the following newspapers: *The Press and Standard*, Walterboro, South Carolina; *The Southeastern Times*, Elizabeth City, North Carolina; *The Wheeler Country Eagle*, Alamo, Georgia; *The Piggott Times*, Piggott, Arkansas; *The Clay County Democrat*, Rector, Arkansas; and *The Prospect News*, Doniphan, Missouri; *Sunflower Country News*, Drew, Mississippi; and *Deer Creek Pilot*, Rolling Fork, Mississippi.

Twenty-six comments were received and are discussed below. Four non-substantive comments were received, one from a State agency, one from a Federal agency, and two from local representatives of a Federal agency. Thirteen comments were received expressing support for the proposal, three from Federal agencies, six from State agencies, and four from private organizations and individuals. Five comments from State agencies and two from professional botanists were received expressing support for the proposal and providing additional

information on the distribution of and threats to *Lindera melissifolia*.

The South Carolina Nature Conservancy supported the proposal and recommended that a portion of the habitat supporting *Lindera melissifolia* in South Carolina be designated as critical habitat.

Mr. Robert McCartney of Woodlanders (a native plant nursery) expressed support for the proposal, provided information on additional threats to the species, discussed the role that cultivation of endangered plants can play in the conservation of endangered plants, and provided general comments on the frustrations he has experienced in dealing with the permits required for interstate commerce in listed plants.

The additional information provided on the distribution of, ownership of, and threats to *Lindera melissifolia* has been incorporated into the appropriate sections of this rule. For the reasons outlined under the Critical Habitat section of this rule, the Service does not believe that designation of critical habitat for *Lindera melissifolia* is appropriate in South Carolina or elsewhere within its range. Provisions for permits are discussed in the "Available Conservation Measures" section of the rule.

#### Summary of Factors Affecting the Species

After a thorough review and consideration of all information available, the Service has determined *Lindera melissifolia* should be classified as an endangered species. Procedures found at section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations (50 CFR Part 424) promulgated to implement the listing provisions of the Act were followed. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in section 4(a)(1). These factors and their application to *Lindera melissifolia* (Walt.) Blume (pondberry) are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* *Lindera melissifolia* has been and continues to be jeopardized by destruction or adverse modification of its habitat. The most significant threat is drainage ditching and subsequent conversion of its habitat to other uses. Even ditching without later conversion of land use can alter the water regime in a manner that reduces the plant's vigor or eliminates it from a site. In Clay County, Arkansas, between 1957 and 1977, the bottomland

hardwood stands were reduced by 24 percent. Adjacent counties that have similar habitat suffered bottomland hardwood losses between 11 and 45 percent during this same period (U.S. Fish and Wildlife Service 1979). In Missouri, Korte and Fredrickson (1977) report a 95 percent loss of lowland forest since settlement times. The single Missouri population has recently been adversely impacted by unauthorized timber harvesting on Nature Conservancy lands (Chaplin 1985). North Carolina's coastal wetlands are being drained and cleared for agricultural use, home building, and pine plantations. The Bladen County site, which is the only remaining North Carolina location for *Lindera melissifolia*, has been adversely impacted by an intensive fire and by clearing and drainage of adjacent lands (Moore, personal communication 1985). The South Carolina sites are on National Forest lands. Activities such as timber harvesting, road building, and drainage ditching, if done in a manner not consistent with the protection of the pondberry populations, could adversely affect the species. One of the Mississippi populations of *Lindera melissifolia* also occurs on National Forest lands. A portion of the site where this population grows has been designated a Research Natural Area and is thereby afforded significant protection by the Forest Service. The other population in Mississippi occurs on private land and is unprotected. However, activities on lands immediately adjacent to the Research Natural Area could, if not carried out in a manner designed to protect the pondberry, have an adverse impact on the species both within and outside of the Research Natural Area (Orzell, personal communication 1985, Carter 1985, Strong 1985). One Georgia site and one Arkansas site are being adversely impacted due to trampling by domestic animals (hogs and cattle).

**B. Overutilization for commercial, recreational, scientific, or educational purposes.** *Lindera melissifolia* is not currently a significant component of the commercial trade in native plants; however, the species has potential for horticultural use, and publicity surrounding the listing of the species could generate an increased demand.

**C. Disease or predation.** Not applicable to this species at this time. McCartney (1985) states that all populations of *Lindera melissifolia* appear to be affected by stem die-back which destroys older stems. He further states this may be directly or indirectly related to a fungal infection.

**D. The inadequacy of existing regulatory mechanisms.** *Lindera melissifolia* is afforded legal protection in only two of the States in which it is known to occur. North Carolina General Statute 19-B, 202.12-202.19, provides for protection from intrastate trade without a permit and for monitoring and management of State listed species. Missouri's legislation and regulations dealing with rare and endangered species provide for the protection of *Lindera melissifolia* from commercial exploitation without a permit. In Missouri, listed plants, such as pondberry, can be protected through acquisition of significant areas supporting the species. Both North Carolina and Missouri list *Lindera melissifolia* as an endangered species. Although unofficially recognized as an endangered or threatened component of the flora of the other four States in which it occurs, *Lindera melissifolia* has no official protection status in these States. Section 404 of the Clean Water Act (CWA) could potentially provide some protection for the pondberry's habitat; however, most, if not all, of the sites where it occurs do not meet the wetlands criteria of the CWA. The Endangered Species Act will provide additional protection for *Lindera melissifolia*.

**E. Other natural or manmade factors affecting its continued existence.** Observations of the species by Tucker (1984) and the Missouri Department of Conservation (Morgan 1983) have revealed that despite the regular production of mature fruits, no seedlings of *Lindera melissifolia* have been observed at any of the known sites. The cause of this apparent lack of sexual reproduction is unknown, and in the long term could have significant adverse effects upon the species. Chaplin (1985) states that *Lindera melissifolia* in Missouri seems to suffer severe stress during some winters. He further notes that this may be caused by low moisture availability and/or low temperatures. In any case the plants are killed back to the root crown on occasion.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by this species in determining to make this rule final. Based on this evaluation, the preferred action is to list *Lindera melissifolia* as endangered. With a small number of populations of this species known to exist, it definitely warrants protection under the Act; endangered status seems appropriate because of the severe threats facing most of its remaining habitat. Critical

habitat is not being designated for the reasons discussed below.

#### Critical Habitat

Section 4(a)(3) of the Act, as amended, requires that to the maximum extent prudent and determinable, the Secretary designate critical habitat at the time a species is determined to be endangered or threatened. The Service finds that designation of critical habitat is not prudent for *Lindera melissifolia* at this time. The species has potential for horticultural use. Increased publicity and the provision of specific location information associated with critical habitat designation could result in taking pressures on pondberry. Although taking and reduction to possession of endangered plants from lands under Federal jurisdiction are prohibited by the Endangered Species Act, taking provisions are difficult to enforce. Publication of critical habitat descriptions would make *Lindera melissifolia* more vulnerable and would increase enforcement problems for the U.S. Forest Service. Also, the populations on private lands would be vulnerable to taking. Increased visits to population locations stimulated by critical habitat designation could therefore adversely affect the species. The Federal agency and landowners involved in managing the habitats of pondberry will be informed of the locations of this species and of the importance of protecting it. Protection of this species' habitat will be addressed through the recovery process and through the section 7 jeopardy standard. Therefore it is not prudent to determine critical habitat for *Lindera melissifolia* at this time.

#### Available Conservation Measures

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

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate

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

The U.S. Forest Service has jurisdiction over a portion of this species' habitat, and the Soil Conservation Service is responsible for developing watershed protection plans that could impact its habitat. Federal activities that could impact *Lindera melissifolia* and its habitat in the future include, but are not limited to, the following: timber harvesting, recreational development, drainage alterations, road construction, permits for mineral exploration, and implementation of forest management plans. It has been the experience of the Service that the large majority of Section 7 consultations are resolved so that the species is protected and the project can continue.

The Act and its implementing regulations found at 50 CFR 17.61, 17.62, and 17.63 set forth a series of general trade prohibitions and exceptions that apply to all endangered plants. All trade prohibitions of section 9(a)(2) of the Act, implemented by 50 CFR 17.61 apply. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to import or export *Lindera melissifolia*, transport it in interstate or foreign commerce in the course of a commercial activity, sell or offer it for sale in interstate or foreign commerce, or to remove it from areas under Federal jurisdiction and reduce it to possession. Certain exceptions can apply to agents of the Service and State conservation agencies. The Act and 50 CFR 17.62 and 17.63 also provide for the issuance of permits to carry out otherwise prohibited activities involving endangered species under certain circumstances. It is anticipated that few trade permits would ever be sought or issued for *Lindera melissifolia* since it is not common in cultivation or in the wild.

Requests for copies of the regulations on plants and inquiries regarding them may be addressed to the Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235-1903).

#### National Environmental Policy Act

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

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#### Author

The primary author of this final rule is Mr. Robert R. Currie, Endangered Species Field Office, U.S. Fish and Wildlife Service, 100 Otis Street, Room 224, Asheville, North Carolina 28801 (704/259-0321 or FTS 672-0321).

#### List of Subjects in 50 CFR Part 17

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

#### Regulation Promulgation

#### PART 17—[AMENDED]

Accordingly, Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, is amended as set forth below:

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

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

2. Amend § 17.12(h) by adding the following, in alphabetical order under the family Lauraceae, to the list of Endangered and Threatened Plants:

#### § 17.12 Endangered and threatened plants.

\* \* \* \* \*

(h) \* \* \*

Scientific name	Species	Common name	Historic range	Status	When listed	Critical habitat	Special rules
Lauraceae—Laurel family: <i>Lindera melissifolia</i> .....	Pondberry.....		U.S.A. (AL, AR, FL, GA, LA, MO, MS, NC, SC)	E	240	NA	NA

Dated: July 11, 1986.

Susan Recce,

Deputy Assistant Secretary for Fish and Wildlife and Parks,

[FR Doc. 86-17222 Filed 7-30-86; 8:45 am]

BILLING CODE 4310-55-M

# Test Report

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Thursday  
July 31, 1986

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## Part IV

### Department of Transportation

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Urban Mass Transportation  
Administration

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Summary of Legal Opinions and  
Decisions in Administrative Complaints;  
Notice

## DEPARTMENT OF TRANSPORTATION

## Urban Mass Transportation Administration

## Summary of Legal Opinions and Decisions in Administrative Complaints Issued by the Urban Mass Transportation Administration During Calendar Year 1985

**AGENCY:** Urban Mass Transportation Administration, DOT.

**ACTION:** Notice.

**SUMMARY:** Pursuant to an audit recommendation by the United States General Accounting Office, the Urban Mass Transportation Administration (UMTA) is publishing this summary of its legal opinions and administrative decisions for calendar year 1985 in the areas of non-discrimination based on handicap, private enterprise participation, charter bus service, school bus service and bid protests. The publication of these opinions and decisions will help to make UMTA recipients, private transit operators and other interested parties better informed of UMTA's interpretation of the laws and regulations which affect UMTA's programs.

**FOR FURTHER INFORMATION CONTACT:** Mr. Douglas G. Gold, Attorney-Advisor, Urban Mass Transportation Administration, Office of the Chief Counsel, 400 7th Street, SW., Room 9228, Washington, DC 20590, (202) 426-1936.

**SUPPLEMENTARY INFORMATION:** The United States General Accounting Office (GAO) performed an audit of UMTA's enforcement of the Urban Mass Transportation Act of 1964, as amended (UMT Act), and the implementing regulations. GAO issued its audit report entitled "UMTA Needs Better Assurance that Grantees Comply with Selected Federal Requirements", on February 19, 1985. The GAO found that grant recipients often were not aware of UMTA's interpretations and decisions and, as a result, were not complying with legal and regulatory requirements. Therefore the GAO audit recommended that UMTA circulate its legal opinions and its administrative decisions more widely to facilitate compliance.

UMTA decided that one way to better inform the public of its legal opinions and its administrative decisions would be to publish them in the **Federal Register**. It is UMTA's goal that the following summaries of its legal opinions and its administrative decisions issued in 1985 will help to better inform the public of UMTA's interpretation of the UMT Act and the relevant regulations. We trust that this

will assist our grantees in complying with UMTA's requirements as well as assist interested parties in enforcing these requirements. We intend to publish such summaries on an annual basis.

## Private Enterprise Participation Requirements

(UMT Act Sections 3(e) and 8(e))

There were no decisions rendered under these Sections.

## Charter Bus Operations and School Bus Operations

(UMT Act Sections 3(f) and 3(g) and 49 CFR Parts 604 and 605)

*Raleigh Transportation Services vs. City of Raleigh and Capital Area Transit Systems*, 6/28/1985.

Raleigh Transit Services alleged that the city of Raleigh (Raleigh) and the Capital Area Transit Systems (CATS) were engaged in prohibited school service and/or prohibited charter bus service. Raleigh and CATS operate a regularly scheduled closed door service between North Carolina State University and a private apartment complex. The service is open only to residents of the apartment complex and operates from 7:00 a.m. to 6:00 p.m., Monday through Friday, on 30-minute headways. During peak hours, from 7:00 a.m. through 10:30 a.m. and from 2:30 p.m. to 5:00 p.m., an additional bus is used. The service is funded by the owners of the apartment complex. UMTA determined that the service was not charter bus service or school bus service but specialized mass transportation service, which is mass transportation that is designed to service only a specific portion of the public rather than the "general" public.

## Charter Bus Operations

(UMT Act Section 3(f) and 49 CFR Part 604)

See *Raleigh Transportation Services vs. City of Raleigh and Capital Area Transit Systems*, 2/28/1985, above.

## School Bus Operations

(UMT Act Section 3(g) and 49 CFR Part 605)

See *Raleigh Transportation Services vs. City of Raleigh and Capital Area Transit Systems*, 6/28/1985, above.

*California School Bus Contractor's Association vs. Southern California Rapid Transit District*, 10/10/1985.

The California School Bus Contractors Association alleged that the Southern California Rapid Transit District (SCRTD) was providing exclusive school bus operations in violation of the UMT

Act. The Pasadena Unified School District purchased SCRTD passes for 4,000 students instead of using a private school bus operator. In order to accommodate the students, SCRTD modified some of its routes. UMTA held, based on a route-by-route review, that the modified routes qualified as tripper service, a form of mass transportation. Tripper service is mass transportation that has been modified to meet the needs of students. In order to retain its mass transportation status, the service must, among other things, be open and available to the general public. UMTA's test is not "does the service benefit students," but "does the service discriminate against the general public." Here UMTA found that SCRTD kept the buses open to the general public and, therefore, the service is valid tripper service.

*Travelways vs. Broome County Department of Transportation*, 12/04/1985.

Travelways alleged that the Broome County Department of Transportation (B.C. Transit) operated school bus service in violation of the UMT Act and its implementing regulations. UMTA found that B.C. Transit had modified its ordinary routes to meet the needs of students, but that these modifications did not comply with the regulation's definition of "tripper service" in two ways. First, B.C. Transit's operators regularly "discourage" members of the general public from boarding the tripper routes. Second, B.C. Transit failed to adequately advise the general public of the routes and schedules of the tripper routes so they could avail themselves of the service. UMTA ordered, as a condition of being eligible for Federal financial assistance, B.C. Transit to: (1) Modify its published schedules so they reflect the tripper routes and times so the general public could avail themselves of the tripper routes; and (2) advise its transit operators that they should not discourage any passenger from boarding any route.

## Non-Discrimination Based on Handicap

(Section 504 of the Rehabilitation Act of 1973, as amended, and 49 CFR Part 27)

*Ames, Iowa*, 3/29/1985.

UMTA was asked "Whether a child under the age of six who is unable to read, but is otherwise intellectually and physically normal for the child's age, is a handicapped person within the terms of the Department of Transportation's Section 504 Regulations?" UMTA looked to the definition of "handicapped person" in the regulations which states that a handicapped person is one who

"(a) has a physical or mental impairment that substantially limits one or more major life activities, (b) has a record of such an impairment, or (c) is regarded as having such an impairment." UMTA believes that the definition clearly points to a type of disability that distinguishes the handicapped person from other members of the general public. The children under the age of six, who cannot read, are normal for their age and, therefore, should not be considered "handicapped" as defined in section 504.

#### Bid Protests

*Anchor Systems vs. Michigan Department of Transportation*, (UMTA-85-1-1) 1/23/1985.

Protester argued that the results of a rollover test for small buses should be a matter of responsibility rather than responsiveness. UMTA found that while a test certification was not necessary for a bid to be responsive, a bidder must provide an "unequivocal" offer to perform. Protester failed in this regard by only providing a statement expressing "confidence" in its product's ability to pass the rollover test.

The protest was denied.

*The Flxible Corporation v. Memphis Area Transit Authority*, (UMTA-85-1-2) 1/28/1985.

Protester charged that the grantee's life cycle cost evaluation factors were exclusionary and discriminatory. In addition, protester alleged that the grantee made a mathematical error in evaluating its life cycle cost, the correction of which would have made the protester the low bidder. UMTA found that the grantee did not act arbitrarily or capriciously in evaluating the protester's bid, and therefore would not intervene in the local matter of life cycle cost evaluation.

The protest was denied.

*Two Way Talk Shop, Inc. vs. Kitsap Transit*, (UMTA-85-2-1) 2/22/1985.

The protester challenged the grantee's finding that the protester was non-responsive to the solicitation. UMTA's review of the matter found that the grantee did not abuse its discretion in finding the protester non-responsive, since the protester did not comply with several aspects of the solicitation.

The protest was denied.

*Pacific Bus Builders vs. Denver RTD*, (UMTA-85-3-1) 3/15/1985.

The protester charged that the grantee erred by not holding negotiations with bidders before awarding contract, thereby allowing the possibility that the contract was not awarded to the lowest, best proposer. UMTA refused to take jurisdiction in this matter since the

solicitation clearly stated that the award may be made on initial proposals.

The protest was dismissed.

*L.B. Foster, Co. vs. Long Island Railroad Company*, (UMTA-85-3-2) 3/21/1985.

Protester claimed that deficiencies in grantee's "Buy America" requirements resulted in all bidders being non-responsive to the specifications. Protester charged that the grantee's later attempt to correct this error prejudiced the procurement. UMTA found the protester to be untimely in filing its protest. However, because of the important procurement issues raised, UMTA agreed to entertain the protest. Upon investigation, UMTA found that no prejudice occurred as a result of the grantee's actions.

The protest was denied.

*Flxible vs. Memphis Area Transit Authority*, (UMTA-85-3-3) 3/21/1985.

Protester requested that UMTA reconsider its decision to deny its earlier protest. (See UMTA-1-2). The request for reconsideration was not filed within 10 days after the initial written decision, however, and was therefore untimely.

The request was dismissed.

*Bus Industries of America, Inc. vs. Hillsborough Area Rapid Transit Authority*, (UMTA-85-4-1) 4/8/1985.

Protester argued that it should be allowed to provide a bus with a transmission other than that specified by the grantee. Protester claimed that its transmission had other values that should be considered by the grantee. UMTA found that the grantee's requirements were not arbitrary and capricious, and that its justification of its minimum needs was not unreasonable.

The protest was denied.

*Ling-Oliver-O'Dwyer Electric, Inc. vs. Indianapolis Public Transportation Corporation*, (UMTA-85-4-2) 4/24/1985.

Protester charged that the low bidder's failure to include a dollar breakdown for each MBE subcontractor rendered its bid nonresponsive. In addition, it claimed that the grantee improperly accepted a post bid modification by allowing the bidder to submit the dollar breakdowns after bid opening. UMTA found that the bidder's submission of a "bottom-line" dollar amount for MBE subcontracting was sufficient to establish its commitment to meeting the MBE requirements. Grantee was therefore within its rights to find bidder responsive.

The protest was denied.

*LAMCO Corporation vs. Maryland Mass Transit Administration*, (UMTA-85-5-1) 5/7/1985.

Protester challenged the grantee's findings that protester was non-

responsible. Protester claims that grantee's experience requirement was ambiguous and arbitrary and capricious. Grantee responded that protester should have challenged specification language prior to bid opening. Since it did not, protest was untimely. UMTA found that protester was untimely in its local protest and in its appeal to UMTA. However, UMTA agreed to review the protester's charge that the experience requirement was unreasonable. Upon review, UMTA found that grantee's experience requirement and subsequent determination of non-responsibility were not arbitrary and capricious.

The protest was denied.

*Neoplan USA Sales vs. Metro Area Transit of Omaha*, (UMTA-85-5-2) 5/23/1985.

Protester charged that grantee's procedure for evaluating life cycle costs (LCC) is arbitrary and capricious and restrictive of competition. Specifically, protester claimed that grantee's specification did not clearly state that life cycle cost data submitted with price proposal could not be evaluated with other LCC data. UMTA's review found that grantee's procedure for evaluating LCC factors was not flawed, and that grantee did not act unreasonably in refusing to consider the LCC data included in protester's price package.

The protest was denied.

*Braun Corporation vs. Massachusetts Executive Office of Transportation and Construction*, (UMTA-85-5-3) 5/28/1985.

Protester charged that apparent low bidder's vehicle differed substantially from the specification, and that grantee acted unreasonably in waiving the difference as a "minor informality." UMTA found that the difference in the apparent low bidder's vehicle's weight and that of the specification was material, and therefore could not be treated as a minor informality. Since other manufacturers may have been excluded from competition by the weight requirement, it would be unfair to waive the requirement at that stage in the procurement.

The protest was upheld.

*Storage Technology Corporation vs. Northern Illinois Regional Transportation Authority*, (UMTA-85-7-1) 7/10/1985.

Protester alleged that the grantee evaluated its proposal unfairly because it had earlier filed a petition under Chapter 11 of the U.S. Bankruptcy Code. Grantee responded that all proposals were evaluated under the same criteria, and that the protester simply did not score as highly as did the successful proposer. UMTA found that the grantee

did not act unreasonably in evaluating the proposals.

The protest was denied.

*Sletten Construction Company vs. Great Falls Transit District*, (UMTA-85-7-2) 7/11/1985.

Protester claimed that low bidder did not comply with DBE requirements and should therefore be found non-responsive. Grantee responded that the low bidder demonstrated good faith efforts to meet the DBE requirements and that any defects are immaterial and may be waived. UMTA found that the grantee was not unreasonable in determining that the low bidder demonstrated good faith efforts. Further investigation revealed that grantee was not arbitrary or capricious in waiving an immaterial defect. The protest was denied.

*Titan PRT Systems vs. Jacksonville Transportation Authority*, (UMTA-85-7-3) 7/15/1985.

Protester challenged grantee's non-selection of its firm and subsequent decision that its protest was untimely. UMTA's review of the matter found that the grantee was acting within its discretion to find the protest untimely.

The protest was dismissed.

*Transi-Corp vs. City of Tallahassee, Florida (TALTRAN)*, (UMTA-85-7-4) 7/17/1985.

Grantee rejected all bids on first solicitation since all bids exceeded its budget. Grantee subsequently revised specifications and resolicited. Protester alleged that grantee's revised specifications eliminated them from competition and were therefore exclusionary. UMTA found that the revised specifications did not unduly restrict competition, and that the grantee sufficiently justified its need for the revision.

The protest was denied.

*S.A. Healy Company/Vanessa General Builders vs. Washington Metropolitan Area Transit Authority*, (UMTA-85-7-5) 7/26/1985.

Protester challenges the grantee's finding that the minority partner in a joint venture was not financially responsible to provide the stated 20 percent of the project. Protester also argues that grantee was arbitrary and capricious in not allowing the firm to substitute another DBE firm for the business in question. UMTA found that the grantee was justified in finding that the DBE in question was not financially capable of performing 20 percent of the work. In addition, UMTA determined that the grantee was not arbitrary or capricious in refusing to allow a substitution of another DBE, since such a substitution after bid opening would be unfair to the other bidders involved.

The protest was denied.

*Fontaine Brothers, Inc. vs. Pioneer Valley Transit Authority*, (UMTA-85-7-6) 7/29/85.

Protester charged that the apparent low bidder was not in compliance with the stated DBE/WBE requirements, since its listed subcontractor was not a certified DBE/WBE. Subsequent to bid opening, the apparent low bidder substituted a certified WBE for the one in question. UMTA found that such a substitution was allowed under Federal law, and therefore found no basis for the charge of non-compliance.

*Flexible Corporation vs. Peninsula Transportation District Commission*, (UMTA-85-1) 8/7/1985.

Protester claimed that grantee unfairly reduced its product's estimated useful life from 750,000 miles to 500,000, therefore negatively affecting its life cycle cost evaluation. UMTA's review found that grantee's evaluation was based on criteria that were clearly established in the specifications. As such, UMTA determined that the grantee was not unreasonable in assigning the lower estimated useful life value.

The protest was denied.

*Neoplan USA Sales vs. Winston-Salem Transit Authority*, (UMTA-85-8-2) 8/13/1985.

Protester charged that it was discriminatory for the grantee to require that manufacturers who have had structural problems with their buses in the past submit an independent evaluation of improvements made to the product. UMTA determined that such requirements are matters of responsibility, and therefore should not be used to determine a bidder's responsiveness.

The protest was upheld.

*Professional Construction Services, Inc. vs. Denver RTD*, (UMTA-85-8-3) 8/14/1985.

Protester claimed that award should not be made to low bidder since it failed to submit a form listing DBE subcontractors, as required by the Invitation for BID (IFB). In addition, protester alleged that the prices of the low bidder's subcontractor were unreasonable low and that the subcontractor was risking a damaging loss. Finally, the protester charged that the grantee violated its rights to due process by not granting a hearing before its board of directors. UMTA determined that the submission of DBE information is a matter of responsibility rather than responsiveness. Therefore, a bidder may not be found nonresponsive as long as it submits the information prior to contract award. Regarding the matter of the subcontractor's

unrealistically low price, UMTA determined that grantees are not obligated to reject bids that appear unreasonably low. UMTA also found that the grantee did not violate its own protest procedures by failing to provide a hearing before the board of directors, since the procedures simply call for the contracting personnel to handle protests.

The protest was denied.

*Polytech, Inc. vs. Northeast Illinois Railroad Corporation* (UMTA-85-9-1), 9/16/1985.

Protester argued that grantee's postponement of bid due date and change of timeframe for performance deprived it of the contract as the low responsive, responsible bidder. The grantee responded that the small response to its original solicitation (2 offerers) made them consider that the bid due date and timeframe for performance may have inhibited competition. The grantee advised the original two offerers that it would re-solicit the procurement. Upon re-solicitation, another offerer bid lower than the protester. In its review, UMTA found that the protester had been properly advised of the changes in the solicitation. The protester should have voiced any objections to the solicitation prior to bid opening. Since it did not, UMTA found no grounds to support the protest.

The protest was denied.

*Gillig Corporation vs. City of Las Cruces, New Mexico* (UMTA-85-9-2), 9/20/1986.

Protester claimed that grantee improperly rejected its bid as nonresponsive when it should have waived immaterial errors. The grantee responded that in its judgment, errors were material and affected the bid. UMTA found that the grantee's determination was within its discretion and therefore found no basis for the protest.

The protest was denied.

*Professional Construction Services, Inc. vs. Denver RTD* (UMTA-85-9-3), 9/23/1985.

Protester requested reconsideration of UMTA's decision to deny its earlier protest. (See UMTA-85-8-3). Protester repeated its arguments regarding its right to a hearing before the grantee's board of directors. The protester did not provide any new arguments to support its request for reconsideration that would change UMTA's previous decision. While the protester alluded to State laws which require a board of directors hearing, UMTA is not empowered to decide matters of State or local law.

The protest was denied.

*Wheeled Coach vs. Denver RTD*  
(UMTA-85-10-1), 10/1/85.

Protester argued that low bidder should have been found nonresponsive for failure to sign its bid bond and because its bid bond was for less than the requested 10 percent of the bid. The grantee claimed that it was within its rights to waive these "minor informalities" since the bidder had committed himself to perform in other parts of the bid. UMTA found that bidder did provide an unequivocal promise to perform. The grantee was therefore not unreasonable in waiving the immaterial defects of the bid bond.

The protest was denied.

*Premier Electrical Construction Company vs. City of Chicago* (UMTA-85-10-2), 10/11/1985.

Protester alleged that two joint ventures participating in the procurement were owned wholly or in part by the same person, thereby constituting a non-competitive situation. UMTA's investigation found that the regulations do not prohibit competition among firms or joint ventures owned by the same person as long as adequate competition is present. In this case, a total of eight firms participated, thereby providing sufficient competition.

The protest was denied.

*Eagle International vs. Denver RTD*  
(UMTA-85-10-3), 10/18/1985.

Protester charged that the two-axle bus submitted by the apparent low responsive, responsible bidder violated Federal law regarding weight limitations. The protester also questioned the safety of the apparent low bidder's product, since it had a history of cracked frames. In addition, the protester claimed that the bus bid by the apparent second low bidder was non-responsive since it did not supply a wheelchair lift. UMTA determined that while the bus in question would exceed weight limits, Federal law allows States to exempt certain vehicles from the limitations if State law allowed such an exemption at the time of July 1, 1956. Since the grantee's State law complied with this requirement, the overweight bus would not violate Federal law. Since the apparent low bidder bid a different bus than the one that had a history of cracked frames, UMTA would not intervene in the safety issue. Finally, UMTA determined that the IFB did not prevent the grantee from accepting buses that were not equipped with wheelchair lifts.

The protest was denied.

*Hausman Bus Sales & Parts Co. vs. Greater Hartford Transit District*,  
(UMTA-85-8-4) 8/14/1985.

The protester claimed that the apparent low bidder was nonresponsive to the solicitation since it bid a three, rather than the specified two-axle bus. The grantee denied the protest on the grounds that the apparent low bidder exceeded, rather than failed to meet, the specification. UMTA reviewed the specifications and determined that the grantee's failure to include within the bid solicitation a statement that a three-axle bus would be acceptable created an ambiguity in the specification. As such, the grantee was required to correct that ambiguity if it wished to use Federal funds in the procurement.

The protest was upheld.

*Neoplan, USA Bus Sales vs. Hillsboro Area Rapid Transit*, (UMTA-85-11-1) 11/1/1985.

Protester raised several issues involving the procurement's delivery schedule, specifications, and qualifications for award. The protest, however, did not meet the grantee's stated time limits for submission. UMTA determined that time limits established in an IFB take precedence over those outlined in Circular 4220.1A. Therefore, the protest was untimely.

The protest was dismissed.

*Dial-A-Ride vs. C-TRAN, Clark County, Washington*, (UMTA-85-11-2) 11/4/1985

Protester claimed that grantee improperly solicited for its procurement using a Request for Quotations (RFQ) when it should have used an IFB. Protester also alleged that the grantee failed to follow the correct procedures for competitive negotiations when it chose to negotiate with only the highest ranked proposer. In addition, protester charged that the solicitation document did not clearly state the evaluation factors for award and their relative importance. The protester also claimed that the grantee's evaluation of proposals was not "blind," in that the evaluators knew which proposal they were reviewing. Finally, the protester alleged that the contract between the grantee and the successful contractor differed from the RFQ.

UMTA's review of the protest found that while the grantee was not required to use the IFB form of solicitation, it did violate the competitive negotiation procedure by failing to negotiate with all proposers in the competitive range. However, UMTA found that the

solicitation document did contain a listing of evaluation factors. While these factors were not clearly ranked, Federal guidelines provide that if the factors are not weighted, it may be assumed that they are equal. Lacking any evidence to the contrary, UMTA assumed that the grantee applied the factors equally. The protester's charge that the evaluators were not "blind" is not an issue of Federal concern since Federal guidelines do not prohibit evaluators from knowing which proposal they are evaluating. Further investigations by UMTA found merit in the protester's allegation that the contract between the grantee and the successful contractor differed from the RFQ.

The protest is sustained in part and denied in part.

*Simmons Machine Tool Corporation vs. New Jersey Transit Corporation*,  
(UMTA-85-11-3) 11/15/1985.

Protester challenged grantee's refusal to grant approved equal status to its product. Protester claimed that grantee had issued a design, rather than performance, specification that only one vendor could meet. Grantee claimed that its specification was justified and that protester's product would not work well in its system. UMTA's review found that the specification was indeed unduly restrictive and that the grantee had failed to adequately justify its minimum needs.

The protest was upheld.

*Cubic Western Data vs. Kanawha Valley Transportation Administration, Charleston, West Virginia*, (UMTA-85-12-1) 12/12/1985.

The protester claimed that the grantee's specifications for a farebox system were restrictive and designed to limit the competition to one manufacturer. The protester asked for several exceptions to the specifications and were granted all but five. The protester maintained that these five areas of dispute in the specification did not reflect the grantee's minimum needs. UMTA reviewed the specifications and found that these areas of the specification were indeed exclusionary.

The protest was upheld.

*Clayton Industries vs. Pioneer Valley Transit Authority, Springfield, MA*,  
(UMTA-85-12-2) 12/27/1985.

Protester charged that the grantee was arbitrary and capricious in not granting its product "equal" status to the brand

name specified in the solicitation. In addition, the protester claimed that the specifications were unduly restrictive and limited the competition to one vendor. UMTA reviewed the specifications and determined that the grantee was not arbitrary or capricious in refusing to accept the protester's product as an equal. While the specifications may indeed restrict the competition to one vendor, the grantee justified them as reflecting its minimum needs. As a result, UMTA will not substitute its judgment for the grantee's.

The protest was denied.

Issued on: July 25, 1986.

**Ralph L. Stanley,**

*Administrator, Urban Mass Transportation Administration.*

[FR Doc. 86-17200 Filed 7-30-86; 8:45 am]

BILLING CODE 4910-57-M

# Federal Register

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Thursday  
July 31, 1986

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## Part V

### Department of the Interior

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Office of Surface Mining Reclamation and  
Enforcement

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30 CFR Parts 701 and 773  
Permanent Regulatory Programs;  
Definition of Previously Mined Area;  
Proposed Rule

## DEPARTMENT OF THE INTERIOR

## Office of Surface Mining Reclamation and Enforcement

## 30 CFR Part 701 and 773

## Surface Coal Mining and Reclamation Operations; Permanent Regulatory Program; Definitions; Previously Mined Area; Permanent Program Performance Standards; Requirements for Permits and Permit Processing

**AGENCY:** Office of Surface Mining Reclamation and Enforcement, Interior.

**ACTION:** Proposed rule.

**SUMMARY:** The Office of Surface Mining Reclamation and Enforcement (OSMRE) is proposing to amend that portion of its regulations applicable to the definition of previously mined area. This action results from an order by the U.S. District Court for the District of Columbia on July 15, 1985, in *In re: Permanent Surface Mining Regulation Litigation II*. The amended regulation would propose a new definition of the term "previously mined area." The effect of this change would be to: (1) Limit the scope of the definition of previously mined area to lands on which there were surface coal mining operations which were not previously subject to the requirements of the Surface Mining Control and Reclamation Act of 1977 (the "Act") (30 U.S.C. 1201 *et seq.*); (2) require the regulatory authority to make a finding that the proposed remining site was not previously subject to the requirements of the Act.

**Written comments:** OSMRE will accept written comments on the proposed rule until 5 p.m. eastern time on October 9, 1986.

**Public hearings:** Upon request, OSMRE will hold public hearings on the proposed rule in Washington, DC; Denver, Colorado; and Knoxville, Tennessee; at times and on dates to be announced prior to the hearings. OSMRE will accept requests for public hearings until 5:00 p.m. eastern time on September 18, 1986.

**ADDRESSES:**

**Written comments:** Hand-deliver to the Office of Surface Mining, Administrative Record, Room 5315, 1100 L Street NW., Washington, DC; or mail to the Office of Surface Mining, Administrative Record, Room 5315L, 1951 Constitution Avenue NW., Washington, DC 20240.

**Public hearings:** The addresses for any hearings scheduled will be announced prior to the hearings.

**Request for public hearings:** Submit in writing to the person and address

specified under "FOR FURTHER INFORMATION CONTACT."

**FOR FURTHER INFORMATION CONTACT:** Raymond Aufmuth, Division of State Program Assistance, OSMRE, Department of the Interior, 1951 Constitution Avenue NW., Washington, 20240; Telephone: (202) 343-5843, Commercial or FTS.

**SUPPLEMENTARY INFORMATION:**

- I. Public Comment Procedures
- II. Background
- III. Discussion of Proposed Actions
- IV. Procedural Matters

**I. Public Comment Procedures***Written Comments*

Written comments submitted on the proposed rule should be specific, should only address issues pertinent to the proposed rule, and should explain the reason for any recommended change. Where practicable, commenters should submit five copies of their comments (see "ADDRESSES"). Comments received after the close of the comment period (see "DATES") may not necessarily be considered or included in the Administrative Record for the final rule.

*Public Hearings*

OSMRE will hold public hearings on the proposed rule on request only. The times, dates and addresses scheduled for the hearings will be announced in the *Federal Register* at least 7 days prior to any hearings which are held.

Any person interested in participating at a hearing at a particular location should notify Raymond Aufmuth, at the address given under "FOR FURTHER INFORMATION CONTACT", either orally or in writing of the desired hearing location by 5:00 p.m. eastern time on the date specified above. If no one has contacted Mr. Aufmuth to express an interest in participating in a hearing at a given location by that date, a hearing will not be held. If only one person expresses an interest, a public meeting rather than a hearing may be held and the results included in the Administrative Record.

If a hearing is held, it will continue until all persons wishing to testify have been heard. To assist the transcriber and ensure an accurate record, OSMRE requests that persons who testify at a hearing give the transcriber a written copy of their testimony. To assist OSMRE in preparing appropriate questions, OSMRE also requests that persons who plan to testify submit to OSMRE at the address previously specified for the submission of written comments (see "ADDRESSES") an advance copy of their testimony.

**II. Background**

The Surface Mining Control and Reclamation Act of 1977 (the Act) sets forth general regulatory requirements governing surface coal mining operations and the surface impacts of underground coal mining. OSMRE has by regulation implemented or clarified many of the general requirements of the Act and set performance standards to be achieved by different operations. See 30 CFR Part 700 *et seq.* Sections 816.102 and 817.102, entitled "Backfilling and grading: General requirements", address areas which have been disturbed by mining and outline the general performance standards for backfilling and grading for surface and underground mining, respectively. Paragraphs (a)(2) of these sections address complete highwall elimination requirements in accordance with section 515(b)(3) of the Act.

In a final rule promulgated September 16, 1983 (48 FR 41720), OSMRE revised various portions of its regulations having to do with the performance standards applicable to remining operations. These changes included promulgation of a performance standard in 30 CFR 816.106 and 817.106 for remining operations on previously mined areas on which there exists a highwall and which have not been reclaimed to the standards of the Act. The rule provided for partial highwall elimination for remining situations where the area was not reclaimed to the standards of the Act. Under the rule, such preexisting highwalls have to be eliminated to the maximum extent technically practical using all reasonably available spoil. This exception from highwall elimination requirements applies only to previously mined areas. In the September 1983 rule, OSMRE promulgated a definition for the term "previously mined area." The definition at 30 CFR 701.5 reads as follows:

*Previously mined area means land disturbed or affected by earlier coal mining operations that was not reclaimed in accordance with the requirements of this chapter.*

Sections 816.106 and 817.106, together with parallel sections in 30 CFR Part 819 for highwalls remaining after auger mining operations, were challenged in *In re: Permanent Surface Mining Regulation Litigation II*, Civil Action No. 79-1144 (D.D.C. 1984), as not being specifically identified in the Act for exception from the complete highwall elimination requirement of section 515(b)(3). In its July 6, 1984, opinion the District Court for the District of

Columbia upheld the auger mining regulation. The parties subsequently settled the challenge concerning §§ 816.106 and 817.106, with one issue outstanding, the definition of the term "previously mined area."

The definition was challenged in Round 3 of *In Re: Permanent Surface Mining Regulation Litigation II*, Civil Action No. 79-1144 (D.D.C.). The citizen plaintiffs asserted that the definition was too broad and in direct contravention of the Act. In its July 15, 1985 decision, the Court remanded the Secretary's regulation at 30 CFR 701.5. *In Re: Permanent Surface Mining Regulation Litigation II*, No. 79-1144 (D.D.C. 1985) at 122.

### III. Discussion of Proposed Actions

OSMRE is now proposing to amend the present definition of "previously mined area" which would limit the scope of the definition to those lands on which the mining which has occurred was not subject to the standards of the Surface Mining Control and Reclamation Act. The different categories of land are discussed in the next paragraph.

Section 502 of the Act established the initial regulatory procedures and specified different dates upon which various surface coal mining operations became subject to the Act's performance standards. Under section 502(b) of the Act, the Act's initial performance standards first applied to operations that began after February 3, 1978, under a State permit. Lands upon which such operations were conducted would not be eligible for designation as previously mined areas. The next key date is May 3, 1978. Lands mined subsequent to May 3, 1978, generally were previously subject to the initial performance standards under section 502(c) of the Act and would not be classified as previously mined areas. Highwalls on such lands would be subject to complete elimination if subsequently remined. Lands mined and highwalls created prior to May 3, 1978 (except for those covered under section 502(b)), and lands mined and highwalls created subsequent to May 3, 1978 which were not subject to the Act, may be designated as previously mined areas. Lands mined subsequent to May 3, 1978 which were not subject to the Act would, for instance, include sites that legitimately qualify for the exemptions in section 528 and section 701 (28)(A) of the Act with respect to extraction of coal incidental to the extraction of other minerals. Finally, under a provision in section

502(c), certain small operations first became subject to the Act's performance standards on January 1, 1979. Such lands would be eligible for designation as previously mined areas, if the original operator received an exemption from OSMRE under the implementing regulation, 30 CFR 710.12.

For land on which activities have occurred which have been subject to the Act, the original operator would continue to have a reclamation obligation, as would any operator conducting remining operations. Sites on which unpermitted activities occurred, but which should have been regulated, are considered previously subject to the Act and would not qualify for the remining exception in §§ 816.106 and 817.106.

For sites to be eligible to be designated as a previously mined area, the regulatory authority would be required under proposed 30 CFR 773.15(c)(12) to make a finding that the sites were not previously subject to the standards of the Act. This interpretation is consistent with both the July 6, 1984 and July 15, 1985 district court decisions.

### IV. Procedural Matters

#### *Federal Paperwork Reduction Act*

This proposed rule contains a new information collection requirement which has been submitted to the Office of Management and Budget for approval under 44 U.S.C. 3507. The collection of this information will not be required until it has been approved by the Office of Management and Budget.

#### *Executive Order 12291*

The Department of the Interior (DOI) has examined the proposed rule according to the criteria of Executive Order 12291 (February 17, 1981) and has determined that it is not major and does not require a regulatory impact analysis. This amendment would impose no additional cost on the coal industry, since relatively few operations will be affected. Likewise, the impact upon coal consumers will be negligible.

#### *Regulatory Flexibility Act*

The DOI has also determined, pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, that the proposed rule would not have significant economic impact on a substantial number of small entities, and would impact a relatively small number of coal operators, the majority of which would not be small entities. To the

extent that such small entities are affected, the economic impact would not be significant.

#### *Author*

The author of this proposed rule is Raymond Aufmuth, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue NW., Washington, DC 20240; Telephone: (202) 343-5843, Commercial or FTS.

#### *National Environmental Policy Act*

OSM has determined that the proposed rule is covered adequately by the existing environmental impact statement titled "Final Environmental Impact Statement, OSM EIS-1: Supplement," and that the preparation of additional environmental documents under section 102(2)(c) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332(2)(c), is not required.

#### *List of Subjects*

##### *30 CFR Part 701*

Coal mining, Law enforcement, Surface mining, Underground mining.

##### *30 CFR Part 773*

Permit requirements, Permit processing.

Accordingly, it is proposed to amend 30 CFR Parts 701 and 773 as set forth below.

Dated: July 9, 1986.

Michael A. Poling,

Acting Assistant Secretary, Land and Minerals Management.

### **PART 701—PERMANENT REGULATORY PROGRAM**

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

Authority: Pub. L. 95-87 (30 U.S.C. 1201 *et seq.*)

2. Section 701.5 is amended by revising the definition of "previously mined area" as follows:

#### **§ 701.5 Definitions.**

\* \* \* \* \*

*Previously mined area* means land previously mined on which there were no surface coal mining operations subject to the standards of the Act.

\* \* \* \* \*

### **PART 773—PERMANENT REGULATORY PROGRAM**

3. The Authority citation for Part 773 continues to read as follows:

Authority: Pub. L. 95-87 (30 U.S.C. 1201 *et seq.*)

4. Section 773.15(c) is amended by adding paragraph (12) as follows:

**§ 773.15 Review of permit applications.**

\* \* \* \* \*

(c) \* \* \*

(12) For a proposed remining operation that the applicant intends to reclaim in accordance with the requirements of section 816.106 or 817.106 of this chapter, the site has not been previously subject to the requirements of the Act.

\* \* \* \* \*

[FR Doc. 86-17187 Filed 7-30-86; 8:45 am]

BILLING CODE 4310-05-M

# 48 CFR Part 1446

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Thursday  
July 31, 1986

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## Part VI

### Department of Agriculture

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Commodity Credit Corporation

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7 CFR Part 1446

Peanut Warehouse Storage Loans and  
Handler Operations for the 1986 Through  
1990 Crops; Interim Rule

## DEPARTMENT OF AGRICULTURE

## Commodity Credit Corporation

## 7 CFR Part 1446

## Peanut Warehouse Storage Loans and Handler Operations for the 1986 Through 1990 Crops

**AGENCY:** Commodity Credit Corporation, USDA.

**ACTION:** Interim rule.

**SUMMARY:** This interim rule amends an interim rule (51 FR 21879) published on June 17, 1986, for the 1986-90 crops of peanuts. This rule is needed to address the following matters: (1) The inclusion in contracts for contract additional peanuts of a prohibition against the use of such peanuts as buybacks; (2) transfers of farmers stock peanuts between handlers; (3) credits for blanching for handlers choosing the nonphysical supervision option; and (4) methods by which handlers will be permitted to choose supervision options for the 1986 crop, the responsibility for costs of supervision and the letter of credit which handlers are required to submit. In order to have the comment period for this interim rule coincide with the comment period for the interim rule issued on June 17, 1986, and to allow the issuance of a final rule as expeditiously as possible, comments on this rule will be due by August 18, 1986.

**DATES:** This interim rule is effective July 31, 1986. Comments must be received on or before August 18, 1986.

**ADDRESS:** Send comments to the Director, Tobacco and Peanuts Division, ASCS, Department of Agriculture, P.O. Box 2415, Washington, DC 20013. All written submissions made pursuant to this notice will be made available for public inspection in Room 5750 South Building, USDA, between the hours of 8:15 a.m. and 4:45 p.m., Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** Bruce Starnes (ASCS), 202-382-0151. The Final Regulatory Impact Analysis will be available upon request.

**SUPPLEMENTARY INFORMATION:** This Interim Rule has been reviewed under USDA procedures, Executive Order 12291, and Secretary's Memorandum No. 1512-1, and has been classified "not major." It has been determined that this rule 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, industries, Federal, State or local government agencies, or geographical regions; or (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 markets. The information collection requirements contained in this regulation and information requests authorized by the regulation have been reviewed and approved by OMB under OMB Number 0560-0024.

The title and number of the Federal assistance program to which this rule applies are: Title—Commodity Loans and Purchases, Number—10.051, as found in the Catalog of Federal Domestic Assistance.

It has been determined that the Regulatory Flexibility Act is not applicable to this rule since the Commodity Credit Corporation (CCC) is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

It has been determined by an environmental evaluation that this action will have not significant impact on the quality of the human environment. Therefore, neither an environmental assessment nor an Environmental Impact Statement is needed.

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).

An interim rule governing contracts for contract additional peanuts handler operations was issued on June 17, 1986, (51 FR 21879). Because contracting has begun and the industry needs to be informed of the changes made in this rule immediately, this rule is issued as an interim rule. The following adjustments are made to the June 17, 1986 rule:

(a) *Peanut contracting.* Section 359 of the Agricultural Adjustment Act of 1938 requires for the 1986-90 crops that contracts for additional peanuts prohibit the disposition of such peanuts for domestic edible or seed use peanuts. This provision is new with respect to the 1986 crop and some contracts were entered into by handlers without such a prohibition although such a prohibition is specified within the interim rule issued on June 17, 1986. Since handlers will not be able to contact producers in time to correct such a deficiency prior to the deadline for filing contract additional peanuts contracts for approval, the rule issued on June 17, 1986, has been accordingly amended to facilitate the marketing of additional peanuts. The deadline for filing contracts for additional peanuts is July

31, 1986. This rule allows handlers to file an addendum to cover the prohibition against use for domestic edible or seed use. Such an addendum must be filed by September 1, 1986. The addendum may refer only to the prohibition against use for buybacks. This rule also provides for additional flexibility in determining whether 1986-crop contracts will be approved to reflect that some contracts were entered into prior to the publication of the June 17 rule.

(b) *Transfers of Farmer Stock Peanuts by Buyers.* Some buyers of peanuts are not processors of peanuts. Under the interim rule issued on June 17, 1986, transfers of farmers stock peanuts between handlers was not addressed. In order to facilitate the marketing of additional peanuts and clarify the regulations, this interim rule permits a one-time transfer of farmers stock peanuts between buyers of peanuts.

(c) *Blanching Credits.* In order to avoid an unfairness to some processors of peanuts, under this interim rule a handler operating under nonphysical supervision will be given "redskin" credit for peanuts blanching for export, provided that the blanching and the crushing of the residue is conducted under supervision of agents of CCC or one of the three area marketing associations identified in the regulations.

(d) *Choice of Supervision Options; Letters of Credit.* For the 1986 crop only, handlers will have until the actual commencement of shelling before making a final choice between physical and nonphysical supervision.

That option, as respects recent crops, is new with the 1986 crop. This allowance is conditional upon the handler making a timely initial choice. Also, the handler must adjust the letter of credit required by the regulations if the choice differs from the selection made at the time contracts were submitted for approval. Regardless of the choice, the handler will be required to bear the supervision cost determined by the CCC to be applicable to the type of supervision selected. This rule also extends the date by which handlers planning to handle contract additional peanuts must file the letter of credit required by the regulations insofar as the 1986 crop is concerned. For that crop only, the letter of credit may be filed by August 31, 1986, or such other date established by the Executive Vice President of the Commodity Credit Corporation or his designee. This change is made in order to allow additional time for the filing of the letter of credit given that the 1986 crop is the first crop for which a letter of credit is required for all

contract additional peanuts handled by a handler. The letter of credit provisions of the regulations have also been amended to allow greater flexibility for the 1986 crop in setting the terms and conditions of the letter of credit.

#### List of Subjects in 7 CFR Part 1446

Loan programs—agriculture, Peanuts, Price support programs, Warehouse.

#### Interim Rule

#### PART 1446—[AMENDED]

Accordingly, 7 CFR Part 1446, as amended by the interim rule published on June 17, 1986 (51 FR 21879), is further amended as follows:

1. The authority citation for Part 1446 continues to read as follows:

Authority: Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714 b and c); Secs. 101, 108A, 401 *et seq.*, 63 Stat. 1051, as amended (7 U.S.C. 1441, 1421 *et seq.*); Sec. 359, 375, 52 Stat. 31, 64 as amended (7 U.S.C. 1359, 1375).

2. 7 CFR § 1446.107 is amended by inserting at the end thereto a new paragraph to read as follows:

#### § 1446.107 Contracts for additional peanuts for crushing or export.

Notwithstanding the preceding provisions, for the 1986 crop only the county committee may in accordance with instructions of the Executive Vice President or his designee, approve a contract submitted by July 31, 1986 if the contract conforms to the requirements for the 1985 crop, provided, that the contract contain a final price and a prohibition against the disposition of contract additional peanuts for domestic edible or seed use, and provided further, that if it is determined that the contract does not contain sufficient specificity regarding the prohibition against the use of the peanuts for immediate buyback

an addendum may be filed to correct that deficiency. The addendum must be filed with the county office by September 1, 1986, and, unless the Executive Vice President or his designee agrees otherwise, the addendum may only address the prohibition against the use of the peanuts for immediate buyback.

3. 7 CFR § 1446.112 is amended by adding a new paragraph, (c), to read as follows:

#### § 1446.112 Contracts between handlers.

(c) *Transfers of Farmers Stock Peanuts.* A one-time transfer of farmers stock peanuts may be made between the entity shown as applicant 1 and the entity shown as applicant 2 on the ASCS-1007 for the peanuts. No other transfer of peanuts as farmers stock peanuts after sale by the producer shall be permitted unless approved in writing by the CCC or the area association.

4. § 1446.129 is amended by: (i) Redesignating the existing text as "(a) General" and (ii) adding paragraphs (b) and (c), to read as follows:

#### § 1446.129 Selecting nonphysical supervision.

(a) *General.* \* \* \*

(b) *Choice.* Choice of supervision method shall be made at the time of submitting contracts for additional peanuts for approval. Unless the CCC agrees otherwise, no change of selection may be made except that with respect to the 1986 crop such a change may be made if made prior to the commencement of shelling by the handler. If such a change is made for the 1986 crop, the handler shall adjust the letter of credit accordingly.

(c) *Costs of Supervision.* Regardless of the supervision option chosen, the

handler shall bear the cost of supervision.

5. § 1446.131 is amended by adding a new paragraph, (e), to read as follows:

#### § 1446.131 Disposition credits under nonphysical supervision.

(e) *Blanching Exception.*

Notwithstanding any other provision of this subpart, a handler may, to the extent permitted by the Executive Vice President, be allowed credit for the pre-blanching weight of peanuts blanched for export if the blanching and crushing of the residue is conducted under supervision of agents of the CCC or the association.

6. 7 CFR § 1446.109 is amended by inserting at the end thereto a new paragraph, (e), to read as follows:

#### § 1446.109 Letter of credit.

(e) *Special 1986 crop provisions.* Notwithstanding any other provisions of this section, for the 1986 crop only, the letter of credit required by this section may be filed after July 31, 1986, provided that the letter of credit is filed by August 31, 1986, or such other date that may be established by the Executive Vice President, CCC or his designee. In addition, for the 1986 crop only, the other requirements of this section which apply to letters of credit under this subpart may be waived by the Executive Vice President or his designee, to the extent determined necessary to facilitate the marketing of the 1986 crop.

Signed at Washington, DC July 29, 1986.

Milton J. Hertz,

Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 86-17421 Filed 7-30-86; 9:57 am]

BILLING CODE 3410-05-M

The first part of the report describes the general situation of the project and the objectives of the study. It also mentions the names of the people involved in the project and the dates of the various stages of the work.

The second part of the report describes the methods used in the study. It mentions the types of data collected and the statistical methods used to analyze the data.

The third part of the report describes the results of the study. It mentions the main findings of the study and discusses the implications of these findings for the field of research.

The fourth part of the report describes the conclusions of the study. It mentions the overall findings of the study and discusses the limitations of the study.

The fifth part of the report describes the recommendations of the study. It mentions the suggestions for further research and the practical implications of the study.

The sixth part of the report describes the acknowledgments of the study. It mentions the people and organizations that provided support for the study.

The seventh part of the report describes the references of the study. It mentions the books, articles, and other sources that were used in the study.

The eighth part of the report describes the appendices of the study. It mentions the additional materials that were included in the report.

The ninth part of the report describes the index of the study. It mentions the page numbers of the various sections of the report.

The tenth part of the report describes the table of contents of the study. It mentions the page numbers of the various sections of the report.

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Federal Register

Vol. 51, No. 147

Thursday, July 31, 1986

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	523-5230
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	523-5230
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## FEDERAL REGISTER PAGES AND DATES, JULY

23719-24132	1
24133-24294	2
24295-24506	3
24507-24640	7
24641-24798	8
24799-25026	9
25027-25186	10
25187-25356	11
25357-25520	14
25521-25640	15
25641-25844	16
25845-25990	17
25991-26146	18
26147-26222	21
26223-26372	22
26373-26534	23
26535-26684	24
26685-26854	25
26855-27016	28
27017-27146	29
27147-27396	30
27397-27514	31

## CFR PARTS AFFECTED DURING JULY

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

### 1 CFR

3	27017
305	25641

### 3 CFR

#### Proclamations:

5507	24295
5508	24297
5509	24507
5510	24509
5511	24641
5512	26373
5513	27397

#### Executive Orders:

10621 (Amended by EO 12561)	24299
11294 (Revoked by EO 12561)	24299
12561	24299
12562	25845

### 5 CFR

352	25187
737	25645
870	25849
871	25849
872	25849
873	25849
950	24133
1201	25146
1701	24799
1702	24799
1703	24799
1720	24799

#### Proposed Rules:

532	25531
870	25532
871	25532
872	25532
873	25532
890	23782, 25533

### 7 CFR

2	24806
29	25027
46	27399
70	26223
991	27400
235	27147
250	23719
301	26855
354	24511
614	26535
729	26685
781	25993
908	24643, 25189, 25991, 26685
911	25991
915	25991
917	24807

921	25991
922	25991
923	25991
924	25991
925	25850
945	25991
947	25991
948	25850, 25991
953	25991
967	25991
981	24808, 24809
984	25991
985	25991
1006	26224
1007	26224
1011	26224
1012	26224
1013	26224
1030	27152
1032	27152
1033	27152
1036	27152
1046	26224
1049	27152
1050	27152
1076	27155
1093	26224
1094	26224
1096	26224
1098	26224
1099	26224
1240	26147
1260	26132, 26686
1434	25851
1446	27512
1493	26538
1788	25854
1901	24301
1910	25028
1944	27156

#### Proposed Rules:

51	26390, 26902, 27420
68	26161
250	25534
251	25534
400	23782, 24677, 27176
735	25705
800	26162
810	24532
910	24355
967	26253
1006	26254
1007	26254
1011	26254
1012	26254
1013	26254
1030	24677, 25896, 26254
1032	24677, 25896, 26254
1033	24677, 25896, 26254
1036	24677, 25896, 26254
	27178
1040	26254
1046	26254

1049.....	24677, 25896, 26254
1050.....	24677, 25896, 26254
1064.....	25539, 26254
1065.....	26254
1068.....	26254
1076.....	26254
1079.....	26254
1093.....	26254
1094.....	26254
1096.....	26254
1097.....	26254
1098.....	26254
1099.....	26254
1102.....	25539, 26254
1106.....	25539, 26254
1108.....	25539, 26254
1120.....	26254
1124.....	26254
1125.....	26254
1126.....	25539, 26254
1131.....	26254
1132.....	26254
1134.....	26254
1135.....	26254
1136.....	26254
1137.....	26254
1138.....	25539, 26254
1139.....	26254
1496.....	26164
1864.....	24356
1900.....	24356
1903.....	24356
1944.....	24356, 26256
1951.....	24356
1955.....	24356
1956.....	24356
1962.....	24356
1965.....	24356

**8 CFR**

238.....	26375, 27157
245.....	25357

**Proposed Rules:**

212.....	24533
214.....	24533, 27047

**9 CFR**

77.....	25994
78.....	24133
91.....	25029
94.....	23730, 25994, 25995
113.....	23731

**Proposed Rules:**

92.....	24154
102.....	27048
114.....	27048
327.....	26258

**10 CFR**

2.....	27158
60.....	27158
50.....	24643
300.....	24643, 24810
762.....	27132

**Proposed Rules:**

2.....	24365
40.....	24697
50.....	24715, 26013, 26393
51.....	24078
55.....	24715
171.....	24078
205.....	26399
904.....	26555

**11 CFR****Proposed Rules:**

110.....	27183
----------	-------

**12 CFR**

5.....	25861
7.....	25866
21.....	25866
201.....	26542
211.....	25358
346.....	24302
500.....	27165
501.....	27165
522.....	27165
563.....	26228

**Proposed Rules:**

204.....	25069
611.....	25069, 26014
615.....	26402

**13 CFR**

115.....	27166, 27167
121.....	25189
302.....	24302, 24512
304.....	24512
305.....	24512
309.....	24303
310.....	24516

**Proposed Rules:**

121.....	27192
125.....	27194

**14 CFR**

23.....	26654
25.....	26206
39.....	23731-23733, 24134, 24648, 24811, 24812, 25191, 25192, 25521, 25682, 25871, 25872, 26228, 26229, 26231, 26232, 26376, 26377
71.....	23734, 24104, 24516, 24649, 24813, 25193, 25521, 26233, 26234, 26974, 27017, 27167, 27168

73.....	24649
75.....	23735
93.....	25030
97.....	24650, 26234
121.....	26206
1204.....	24652, 26860, 26861
1251.....	26862

**Proposed Rules:**

Ch. I.....	26260
21.....	25500, 26261
23.....	26261
25.....	25982, 26166, 26261
36.....	25500
39.....	23786, 23787, 24715, 24716, 24844, 25208, 25567-25570, 25896, 27194
43.....	24845, 25174
45.....	25174
71.....	23789, 25209, 25571-25573, 26116, 26903, 27420-27423
73.....	26263
75.....	26264, 26265
91.....	24845, 24851, 25174, 25708
121.....	24845, 26166
127.....	24845
135.....	24845

**15 CFR**

70.....	24653
371.....	25359, 25683, 26154
373.....	24135

377.....	25359
399.....	25360, 25522

**Proposed Rules:**

376.....	24533
385.....	24533
970.....	26794
971.....	26794

**16 CFR**

13.....	24136, 24653, 25996, 26867
305.....	24137
444.....	24304

**Proposed Rules:**

13.....	26014
307.....	24375, 26903

**17 CFR**

1.....	26236
16.....	26236
145.....	26867
146.....	26867
200.....	25684, 25873
211.....	25194
230.....	25360
240.....	25360, 25873, 25996
249.....	25360
260.....	25360

**Proposed Rules:**

Ch. II.....	24155
3.....	25897
30.....	24852
240.....	25369, 26018
249.....	25369

**18 CFR**

11.....	24308, 25362
13.....	24308, 25362
37.....	26237, 27018
154.....	27018
157.....	27018
270.....	25998, 26242, 27018
271.....	26874, 26876, 27018, 27405
282.....	27406
284.....	27018
375.....	24308, 25362
389.....	25998
410.....	25030
430.....	25030

**Proposed Rules:**

35.....	27050
37.....	27050

**19 CFR**

4.....	24322
24.....	24323
134.....	24814
142.....	23736
143.....	26243
175.....	27019
201.....	25194
213.....	25999, 27169
353.....	25195

**Proposed Rules:**

12.....	27057
19.....	24535
134.....	25574, 27195
141.....	26266
144.....	24535
151.....	26021
175.....	27196
178.....	26021
191.....	24536

**20 CFR**

655.....	24138
----------	-------

**Proposed Rules:**

10.....	26903
404.....	26268, 26717
416.....	26026, 26268
602.....	26846
654.....	26555

**21 CFR**

5.....	25883
16.....	26342
73.....	24815
74.....	24517, 24519
81.....	24519
82.....	24517, 24519
101.....	25012
160.....	25362
182.....	25012, 25198, 26876, 27169
184.....	27169, 27172
193.....	25685
211.....	24476
310.....	24476, 26112
314.....	24476
433.....	25523
520.....	24524, 26001
522.....	24141, 24524, 25031, 25198, 25686, 27020
556.....	27020
558.....	23736, 26378
730.....	25687
814.....	26342
1304.....	26154

**Proposed Rules:**

2.....	25708
60.....	25338
155.....	26268
331.....	27342, 27344
335.....	26170
344.....	27366
348.....	27360
357.....	25899
358.....	27346
369.....	26170
630.....	25710, 26557
812.....	26830
882.....	26718

**22 CFR**

22.....	26246
52.....	26246
53.....	26246
213.....	26543

**23 CFR**

420.....	26378
450.....	26378
669.....	25363

**24 CFR**

200.....	25687, 26876
215.....	24324, 26876, 26878
235.....	26876
236.....	24324, 25687, 26,876, 26878
247.....	26876
812.....	24324, 25687, 26876
813.....	24324
880.....	26876
881.....	26876
882.....	24324, 25687, 26876
883.....	26876
884.....	26876
886.....	24324, 26876, 26878
912.....	25687, 26876

## Proposed Rules:

35.....	24112
115.....	24852
200.....	24112, 26409
203.....	26409
204.....	26409
213.....	26409
220.....	26409
221.....	26409
222.....	26409
226.....	26409
227.....	26409
234.....	26409
235.....	26409
237.....	26409
240.....	26409
881.....	24112
882.....	24112
886.....	24112
904.....	26504
905.....	26504
913.....	26504
960.....	26504
966.....	26504

## 26 CFR

1.....	23737, 25032, 25033, 26878, 27174
602.....	23737, 25033, 26878

## Proposed Rules:

1.....	23790, 24162, 25070, 26903, 26909
3.....	24162
5f.....	24162
6a.....	24162
25.....	24162
514.....	24162
602.....	25070, 26909

## 27 CFR

9.....	24142, 25366
--------	--------------

## Proposed Rules:

24.....	24719
170.....	24719
200.....	24383
231.....	24719
240.....	24719

## 28 CFR

0.....	25049
2.....	25050, 26879
16.....	26686
45.....	25052
50.....	27021
60.....	26878
511.....	26126
540.....	26126
550.....	26128

## Proposed Rules:

2.....	27424
64.....	24163

## 29 CFR

Ch. XVII.....	24525
102.....	23744
697.....	25525
1450.....	24816
1910.....	24324, 25053
1926.....	25294
1952.....	27023
2615.....	24145
2676.....	25689

## Proposed Rules:

553.....	25710
1910.....	26660
2200.....	24386

2670.....	24536
2675.....	24536

## 30 CFR

761.....	25818, 26385
906.....	23750
917.....	26002
935.....	25883, 26879
941.....	26687
944.....	26880

## Proposed Rules:

75.....	24387
256.....	26268
701.....	27197, 27508
733.....	27059
773.....	25822, 25900, 27508
800.....	23790, 24547
842.....	27197
843.....	25822, 27197
901.....	24719
913.....	25575
914.....	24387, 24388
917.....	24390
931.....	26911
935.....	27204

## 31 CFR

51.....	26883, 26884
315.....	23752
332.....	23752
352.....	23752
353.....	23752
550.....	25634, 25635, 26687

## Proposed Rules:

390.....	27060
----------	-------

## 32 CFR

54.....	23754
110.....	26886
155.....	23757
199.....	24008
728.....	23972

## 33 CFR

1.....	25366
100.....	24528, 25886, 26154, 26155, 26890
117.....	24655, 25053, 27407
140.....	25054
142.....	25054
165.....	24655, 26155
203.....	25690
207.....	25198

## Proposed Rules:

117.....	24720, 24721
181.....	26912
183.....	26912

## 34 CFR

30.....	24095
200.....	25061
400.....	25492
401.....	25492, 26687
415.....	25492

## Proposed Rules:

30.....	24092
624.....	24796

## 35 CFR

103.....	27174
253.....	25693

## 36 CFR

8.....	24655
291.....	26826

## Proposed Rules:

2.....	25576
--------	-------

## 37 CFR

401.....	25508
----------	-------

## Proposed Rules:

1.....	27205
--------	-------

## 38 CFR

13.....	26157
17.....	25061
19.....	26247
21.....	25525, 26158, 27025

## Proposed Rules:

17.....	26027
21.....	26913, 26914

## 39 CFR

111.....	25525
262.....	26385
265.....	26385
266.....	26385
3001.....	24529

## Proposed Rules:

10.....	24391
111.....	25371, 26718

## 40 CFR

10.....	25832
14.....	25832
16.....	24145
52.....	23758, 25198-25200, 25366

60.....	26546, 27033-27037, 27407
61.....	27036, 27037, 27407
65.....	24656, 25693, 26891
81.....	24825, 25200, 25202, 26386

86.....	24325, 24606
122.....	26982
141.....	24328
154.....	26387
162.....	26387
172.....	26387
180.....	25695-25697
260.....	25422
261.....	24496, 25422, 25699, 25887, 25889, 26892, 27038, 27039

262.....	25422
264.....	25350, 25422, 26008
265.....	25350, 25422, 26008
266.....	26892
270.....	25422
271.....	25422
403.....	23759
405.....	24974
406.....	24974
407.....	24974
408.....	24974
409.....	24974
411.....	24974
412.....	24974
418.....	24974
422.....	24974
424.....	24974
426.....	24974
432.....	24974
799.....	24657

50.....	24392
52.....	24163, 24393, 24853, 25210, 25211, 25371, 25715, 25718, 25720, 25900-25902, 26269

60.....	24164, 24170, 25212, 26271
81.....	24854, 24855, 26272
86.....	24614
131.....	25372
153.....	24393
166.....	24393
180.....	25721
260.....	24856
261.....	24856, 25372, 26417- 26438, 27061
262.....	24856, 25487
264.....	24856, 26632
265.....	24856
268.....	24856
270.....	24856, 26632
271.....	24549, 24856, 26438
302.....	26438
403.....	25722
704.....	26273
721.....	24551, 24555, 26273, 26557
799.....	25070, 25577, 26028, 26170

## 41 CFR

101-17.....	27039
101-40.....	24329
101-47.....	23760
114-60.....	26388

## Proposed Rules:

101-41.....	27425
-------------	-------

## 42 CFR

57.....	25891
405.....	24484
420.....	24484
442.....	24484
447.....	24484
489.....	24484

## Proposed Rules:

405.....	23792, 24857
420.....	24857
442.....	26718
455.....	24857
474.....	24857

## 43 CFR

431.....	23960, 24531
1820.....	26248
2640.....	26983
3500.....	25204
3510.....	25204
3520.....	25204
3530.....	25204
3540.....	25204
3560.....	25204
3570.....	25204
3580.....	25204

## Public Land Orders:

6616.....	25205
6618.....	25205
6619.....	26687

## Proposed Rules:

11.....	25903
2800.....	26836

## 44 CFR

14.....	24346
64.....	25701, 27408
65.....	26547, 26549
67.....	26550

## Proposed Rules:

67.....	24396, 25373
81.....	26726
302.....	26171

**45 CFR**

302.....	25526
1600.....	24826
1611.....	24151
1631.....	24826

**Proposed Rules:**

96.....	24402
1385.....	25904
1386.....	25904
1387.....	25904
1388.....	25904

**46 CFR****Proposed Rules:**

31.....	26439
---------	-------

**47 CFR**

0.....	25527
22.....	26895
64.....	24350
73.....	23761-23764, 24151, 24351, 24352, 24827, 25527, 25528, 26009, 26248, 26553, 26897, 26898, 27411
74.....	26248
76.....	26248

**Proposed Rules:**

Ch. I.....	25723
0.....	25792
1.....	25792, 26278, 26562
2.....	24409, 27425
18.....	24872
21.....	25792
22.....	25792
23.....	25792
62.....	25792
64.....	24410, 26915
67.....	27426
73.....	23795-23798, 24171-24173, 24409-24413, 24872-24877, 25580-25586, 25792, 26282-26284, 26563, 26727, 26915-26917, 27427
74.....	25586, 25792
94.....	27425
95.....	24174

**48 CFR**

1.....	27114
3.....	27114
5.....	27114
6.....	27114
7.....	27114
9.....	27114, 27488
13.....	27114, 27488
14.....	27114
15.....	27114
19.....	27114, 27488
31.....	27488
34.....	27114
43.....	27114
46.....	27114
52.....	27114
53.....	27114
508.....	24667
513.....	25703
525.....	24667
532.....	26251
552.....	25703
1527.....	25367
1552.....	25367
1822.....	23765
1852.....	23765

**Proposed Rules:**

Ch. 16.....	27384
19.....	27129
30.....	24788, 24971
32.....	25976
52.....	25976, 27129
213.....	27223
232.....	27428
235.....	26172
247.....	27016
252.....	26172, 27428

**49 CFR**

218.....	25180
221.....	25180
571.....	24152, 26688
572.....	26688
1039.....	27045
1085.....	25206
1105.....	25206, 26251
1150.....	25206
1180.....	24668, 25206
1312.....	27045

**Proposed Rules:**

Ch. X.....	24723
171.....	27223
172.....	25639, 27223
173.....	27223
174.....	27223
176.....	27223
177.....	27223
178.....	27223
179.....	27223
192.....	24174, 24722
391.....	24722
393.....	24413
395.....	24722
531.....	27224
571.....	24176, 24877
1057.....	27226
1063.....	26439
1150.....	26563

**50 CFR**

17.....	23765, 23769, 24669, 27492, 27495
20.....	26712, 24672
215.....	24828
285.....	26898
611.....	25704, 27412
642.....	26010
650.....	24841
653.....	26554, 27413
658.....	24675
661.....	24352, 24353, 24842, 26159, 26388, 26389, 26899, 26900
672.....	24353
674.....	25528, 26159
675.....	25529, 27412
683.....	27413

**Proposed Rules:**

14.....	24559
17.....	24178, 24723, 24727, 25219, 25914, 26564, 26569, 27429
20.....	24415, 26029, 27376, 27430
23.....	27431
26.....	25377
32.....	24179, 25587

36.....	25377
96.....	25377
246.....	24559
611.....	25724
630.....	27227
655.....	24880
662.....	26440

**LIST OF PUBLIC LAWS**

**Note:** No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last List July 16, 1986

