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Thursday
August 14, 1986

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

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THE FEDERAL REGISTER
WHAT IT IS AND HOW TO USE IT

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

WHO: The Office of the Federal Register.

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

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

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

WASHINGTON, DC

WHEN: September 25; at 9 am.

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

RESERVATIONS: Doris Tucker 202-523-3419

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Rules and Regulations

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DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 238

Contracts With Transportation Lines; Malaysian Airline System

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule adds Malaysian Airline System to the list of carriers which have entered into agreements with the Service to guarantee the passage through the United States in immediate and continuous transit of aliens destined to foreign countries.

EFFECTIVE DATE: July 30, 1986.

FOR FURTHER INFORMATION CONTACT: Loretta J. Shogren, Director, Policy Directives and Instructions, Immigration and Naturalization Service, 425 I Street, NW., Washington, DC 20536, Telephone: (202) 633-3048.

SUPPLEMENTARY INFORMATION: The Commissioner of Immigration and Naturalization entered into an agreement with Malaysian Airline System on July 30, 1986 to guarantee passage through the United States in immediate and continuous transit of aliens destined to foreign countries.

The agreement provides for the waiver of certain documentary requirements and facilitates the air travel of passengers on international flights while passing through the United States.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because the amendment merely makes an editorial change to listing of transportation lines.

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

This order constitutes a notice to the public under 5 U.S.C. 552 and is not a rule within the definition of section 1(a) E.O. 12291.

List of Subjects in 8 CFR Part 238

Airlines, Aliens, Government contracts, Travel, Travel restriction.

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

PART 238—CONTRACTS WITH TRANSPORTATION LINES

1. The authority citation for Part 238 continues to read as follows:

Authority: Secs. 103 and 238 of the Immigration and Nationality Act, as amended (8 U.S.C. 1103 and 1228).

§ 238.3 [Amended]

In § 238.3 Aliens in immediate and continuous transit, the listing of transportation lines in paragraph (b) *Signatory lines* is amended by: Adding in alphabetical sequence, Malaysian Airline System.

* * * * *

Dated: August 7, 1986.

Harriet B. Marple,

Acting Associate Commissioner, Examinations, Immigration and Naturalization Service.

[FR Doc. 86-18342 Filed 8-13-86; 8:45 am]
BILLING CODE 4410-10-M

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Part 1

[Docket No. 86-17]

Eligibility of Securities for Purchase, Dealing in, Underwriting and Holding by National Banks; Rulings Issued by the Comptroller

AGENCY: Comptroller of the Currency, Treasury.

ACTION: Notice of rulings.

SUMMARY: The Office of the Comptroller of the Currency ("Comptroller") is publishing investment securities rulings issued since 1983 that are of significant public interest. The rulings are issued to advise banks on the application of federal banking laws and regulations to securities which the banks hold, or desire to purchase, deal in or underwrite.

EFFECTIVE DATE: The rulings became effective when originally issued in letter form. The date of issuance is indicated in parentheses at the end of each ruling.

FOR FURTHER INFORMATION CONTACT: Larry J. Stein, Senior Attorney, Legal Advisory Services Division, (202) 447-1880.

ADDRESS: Comptroller of the Currency, 490 L'Enfant Plaza, SW., Washington, DC 20219.

SUPPLEMENTARY INFORMATION: On December 26, 1979, the Comptroller discontinued the codification of individual investment securities rulings in 12 CFR Part 1 (44 FR 76263). On February 11, 1980, the Comptroller determined that certain individual rulings issued since December 1978, but not published in the **Federal Register**, were sufficiently significant to warrant their publication (45 FR 8934). The same determination was made with respect to rulings issued during 1980, (46 FR 16240 of March 12, 1981); 1981 (47 FR 18323 of April 29, 1982); and 1982 (48 FR 8427 of March 1, 1983).

The rulings in question were issued in response to specific requests from banks or bank counsel made in accordance with 12 CFR 1.9 relating to the application of federal banking laws and regulations to securities which the banks hold, or desire to purchase, deal in, or underwrite.

List of Subjects in 12 CFR Part 1

National banks, Investment securities.

Text of Rulings

These rulings are numbered in sequence to those published earlier in order to facilitate reference.

508 Canadian Time Deposit Receipts
509 City of Portland, Oregon, Tax-exempt Commercial Paper, Tax Anticipation Notes
510 Atlanta Downtown Development Authority Bonds (Underground Atlanta Project)
511 North Carolina Medical Care Commission Bonds
512 Blount County, Tennessee, Hospital Refunding Revenue Bonds, Series 1984
513 Federal National Mortgage Association Japanese Yen Debentures
514 Separate Trading of Registered Interest and Principal of Securities ("STRIPS")

508 Canadian Time Deposit Receipts

(a) *Request.* Ruling on whether Canadian Time Deposit Receipts are subject to the 10 percent limitation imposed under 12 CFR 1.3(d).

(b) *Opinion.* Part 1 of Chapter 12 of the Code of Federal Regulations applies to the purchase, sale, dealing in, underwriting and holding of securities by national banks and state banks which are members of the Federal Reserve System. Section 1.3(d) specifically defines "type II security", stating:

> The term "Type II security" means a security which a bank may deal in, underwrite, purchase, and sell for its own account, subject to a 10 percent limitation. These include obligations of the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank and the Tennessee Valley Authority, and obligations issued by any State or political subdivision or any agency of a State or political subdivision for housing, university or dormitory purposes.

(c) *Ruling.* Canadian Time Deposit Receipts are registered receipts issued by Canadian banks in exchange for United States dollar deposits. The deposits are of a fixed term and are generally negotiable. Essentially the Canadian Time Deposit Receipts are short term deposits of U.S. dollars maintained at Canadian banks which are in the nature of certificates of deposit. There is nothing to suggest that Canadian Time Deposit Receipts are investment securities as defined by 12 CFR 1.3. Therefore, these receipts would not be subject to the 10 percent limitation of 12 CFR 1.3(d).

(Letter dated February 25, 1983.)

509 City of Portland, Oregon, Tax-exempt Commercial Paper, Tax Anticipation Notes

(a) *Request.* Ruling on eligibility of City of Portland, Oregon, tax-exempt commercial paper, Tax Anticipation Notes ("the Notes"), Commercial Paper Series 1983, for purchase, dealing in, underwriting and unlimited holding by national banks under 12 U.S.C. 24(7).

(b) *Opinion.* (1) The Oregon Legislature has authorized the city of Portland to borrow in anticipation of taxes by using tax-exempt commercial paper. The city will issue the tax-exempt commercial paper and a revolving note in an aggregate principal amount of not more than $24,375,000. The city has declared an *ad valorem* property tax levy for the current fiscal year of $51,170,000. According to City of Portland Ordinance No. 155214, the full faith and credit of the city is pledged to the "punctual payment" of the principal of and interest on the Notes. The Notes shall be paid from taxes within the limits established by Article XI, Section 11 of the Oregon Constitution, and from other available funds of the city.

(2) Article XI, Section 11 establishes a six percent limit on the taxing power of taxing units, including cities. Under this limitation, the revenue from the basic tax levied for general purposes each year may not exceed the highest revenue from such levy in any of the three previous years by more than six percent without approval of the electorate by a majority vote to increase the amount of the tax base. The city's obligation to support its tax-exempt commercial paper represents, according to the ordinance, a full faith and credit obligation supported by general fund revenues with the taxing power pledged for payment under the limits of Article XI of the Oregon Constitution.

(c) *Ruling.* (1) Type I securities include general obligations of a state or political subdivision, which means an obligation supported by the full faith and credit of an obligor possessing general powers of taxation, including property taxation. 12 CFR 1.3(g). Based on the information provided in the City of Portland Ordinance, the Notes qualify as Type I securities.

(2) As noted, the state constitution limits the taxing power of the city to the six percent figure previously discussed. The tax levy for the current fiscal year appears more than sufficient to meet the city's obligation under the Notes. In the case of anticipation notes generally, it is particularly relevant to analyze the issuer's projected cash flow throughout the year in order to determine whether its financial resources are sufficient for the timely repayment of the notes. Letter ruling 494, July 28, 1980, 46 FR 16244 (1981). See also letter ruling 497, September 29, 1980, 47 FR 18323 (1982).

(3) Quantitative restrictions on the general powers of taxation of a state or political subdivision do not disqualify an obligation supported by such limited taxing powers. The eligibility of such obligations is determined by reviewing, on a case-by-case basis, whether tax revenues available are sufficient for "full and timely payment" of interest on, and principal of, the obligation. 12 CFR 1.130(a). Based on these considerations, these Notes are eligible for dealing in, underwriting, and unlimited holding under the authority of 12 U.S.C. 24(7).

(Letter dated May 25, 1984.)

510 Atlanta Downtown Development Authority Bonds (Underground Atlanta Project)

(a) *Request.* Ruling on the eligibility of Atlanta Downtown Development Authority Bonds (Underground Atlanta Project), for purchase, dealing in, underwriting and unlimited holding by national banks under 12 U.S.C. 24(7).

(b) *Opinion.* (1) The Atlanta Downtown Development Authority ("the Authority") is a public body corporate and politic created by an amendment to the Constitution of the State of Georgia and the Downtown Development Authorities Law (Ga. Laws 1981, p. 1744). The Authority proposes to acquire and redevelop an area of the central business district commonly known as "Underground Atlanta." A portion of the project will be paid for by the issuance of bonds of the Authority in the amount of approximately $80 million. The bonds will be used to acquire or construct plazas, parks, malls, terraces, streets, sidewalks, bridges and parking garages and to finance commercial facilities such as shops, restaurants, stores and offices.

(2) The city has promised that in the event that the revenues and receipts from the project are not sufficient to pay the principal and interest on the bonds, the city will pay the Authority an amount equal to such deficiency but not to exceed 90 percent of the principal and interest then due on the bonds. The undertaking of the city to make such payments will be a general obligation payable from any funds of the city and with respect to which the full faith and credit of the city will be pledged.

(3) In addition, there will be established initially from the proceeds of the bonds and held by an independent trustee, a debt service reserve fund. The amount initially deposited in the reserve fund, together with the investment earnings thereon, will always be sufficient to pay 10 percent of the principal balance of the bonds then outstanding plus interest to accrue on the bonds during the succeeding 12 months. The reserve fund will be invested solely in marketable direct obligations of, or marketable obligations fully guaranteed by the United States Government. If at any time there is not otherwise available sufficient revenues and receipts from the project to pay for the principal and interest on the bonds on any interest or principal payment date, such deficiency shall be paid from the funds on deposit in the reserve fund. Upon such payment from the reserve fund, the city shall be

obligated to levy, at the earliest lawful date, an *ad valorem* tax in an amount sufficient to replenish the reserve fund and to pay that amount to the Authority for deposit in the reserve fund.

(c) *Ruling.* The city's guaranty of 90 percent of the principal and interest due on the Bonds is a direct pledge of its full faith and credit, and its obligation to levy *ad valorem* taxes to maintain the reserve fund at 10 percent of the principal balance of the bonds then outstanding plus interest to accrue during the succeeding 12 months is an indirect pledge of its full faith and credit. 12 CFR 1.120(e). Accordingly, the $80,000,000 Atlanta Downtown Development Authority Bonds are general obligations of a State or political subdivision thereof under 12 U.S.C. 24(7) and are eligible for purchase, dealing in, underwriting and unlimited holding by a national bank.

(Letter dated July 30, 1984.)

511 North Carolina Medical Care Commission Bonds

(a) *Request.* Ruling on the eligibility of revenue bonds ("the Bonds") issued by North Carolina Medical Care Commission ("Commission") for purchase, dealing in, underwriting and holding subject to the ten percent limitation which applies to Type II securities. 12 CFR 1.3(d).

(b) *Opinion.* (1) The Bonds will be issued by the Commission and the proceeds will be provided to Carolina Medicorp, Inc. under a master trust indenture to finance the construction of certain improvements to be made by Carolina Medicorp for the benefit of one of its subsidiaries, Forsyth Memorial Hospital.

(2) The Commission was created under Part 10, Article 3 of Chapter 143B of the North Carolina General Statutes and by virtue of its statutory creation qualifies as an agency of the State of North Carolina. It is contemplated that the Bonds would be issued by the Commission under authority granted to the Commission by Section 131A of the North Carolina General Statutes. Carolina Medicorp, Inc. is a non-profit tax-exempt corporation organized under 501(c)(3) of the Internal Revenue Code and is the parent holding company for Forsyth County Hospital Authority, Inc., Foundation Health Systems Corporation and Carolina Medicorp Enterprises, Inc. Forsyth County Hospital Authority, Inc. manages Forsyth Memorial Hospital which is unincorporated.

(3) Forsyth County Hospital Authority has entered into an affiliation agreement with Wake Forest University and the Bowman Gray School of Medicine at Wake Forest University ("the Medical School") and the North Carolina Baptist Hospital. All training in obstetrics and prenatal care for residents at the Medical School is done at Forsyth Memorial. Additionally, approximately 100 physicians who are a part of the clinical facility at the Medical School also hold residencies at Forsyth Memorial; several full time professors at the Medical School also work and teach at Forsyth Memorial. In addition to the consolidated services, Forsyth Memorial, North Carolina Baptist and the Medical School have also established the following areas of affiliation which provide for the periodic training of residents from the Medical School at Forsyth Memorial: (a) Medical services, (b) general surgery, (c) psychiatry, (d) physical rehabilitation services, and (e) emergency room services. These services provide for the elective rotation of residents from time to time to provide in-hospital training for the various residents of the Medical School.

(4) Forsyth Memorial maintains affiliation agreements with several other educational institutions in the area as follows:

(a) Forsyth Memorial provides course work and training leading to an associate degree and graduate degree in nursing for Winston-Salem State University, Forsyth Technical Institute, University of North Carolina at Greensboro and Surry Community College.

These courses are conducted at Forsyth Memorial in specially designed classrooms and provide practical experience for nursing students in the various hospital services.

(b) Forsyth Memorial provides a cooperative program with the University of North Carolina at Chapel Hill wherein certain obstetrics anesthesia residents receive training at the hospital.

(c) Forsyth provides local community college students with paramedic training, radiation technology training, and training for technicians in respiratory therapy.

(c) *Ruling.* The Bonds are issued by an agency of a state for university purposes and are eligible under 12 U.S.C. 24(7) for dealing in, underwriting and holding by national banks within the 10 percent limit with respect to aggregate holdings of obligations issued by the Commission.

(Letter dated July 31, 1984.)

512 Blount County, Tennessee, Hospital Refunding Revenue Bonds, Series 1984

(a) *Request.* Ruling on the eligibility of the proposed Blount County, Tennessee, Hospital Refunding Revenue Bonds, Series 1984 ("the Bonds") as Type II investment securities eligible for national banks to deal in, underwrite, purchase and sell subject to the 10 percent limit set forth at 12 CFR 1.7.

(b) *Opinion.* (1) Blount County owns Blount County Memorial Hospital. The Board of County Commissioners authorized and issued $15,000,000 Hospital Bonds, Series 1982 of Blount County, Tennessee, dated January 1, 1982 ("the Refunded Bonds"), for the purpose of constructing and equipping an addition to the hospital. The Refunded Bonds are general obligation bonds payable from taxes levied without limit as to rate or amount on taxable property in the county and are also secured by a pledge of the revenues to be derived from the operation of the hospital. The county has now determined that "it is necessary for the efficient and effective operation" of the hospital to refund the Refunded Bonds. The newly-issued Bonds will be payable solely by the revenues to be derived from the operation of the hospital. The county is authorized to issue the Bonds under the provisions of the County Recovery and Post War Aid Act of 1945 (§§ 5–11–101, *et seq.*, Tennessee Code Annotated).

(2) There is an affiliation agreement between the hospital and the University of Tennessee. Under this agreement, the hospital provides clinical training for the University's College of Nursing, Baccalaureate Candidate nursing students. In addition, the following relationships exist between the hospital and the university:

(a) Fifteen to 20 physicians on the University of Tennessee staff currently serve on the hospital's consulting staff.

(b) Ten to 20 physicians on the medical staff of the hospital currently hold faculty teaching positions at the University of Tennessee.

(c) The hospital sponsors a full-time two-year teaching and training program for radiology students. At the end of the two-year formal program the students are eligible to become certified as registered radiologic technologists. The hospital currently has 12 students enrolled in this two-year school.

(d) The hospital provides clinical training for students enrolled in its practical nurse program. The program is a formal 13-month program. Upon completion of the program, the students are eligible to become licensed as Licensed Practical Nurses. The hospital currently has 30 students enrolled in this program.

(e) The hospital provides clinical training for student nurse externs from the University of Tennessee College of Nursing and other colleges in the area. The hospital currently has 10 students enrolled in this program.

(f) The medical staff of the hospital participates in a formal continuing medical education program. This program is approved by the American Medical Association for Category I, Continuing Medical Education credit. The program is available to all physicians on the hospital medical staff. The hospital has approximately 90 physicians currently enrolled in this program.

(3) Obligations which finance the construction or improvement of facilities used by a hospital qualify as Type II investment securities provided that the hospital is a department or division of a university or otherwise provides a "sufficient *nexus*" with university purposes, such as an affiliation agreement between the university and the hospital, faculty positions of the hospital staff, and training of medical students, interns, residents, and nurses. 12 CFR 1.140(b)(2).

A Type II security is defined to include "obligations issued by any State or political subdivision . . . for housing, university or dormitory purposes." 12 CFR 1.3(d). This regulation is derived from a 1968 amendment to 12 U.S.C. 24(7). Act of Aug. 1, 1968, Pub. L. No. 90–448, § 1705(h), 82 Stat. 605 (1968). The amendment established but did not define "housing, university or dormitory purposes." The Comptroller has, however, interpreted this provision broadly to permit the underwriting of various housing and university-related revenue bonds by national banks. We have recognized that, though the legislative history of the amendment is of little assistance in determining what Congress meant by "university purpose," there is no doubt that the intent of the amendment was to lower the borrowing costs of universities. It was intended to permit universities to finance capital projects with the largest possible markets. Letter from Chief Counsel John E. Shockey [1978–1979 Transfer Binder] Fed. Banking L. Rep. (CCH) ¶ 85,076 (Dec. 13, 1977).

(4) The proceeds of the Bonds will be used to refund all of the Refunded Bonds. Although the proceeds of the Bonds will not go directly to finance the project (i.e., they will be used to "defease" the Refunded Bonds), such proceeds will directly reduce the costs of the project. Further, such a reduction in financing costs will make it easier for the hospital to borrow in the future.

(c) *Ruling.* The intent of the 1968 amendment was to lower the borrowing costs of universities. Permitting a national bank to deal in, underwrite and hold this type of refunding bond issue would help reduce the cost of the project and lower overall borrowing costs. We hold, therefore, that such refunding bonds, the proceeds of which are used directly to reduce the cost of a specific project, are issued for "university purposes" and should be considered Type II securities eligible for national banks to deal in, underwrite and hold within the ten percent limitation set forth at 12 CFR 1.7. Such refunding bonds, however, constitute bank eligible Type II securities only where their proceeds are used to refund or "defease" previously-issued national bank-eligible investment securities.

(Letter dated October 26, 1984.)

513 Federal National Mortgage Association Japanese Yen Debentures

(a) *Request.* Ruling on eligibility of the 6.35 percent Japanese Yen Debentures Due 1992 ("Debentures") issued by the Federal National Mortgage Association ("Corporation") for purchase, dealing in, underwriting and unlimited holding by national banks under 12 U.S.C. 24(7).

(b) *Opinion.* (1) The Debentures are unsecured general obligations of the Corporation issued under the authority of Section 304(b) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1719(b)). They will mature on November 15, 1992, and are not subject to redemption prior to maturity. The principal of and interest on the Debentures are denominated and payable in Japanese yen. The aggregate principal amount of the Debentures is yen 30 billion (apx. U.S. $141.6 million at current exchange rates), and the Debentures are available in denominations of yen one million (currently apx. U.S. $4,719.00) and integral multiples thereof. Purchasers of the Debentures will be required to pay for them in Japanese yen. The Debentures bear interest at the fixed rates of 6.35 percent per annum, payable each May 15th and November 15th.

(2) The First Boston Corporation is prepared to undertake to convert dollars or other freely convertible currencies into Japanese yen to enable the purchasers to pay for the Debentures in Japanese yen. The Bank of Tokyo Trust Company, New York, New York, as a part of such bank's regular foreign exchange services, is also prepared, subject to any applicable laws or regulations, to convert dollars or other freely convertible currencies into Japanese yen to enable the purchasers to pay for the Debentures in Japanese yen and, at the request of any holder of Debentures, to exchange, as of each payment date, the amount then payable to such holder for any freely convertible currency (which shall include the dollar) specified in such request.

(3) Paragraph Seventh of 12 U.S.C. Section 24 provides in relevant part that:

> The limitations and restrictions herein contained as to dealing in, underwriting and purchasing for its own account, investment securities shall not apply to . . . obligations, participations, or other instruments of or issued by the Federal National Mortgage Association. . . .

(c) *Ruling.* (1) According to the offering circular, dated October 17, 1985, the Debentures are unsecured general obligations of the Corporation and do not constitute a debt or obligation of the United States. It is clear that the Debentures meet the requirements of Paragraph Seventh because they are obligations issued by the Corporation. Nothing in the statute or implementing regulation at 12 CFR Part 1 requires that the described obligations be denominated or payable in U.S. dollars. Therefore, the Debentures are obligations eligible for purchase, dealing in, underwriting and unlimited holding by national banks under 12 U.S.C. 24(7).

(2) There is, of course, the risk to the investor that the value of the Japanese yen will decline in relation to that of the U.S. dollar, but that risk is not substantively different from the risk—incurred even with respect to obligations denominated in U.S. dollars—that market interest rates will rise above the interest rate payable on the obligation. A domestic bank which has no foreign-denominated business may—from the viewpoint of safety and soundness—be better advised, instead, to acquire similar U.S. dollar-denominated securities of the same issuer. Depending on the portfolio of the individual bank investor, an investment in obligations denominated in foreign currency may not always represent "prudent banking judgment." *See* 12 CFR 1.4. Banks which choose to hold foreign-denominated securities should be able to demonstrate an ability to manage appropriately the resulting foreign exchange risk. A discussion of the standards for controlling foreign exchange risk is contained in section 823 of the *Comptroller's Handbook for National Bank Examiners.*

(Letter dated March 26, 1986.)

514 Separate Trading of Registered Interest and Principal of Securities ("STRIPS")

(a) *Request.* Ruling on eligibility of STRIPS for purchase, dealing in, underwriting and unlimited holding by national banks under 12 U.S.C. 24(7).

(b) *Opinion.* (1) Under the STRIPS program, selected Treasury securities may be maintained in the book-entry

system operated by Federal Reserve Banks in a manner that permits separate trading and ownership of the interest and principal payments. According to a May 29, 1986 memorandum from Walter T. Eccard, Assistant General Counsel for Banking and Finance, Department of the Treasury, to Jordan Luke, Deputy Chief Counsel (Policy) of this Office, "these payments of principal and interest are backed by the full faith and credit of the United States."

(2) In addition, unlike previously-issued zero-coupon instruments collateralized by interests in definitive securities, the U.S. Government securities underlying the STRIPS program are uniformly maintained in book entry form. The greater degree of practical liquidity and the increased certainty of investor control over the underlying securities resulting from use of the book entry system mitigates many of our supervisory objections to bank investment in earlier forms of zero-coupon instruments collateralized by definitive securities.

(3) Currently, each Treasury marketable security has a unique CUSIP ("Committee on Uniform Securities Identification Procedures") number that identifies the security for maintenance and transfer purposes. Under the STRIPS program, to facilitate identification of the component parts, each principal and interest component will be assigned a separate CUSIP number. For example, a Treasury 10-year note eligible in STRIPS form could be held either as the fully constituted note under its own CUSIP number or as 21 separate payments, with 21 separate CUSIP numbers identifying each of 20 semiannual interest components and the principal component.

(4) Treasury will not itself be issuing zero-coupon securities under this new program. The Treasury will continue to auction its securities in the same manner; however, for selected issues, it will be possible for a depository financial institution that maintains a book-entry account at a Federal Reserve Bank to request that the securities be separated into their component parts (principal and interest). Each component will be tradable separately and thus may be separately owned. Financial institutions will have the option to obtain the securities as STRIPS, either on the date of original issue or thereafter.

(5) In general, Treasury plans to make the STRIPS program available for new securities with 10 or more years of original maturity. It does not plan to make the program available for Treasury notes and bonds issued before July 1984 because of their different tax treatment under the provisions of the Tax Reform Act of 1984.

(c) *Ruling.* The term "Type I security" is defined in 12 CFR 1.3(c) as "a security which a bank may deal in, underwrite, purchase and sell for its own account without limitation. These securities include obligations of the United States, general obligations of any State of the United States or any political subdivision thereof, and other obligations listed in paragraph Seventh of 12 U.S.C. 24." Therefore, STRIPS qualify as Type I securities, and are eligible for purchase, dealing in, underwriting and unlimited investment by national banks, because they are "backed by the full faith and credit of the United States," *i.e.*, they are obligations of the United States within the meaning of 12 U.S.C. 24(7) and 12 CFR 1.3(c).

(Letter dated June 25, 1986.)

Dated: August 8, 1986.

Robert L. Clarke,

Comptroller of the Currency.

[FR Doc. 86-18392 Filed 8-13-86; 8:45 am]

BILLING CODE 4810-33-M

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12 CFR Part 17

[Docket No. 86-18]

Required Notification to Nominate Bank Directors

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Final rule.

SUMMARY: The Office of the Comptroller of the Currency (Office) is rescinding Part 17, which provides that a national bank may require any shareholder who intends to nominate a candidate to the board of directors, other than a candidate proposed by the bank's management, to notify the bank and the Office at least 14 but not more than 50 days in advance of the shareholder meeting called for the election of directors. The Office has determined that Part 17 served no significant regulatory purpose and is not required in order for national banks to have notification requirements. The rescission of this regulation should not affect existing notification requirements in a bank's articles of association or bylaws, nor will it prevent a bank from adopting reasonable notification requirements in the future.

EFFECTIVE DATE: September 15, 1986.

FOR FURTHER INFORMATION CONTACT: Susan L. Blankenheimer, Attorney, Legislative and Regulatory Analysis Division, Office of the Comptroller of the Currency, 490 L'Enfant Plaza East, SW., Washington, DC 20219, (202) 447-1632.

SUPPLEMENTARY INFORMATION:

Background

This action involves a regulation which permits a national bank to adopt an article of association or bylaw requiring any shareholder who intends to nominate a candidate to the board of directors, other than a candidate proposed by the bank's management, to notify the bank and the Comptroller in advance of the shareholder meeting called for the election of directors.

On April 14, 1980, the Office published for comment a proposed rescission of Part 17 (45 FR 25078). Upon reviewing the comments, the Office was unsure whether commenters understood that even if the regulation were rescinded a bank could still require prior notification to the bank in its articles of association or bylaws. Therefore, the Office in August 1985 again proposed rescinding the regulation. (50 FR 34159).

The Office requested specific comment on the following issues:

(1) The regulatory purpose to be served by this regulation and the legal ability of a national bank to adopt similar requirements in the absence of the regulation;

(2) The treatment of nonmanagement nominees since similar notice is not required for management nominees;

(3) The application of 12 CFR Part 17 as a method to restrict the exercise of cumulative voting rights provided by statute (12 U.S.C. 61);

(4) Whether any useful purpose is served by the current provision stating that "any nomination for director not made in accordance [with this regulation] may be disregarded and the votes cast for such nominee may be disregarded by the vote teller." Under this language, management could refuse to accept the nominees of a minority shareholder, and the votes intended therefore, on the basis that 12 CFR Part 17 was not precisely followed; and

(5) The alternatives available.

Twenty-two comments were received.

Summary of the Comments

Of the twenty-two responses, five favored rescission of the regulation, sixteen favored retention or revision, and one expressed no opinion with respect to retention or rescission. Those advocating rescission argued that Part 17 serves no present or future regulatory purpose, that its elimination would not be detrimental to minority shareholders, and that such a federal regulation is unnecessary because a bank is free to adopt similar notification provisions in

its articles or bylaws. One of the bank commenters, however, stated that it approved elimination of the rule only if it could retain provisions in its bylaws requiring prior bank notification of both management and non-management candidates to the board of directors.

Among the commenters who favored retention of Part 17 in some form, three sought elimination of the requirement that the Comptroller's Office be notified, one favored a requirement that management nominees also be required to provide notice to the bank of their intention to seek a seat on the board of directors, and two advocated reducing the time period for notice to the bank to fourteen days prior to a meeting. Those who favored retention of Part 17 without any modification focused their comments on the regulatory purposes to be served by the regulation and did not, for the most part, respond to the other issues which we specifically requested comment. Most stated that the regulation gives bank management time to investigate unknown nominees and thereby prevent unqualified or dishonest persons from becoming a member of the board or gaining control of the bank. It was also suggested that the regulation reduces the likelihood of disorderly shareholder meetings. Nearly half of those who favored retention of the regulation failed to specify why they believed it should be retained.

After carefully considering all of the comments and in light of the Office's experience in administering the regulation, the Office has decided to rescind Part 17. As a legal matter, a national bank, absent the regulation, could adopt reasonable notification requirements in its articles of association or bylaws. Under federal law, a national bank has broad authority to prescribe bylaws regulating the manner in which its board of directors are elected or appointed. 12 U.S.C. 24 (Sixth). The only limitation courts have imposed is that the bylaws be "reasonable." *See McKee and Company* v. *First National Bank of San Diego,* 265 F.Supp. 1 (S.D. Cal. 1967), *aff'd.,* 397 F.2d 248 (9th Cir. 1968).

In addition, in terms of the Office's broad supervisory interest with respect to national bank directors, the notification requirement serves little useful purpose, especially considering other means available to the Office. For example, independent of the notification requirement of Part 17, the Office receives written notification of the names of all directors following their selection to the board and, as part of the examination process, the Office reviews the conduct of directors. In addition, with the enactment in 1978 of the Change in Bank Control Act (CBCA), 12 U.S.C. 1817(j)(1), the Office has the means to prevent undesirable individuals, including bank directors, from securing control of a bank. The prior notification requirement of the CBCA applies to any person seeking to acquire control, not just non-management candidates for directors, and therefore is a more effective regulatory means of screening directors than the narrowly focused Part 17.

Rescission of Part 17 should have no effect on existing bank notification requirements in articles of association or bylaws, nor will its rescission prevent a bank from adopting reasonable notification requirements in the future.

Regulatory Flexibility Act

Pursuant to section 605(b) of the Regulatory Flexibility Act (Pub. L. 96-354, 5 U.S.C. 601 *et seq.*), the Office finds that this final rule will not have a significant economic impact on a substantial number of small entities.

Executive Order 12291

This rule is not classified as a "major rule" and, therefore, does not require a regulatory impact analysis.

List of Subjects in 12 CFR Part 17

National banks, Nomination of directors.

Authority and Issuance

Under the Comptroller of the Currency's authority in 12 U.S.C. 93a and for the reasons set out in the preamble, 12 CFR Chapter I is amended as follows:

PART 17—[REMOVED]

1. Part 17 is removed.

Dated: June 4, 1986.

Robert L. Clarke,

Comptroller of the Currency.

[FR Doc. 86-18393 Filed 8-13-86; 8:45 am]

BILLING CODE 4810-33-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 85-ANE-43; Amdt. No. 39-5368]

Airworthiness Directives; Allison Gas Turbine Division, General Motors Corporation, Allison Model 250-C28 and -C30 Series Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action publishes in the **Federal Register** and makes effective as to all persons an amendment which amends Amendment 39-5188, 51 FR 732, Airworthiness Directive (AD) 85-25-07, effective January 6, 1986, which was previously made effective as to all known U.S. owners and operators of certain Allison Model 250-C28 and -C30 Series engines by individual letters. The AD requires repetitive inspections of outer combustion case assembly P/Ns 6899237 and 23009569 until mandatory replacement with P/Ns 23030910 and 23030911, respectively, is accomplished on certain Model 250-C28 and -C30 Series engines. The AD is needed to prevent possible failure of outer combustion case assembly P/Ns 6899237 and 23009569 which could result in an inflight sudden loss of power/shutdown.

DATES: Effective August 15, 1986, as to all persons except those persons to whom it was made effective by Priority Letter AD No. 85-25-07 R1, issued January 22, 1986.

Compliance schedule—As prescribed in the body of the AD.

Incorporation by Reference—Approved by the Director of **Federal Register** on August 15, 1986.

ADDRESSES: The applicable commerical engine bulletin (CEB) may be obtained from Allison Gas Turbine Division, General Motors Corporation P.O. Box 420, Indianapolis, Indiana 46206-0420.

A copy of the CEB is contained in the Rules Docket at the Office of Regional Counsel, FAA ATTN: Rules Docket No. 85-ANE-43, 12 New England Executive Park, Burlington, Massachusetts 01803, and may be examined weekdays, except Federal holidays, between 8:00 a.m. and 4:30 p.m.

FOR FURTHER INFORMATION CONTACT: Mr. Royace H. Prather, Chicago Aircraft Certification Office, Propulsion Branch, ACE-140C, FAA, 2300 East Devon Avenue, Des Plaines, Illinois 60018; telephone 312-694-7132.

SUPPLEMENTARY INFORMATION: On January 22, 1986, Revision 1 to AD 85-25-07 was issued by Priority Letter AD No. 85-25-07 R1 and made effective immediately as to all known U.S. owners and operators of certain Allison Model 250-C28 and -C30 series engines. The Priority Letter revision to AD 85-25-07 required repetitive inspections of outer combustion case assembly P/Ns 6899237 and 23009569 until mandatory replacement with P/Ns 23030910 and 23030911, respectively, is accomplished. The priority revision was necessary because of a report that the inspection

interval of the initial issue of AD 85–25–07 might be inadequate to detect a crack in outer combustion assemply P/Ns 6899237 and 23009569 before progressing to failure. As outer combustion case failure can result in an inflight sudden loss of power/shutdown. Since it was found that immediate corrective action was required, notice and public procedure thereon were impracticable and contrary to public interest, and good cause existed to make the AD revision effective immediately by individual letters issued January 22, 1986, as to all known U.S. owners and operators of certain Allison Model 250–C28 and –C30 Series engines. These conditions still exist, and the AD revision with minor administrative changes is hereby published in the **Federal Register** as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

Conclusion

The FAA has determined that this regulation is an emergency regulation that is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Executive Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation of analysis is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT."**

List of Subjects in 14 CFR Part 39

Air transportation, Engines, Aircraft, Aviation safety, Incorporation by reference.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly pursuant to the authority delegated to me, the Federal Aviation Administration (FAA) amends Part 39 of the Federal Aviation Regulations (FAR) as follows:

1. The authority citation of Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised, Pub. L. 97–449, January 12, 1983); 14 CFR 11.89.

§ 39.13 [Amended]

2. By adding to § 39.13 the following new amendment which amends Amendment 39–5188, 51 FR 732, AD 85–25–07, effective January 6, 1986. The AD is being restated in its entirety for clarity.

85–25–07 R1 Allison Gas Turbine Division, General Motors Corp. (Allison, formerly Detroit Diesel Allison): Applies to Allison Model 250–C28 and –C30 Series engines which incorporate outer combustion case assembly P/N 6899237 or 23009569, installed in aircraft certificated in any category.

Compliance is required as indicated unless already accomplished. To prevent possible cracks at the butt or seam welds on outer combustion case P/Ns 6899237 and 23009569 from progressing to a point where the case could rupture and cause an inflight sudden loss of power/shutdown, accomplish the following:

(a) Model 250–C28B, –C28C, –C30, –C30P, –C30R, and –C30S engines

Inspect outer combustion assembly P/N 6899237 or 23009569 in accordance with the following:

(1) Prior to next flight, and at daily intervals thereafter, until compliance with paragraphs (b) or (c), as appropriate, is accomplished, using a bright light (flashlight or equivalent) and mirror, inspect all of the outer combustion case welds which are located as follows:

(i) Horizontal butt welds on outer surface and between the air discharge tube attachment flanges and gas producer attachment flange on forward side.

(ii) Both forward and aft circumferential seam welds between outer case and inner liner.

(iii) Welds for attaching bosses for fuel nozzle, both combustion case drain valves, and both igniter plugs.

Notes: 1. Pay particular attention to welds in areas defined in subparagraphs (i) and where these horizontal welds meet the circumferential welds defined in subparagraph (ii).

2. The above daily inspection may be performed by the pilot and must be recorded in accordance with FAR § 43.9.

Detection of any crack(s) requires removal of the outer combustion case from service before further flight.

(2) Within the next five hours time-in-service, unless already accomplished within the last 20 hours time-in-service, and thereafter at intervals not to exceed 25 hours time-in-service from the last inspection, until compliance with paragraphs (b) or (c), as appropriate, is accomplished, in addition to paragraph (1) above, inspect the areas of horizontal butt weld between the air discharge tube attachment flanges and gas producer attachment flange on the forward side of the outer combustion case as follows:

(i) Apply dye penetrant, dye check, or other appropriate penetrant to the designated areas which will reveal crack(s), or

(ii) Apply a soap solution to the designated areas and, using a suitable power source to motor engine to at least 20% N_1, look for bubbles to reveal if any crack(s) are present.

Detection of any crack(s) requires removal of the outer combustion case from service before further flight.

(b) Model 250–C30 and –C30S engines installed in Sikorsky Model S–76A rotorcraft

Within the next 150 hours time-in-service after the effective date of this AD, but not later than January 31, 1986, perform the following:

Replace/modify outer combustion case assembly P/Ns 6899237 and 23009569 with/to P/Ns 23030910 and 23030911, respectively, in accordance with Allison CEB–A–72–2113/3115, Revision 2, dated January 15, 1986, or prior issues, or FAA approved equivalent.

(c) Model 250–C28B, –C28C, –C30, –C30P, –C30R, and –C30S engines installed in other than Sikorsky S–76A rotocraft

At the next turbine repair/overhaul event, but not later than June 30, 1986, perform the following:

Replace/modify outer combustion case assembly P/Ns 6899237 and 23009569 with/to P/Ns 23030910 and 23030911, respectively, in accordance with Allison CEB–A–72–2113/3115, Revision 2, dated January 15, 1986, or prior issues, or FAA approved equivalent.

Aircraft may be ferried in accordance with the provisions of FAR 21.197 and 21.199 to a base where the AD can be accomplished.

Upon request, an equivalent means of compliance with the requirements of this AD may be approved by the Manager, Chicago Aircraft Certification Office, FAA 2300 East Devon Avenue, Des Plaines, Illinois 60018.

Upon submission of substantiating data by an owner or operator through an FAA maintenance inspector, the Manager, Chicago Aircraft Certification Office may adjust the compliance time specified in this AD.

Allison CEB–A–72–2113/3115, Revision 2, dated January 15, 1986, is incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received this document from the manufacturer may obtain copies upon request to Allison Gas Turbine Division, General Motors Corp., P.O. Box 420, Indianapolis, Indiana 46206–0420. This document also may be examined at the Office of Regional Counsel, FAA, ATTN: Rules Docket No. 85–ANE–43, 12 New England Executive Park, Burlington, Massachusetts 01803, weekdays, except Federal holidays, between 8:00 a.m. and 4:30 p.m.

This amendment becomes effective, August 15, 1986, as to all persons except those persons to whom it was made immediately effective by Priority Letter AD No. 85–25–07 R1, issued January 22, 1986, which contained this amendment.

This amendment amends Amendment 39–5188, 51 FR 732, AD 85–25–07, effective January 6, 1986.

Issued in Burlington, Massachusetts, on July 23, 1986.

Clyde DeHart, Jr.,

Acting Director, New England Region.

[FR Doc. 86–18264 Filed 8–13–86; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 39

[Docket No. 86-CE-29-AD; Amdt. 39-5393]

Airworthiness Directives; Piper Models PA-28, PA-32, and PA-34 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to certain Piper Models PA-28, PA-32 and PA-34 airplanes, which supersedes AD 80-24-03, Amendment 39-3978. The new AD requires replacement of the ammeter with a shunted ammeter kit which will eliminate full electrical power passing through the ammeter gauge. This AD is prompted by continuing reports of heat damaged ammeters and smoke in the cockpit caused by shorting ammeter terminal posts. A shorted condition at the ammeter could result in complete electrical failure, and/or fire, or smoke in the cockpit. This action will assure proper operation of the airplane's electrical system and eliminate the smoke generating conditions at the airplane's ammeter electrical connections.

EFFECTIVE DATE: August 21, 1986.

Compliance: Required within the next 50 hours time in service after the effective date of this AD, unless already accomplished.

ADDRESSES: Piper Aircraft Corporation Service Bulletin (S/B) No. 811A, dated May 12, 1986, and Ammeter Replacement Kit, Piper Part No. 765-186, may be obtained from Piper Aircraft Corporation, 2926 Piper Drive, Vero Beach, Florida 32960; Telephone (303) 567-4361. A copy of this information is also contained in the Rules Docket, FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. Bill H. Trammell, ACE-130A, Atlanta Aircraft Certification Office, FAA, 1075 Inner Loop Road, College Park, Georgia 30337; Telephone (404) 763-7781.

SUPPLEMENTARY INFORMATION: There have been reports of heat damaged ammeters and loosening and shorting of the ammeter terminal posts in certain Piper Models PA-28, PA-32, and PA-34 airplanes which resulted in smoke in the cockpit and unscheduled/emergency landings. Piper issued S/B No. 698 which substituted a nylon washer for the original phenolic washer at the terminal posts. This was the subject of AD 80-24-03. Subsequent to accomplishment of this AD, which incorporated S/B No. 698, ammeter problems continued to be reported. In the past five year period, 39 occurrences were reported with 26 in the last two years. As a result of these continued occurrences, Piper issued S/B No. 811A which requires replacement of the ammeter with a shunted ammenter kit. This kit eliminates full electrical power passing through the ammeter gauge. Since a condition still exists which could result in complete electrical failure or fire or smoke in the cockpit, an AD, superseding AD 80-24-03, is being issued requiring compliance with Piper S/B No. 811A on certain Piper Aircraft Corporation Model PA28, PA-32 and PA-34 airplanes. The applicability of this amendment contains additional serial numbers of airplanes which includes serial numbers of airplanes not modified as production airplanes. Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and good cause exists for making this amendment effective in less than 30 days.

The FAA has determined that this regulation is an emergency regulation that is not major under section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct this condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the Rules Docket under the caption **"ADDRESSES"** at the location identified.

List of Subjects in 14 CFR Part 39

Air transportation, Aviation safety, Aircraft safety.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the FAR as follows:

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

2. By adding the following new AD:

Piper Aircraft Corporation: Applies to the following Piper models and serial numbers certificated in any category; except those airplanes equipped with ninety (90) ampere alternators:

Models affected	Serial numbers affected
PA-28150/160 Cherokee.	28-3378 thru 28-4377
PA-28-180 Archer.	28-3378 thru 28-7505259 and 28-E13
PA-28-181 Archer II.	28-7690001 thru 28-8190279, 28-8290017, 28-8290018, 28-8290028, 28-8290033, 28-8290034 and 28-8290036
PA-28-235 Cherokee.	28-10720 thru 28-7710089 and 28-E11
PA-28-236 Dakota.	28-7911001 thru 28-8511020
PA-28-201T Turbo Dakota.	28-7921001 thru 28-7921091
PA-28R-180 Arrow I.	28R-30004 thru 28R-30481, 28R-30483 thru 28R-7130013
PA-28R-200 Arrow II.	28R-30482, 28R-35001 thru 28R-7635545
PA-28R-201 Arrow III.	28R-7737001 thru 28R-7837317
PA-28R-201T Turbo Arrow III.	28R-7703001 thru 28R-7803373
PA-28RT-201 Arrow IV.	28R-7918001 thru 28R-8218026
PA-28RT-201T Turbo Arrow IV.	28R-7931001 thru 28R-8631006
PA-32-260 Cherokee.	32-1 thru 32-7800008
PA-32-300 Cherokee Six.	32-40000 thru 32-7940290
PA-32R-300 Lance.	32R-7680001 thru 32R-7880068
PA-32RT-300 Lance II.	32R-7885001 thru 32R-7985105
PA-32RT-300T Turbo Lance II.	32R-7787001 thru 32R-7967126
PA-32-301 Saratoga.	32-8006001 thru 32-8106087
PA-32-301T Turbo Saratoga.	32-8024001 thru 32-8124030
PA-32R-301 Saratoga SP.	32R-8013001 thru 32R-8113094
PA-32R-301T Turbo Saratoga SP.	32R-8029001 thru 32R-8129090
PA-34-200T Seneca II.	34-7570001 thru 34-8170092

Compliance: Required as indicated, unless already accomplished. To prevent smoke in the cockpit and possibly complete electrical failure resulting from shorting of ammeter terminal posts, accomplish the following:

(a) Within the next 50 hours time-in-service (TIS) after the effective date of this AD, replace the ammeter(s) with Ammeter Replacement Kit(s), Piper Part No. 765-186, on the above listed airplanes in accordance with the instruction contained in Piper Service Bulletin No. 811A, dated May 12, 1986.

(b) Airplanes may be flown in accordance with FAR 21.197 to a location where this AD can be accomplished.

(c) An equivalent method of compliance if used, must be approved by the Manager, Atlanta Aircraft Certification Office, FAA, 1075 Inner Loop Road, College Park, Georgia 30337.

All persons affected by this directive may obtain copies of the document(s)

referred to herein upon request to Piper Aircraft Corp., 2926 Piper Drive, Vero Beach, Florida 32960, or the FAA, Rules Docket, Office of Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

This AD supersedes AD 80-24-03, Amendment 39-3978.

This amendment becomes effective on August 21, 1986.

Issued in Kansas City, Missouri, on August 6, 1986.

Barry D. Clements,

Acting Director, Central Region.

[FR Doc. 86-18265 Filed 8-13-86; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 85-CE-31-AD; Amdt. 39-5392]

Airworthiness Directives; SOCATA Model TB20 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to SOCATA Model TB20 airplanes which requires mandatory replacement and modification of the elevator tab control to the elevator tab lever attachments. SOCATTA has reported that users of Model TB20 airplanes have noted abnormal play in the tab control. Play in the tab attachment can contribute to looseness of the tab control and lead to control breakdown. This modification will eliminate abnormal play in the tab control and will ensure integrity of the trim control system.

DATE: Effective Date: September 22, 1986. Compliance: As specified in the body of the AD.

ADDRESSES: SOCATA Service Bulletin (S/B) No. 24, dated January 1985, applicable to this AD may be obtained from SOCATA Groupe Aerospatiale, B.P. 38, 65001 Tarbes, France; Telephone (62) 93.97.30. A copy of this information is also contained in the Rules Docket, FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. T. Ebina, Brussels Aircraft Certification Office, AEU-100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium; Telephone 513.38.30; or Mr. John P. Dow Sr., FAA, ACE-109, 601 East 12th Street, Kansas City, Missouri 64106; Telephone (816) 374-6932.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an AD requiring modification of the SOCATA Model TB20 airplane elevator tab and controls, as described in the SOCATA S/B No. 24 dated January 1985, on certain Model TB20 airplanes, was published in the **Federal Register** on October 2, 1985 (50 FR 40201). The proposal resulted from a report from SOCATA that some users of its Model TB20 airplanes have noted play in the radial direction of the elevator tab control to the elevator tab lever attachment. SOCATA has determiend that any play in the radial direction of this attachment is unsafe and can lead to a control breakdown. As a result, SOCATA issued S/B No. 24, dated January 1985, which requires modification of the attachments of the elevator tab control to the elevator tab levers to assure integrity of the control system. The Director General of Civil Aviation (DGAC) who has responsibility and authority to maintain the continuing airworthiness of these airplanes in France has classified this Service Bulletin and the actions recommended therein by the manufacturer as mandatory to assure the continued airworthiness of the affected airplanes. On airplanes operated under French registration, this section has the same effect as an AD on airplanes certified for operation in the United States. The FAA relies upon the certification of the DGAC combined with FAA review of pertinent documentation in finding compliance of the design of these airplanes with the applicable United States airworthiness requirements and the airworthiness conformity of products of this design certificated for operation in the United States. The FAA has examined the available information related to the issuance of S/B No. 24, dated January 1985, and the mandatory classification of this Service Bulletin by the DGAC. Based on the foregoing, the FAA has determined that the condition addressed by S/B No. 24, dated January 1985, is an unsafe condition that may exist on other products of this type design certificated for operation in the United States, and issued the above cited proposal for amending Part 39. Interested persons have been afforded an opportunity to comment on the proposal.

One comment was received which confirmed that the modification in accordance with S/B No. 24 has been completed on all U.S. registered SOCATA Model TB20 airplanes. Because of assured compliance, the commenter felt that an AD was not necessary.

The FAA has considered this opinion and has the following comment. There is no assurance that in the future unmodified Model TB20 airplanes that are not under the current jurisdiction of the FAA may be imported from countries with which the United States has no bilateral agreement. There would be no requirement, in such a case, for the U.S. operator to comply with SOCATA S/B No. 24. This necessitates issuance of an AD to preclude this occurrence. No comments or objections were received on the FAA determination of the $35 per airplane related cost to the public. The FAA has subsequently determined that this regulation only involves airplanes which may be imported in the future and does not involve present domestic airplanes, therefore, there is no cost to the public associated with the issuance of this AD. Accordingly, the proposal is adopted without change. Therefore, I certify that this action (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) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "**ADDRESSES**".

List of Subjects in 14 CFR Part 39

Air transportation, Aviation safety, Aircraft, Safety.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the FAR as follows:

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

2. By adding the following new AD:

Socata: Applies to Model TB20 (Serial Numbers up to and including No. 479) airplanes certificated in any category.

Compliance: Required within 100 hours time-in-service after the effective date of this AD, unless already accomplished.

To assure the integrity of the trim control system, accomplish the following:

(a) Replace the attachment of the elevator tab control to the elevator tab levers in accordance with *Operation II* of the

Description paragraph of SOCATA Service Bulletin (S/B) No. 24, dated January 1985, as follows:

(1) Remove and discard the bolt, washers, spacer, nut and pin attaching the elevator trim tab rod eye-end-fitting to the trim tab levers. (Ref. Detail A of the figure in SOCATA Service Bulletin No. 24).

(2) Measure the rod length in order to reposition the eye-end-fitting.

(3) Remove the eye-end-fitting.

(4) Bore the eye-end-fitting at dia. 10 mm (.3937 inches + .0009, — .0000).

(5) Bore the two tab levers at dia. 6 mm (.2363 inches + .0007, — .0000).

(6) Grease the new bolt of dia. 6 mm (nominal 0.24 in.).

(7) Install the eye-end-fitting at the rod length measured using a new lock plate (Z00.5544.1.10.000).

(8) Install the dia. 6 mm bolt, the spacer and washer according to Detail A of the figure shown in SOCATA S/B No. 24.

(9) Tighten the castellated nut (apply a tightening torque of 0.42 m.daN — 37 inch.Pound), if necessary loosen to the lower notch.

(10) Install pin and grease.

(11) Bore the tab levers according to Detail B of the figure shown in SOCATA S/B No. 24 to 5 mm (.1969 inches + .0003, —.000) diameter.

(12) Grease the bolt.

(13) Install the spacer, the dia. 5 mm (nominal 0.20 in.) bolt, the washer and nut according to Detail B of the figure in SOCATA S/B No. 24.

(14) Tighten the nut (apply a tightening torque of 0.25 m.daN — 23 inch.Pound).

(15) Check the tab deflection angles (SOCATA TB20 Maintenance Manual (Section V.5)).

(b) Aircraft may be flown in accordance with Federal Aviation Regulation § 21.197 to a location where this AD can be accomplished.

(c) An equivalent method of compliance with this AD, if used, must be approved by the Manager, Aircraft Certification Staff, AEU–100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium.

All persons affected by this directive may obtain copies of the document(s) referred to herein upon request to SOCATA Groupe Aerospatiale, B. P. 38, 65001 Tarbes, France; or FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

This amendment becomes effective on September 22, 1986.

Issued in Kansas City, Missouri, on August 6, 1986.

Barry D. Clements,

Acting Director, Central Region.

[FR Doc. 86–18266 Filed 8–13–86; 8:45 am]

BILLING CODE 4910–13–M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1500

Hazardous Substances; Supplementary Definition of Strong Sensitizer

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule.

SUMMARY: The Commission issues a rule supplementing the definition of "strong sensitizer" in the Federal Hazardous Substances Act. The supplementary definition clarifies how the statutory definition should be interpreted in view of current scientific knowledge and explains the factors the Commission would consider in determining whether a substance is a strong sensitizer.

EFFECTIVE DATE: September 15, 1986.

FOR FURTHER INFORMATION CONTACT: Charles M. Jacobson, Division of Regulatory Management, Directorate for Compliance and Administrative Litigation, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 492–6400.

SUPPLEMENTARY INFORMATION:

Background

The Federal Hazardous Substances Act ("FHSA" or "the Act"), 15 U.S.C. 1261–1276, was enacted on July 12, 1960. Included within the Act's definition of "hazardous substance" is "a strong sensitizer," 15 U.S.C. 1261(f)(1)(iv). Section 2(k) of the FHSA, 15 U.S.C. 1261(k), defines "strong sensitizer" as:

> A substance which will cause on normal living tissue through an allergic or photodynamic process a hypersensitivity which becomes evident on reapplication of the same substance and which is designated as such by the [Consumer Product Safety Commission]. Before designating any substance as a strong sensitizer, the [Commission], upon consideration of the frequency of occurrence and severity of the reaction, shall find that the substance has a significant potential for causing hypersensitivity.

This definition is restated in the regulations under the FHSA published at 16 CFR 1500.3(b)(9).

On August 12, 1961, the Food and Drug Administration (which at that time administered the FHSA) issued regulations under the FHSA which supplemented the statutory definition of strong sensitizer. 26 FR 7334 (21 CFR 191.10(i)). In 1973, the responsibility for the administration of the FHSA was transferred to the Consumer Product Safety Commission, and the supplementary definition of strong sensitizer referred to above was recodified at 16 CFR 1500.3(c)(5).

Since that supplementary definition was issued in 1961, there have been many advances in understanding the basic principles involved in allergic hypersensitivity mechanisms. Based on modern concepts of immunology, the definition of strong sensitizer previously set forth in 16 CFR 1500.3(c)(5) was incorrect in at least two aspects. Therefore, on May 30, 1984, the Commission revoked the supplemental definition in § 1500.3(c)(5) and reserved that section. 49 FR 22464. [4] [1] In revoking the supplemental definition, the Commission noted that it had taken steps to establish an advisory panel on allergic sensitization which would have as one of its tasks the evaluation and refinement of terms and criteria used in defining strong sensitizers.

In September 1984, the Commission established the Technical Advisory Panel on Allergic Sensitization ("TAPAS") to assist the staff in developing appropriate terms and criteria for a supplemental definition of strong sensitizer that would reflect current scientific theory. The staff and the TAPAS developed new supplemental definitions to explain how the statutory definition of strong sensitizer would be applied. [5–9]

On November 7, 1985, the Commission proposed the supplemental definitions as interpretative rules under the FHSA. 50 FR 46300. No comments were received on the proposal.

Issues Addressed by the Supplemental Definition

The text of the definition of "strong sensitizer" in section 2(k) of the FHSA, 15 U.S.C. 1261(k), is reproduced above in the **"Background"** section of this notice. The way in which various terms in the statutory definition are explained or supplemented in the supplementary definition is described below.

Allergic. The supplemental definition, at subsection (i), points out that an "allergic" response is one that is directed by the immune system. Thus, the sensitization reaction is not caused by irritant or other nonallergenic qualities of the substance. [1 at ii–iii] The Commission staff and the TAPAS considered whether the term "allergic" should apply to substances that produce reactions similar to those caused by the immune system but which are not caused in this manner. These substances are sometimes referred to as

[1] Number in brackets indicate the number of the relevant document in the record, as listed in the Appendix to this notice.

"pseudoallergens. It was decided that pseudoallergens were not properly included in a statutory definition limited to substances that produce hypersensitivity reactions by an allergic process. [7 at 4, 8 at 2–4]

Reapplication of the substance. [See generally 7 at 4–5, 8 at 4] a sensitivity reaction does not occur as soon as one is first exposed to the substance; there must be a latent period during which immune cells become sensitized. After the immune response has developed, the sensitized tissue may react upon subsequent exposure to very small amounts of the sensitizing agent. [1 at ii–iii]

The fact that some time is needed for the development of the immune response is reflected in the specification in the statutory definition of "strong sensitizer" that the substance produce a "hypersensitivity which becomes evident on reapplication of the same substance." Some substances, however, can produce a sensitivity reaction as the result of the person's first known exposure. Some of these reactions occur because the person, without his or her knowledge, has been exposed to the substance in the past. Also, some substances have the ability to cross-react, so that a sensitivity to one substance will produce a sensitivity reaction upon exposure to a similar substance to which the person has not been previously exposed.

Some substances, however, have the ability to produce a sensitivity reaction solely as the result of a person's first exposure to the substance. This process is called active sensitization. Active sensitizers tend to be the more potent of the substances that can cause sensitization, and it may be that the ability of active sensitizers to persist in or on the body is sufficiently great, in comparison to the time needed for the development of sensitization, that one exposure serves as both application and reapplication. [8 at 4] The supplemental definition of strong sensitizer clarifies in subsection (i) that active sensitizers are included within the class of substances that can be determined to be strong sensitizers. This view was recommended by the TAPAS. [8 at 4] The Commission interprets the relevant portion of the statutory definition of strong sensitizer, that the strong sensitizer shall produce a hypersensitivity that becomes evident on reapplication of the substance, as referring to the mechanism by which sensitivity is thought to develop rather than as intended to exclude from the category of strong sensitizers those substances that are capable of active sensitization. In the first place, there is no reason to believe that the Congress intended to exclude from the category of strong sensitizers some of the strongest sensitizers that exist. Also, it is likely that the physiological effect of active sensitizers is equivalent to reapplication of the sensitizer. In any event, even where a sensitivity reaction may occur on first exposure to an active sensitizer, the fact that the reaction is one of hypersensitivity will evidence itself on reapplication of the substance, thereby satisfying the statutory definition in this regard. Thus, the Commission concludes that including active sensitizers within the category of strong sensitizers is consistent with the definition of strong sensitizer in the FHSA.

Photodynamic. The statutory definition specifies that the hypersensitivity must be caused by an "allergic" or "photodynamic" process. The supplemental definition discusses what is meant by allergic, as discussed above. As the Commission pointed out when the previous supplemental definition was revoked, photodynamic reactions should be considered as a type of phototoxic reaction. 49 FR 22464, 22465. [4] Phototoxic chemicals are thought to act through a mechanism similar to irritation and not to require prior exposure. How the present knowledge about how photodynamic chemicals function and are defined would relate to the statutory definition of strong sensitizer is a complex question that the Commission believes should be addressed in the context of a particular chemical. In addition, the Commission's staff is not aware of any household product subject to the FHSA that would cause significant exposure of consumers to a photodynamic chemical. Therefore, the Commission has decided not to attempt at this time to issue a supplemental definition concerning strong sensitizers that cause hypersensitivity by a photodynamic process. The Commission notes, however, that regardless of whether a photodynamic chemical may properly be considered a strong sensitizer, it, in an appropriate cause could be considered a hazardous substance under the FHSA by virtue of its being toxic, FHSA section 2(f)(1)(A)(i), 15 U.S.C. 1261(f)(1)(A)(i).

Route of exposure. The supplemental definition, at subsection (v), points out that the sensitivity reaction may occur after the sensitizer is applied to the body's tissues by contact, ingestion, or inhalation and that relevant exposure is not limited to skin contact.

Normal living tissue. The statutory definition of strong sensitizer specifies that the hypersensitivity is caused on "normal living tissue." The supplemental definition, at subsection (v), makes explicit what is well known to allergists, dematologists, toxicologists, internists, pulmonary specialists, etc.: that targets for hypersensitivity reactions include the skin and other organ systems, such as the respiratory or gastrointestinal tracts, either singularly or in combination.

Severity of reaction. One of the factors the Commission is required by the statutory definition of strong sensitizer to consider before determining that a particular substance is a strong sensitizer is the severity of reaction that would be caused by the substance. The supplemental definition, at subsection (iii), points out that the minimal severity of reaction for this purpose is that the sensitizer produce a clinically important allergic reaction and gives examples of reactions that would be deemed clinically important. Such reactions would include physical discomfort, distress, hardship, and functional or structural impairment. The supplemental definition further points out that these may not necessarily require medical treatment or produce loss of functional activities.

Significant potential for causing hypersensitivity. The statutory definition of strong sensitizer requires that, before designating a substance as a strong sensitizer, the Commission "upon consideration of the frequency of occurrence and severity of the reaction, shall find that the substance has a significant potential for causing hypersensitivity." The supplemental definition at subsection (iv) points out that whether a substance has a significant potential for causing hypersensitivity is a relative determination that must be made separately for each substance under consideration. The determination may be based on the chemical or functional properties of the substance, documented medical evidence of allergic reactions obtained from epidemiological surveys or individual case reports, controlled *in vitro* or *in vivo* experimental assays, or susceptibility profiles in normal (healthy) or allergic subjects.

The ultimate determination that a substance is a strong sensitizer. The ultimate determination that a substance is a strong sensitizer is one that must be made as a matter of the Commission's judgment after considering the factors discussed above. Subsection (ii) of the supplementary definition notes that in making this determination the Commission shall consider the available data for a number of factors. These

factors would include any or all of the following, as available:

Quantitative or qualitative risk assessment, frequency of occurrence and range of severity of reactions in normal or susceptible populations, the result of experimental assays in animals or humans (considering dose-response factors), with human data taking precedence over animal data, other data on potency or bioavailability of sensitizers, data on reactions to a cross-reacting substance or to a chemical that metabolizes or degrades to form the same or a cross-reacting substance, the threshold of human sensitivity, epidemiological studies, case histories, occupational studies, and other appropriate *in vivo* and *in vitro* test studies.

The Commission believes the supplemental definition will convey useful information concerning the Commission's views on the scope of the statutory definition and the types of information the Commission will consider in making any determinations that a substance is a strong sensitizer. The ultimate determination that a substance is a strong sensitizer, however, is largely the result of the exercise of Commission judgment and policy. Thus, it is not appropriate to attempt to fashion specific criteria by which to determine that substances are or are not strong sensitizers.

The Commission also notes that even where a chemical is determined to be a strong sensitizer, section 2(f)(1)(A) of the FHSA requires that in order for a strong sensitizer to be a hazardous substance, it must be capable of causing "substantial personal injury or substantial illness during or as a proximate result of any customary or reasonably foreseeable handling or use, including reasonably foreseeable ingestion by children." 15 U.S.C. 1261(f)(1)(A). This latter determination requires consideration of the route and level of exposure that can be expected to be presented by the substance as incorporated in the particular household product involved. Theoretically, a determination that a substance is a strong sensitizer could be made on the basis of the general attributes of the chemical as they relate to sensitization. In practice, however, the Commission expects that the nature and level of the exposure to the chemical from the use of reasonably foreseeable misuse of the product would be taken into consideration during a proceeding to determine whether a particular substance is a strong sensitizer.

Environmental Considerations

The supplemental definition is an interpretive rule issued under section 10 of the FHSA (15 U.S.C. 1269), explaining the Commission's views on the current requirements of section 2 of the FHSA (15 U.S.C. 1261) concerning strong sensitizers and discussing the factors the Commission intends to use in future determinations that a substance is a strong sensitizer. However, interested members of the public are free to argue, in any future proceeding to declare a substance a strong sensitizer, that other interpretations of the FHSA are in fact more appropriate. In addition, such arguments may be made in any judicial review of the Commission's determination that a substance is a strong sensitizer. Therefore, the Commission's supplemental definition is intended to be informative and advisory concerning the Commission's views on the requirements of the FHSA. The definition, however, is not binding in and of itself. Therefore, no product will be directly affected by the issuance of this interpretative rule. Therefore, the Commission concludes that the supplemental definition issued below will have little or no potential for affecting the human environment and that neither an environmental assessment nor an environmental impact statement is required. *See* 16 CFR Part 1021.

Regulatory Flexibility Act Certification

For the reasons explained in the preceding paragraph, no products will be directly affected by the rule issued below. Therefore, the Commission certifies that this rule will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 16 CFR Part 1500

Consumer protection, Hazardous materials, Hazardous substances, Imports, Infants and children, Labeling, Law enforcement, Toys.

Conclusion

For the reasons discussed above, the Commission amends 16 CFR Part 1500 to read as follows:

PART 1500—[AMENDED]

1. The authority citation for Part 1500 is revised to read as follows:

Authority: 15 U.S.C. 1261–1276.

2. Section 1500.3 is amended by adding paragraph (c)(5) to read as follows:

§ 1500.3 Definitions.

* * * * *

(c) * * *

(5) The definition of "strong sensitizer" in section 2(k) of the Federal Hazardous Substances Act [restated in 16 CFR 1500.3(b)(9)] is supplemented by the following definitions:

(i) *Sensitizer.* A "sensitizer" is a substance that will induce an immunologically-mediated (allergic) response, including allergic photosensitivity. This allergic reaction will become evident upon reexposure to the same substance. Occasionally, a sensitizer will induce and elicit an allergic response on first exposure by virtue of active sensitization.

(ii) *Strong.* In determining that a substance is a "strong" sensitizer, the Commission shall consider the available data for a number of factors. These factors should include any or all of the following (if available): Quantitative or qualitative risk assessment, frequency of occurrence and range of severity of reactions in healthy or susceptible populations, the result of experimental assays in animals or humans (considering dose-response factors), with human data taking precedence over animal data, other data on potency or bioavailability of sensitizers, data on reactions to a cross-reacting substance or to a chemical that metabolizes or degrades to form the same or a cross-reacting substance, the threshold of human sensitivity, epidemiological studies, case histories, occupational studies, and other appropriate *in vivo* and *in vitro* test studies.

(iii) *Severity of reaction.* The minimal severity of reaction for the purpose of designating a material as a "strong sensitizer" is a clinically important allergic reaction. For example, strong sensitizers may produce substantial illness, including any or all of the following: physical discomfort, distress, hardship, and functional or structural impairment. These may, but not necessarily, require medical treatment or produce loss of functional activities.

(iv) *Significant potential for causing hypersensitivity.* "Significant potential for causing hypersensitivity" is a relative determination that must be made separately for each substance. It may be based upon the chemical or functional properties of the substance, documented medical evidence of allergic reactions obtained from epidemiological surveys or individual case reports, controlled *in vitro* or *in vivo* experimental assays, or susceptibility profiles in normal or allergic subjects.

(v) *Normal living tissue.* The allergic hypersensitivity reaction occurs in normal living tissues, including the skin and other organ systems, such as the respiratory or gastrointestinal tract, either singularly or in combination, following sensitization by contact, ingestion, or inhalation.

* * * * *

Dated: August 8, 1986.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

Appendix—List of Relevant Documents in the record

1. Report to CPSC, "Strong Sensitizers Final Monograph," submitted by J.T. Maddock, M. Sittenfield, and D. Nell, Auerbach Associates, Inc., November 18, 1977.
2. Comment on proposed revocation of definition of strong sensitizer from Burlington Industries, Inc.
3. Memorandum to the Commission from the Directorate for Health Sciences, "Final Rule to Revoke the Regulatory Definition of Strong Senitizer," dated April 13, 1984.
4. **Federal Register** notice to revoke the regulatory supplemental definition of strong sensitizer and remove and reserve 16 CFR 1500.3(c)(5). 49 FR 22464; May 30, 1984.
5. Directorate for Health Sciences memorandum, "Supplemental Definitions to the 'Strong Sensitizer' Definition in the Federal Hazardous Substances Act," dated June 26, 1985.
6. "Technical Advisory Panel on Allergic Sensitization [TAPAS] Paper concerning a Supplemental Definition to the Strong Sensitizer Definition in the Federal Hazardous Substances Act."
7. Minutes of the November 19–20, 1984, TAPAS meeting.
8. Minutes of the March 4, 1985, TAPAS meeting.
9. Draft minutes of the June 24, 1985, TAPAS meeting.
10. "Briefing Package on a Proposed Definition to Supplement the Federal Hazardous Substances Act Definition of Strong Sensitizer," dated September 23, 1985.
11. Memorandum to Commissioner Saundra Brown Armstrong from the Directorate for Health Sciences, "Applicability of the Draft Supplemental Definitions for Strong Sensitizer to Sensitization of Nails or Hair," dated October 22, 1985.

[FR Doc. 86–18259 Filed 8–13–86; 8:45 am]

BILLING CODE 6355–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 556 and 558

Animal Drugs, Feeds, and Related Products; Narasin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Elanco Products Co., providing for safe and effective use of a Type A narasin article to make a Type C broiler feed used for prevention of certain forms of coccidiosis. FDA is also amending the regulations to provide for the safe concentrations of narasin residues in edible chicken tissues.

EFFECTIVE DATE: August 14, 1986.

FOR FURTHER INFORMATION CONTACT: Adriano R. Gabuten, Center for Veterinary Medicine (HFV–135), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4913.

SUPPLEMENTARY INFORMATION: Elanco Products Co., a Division of Eli Lilly & Co., 740 South Alabama St., Indianapolis, IN 46285, filed NADA 118–980. The NADA provides for use of Monteban® (narasin) Type A articles containing 36, 45, 54, 72, and 90 grams per pound narasin to make Type C broiler feeds containing 54 to 72 grams narasin per ton used to prevent certain forms of *Eimeria* coccidiosis. The NADA is approved and the regulations are amended accordingly. The regulations are also amended to provide for safe concentrations of narasin residues in edible chicken tissues. The basis for approval of the NADA is discussed in the freedom of information summary.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday. This action was considered under FDA's final rule implementing the National Environmental Policy Act (21 CFR Part 25).

List of Subjects

21 CFR Part 556

Animal drugs, Foods.

21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, Parts 556 and 558 are amended as follows:

PART 556—TOLERANCES FOR RESIDUES OF NEW ANIMAL DRUGS IN FOOD

1. The authority citation for 21 CFR Part 556 continues to read as follows:

Authority: Sec. 512, 82 Stat. 343–351 (21 U.S.C. 360b); 21 CFR 5.10 and 5.83.

2. By adding new § 556.428 to read as follows:

§ 556.428 Narasin.

A tolerance for narasin residues in chickens is not needed. The safe concentrations for total narasin residues in uncooked edible chicken tissues are: 0.6 part per million in muscle; 1.8 parts per million in liver; 1.2 parts per million in skin with adhering fat and fat. A tolerance refers to the concentration of marker residues in the target tissue used to monitor for total drug residues in the target animals. A safe concentration refers to the total residue concentration considered safe in edible tissues.

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

3. The authority citation for 21 CFR Part 558 continues to read as follows:

Authority: Sec. 512, 82 Stat. 343–351 (21 U.S.C. 306b); 21 CFR 5.10 and 5.83.

4. Section 558.4 is amended in paragraph (d) in the table entitled "Category I" by adding a new entry alphabetically to read as follows:

§ 558.4 Medicated feed applications.

* * * * *

(d) * * *

CATEGORY I

Drug	Assay limits type A percent [1]	Type B maximum (200x)	Assay limits (percent of labeled amount) Type B/C [2]
*	*	*	*
Narasin	90–110	7.2 g/lb. (1.6%).	85–115
*	*	*	*

[1] Percent of labeled amount.

[2] Values given represent ranges for either Type B or Type C medicated feeds. For those drugs that have two range limits, the first set is for a Type B medicated feed and the second set is for a Type C medicated feed. These values (ranges) have been assigned in order to provide for the possibility of dilution of a Type B medicated feed with lower assay limits to make a Type C medicated feed.

* * * * *

5. By adding new § 558.363 to read as follows:

§ 558.363 Narasin.

(a) *Approvals.* Type A medicated articles; 36, 45, 54, 72, and 90 grams per pound to 000986 in § 510.600 of this chapter.

(b) *Tolerances.* See § 556.428 of this chapter.

(c) *Conditions of use.*—(1) *Amount.* 54 to 72 grams per ton.

(2) *Indications for use.* For prevention of coccidiosis caused by *Eimeria necatrix, E. tenella, E. acervulina, E. brunetti, E. mivati,* and *E. maxima.*

(3) *Limitations.* For broiler chickens only. Feed continuously as sole ration. Do not allow adult turkeys, horses, or other equines access to narasin formulations. Ingestion of narasin by these species has been fatal.

Dated: August 8, 1986.

Gerald B. Guest,

Acting Director, Center for Veterinary Medicine.

[FR Doc. 86-18280 Filed 8-13-86; 8:45 am]

BILLING CODE 4160-01-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1601

Procedural Regulations; Petitions to the Commission to Revoke or Modify a Subpoena; Revision of Authority Citation

AGENCY: Equal Employment Opportunity Commission (EEOC).

ACTION: Final rule.

SUMMARY: The Equal Employment Opportunity Commission is revising its regulation concerning petitions to revoke or modify subpoenas issued by the Commission. The new regulation streamlines the subpoena appeal process and will expedite determinations on petitions to revoke or modify.

DATES: September 15, 1986.

FOR FURTHER INFORMATION CONTACT: Nicholas M. Inzeo, Assistant Legal Counsel, Legal Services, or James M. Lager, Staff Attorney, at (202) 634-6690.

SUPPLEMENTARY INFORMATION: The Commission is revising its subpoena appeal regulations to eliminate the delay between the filing of a petition to revoke or modify a Commission subpoena and a determination on the petition. The new regulation permits the General Counsel or issuing Director to grant a petition to revoke or modify. If the General Counsel or issuing Director would deny the petition, the petition and the General Counsel's or Director's comments will be sent to the Commission for a final determination. In addition, the revision includes stylistic changes to clarify the regulation. The authority citation has also been revised to provide official citations.

For the Commission.

Clarence Thomas,

Chairman.

PART 1601—[AMENDED]

29 CFR Part 1601 is revised to read as follows:

1. The authority citation for Part 1601 is revised to read as follows:

Authority: Title VII of the Civil Rights Act of 1964, as amended, Pub. L. No. 88-352, 78 Stat. 253; Pub. L. No. 89-554, 80 Stat. 662; Pub. L. No. 92-261, 86 Stat. 103, Pub. L. No. 95-555, 92 Stat. 2076; Pub. L. No. 95-598, 92 Stat. 269 (42 U.S.C. 2000e to 2000e-17).

2. Section 1601.16(b) is revised to read as follows:

§ 1601.16 Access to and production of evidence; testimony of witnesses; procedure and authority.

* * * * *

(b) (1) Any person served with a subpoena who intends not to comply shall petition the issuing Director or petition the General Counsel, if the subpoena is issued by a Commissioner, to seek its revocation or modification. Petitions must be mailed to the Director or General Counsel, as appropriate, within five days (excluding Saturdays, Sundays and Federal legal holidays) after service of the subpoena. Petitions to the General Counsel shall be mailed to 2401 E Street, NW., Washington, DC 20507. A copy of the petition shall also be served upon the issuing official.

(2) The petition shall separately identify each portion of the subpoena with which the petitioner does not intend to comply and shall state, with respect to each such portion, the basis for noncompliance with the subpoena. A copy of the subpoena shall be attached to the petition and shall be designated "Attachment A." Within eight calendar days after receipt or as soon as practicable, the General Counsel or Director, as appropriate, shall either grant the petition to revoke or modify in its entirety or make a proposed determination on the petition, stating reasons, and submit the petition and proposed determination to the Commission for its review and final determination. A Commissioner who has issued a subpoena shall abstain from reviewing a petition concerning that subpoena. The Commission shall serve a copy of the final determination on the petitioner.

* * * * *

[FR Doc. 86-18368 Filed 8-13-86; 8:45 am]

BILLING CODE 6750-06-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 901

Approval of Permanent Program Amendments From the State of Alabama Under the Surface Mining Control and Reclamation Act of 1977

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSMRE), Interior.

ACTION: Final rule.

SUMMARY: The Director, OSMRE, is announcing the approval of program amendments submitted by Alabama to modify its approved permanent regulatory program (hereinafter referred to as the Alabama program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendments were submitted on May 7, 1986, and are contained in Alabama Senate Bill 445. The amendments extend the existence of the Alabama Surface Mining Commission (ASMC) and amend sections of the Code of Alabama 1975.

After providing opportunity for public comment and conducting a thorough review of the program amendments, the Director, OSMRE, has determined that the amendments meet the requirements of SMCRA and the Federal regulations. Accordingly, the Director is approving the program amendments. The Federal rules at 30 CFR Part 901 codifying decisions concerning the Alabama program are being amended to implement this action.

This final rule is being made effective immediately in order to expedite the State program amendment process and encourage States to conform their programs to the Federal standards without undue delay; consistency of the State and Federal standards is required by SMCRA.

EFFECTIVE DATE: August 14, 1986 .

FOR FURTHER INFORMATION CONTACT: Mark Boster, Acting Director, Birmingham Field Office, Office of Surface Mining Reclamation and Enforcement, 228 West Valley Avenue, 3rd Floor, Homewood, Alabama 35209; Telephone: (205) 254-0890.

SUPPLEMENTARY INFORMATION:

I. Background

Information regarding the general background on the Alabama State program, including the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval of the Alabama program can be found at 47 FR 22020 (May 20, 1982) and 48 FR 34026 (July 27, 1983). Subsequent actions concerning the Alabama program are identified in 30 CFR 901.15.

II. Proposed Amendment

On May 7, 1986, Alabama submitted proposed amendments to its approved regulatory program, contained in Alabama Senate Bill 445 (S. 445). The bill relates to the Alabama Sunset Law, and continues the existence and functioning of the ASMC. The bill also amends sections 9–16–73, 9–16–74, 9–16–78, 9–16–85 and 9–16–88 of the Code of Alabama 1975 relating to surface mining statutory requirements.

On June 9, 1986, OSME announced receipt of the amendments and procedures for a public comment period and for a public hearing on the substantive adequacy of the proposed amendments (51 FR 20841). Since no requests for a public hearing were received, the public hearing scheduled for July 7, 1986, was not held. The comment period ended on July 9, 1986.

III. Director's Findings

The Director finds, in accordance with SMCRA and 30 CFR 732.15 and 732.17, that the amendments submitted by Alabama on May 7, 1986, contained in Senate Bill 445, meet the requirements of SMCRA and 30 CFR Chapter VII. Only those provisions of particular interest are discussed in the specific findings which follow, and lack of discussion of a specific provision does not indicate or imply any deficiency in the provision.

1. Section 1 of S. 445 declares that the Sunset Committee recommends the continuance of the Alabama Surface Mining Commission until October 1, 1987, with the additional recommendation for statutory changes in section 3 of the bill. Section 2 of S. 445 continues the existence of the ASMC and sections 9–16–70 through 9–16–107 of the Code of Alabama 1975 until October 1, 1987. The section provides that the Sunset Committee will review the ASMC between the 1986 and 1987 Regular Legislative Sessions and that the ASMC will be terminated October 1, 1987, unless a bill passes at the 1987 Regular Session to continue the ASMC.

The Director finds that these sections of S. 445 continue the permanent regulatory program in Alabama that was previously approved by the Secretary on May 20, 1982 (47 FR 22020) and are therefore consistent with and no less effective than the Federal requirements.

2. Section 3 of S. 445 amends sections 9–16–73, 9–16–74, 9–16–78, 9–16–85 and 9–16–88 of the Code of Alabama 1975.

Section 9–16–73 of the Code of Alabama concens the composition of the ASMC and how its members are determined. It is amended in paragraph (e) to provide that the ASMC director must have a working knowledge of the Federal and State surface mining laws and regulations. Section 3 is also amended to add paragraph (k) which establishes a subcommittee of the Legislative Sunset Committee to be known as the Legislative Surface Mining Oversight Committee. The Committee shall be consulted on all proposed revisions of the commission's rules and regulations. The section is further amended to add paragraph (1) to provide that the ASMC shall appoint a technical assistance to serve as a liaison between the ASMC and the oversight committee. The Director finds no conflict with the oversight committee. The Director finds no conflict with the requirements of SCMRA and the Federal regulations, and finds the amendments consistent with Federal requirements.

Section 9–16–74 of the Alabama Code contains the powers conferred on the ASMC. The section is amended to stipulate that the ASMC has the power to adopt, amend, suspend, repeal and enforce reasonably necessary rules and regulations, "provided such rules and regulations shall not be more stringent than those promulgated by federal law, or rule or regulation, to control surface coal mining operations . . ." Since neither SMCRA nor the Federal regulations contain language which would require a State to adopt standards more stringent than the Federal standards, the Director finds the Alabama amendment consistent with the Federal requirements.

Section 9–16–78 of the Alabama Code is amended to add paragraph (d) which provides that hearing officers' offices and facilities for holding and conducting hearings will be located in a separate facility from the facility in which the ASMC is located. The amendment also places restrictions on ex-parte communications relating to ASMC business or proposed or pending cases. The Director finds no conflict with the provisions of SMCRA or the Federal regulations and finds, therefore, that the Alabama amendment is consistent with Federal requirements.

Section 9–16–85 of the Code of Alabama is amended to require the regulatory authority to grant, require modification of, or deny a permit within 30 days following public notification and opportunity for a public hearing. The previous language allowed 60 days. The Director finds the Alabama amendment to be consistent with SMCRA sections 510(a) and 514(b) and no less effective than 30 CFR 773.15(a), which require the regulatory authority to grant, require modification of, or deny the application for a permit in a reasonable time set by the regulatory authority.

Section 9–16–88 of the Code of Alabama is amended to require that, if an informal conference is held on an initial or revised permit application, the regulatory authority shall issue a written finding granting or denying the permit in whole or in part and stating the reasons therefor within 30 days of the hearings. The previous language allowed 60 days. Section 514(a) of SMCRA specifies that if informal conferences are held for initial or revised permits, the regulatory authority shall issue a finding granting or denying or denying the permit in whole or in part and stating reasons, within 60 days of the hearings. The director finds that although the State's amended language provides less review time for the regulatory authority than does the Federal statute, the State's 30-day limit would fall within the 60 days as specified by the Federal language and is therefore consistent with and no less stringent than the Federal provisions.

4. Section 4 of S. 445 states that the legislature concurs in the recommendation of the Sunset Committee as provided in sections 1, 2 and 3 of the bill. Section 5 establishes severability of the provisions of the bill. Section 6 repeals all laws or parts of laws in conflict with the provisions of the bill. The section expressly repeals Rulemaking 85–2, of September 17, 1985, concerning the ASMC rules at 880–X–2E. The section provides that rules proposed subsequent to 90 days following S. 445 becoming law, shall be promulgated pursuant to the Alabama Administrative Procedure Act, Chapter 22, Title 41, Code of Alabama 1975. Section 7 of S. 445 states that the Act shall become effective immediately upon approval by the governor or upon its otherwise becoming a law.

The Director finds no conflict with any Federal provisions. The Director notes that the provision in section 6 which repeals laws or parts of laws in conflict with the bill, does not exempt the State from obtaining the Director's approval for the repeal of any part of the approved Alabama program that may be in conflict with the specific provision in section 3 of the bill, regarding State regulations more stringent than the

Federal provisions. Federal action on Alabama's Rulemaking 85–2 of September 17, 1985, has already been withdrawn in response to Alabama's request of May 7, 1986 (51 FR 19858, June 3, 1986). The rulemaking pertained to requirements for operations extracting coal incidental to extraction of other minerals. The Director finds, therefore, that sections 4 through 8 of S. 445 are consistent with the Federal requirements.

IV. Public Comments

No public comments were received on this rulemaking.

V. Director's Decision

The Director, based on the findings above, is approving the May 7, 1986 amendments to the Alabama program contained in Senate Bill 445. The Director is amending 30 CFR Part 901 to reflect the approval of the above State program modifications.

VI. Additional Determinations

1. Compliance with the National Environmental Policy Act

The Secretary has determined that, pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. Executive Order No. 12291 and the Regulatory Flexibility Act

On August 28, 1981, the Office of Management and Budget (OMB) granted OSMRE an exemption from sections 3, 4, 7 and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, for this action OSMRE is exempt from the requirement to prepare a Regulatory Impact Analysis and this action does not require regulatory review by OMB.

The Department of the Interior has determined that this rule will not have a significant economic effect on a substanital number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule will not impose any new requirements; rather, it will ensure that existing requirements established by SMCRA and the Federal rules will be met by the State.

3. Paperwork Reduction Act

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 901

Coal mining, Intergovernmental relations, Surface mining, Undergound mining.

Dated: August 8, 1986.

Carl C. Close,

Acting Deputy Director, Operations and Technical Services.

PART 901—ALABAMA

30 CFR Part 901 is amended as follows:

1. The authority citation for Part 901 continues to read as follows:

Authority: Pub. L. 95–87, Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq.*).

2. 30 CFR 901.15 is amended by adding a new paragraph (h) to read as follows:

§ 901.15 Approval of regulatory program amendments.

* * * * *

(h) Amendments to the Alabama permanent regulatory program submitted to OSMRE on May 7, 1986, as contained in Alabama Senate Bill 445 are approved effective August 14, 1986.

[FR Doc. 86–18352 Filed 8–13–86; 8:45 am]

BILLING CODE 4310–05–M

30 CFR Part 914

Approval of Permanent Program Amendment From the State of Indiana Under the Surface Mining Control and Reclamation Act of 1977

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSMRE), Interior.

ACTION: Final rule.

SUMMARY: OSMRE is announcing the approval of an amendment to the Indiana Permanent Regulatory Program (hereinafter referred to as the Indiana program) received by OSMRE pursuant to the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

On May 29, 1986, Indiana submitted an amendment to its program to amend the Indiana regulations concerning permit fees.

After providing opportunity for public comment and conducting a thorough review of the program amendments, the Director, OSMRE, has determined that the amendment meets the requirements of SMCRA and the Federal regulations. Accordingly, the Director is approving the amendment. The Federal rules at 30 CFR Part 914 which codify decisions concerning the Indiana program are being amended to implement this action.

This final rule is being made effective immediately in order to expedite the State program amendment process and encourage States to conform their programs to the Federal standards without undue delay; consistency of the State and Federal standards is required by SMCRA.

EFFECTIVE DATE: August 14, 1986.

FOR FURTHER INFORMATION CONTACT: Mr. Richard D. Rieke, Director, Indianapolis Field Office, Office of Surface Mining Reclamation and Enforcement, Federal Building and U.S. Courthouse, Room 522, 46 East Ohio Street, Indianapolis, Indiana 46204. Telephone: (317) 269–2600.

SUPPLEMENTARY INFORMATION:

I. Background

Information regarding the general background on the Indiana State program, including the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval of the Indiana program can be found in the July 26, 1982 **Federal Register** (47 FR 32071–32108). Subsequent actions concerning the Indiana program are identified in 30 CFR 914.15 and 30 CFR 914.16.

II. Discussion of Proposed Amendment

On May 29, 1986, the Indiana Department of Natural Resources submitted to OSMRE pursuant to 30 CFR 732.17, a proposed State program amendment for approval. The amendment modifies the Indiana regulations at 310 IAC 12–3–8 to require that permit applications be accompanied by fees of $100 per application filed, and $100 for each acre or fraction thereof described in the application and for which fees have not been previously paid.

OSMRE published a notice in the **Federal Register** on July 3, 1986, announcing receipt of the proposed program amendments and procedures for the public comment period and for requesting a public hearing on the substantive adequacy of the proposed amendments (51 FR 24387). The public comment period ended August 4, 1986. There was no request for a public hearing and the hearing scheduled for July 28, 1986, was not held.

III. Director's Findings

The Director finds, in accordance with SMCRA and 30 CFR 732.15 and 732.17, that the program amendment submitted by Indiana on May 29, 1986, meets the requirements of SMCRA and 30 CFR Chapter VII.

Indiana has amended its rules at 310 IAC 12–3–8 for permit fees, to require that each application for a surface coal mining and reclamation permit be accompanied by a fee of $100, plus $100 for each acre or fraction thereof described in the permit application for

which fees have not been paid previously.

Section 507(a) of SMCRA provides that applications for a surface coal mining and reclamation permit be accompanied by a fee as determined by the regulatory authority. The Director finds, therefore, that the Indiana amendment is consistent with and no less stringent than the Federal requirements.

IV. Public Comments

No public comments were received on this rulemaking.

V. Director's Decision

The Director, based on the above findings, is approving the Indiana regulatory amendment as submitted on May 29, 1986, under the provisions of 30 CFR 732.17. The Federal rules at 30 CFR Part 914 are being amended to implement this decision.

VI. Procedural Matters

1. Compliance With the National Environmental Policy Act

The Secretary has determined that, pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. Executive Order No. 12291 and the Regulatory Flexibility Act

On August 28, 1981, the Office of Management and Budget (OMB) granted OSMRE an exemption from sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB. The Department of the Interior has determined that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule will not impose any new requirements; rather, it will ensure that existing requirements established by SMCRA and the Federal rules will be met by the State.

3. Paperwork Reduction Act

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 914

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Dated: August 8, 1986.

Carl C. Close,

Acting Deputy Director, Operations and Technical Service.

PART 914—INDIANA

30 CFR Part 914 is amended as follows:

1. The authority citation for Part 914 continues to read as follows:

Authority: Pub. L. 95–87, Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq.*).

2. 30 CFR 914.15 is amended by adding a new paragraph (n) as follows:

§ 914.15 Approval of regulatory program amendments.

* * * * *

(n) Amendments to the Indiana regulations at 310 IAC 12–3–8 regarding permit fees, submitted by the Indiana Department of Natural Resources to OSMRE on May 29, 1986, are approved effective August 14, 1986.

[FR Doc. 18353 Filed 8–13–86; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD8–86–06]

Drawbridge Operation Regulations; Blackwater River, FL

AGENCY: Coast Guard, DOT.

ACTION: Final rule—Revocation.

SUMMARY: This amendment revokes the regulations for the Seaboard System Railroad Bridge over Blackwater River, mile 2.8 at Milton, Florida, because the drawbridge has been replaced by a fixed bridge. Notice and public procedure have been omitted from this action due to removal of the bridge concerned.

EFFECTIVE DATE: This rule becomes effective on September 15, 1986.

FOR FURTHER INFORMATION CONTACT: Perry Haynes, Chief, Bridge Administration Branch, telephone (504) 589–2965.

SUPPLEMENTARY INFORMATION: This action has no economic consequences. It merely revokes regulations that are now meaningless because they pertain to a drawbridge that no longer exists. Consequently, this action is considered to be non-major under Executive Order 12291 and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034, February 26, 1979). Since there is no economic impact, a full regulatory evaluation is unnecessary. Because no notice of proposed rulemaking is required under 5 U.S.C. 553, this action is exempt from the Regulatory Flexibility Act (5 U.S.C. 605(b)). However, this action will not have a significant effect on a substantial number of small entities.

Drafting Information

The drafters of this rule are Perry Haynes, project officer, and Lieutenant Commander James Vallone, project attorney.

List of Subjects in 33 CFR Part 117

Bridges.

PART 117—[AMENDED]

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

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

Authority: 33 U.S.C. 499; 49 CFR 1.46(c)(5); 33 CFR 1.05–1(g)(3).

§ 117.271 [Amended]

2. Section 117.271(b) is revoked.

Dated: July 30, 1986.

E.B. Acklin,

Acting Commander.

[FR Doc. 86–18359 Filed 8–13–86; 8:45 am]

BILLING CODE 4910–14–M

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 34

Yosemite National Park, CA; El Portal Administrative Site Regulations

AGENCY: National Park Service, Interior.

ACTION: Final rule.

SUMMARY: These regulations provide for use and management, protection of natural and cultural resources, and fire protection within the El Portal Administrative Site. The action will promote the orderly use and management of the administrative site in furtherance of the implementation of the Yosemite General Management Plan and assure a timely and effective official response to law enforcement and fire emergencies in this isolated rural community.

EFFECTIVE DATE: September 15, 1986.

FOR FURTHER INFORMATION CONTACT: John M. Morehead, Superintendent, Yosemite National Park, P.O. Box 577, Yosemite, CA 95389, Telephone: (209) 372–0201.

SUPPLEMENTARY INFORMATION:

Background

The Act of September 2, 1958, (72 Stat. 1772; 16 U.S.C. 47–1(*e*)) established the El Portal Administrative Site, west of Yosemite National Park, directing the Secretary of the Interior to administer the site so that certain facilities and services could be located outside the park. The legislation provided that the administrative site would not be subject to the laws and regulations governing the park. To this end, the legislation further provided that the Secretary shall have supervision, management and control of the area and shall make and publish such rules and regulations as he/she may deem necessary and proper for its use and management.

The regulations set forth below are the product of a process that began with the Yosemite General Management Plan. As currently envisioned, El Portal will serve as a combined residential area, administrative site and visitor information area. The concepts for the development of the El Portal Administrative Site have been considered and, as appropriate, incorporated into the regulations.

Generally, the rules for the administrative site follow the intent of the regulations used within other National Park Service areas.

Natural and cultural resource protection rules, such as those relating to camping, the use of firearms, fishing, sanitation, scientific specimens and wildlife, follow closely the wording of similar regulations in effect within park boundaries or are adopted from the general regulations. The section on fire prevention and fire protection is promulgated to protect residents, visitors, property and resources within the administrative site.

Visitor protection rules, keeping of the peace, orderly management, special events, property security, controlled substances, and boating also follow the rules in effect within other National Park Service areas or adopt the same. The El Portal Administrative Site is not part of the park so the level of restriction is generally lower than would apply within Yosemite National Park.

Boating regulations are those necessary to provide for the protection of aquatic resources, safety of persons and orderly management of boating activities.

Protective custody regulations parallel those applicable elsewhere in the state of California and assure that the National Park Service will handle these situations in a manner consistent with California codes which are necessary to provide for the safety and protection of juveniles and mentally impaired persons. However, in reviewing the protective custody provisions of proposed paragraph 34.9(d) pertaining to persons who are under the influence of alcohol, the National Park Service has determined that these provisions are not essential to the effective management of the administrative site. Therefore, those provisions have been deleted from the final rule.

Vehicle and traffic regulations are limited to those necessary to provide for public safety and effective management of traffic on the road system of the administrative site. Unless specifically addressed by the provisions of this rulemaking traffic and the use of vehicles within El Portal are governed by State law. The regulations in this part will supercede any conflicting or duplicating provisions of State law.

The adopted regulations for commercial and private operations are those necessary to support and provide essential services for the administration of Yosemite National Park. A permit is required for certain business activities.

Summary of Public Comments

The National Park Service published a proposed rule and requested public comments on this rulemaking on February 25, 1986 (51 FR 6561); written comments were received from two public agencies. One written comment was received from the Office of the Federal Defender, Eastern District of California, suggesting that all sections of *36 CFR, PART 4—Vehicles and Traffic Safety* be adopted in the interest of uniform enforcement in the park and administrative site. The National Park Service has considered this comment and has included *36 CFR 4.6 Driving under the influence of intoxicating liquor or drugs* by adoption as part of tha final rule. One written comment was received from the Department of California Highway Patrol advising that the State of California will continue to maintain exclusive enforcement jurisdiction regarding the vehicle code and vehicle related crimes as well as accident investigation responsibilities on all county roads and state highways in the El Portal area. The National Park Service is in agreement. Two written comments were received from a National Park Service official suggesting an addition to the Background statement regarding state vehicle and traffic rules and an addition to provide for future changes under § 34.5 Applicable regulations. Both of these suggestions are included in the final rule.

Drafting Information

The following individuals participated in the drafting of these regulations: Steve Hickman, Harry Steed, James Tucker and Don Cross; all of Yosemite National Park.

Paperwork Reduction Act

The information collection requirements needed to issue permits under this part have been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and assigned clearance number 1024–0026.

Compliance With Other Laws

The Department of the Interior has determined that this is not a major rule under Executive Order 12291 (February 19, 1981), and certifies that the document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This conclusion is based on the finding that while several businesses already operate within El Portal under permit or contract from the National Park Service, little should change under the regulations. Security and fire protection should be enhanced, creating a more secure business environment.

The National Park Service has determined that this rulemaking will not have a significant effect on the quality of the human environment, health and safety because it is not expected to:

(a) Increase public use to the extent of compromising the nature and character of the area or causing physical damage to it;

(b) Introduce noncompatible uses which might compromise the nature and characteristics of the area, or cause physical damage to it;

(c) Conflict with adjacent owners or occupants.

(d) Cause a nuisance to adjacent owners or occupants.

Based on this determination, this rulemaking is categorically excluded from the procedural requirements of the National Environmental Policy Act (NEPA) by Departmental regulations in 516 DM 6, (49 FR 21438). As such, neither an Environmental Assessment nor an Environmental Impact Statement has been prepared.

List of Subjects in 36 CFR Part 34

National parks, Administrative site, Penalties, Traffic regulations.

In consideration of the foregoing, 36 CFR Chapter I is amended by adding a new Part 34, to read as follows:

PART 34—EL PORTAL ADMINISTRATIVE SITE REGULATIONS

Sec.
34.1 Purpose.
34.2 Applicability and scope.
34.3 Penalties.
34.4 Definitions.
34.5 Applicable regulations.
34.6 Fires.
34.7 Cultivation of controlled substances.
34.8 Preservation of natural, cultural and archeological resources.
34.9 Protective custody.
34.10 Saddle and pack animals.
34.11 Boating operations.
34.12 Information collection.

Authority: 16 U.S.C. 1, 3, 47–1, 460l–6a(e).

§ 34.1 Purpose.

These regulations provide for the protection of persons, property and natural and cultural resources within the El Portal Administrative Site.

§ 34.2 Applicability and scope.

(a) The regulations in this part apply to all persons entering, using, visiting, residing on or otherwise within the boundaries of the El Portal Administrative Site. All regulations apply throughout the site, with certain specific exceptions provided for leased lands.

(b) The regulations in this part may be enforced only by persons authorized to enforce the other provisions of this chapter.

§ 34.3 Penalties.

(a) A person convicted of violating a provision of the regulations contained in this part shall be punished by a fine not exceeding $500 or by imprisonment not exceeding 6 months, or both, and shall be adjudged to pay all costs of the proceedings.

(b) Notwithstanding the provision of paragraph (a) of this section, a person convicted of violating § 34.5(b)(15) of this chapter shall be punished by a fine of not more than $100.

§ 34.4 Definitions.

When used in regulations in this part:

"Administrative site" means all of the federally owned or controlled lands and waters administered by the National Park Service pursuant to 16 U.S.C. 47–1 (72 Stat. 1772), in the vicinity of El Portal, California.

"Leased lands" means all lands within the administrative site in which there is a lawful possessory interest in addition to that of the National Park Service, which have been leased, permitted or otherwise assigned by the Superintendent. All other lands within the administrative site are nonleased lands.

§ 34.5 Applicable regulations.

The following sections and paragraphs of this chapter, as amended from time to time, apply to the administrative site and are hereby incorporated and made a part of this part except as modified by the regulations in this part:

(a) *General Provisions.*

(1) 1.2(e) Applicability and scope; exception for administrative activities.

(2) 1.4 Definitions.

(3) 1.5 Closures and public use limits.

(4) 1.6 Permits.

(5) 1.7 Public notice.

(b) *Resource Protection, Public Use and Recreation.*

(1) 2.1 Preservation of natural, cultural and archeological resources.

(2) 2.2 Wildlife protection.

(3) 2.3 (a), (c) and (f) Fishing.

(4) 2.4 Weapons, traps and nets.

(5) 2.5 Research specimens.

(6) 2.10 Camping and food storage.

(7) 2.11 Picnicking.

(8) 2.12 Audio disturbances.

(9) 2.13 Fires.

(10) 2.14 Sanitation.

(11) 2.15 (a) (1), (3), (4) and (5); (c); (d); (e) and (f) Pets.

(12) 2.17 Aircraft and air delivery.

(13) 2.21 Smoking.

(14) 2.22 Property.

(15) 2.23 Recreation fees.

(16) 2.30 Misappropriation of property and services.

(17) 2.31 Trespassing, tampering and vandalism.

(18) 2.32 Interfering with agency function.

(19) 2.33 Report of injury or damage.

(20) 2.34 Disorderly conduct.

(21) 2.35 Alcoholic beverages and controlled substances.

(22) 2.36 (a) Gambling.

(23) 2.37 Noncommercial soliciting.

(24) 2.38 Explosives.

(25) 2.50 Special events.

(26) 2.51 Public assemblies, meetings.

(27) 2.52 Sale or distribution of printed matter.

(28) 2.61 Residing on Federal lands.

(29) 2.62 Memorialization.

(c) *Boating and Water Use Activities.*

(1) 3.1 Applicable regulations.

(2) 3.3 Permits.

(3) 3.4 Accidents.

(4) 3.5 Inspections.

(5) 3.6 (a) and (b) Prohibited operations.

(6) 3.21 (a) (1), (2) and (b) Swimming and bathing.

(d) *Vehicles and Traffic Safety.*

(1) 4.1 State law applicable.

(2) 4.6 Driving under influence of intoxicating liquor or drugs.

(3) 4.11 (a) and (b) Load, weight, length, and width limitations.

(4) 4.14 Reckless or careless driving.

(5) 4.15 Report of vehicle accident.

(6) 4.17 Speed limits.

(7) 4.18 Traffic control and signs.

(8) 4.19 (a) and (c)(2) Travel on roads and designated routes.

(e) *Commercial and Private Operations.*

(1) 5.1 Advertisements.

(2) 5.2 Alcoholic beverages; sale of intoxicants.

(3) 5.3 Business operations.

(4) 5.5 Commercial photography.

(5) 5.7 Construction of buildings or other facilities.

(6) 5.8 Discrimination in employment practices.

(7) 5.9 Discrimination in furnishing public accommodations and transportation services.

(8) 5.13 Nuisances.

(9) 5.14 Prospecting, mining, and mineral leasing.

§ 34.6 Fires.

(a) All wildland, vehicular or structural fires shall be reported to the Superintendent immediately.

(b) Nonconflicting provisions of the California State Forest and Fire Laws and Regulations are adopted as a part of this part. Violation of any of these regulations is prohibited.

(c) The kindling of any open fire, including the burning of debris, is prohibited without a permit from the Superintendent.

(d) On undeveloped, untended or otherwise open land, operating any equipment powered by an internal combustion engine without a spark arrestor maintained in effective working order is prohibited. Such spark arrestor shall also meet either the USDA Forest Service Standard 5100–1*a* or the Society of Automotive Engineers Recommended Practice J335 or J350.

(e) The Superintendent may, during periods of high fire danger or diminished water supply, temporarily limit use and consumption of domestic water. These limitations shall be published. Violation of a limitation established by the Superintendent is prohibited.

(f) An owner or operator of a commercial establishment located within the administrative site shall comply with applicable standards prescribed by the National Fire Codes, Federal OSHA, CAL OSHA and other applicable laws, regulations and standards.

§ 34.7 Cultivation of controlled substances.

In addition to the provisions of § 2.35 of this chapter, the planting, cultivating, harvesting, drying or processing of a controlled substance, or any part thereof, is prohibited.

§ 34.8 Preservation of natural, cultural and archeological resources.

In addition to the provisions of § 2.1 of this chapter, the following are in effect:

(a) Upon nonleased lands, the cutting or removal of any tree, plant, or shrub or part thereof is prohibited without a permit from the Superintendent.

(b) Upon leased lands, the cutting or removal of any tree, plant, shrub or part thereof that is six inches or less in diameter, for the purpose of maintaining its proper health and appearance or for reasons of public safety, is allowed. Cutting or removing any vegetation exceeding six inches in diameter without a permit from the Superintendent is prohibited.

(c) Upon leased lands, the planting of personal gardens or domestic trees is allowed subject to all applicable Federal, State, and County agricultural regulations. *Provided, however:* the Superintendent may temporarily suspend this general privilege in the event of a water shortage or agricultural pest or disease emergency.

(d) Wood gathering is prohibited except in accordance with conditions and within areas designated by the Superintendent. Violation of such conditions or gathering wood outside of designated areas is prohibited.

§ 34.9 Protective custody.

(a) An authorized person, with reasonable cause to believe that a juvenile found within the administrative site has been unlawfully abused or neglected by any person living in the juvenile's place of residence, may take such juvenile into protective custody. An authorized person taking protective custody action pursuant to this paragraph shall deliver the juvenile to the care and custody of the appropriate state or local authorities.

(b) An authorized person, with reasonable cause to believe that a person found within the administrative site is either temporarily or permanently psychologically or mentally impaired to a degree that the person is gravely disabled or that presents a clear danger to that person or another, may take such person into protective custody. An authorized person taking protective custody action pursuant to this paragraph shall deliver the person to the care of the Mariposa County Mental Health Authorities for an initial 72-hour evaluation in accordance with applicable provisions of the California Welfare and Institutions Code.

(c) An authorized person may take into protective custody any juvenile found within the administrative site who is deemed to be a runaway according to applicable provisions of the California Welfare and Institutions Code. An authorized person taking protective custody action pursuant to this paragraph shall deliver the juvenile to the care and custody of the Mariposa County Sheriff's Office.

§ 34.10 Saddle and pack animals.

The use of saddle and pack animals is prohibited without a permit from the Superintendent.

§ 34.11 Boating operations.

The launching or operation of a motor boat is prohibited.

§ 34.12 Information collection.

The information collection requirements contained in §§ 34.6, 34.8 and 34.10 have been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*, and assigned clearance number 1024–0026. This information is being collected to solicit information necessary for the Superintendent to issue permits and other benefits, and to gather information. This information will be used to grant administrative benefits. The obligation to respond is required to obtain a benefit.

Dated: July 16, 1986.

P. Daniel Smith,

Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 86–18054 Filed 8–13–86; 8:45 am]

BILLING CODE 4310–70–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[AD–FRL–3063–3]

Standards of Performance for New Stationary Sources; Revisions to Method 1 of Appendix A

AGENCY: Environmental Protection Agency.

ACTION: Final rule; correction.

SUMMARY: EPA is correcting errors that appeared in the **Federal Register** notice of June 4, 1986 (51 FR 20286) for Standards of Performance for New Stationary Sources: Revisions to Method 1 of Appendix A.

FOR FURTHER INFORMATION CONTACT: Peter Westlin at (919) 541–2237.

SUPPLEMENTARY INFORMATION: In the **Federal Register** document published June 4, 1986 (51 FR 20286) make the following corrections to Part 60, Method 1 of Appendix A.

1. On page 20288, third column, Section 2.5.4.2, first line after "where:" should have read "$\bar{R}$=Average resultant angle, degree.".

2. On the same page, third column, Section 2.5.4.3, Equation 1–4 should have read:

$$S_d = \sqrt{\frac{\sum_{i=1}^{n} (R_i - \bar{R})^2}{(n-1)}} \quad \text{Eq. 1-4}$$

3. On the same page, third column, Section 2.5.5, second line should have read "acceptable if $\bar{R}<20°$ and $S_d<10°$.".

Dated: August 4, 1986.

Don R. Clay,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 86–18350 Filed 8–13–86; 8:45 am]

BILLING CODE 6560–50–M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101–26

[FPMR Temp. Reg. E–85]

Special Buying Services

AGENCY: Federal Supply Service, GSA.

ACTION: Temporary regulation.

SUMMARY: This regulation revises the policies and procedures by which Federal agencies obtain personal property and nonpersonal services through GSA's special buying services.

DATES:

Expiration date: April 30, 1987.
Effective date: May 11, 1986.
Comments are due on or before: September 30, 1986.

ADDRESS: Comments should be addressed to: General Services Administration (FC), Washington, DC 20406.

FOR FURTHER INFORMATION CONTACT: James L. DeProspero, Office of Commodity Management (703–557–7901).

SUPPLEMENTARY INFORMATION: 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. The General Services Administration has based all administration 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 Interagency Advisory Committee on Regulatory Review has developed a proposed revision of FPMR Subchapter E (See 51 FR 4619). The revision covers "Special buying services" in its § 101–26.104. Effective May 11, 1986, special order program support for domestic activities will be restricted to those items identified as direct delivered under a central contract (AAC–H) and nonstock centrally procured (AAC–J). This temporary regulation is being issued instead of a permanent change to the FPMR.

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

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

Federal Property Management Regulations Temporary Regulation E–85

July 8, 1986.

TO: Heads of Federal agencies

SUBJECT: Special buying services

1. *Purpose.* This regulation revises the policy concerning special buying services performed by GSA.

2. *Effective date.* This regulation is effective May 11, 1986.

3. *Expiration date.* This regulation will expire on April 30, 1987, unless sooner codified in the permanent regulations of this title.

4. *Applicability.* The provisions of this regulation apply to all executive agencies.

5. *Background.*

a. GSA currently provides special buying services under its special order program for a variety of items not obtainable from GSA stock or Federal Supply Schedules. Budget constraints have required reevaluation of the effectiveness of the special order program, and a subsequent reduction in the scope of GSA services provided by that program.

b. Effective May 11, 1986, special order program support for domestic activities will be restricted to those items identified as direct delivered under a central contract (AAC–H) and nonstock centrally procured (AAC–J). Additionally, a substantial portion of these items previously identified as nonstock centrally procured were recently changed to local purchase items. Requisitions (FEDSTRIP and MILSTRIP) received by GSA for local purchase items (AAC–L) with an advice code 2A (not obtainable locally), items which are available from Federal Supply Schedule contracts (AAC–I) for which GSA places the order with the schedule contractor, and terminal items (AAC–Y) with advice code 2F (obsolete but required) will be rejected when received from domestic activities. Program support for agencies located outside the 50 States, District of Columbia, Puerto Rico, and the Virgin Islands will continue.

6. *Definition.* "Special order program" means those purchases made by GSA on behalf of executive agencies of items requisitioned under the FEDSTRIP and MILSTRIP systems which are not included in GSA stock or Federal Supply Schedules. These include national-stock-numbered items identified as local purchase, nonstock centrally-procured items, direct-delivery items under a central contract, terminal items, part-numbered items, and noncataloged non-NSN items. It also includes those items available from Federal Supply Schedules when GSA places the order with the schedule contractor.

7. *Explanation of changes.*

a. Section 101–26–102–1(b) is revised to read as follows:

(b) Upon request, GSA will perform purchasing services in addition to the sources specified in this Part 101–26, for agencies located outside the 50 States, District of Columbia, Puerto Rico, and the Virgin Islands.

b. Section 101–26–102–1(c) is revised to read as follows:

(c) Any Federal agency, mixed-ownership corporation, or non-Federal agency, located as described in (b), above, may, when the function of a Federal agency authorized to procure for it is transferred to GSA, arrange for these special buying services to be performed by GSA.

8. *Agency comments and assistance.* Comments or inquiries concerning this regulation should be submitted to the General Services Administration (FC), Washington, DC 20406, not later than September 30, 1986, for consideration and possible incorporation into a permanent regulation.

9. *Effect on other issuances.* This regulation supersedes the regulations appearing in §§ 101–26.102–1(b) and (c).

T.C. Golden,

Administrator of General Services.

[FR Doc. 86–18332 Filed 8–13–86; 8:45 am]

BILLING CODE 6820–24–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 85–358; RM–4948]

Radio Broadcasting Services; Kingman, AZ

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes FM Channel 260C1 for Channel 261A at Kingman, Arizona, and modifies the Class A license of Station KGMN(FM), in response to a petition filed by New West Broadcasting Systems, Inc. With this action, this proceeding is terminated.

EFFECTIVE DATE: September 12, 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. 85–358, adopted July 29, 1986, and released August 6, 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, N.W., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

47 CFR Part 73 is amended as follows:

PART 73—[AMENDED]

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

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

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

§ 73.202 Table of allotments.

* * * * *

(b) * * *

City	Channel No.
* * * * *	
Kingman, AZ	234, 260C1, and 290.
* * * * *	

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 86–18271 Filed 8–13–86; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 86–19; RM–5061]

Radio Broadcasting Services; Nags Head, NC

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allocates Channel 222A to Nags Head, North

Carolina, as the community's first local FM service, at the request of Winfas of Belhaven, Inc.

DATES: Effective September 12, 1986. The window period for filing applications will open on September 15, 1986, and close on October 14, 1986.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 86-19, adopted July 31, 1986, and released August 6, 1986. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

47 CFR Part 73 is amended as follows:

PART 73—[AMENDED]

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 entry to the FM Table of Allotments:

§ 73.202 FR table of allotments.

* * * * *

(b) * * *

City	Channel No.
Nags Head, North Carolina	222A

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 86-18270 Filed 8-13-86; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 87

[PR Docket No. 85-292; RM-4993; FCC 86-324]

Aviation Radio Service; Digital Administrative Communications in the Aviation Service

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document permits on a subsidiary basis the digital transmission of administrative messages on aeronautical enroute frequencies. This action was initiated by a petition for rulemaking filed by Aeronautical Radio, Inc. The effect of the rule will be the expansion of the scope of permissible enroute communications.

EFFECTIVE DATE: September 11, 1986.

FOR FURTHER INFORMATION CONTACT: Robert DeYoung, Federal Communications Commission, Private Radio Bureau, Washington, DC 20554, (202) 632-7175.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, adopted July 14, 1986 and released August 5, 1986.

1. The complete text of this Commission decision including the rule amendments 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 including the rule amendments may also be purchased from the Commission's copy contractor, International Transcription Services, Inc. (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Summary of Report and Order

2. For the past three years the Commission has permitted by rule waiver the digital transmission of administrative messages on aeronautical enroute frequencies in addition to traditional operational control communications. These operations have been conducted by Aeronautical Radio, Inc. (ARINC) and by Pan American World Airways and American Airlines. The administrative messages concern such matters as on-board provisioning and inventory, passenger travel arrangements, coordination with airline ground services for passengers and passenger data for on-board services. The effect of the rule amendments is to authorize transmission of administrative messages on a regular basis rather than on the basis of a rule waiver. Transmission of administrative messages is restricted to their being sent only on a secondary priority to operational control communications. In adopting the rules, the Commission found that transmission of administrative messages is not prohibited by international Radio Regulations, should not derogate communications of a higher priority, nor lead to abuse of the frequencies. The amended rules are set forth at the end of this document.

3. Pursuant to section 605(b) of the Regulatory Flexibility Act of 1980 (Pub. L. 96-354) it is certified that this rulemaking proceeding if promulgated will not have a significant economic impact on a substantial number of small entities. Although these proposed changes allow the aviation community greater flexibility and convenience, they will not cause a significant economic impact on small entities.

4. The proposal contained herein has been analyzed with respect to the Paperwork Reduction Act of 1980 and found to contain no new or modified form, information collection and/or record keeping, labeling, disclosure, or record retention requirements; and will not increase or decrease burden hours imposed on the public.

5. This Report and Order and these rule amendments are issued under the authority of 47 U.S.C. 154(i) and 303(r).

6. A copy of this Report and Order will be served on the Chief Counsel for Advocacy of the Small Business Administration.

7. It is ordered that Part 87 is amended as shown at the end of this document. It is further ordered that these rule amendments shall become effective September 11, 1986. It is further ordered that this proceeding is terminated.

List of Subjects in 47 CFR Part 87

Communications equipment, Aeronautical stations.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Amended Rules

Part 87 of Chapter 1 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 87—AVIATION SERVICES

1. The authority citation for Part 87 continues to read as follows:

Authority: 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, unless otherwise noted. Interpret or apply 48 Stat. 1064-1068, 1081-1105, as amended, 47 U.S.C. 151-156, 301-609.

2. In Subpart E a new § 87.305 is added to read as follows:

§ 87.305 Administrative communications.

Domestic VHF aeronautical enroute stations authorized to use A9W emission on any frequency listed in § 87.293(a) may transmit digital administrative communications on a secondary basis, in addition to the operational control communications routinely permitted under § 87.291(a) above. Such secondary administrative communications must directly relate to

the business of a participating aircraft operator in providing travel and transportation services to the flying public or to the travel, transportation or scheduling activities of the aircraft operator itself. Stations transmitting administrative communications must provide absolute priority for operational control and other safety communications by means of an automatic priority control system.

[FR Doc. 86-18272 Filed 8-13-86; 8:45 am]
BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 674

[Docket No. 50694-5094]

High Seas Salmon Fishery off Alaska

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

ACTION: Notice of closure.

SUMMARY: NOAA issues this notice closing for 10 days the fishery conservation zone (FCZ) off Southeastern Alaska to commercial fishing for all salmon species. This action is necessary to allow coho salmon to escape the ocean fishery so they can move into the bays and inlets where the harvests can be managed more closely on a stock-by-stock basis. It complements similar actions taken by the State of Alaska for the commercial salmon fisheries in its waters. The intent of this action is to achieve better control over the numbers of each stock that are harvested and that reach the spawning grounds.

DATE: This notice is effective at 0001 hours Alaska Daylight Time (ADT), Monday, August 11, 1986, and will expire at 2359 hours ADT, Wednesday, August 20, 1986. Public comments are invited until September 10, 1986.

ADDRESSES: Send comments to Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, AK 99802. During the 30-day public comment period, the data upon which this notice is based will be available for public inspection 0800 to 1630 ADT Monday through Friday at the NMFS Regional Office, Room 453, Federal Building, 709 West Ninth Street, Juneau, Alaska.

FOR FURTHER INFORMATION CONTACT: Aven M. Andersen (Fishery Management Biologist, NMFS) 907-586-7228.

SUPPLEMENTARY INFORMATION: Salmon fishing in the FCZ off Alaska is managed under the Fishery Management Plan for the High Seas Salmon Fishery off the Coast of Alaska East of 175° East Longitude (FMP). This FMP was developed and amended by the North Pacific Fishery Management Council (Council) and is implemented by regulations appearing at 50 CFR Part 674.

In 1980, the Council amended section 8.3.1.4 of the FMP to provide for an area-wide closure of the entire Southeastern Alaska troll fishery for 10 days to stabilize or reduce coastal and offshore fishing effort on coho salmon unless an evaluation of the coho runs and harvests indicated "well above average magnitude and good movement inshore." The Council took this action in cooperation with the Alaska Board of Fisheries (Board) so that the troll fishery in the FCZ and in State waters would be under consistent management. The Council intended that, if the State issued a closure for coho, a similar closure should be instituted for the FCZ, under the procedures outlined in section 8.3.1.5. of the FMP and specified in § 674.23 of the regulations.

The Board at 5 AAC 33.365(b)(3) requires that the commercial salmon troll fisheries in Alaskan waters be closed "for approximately 10 days" unless "the coho salmon runs are larger than the last 10-year average and . . . acceptable numbers of coho salmon are moving into the in-shore salmon fishing areas."

As of August 2, 1986, analyses of coho harvests by the commercial troll, gillnet, and purse seine fisheries and the sport fisheries in Southeastern Alaska indicate that a closure of the troll fishery is necessary. The commercial troll fishery in the outer coastal waters and the FCZ has been harvesting a near record number of coho salmon while the harvests of some inside fisheries are far below the recent 10-year averages. Fishery managers predict that the troll fishery will harvest over 1.5 million coho by August 11, when this closure begins. That number nearly equals the total 1985 season troll harvest of 1.6 million coho, which was the second highest troll harvest on record. The early closure of the troll harvest of chinook salmon on July 16 forced the fishermen to shift their effort to harvesting coho.

Coho harvests by the Southeastern Alaska fisheries in the inside waters have shown mixed results, depending on their location. In the southern Southeastern Alaska gillnet, purse seine and sport fisheries, the coho harvests have been about average or slightly above average. In the northern inside troll, gillnet, and sport fisheries, the coho harvests have been much below average. For example, the coho harvest by the gillnet fisheries in Stephens Passage is about 56 percent below the 10-year average, the gillnet fishery in Lynn Canal is about 86 percent below the average, and the sport fishery in the Juneau area is about 80 percent below the average. The harvests by these inside fisheries indicate the relative number of coho returning to the various areas and the spawning grounds. The harvests by these northern inside fisheries indicate that the number of coho returning to the northern inside areas is extremely low at this time. Thus the Alaska Department of Fish and Game (ADF&G) announced that it was closing the salmon troll fishery in Alaskan waters, effective at 0001 hours on Monday, August 11, 1986.

Regulations implementing the FMP at § 674.23(a) provide that the Secretary of Commerce (Secretary) may modify the time and area limitations governing the fishery whenever the determines that the condition of any salmon species in any part of the management area is substantially different from the condition anticipated in the FMP. In making such a determination, he may consider the following factors:

(a) The effect of overall fishing effort within any part of the management area;

(b) The catch per unit of effort and the rate of harvest;

(c) The relative abundance of salmon stocks within the management area;

(d) The condition of salmon stocks throughout their ranges; and

(e) Any other factors relevant to the conservation of salmon.

Having reviewed the evidence of the high harvest in the coho troll fishery in the outer coastal and offshore waters, the Secretary has determined that the effect of overall fishing effort in the FCZ, the high catch per unit of effort, and the high rate of harvest within the FCZ portion of the management area indicate that the condition of coho stocks is substantially different from the condition anticipated in the FMP. He has also found that this difference reasonably requires a modification of time or area limitations if coho stocks are to be conserved and managed adequately. Therefore, he is implementing the 10-day closure prescribed by this action.

The closure will become effective after this notice has been filed for public inspection with the Office of the Federal Register and the closure has been publicized for 48 hours through procedures of the ADF&G.

Other Matters

The Assistant Administrator for Fisheries, NOAA, has determined that the coho salmon stocks harvested in Southeastern Alaska will be subject to harm unless this notice takes effect promptly. He finds, therefore, that it would be impracticable and contrary to the public interest to provide advance notice and a prior opportunity for public comment or to delay for 30 days the effective date of this notice under the provisions of 5 U.S.C. 553 (b) and (c).

This action is authorized by 50 CFR Part 674 and complies with Executive Order 12291.

List of Subjects in 50 CFR Part 674

Fisheries, Fishing, Reporting and recordkeeping requirements.

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

Dated: August 11, 1986.

Joseph W. Angelovic,

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

[FR Doc. 86-18395 Filed 8-11-86; 5:07 pm]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 51, No. 157
Thursday, August 14, 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 985

Spearmint Oil Produced in the Far West

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposal would amend procedures for issuing additional spearmint oil allotment base for a specified period of time during which existing small producers would be given priority when applying for additional allotment base. This amendment is intended to aid in bringing small producers' total supply up to a level comprising the minimum economic enterprise required for spearmint oil production. Additionally, the proposal would provided that additional allotment base would not be available to replace allotment that had been transferred away.

DATE: Comments due September 15, 1986.

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

FOR FURTHER INFORMATION CONTACT: Ronald L. Cioffi, Chief, Marketing Order Administration Branch, F&V, AMS, USDA, Washington, DC 20250, telephone: 202/447-5679.

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

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

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

This proposed rule is issued under Marketing Order No. 985 regulating the handling of spearmint oil grown in the Far West. The marketing order effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The proposal is based upon the recommendation and information submitted by the Far West Spearmint Oil Administrative Committee and upon other available information, and would prioritize the allocation of additional allotment base to small producers.

The committee met on June 4, 1986, and recommended an amendment to § 985.153(c)(2) of the Subpart—Administrative Rules and Regulations by revising the procedures for issuing additional allotment base to existing producers. The proposal was submitted pursuant to authority contained in § 985.53(d)(3) of the order which prescribes that the committee may, with the approval of the Secretary, establish rules and regulations to be used for determining the distribution of additional allotment base. In establishing such rules, the committee is required to take into account, among other things, the minimum economic enterprise requirements for oil production, the applicant's ability to produce oil, the area where the oil will be produced, and other economic and marketing factors.

The proposed amendment of the procedures for issuing additional allotment base would provide that for a period of two years for Class I oil and one year for Class III oil, existing small producers would be given priority when applying for additional allotment base. This amendment is intended to help small producers increase their supply of spearmint oil to a level which would approximate the minimum economic enterprise level required for spearmint oil production. Additionally, the proposal would provide that the additional allotment could not be used to replace allotment which had been transferred away.

Section 985.53(d)(1) of the order provides for no more than 1 percent of the total allotment base for each class of oil to be issued annually and distributed equally as additional allotment base to both new and existing producers. The order also provides in § 985.53(d)(3) for informal rulemaking to carry out such provisions. This proposal recommends that the ½ percent of additional allotment base, available to existing producers for the 1987-88 and 1988-89 seasons, be issued first to small producers who apply. Existing producers applying for additional Class I oil allotment base with than 2,000 pounds of base as of May 1, 1986, would be issued sufficient additional allotment base over two year period (1987-88 and 1988-89) to bring them up to a level not to exceed 2,000 pounds. Existing producers applying for additional Class III oil allotment base with less than 2,200 pounds of base as of May 1, 1986, would be issued additional allotment base sufficient to bring them up to a level not to exceed 2,200 pounds during the 1987-88 season.

This proposal would reinstate similar provisions of § 985.153(c)(2) which provided that for the 1982-83, 1983-84, and 1984-85 seasons, additional allotment base would be issued only to existing producers initially issued a base of less than 1,200 pounds of Class I oil or 1,800 pounds of Class III oil. In the 1985-86 season, additional allotment bases were distributed equally to those producers requesting additional base who could demonstrate the ability to produce additional oil.

It has been determined that the approximate minimum economic enterprise required for spearmint oil production should be higher than the 1,200 and 1,800 pound levels relied upon in the prior rulemaking. For Class I oil the level has been increased from 1,200 to 2,000 pounds and for Class III oil from 1,800 to 2,200 pounds. The committee has recommended increased minimum

economic enterprise levels because such amounts are currently equal to those which are issued to new producers who request allotment, and are considered by the committee to be a better measure of a minimum economic enterprise required for spearmint oil production.

The committee has estimated that 39 producers of Class I oil and 10 producers of Class III oil would be eligible for additional allotment base under the proposal. It is expected that existing producers of Class I oil that produce less than 2,000 pounds would apply for full amount of the additional allotment available to such producers of Class I oil for the two years. However, the committee has estimated that existing producers of Class III oil who produce less than 2,200 pounds can be brought up to the minimum economic enterprise level in one year. If there is any unallocated additional allotment remaining for either Class I or III oil during the 1987–88 or 1988–89 seasons, such amount would be distributed equally among other existing producers who apply.

Affected producers need to be informed of any changes in base allotment allocation in time for fall planting, which usually begins in October.

Therefore, a 30-day period for filing written comments is provided.

List of Subjects in 7 CFR Part 985

Marketing agreements and orders, Spearmint oil, Far West.

1. The authority citation for 7 CFR Part 985 continues to read as follows:

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

PART 985—SPEARMINT OIL PRODUCED IN THE FAR WEST

Subpart—Administrative Rules and Regulations

2. Section 985.153(c)(2) is revised to read as follows:

§ 985.153 Issuance of additional allotment base to new and existing producers.

* * * * *

(c) * * *

(2) *Existing Producers.* (i) The committee shall review all requests from existing producers for additional allotment base. With respect to the additional Class I allotment base for existing producers for the 1987–88 and 1988–89 marketing years, existing producers with less than 2,000 pounds of allotment as of May 1, 1986, who apply and who have the ability to produce additional quantities of spearmint oil shall be issued allotment base sufficient to bring them up to a level not to exceed 2,000 pounds; *Provided,* That all eligible producers with less than 2,000 pounds of allotment who apply shall receive ½ of the total amount of allotment base to which they are entitled, effective for the 1987–88 marketing year, and ½ of the total amount of allotment base to which they are entitled, effective for the 1988–89 marketing year; *Provided further,* That additional allotment base shall not be issued to any person that would replace all or part of allotment base such person has transferred. Additional allotment base in excess of the amount needed to bring eligible producers up to 2,000 pounds of allotment base for Class I oil shall be distributed equally among all existing producers who apply and who have the ability to produce additional quantities of spearmint oil. With respect to the additional Class III allotment base for existing producers for the 1987–88 marketing year, existing producers with less than 2,200 pounds of allotment base as of May 1, 1986, who apply and who have the ability to produce additional quantities of spearmint oil shall be issued additional allotment base sufficient to bring them up to a level not to exceed 2,200 pounds; *Provided,* That additional allotment base shall not be issued to any person that would replace all or part of allotment base such person has transferred. Additional allotment base in excess of the amount needed to bring eligible producers up to 2,200 pounds of allotment base for Class III oil shall be distributed equally among all existing producers who apply and who have the ability to produce additional quantities of spearmint oil, and;

(ii) For each marketing year after 1988–89 for Class I oil and 1987–88 for Class III oil, each existing producer of a class of spearmint oil who requests additional allotment base and who has the ability to produce additional quantities of that class of spearmint oil shall be eligible to receive a share of the additional allotment base for that class of oil. Additional allotment base to be issued by the committee for a class of oil shall be distributed equally among the eligible producers for that class of oil. The committee shall immediately notify each producer who is to receive additional allotment base by issuing that producer an allotment base in the appropriate amount.

* * * * *

Dated: August 11, 1986.

Thomas R. Clark,

Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 86–18372 Filed 8–13–86; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 86–CE–20–AD]

Airworthiness Directives; British Aerospace Model B.121 Series I, II, and III Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to adopt a new Airworthiness Directive (AD), applicable to all British Aerospace (BAe) Model B.121 Series I, II, and III airplanes which would require initial and repetitive inspections for cracks in the structure that attaches the vertical fin to the fuselage. BAe has received reports of cracks being found in these areas. Inspection in the area where the vertical fin attaches to the fuselage will detect these cracks before structural failures occur, and preclude subsequent loss of airplane control.

DATES: Comments must be received on or before October 20, 1986.

Compliance: As prescribed in the body of the AD.

ADDRESSES: British Aerospace Service Bulletin (S/B) No. B121/86, dated March 29, 1984 applicable to this AD may be obtained from British Aerospace, Engineering Department, Post Office Box 17414, Dulles International Airport, Washington, DC 20041; Telephone (703) 435–9100 or the Rules Docket at the addresses below.

Send comments on the proposal in duplicate to Federal Aviation Administration, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 86–CE–20–AD, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. T. Ebina, Brussels Aircraft Certification Office, AEU–100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium; Telephone 513.38.30; or Mr. John P. Dow, Sr., FAA, ACE–109, 601 East 12th Street, Kansas City, Missouri 64106; Telephone (816) 374–6932.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications

should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Central Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 86-CE-20-AD, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

Discussion

BAe has received a report of cracks being found on a Model B.121 Series airplane (a) on the center angle attaching the upper Rear Fuselage sloping diaphragm to STN 207-85 Frame Assembly, (b) on the upper decking daphragm attached between the same frame assembly and STN 218.5 Frame Assembly and, (c) in the heel of the side skin attachment flange on Frame 207.85 adjacent to the tailplane front spar attachment bolts.

Failure of the structure attaching the vertical fin to the fuselage can lead to loss of the airplane. As a result, BAe has issued S/B No. B121/86, dated March 29, 1984, which specified (1) an initial inspection of the vertical fin/fuselage structure within 50 hours time-in-service (TIS) for airplanes having 2,450 hours or more TIS, (2) specified repetitive inspection at intervals of 50 hours TIS thereafter, and (3) requires a repair procedure if cracks beyond specific limits are found. The United Kingdom Civil Aviation Authority (UKCAA) who has responsibility and authority to maintain the continuing airworthiness of these airplanes in the United Kingdom has classified this Service Bulletin and the actions recommended therein by the manufacturer as mandatory to assure the continued airworthiness of the affected airplanes. On airplanes operated under United Kingdom registration, this action has the same effect as an AD on airplanes certified for operation in the United States.

The FAA has examined the available information related to the issuance of BAe S/B No. B121/86, dated March 29, 1984, and the mandatory classification of this Service Bulletin by the UKCAA. Based on the foregoing, the FAA believes that the condition addressed by this Service Bulletin is an unsafe condition that may exist on other products of this type design certificated for operation in the United States. Consequently, the proposed AD would require inspection of the vertical fin/fuselage attachment structure within 50 hours TIS on airplanes having 2,450 hours TIS or more, periodic inspections thereafter at 50 hours TIS, and repair if required as a result of the inspection.

The FAA has determined there are approximately two airplanes affected by the proposed AD. The cost of inspecting these airplanes as required by the proposed AD is estimated to be three manhours per inspection and $35 per manhour for a total of $210 to the private sector.

The FAA has determined that this document: (1) Involves a proposed regulation that is not a major rule under the provisions of Executive Order 12291, (2) is not a significant rule under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) and (3) certifies under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. A draft regulatory evaluation has been prepared and has been placed in the public docket. A copy of it may be obtained by contacting the Rules Docket at the location identified under the caption *"Addresses."*

List of Subjects in 14 CFR Part 39

Air transportation, Aviation safety, Aircraft, Safety.

The Proposed Amendment

PART 39—[AMENDED]

Accordingly pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the FAR as follows:

1. The authority citation for Part 39 continues to read as follows:

AUTHORITY: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); 14 CFR 11.89.

2. By adding the following new AD:

British Aerospace: Applies to Model B.121 Series I, II, and III (all serial numbers) airplanes certificated in any category.

Compliance: Required initially within 50 hours time-in-service (TIS) for airplanes having or upon accumulating 2,450 hours or more TIS, and thereafter at intervals of 50 hours TIS.

To assure the integrity of the vertical fin/fuselage attachment structure accomplish the following:

(a) Visually inspect for cracks in the following areas:

(1) Center Angle, Part Number (P/N) BE-10-10085 in accordance with paragraph 3. "ACTION" subparagraph (c) of British Aerospace (BAe) Service Bulletin (S/B) No. B121/86 dated March 29, 1984.

(i) If cracks are found that equal or exceed the conditions shown in paragraph 3. "ACTION" subparagraph (c) of BAe S/B No. B121/86, prior to further flight, repair in accordance with repair instructions obtained from the manufacturer British Aerospace, and approved by the Manager, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium (hereinafter referred to as "Manager, AEU-100").

(ii) If no cracks are found or if cracks do not exceed the limits shown in paragraph 3. "ACTION" subparagraph (c) of BAe S/B No. B121/86, repeat the inspection at intervals not exceeding 50 hours TIS

(2) The under side of Diaphragm Decking upper, P/N BE-10-10155/1 in accordance with paragraph 3. "ACTION" subparagraph (d) of BAe S/B No. B121/86 dated March 29, 1984.

(i) If cracks are found, prior to further flight, repair in accordance with repair instructions obtained from the manufacturer British Aerospace and approved by the Manager, AEU-100.

(ii) If no cracks are found, repeat the inspection at intervals not exceeding 50 hours TIS.

(3) The heel of the side skin attachment flange (left and right) adjacent to the tailplane front spar attachment bolts in accordance with paragraph 3. "ACTION" subparagraph (e) of BAe S/B No. B121/86 dated March 29, 1984.

(i) If cracks are found, prior to further flight repair in accordance with repair instructions obtained from the manufacturer British Aerospace and approved by the Manager, AEU-100.

(ii) If no cracks are found, repeat the inspection at intervals not exceeding 50 hours TIS.

(b) Extension or elimination of the repetitive inspections specified in this AD may be included as part of the FAA approved repair obtained in accordance with paragraph (a)(1)(i), (a)(2)(i) and (a)(3)(i) of this AD.

(c) Aircraft may be flown in accordance with Federal Aviation Regulation 21.197 to a location where this AD can be accomplished.

(d) An equivalent method of compliance with this AD, may be used, if approved by the Manager, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium.

All persons affected by this proposed AD may obtain copies of the document referred to herein upon request to British

Aerospace, Engineering Department, Post Office Box 17414, Dulles International Airport, Washington, DC 20041, or FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on August 6, 1986.

Barry D. Clements,

Acting Director Central Region.

[FR Doc. 86-18267 Filed 8-13-86; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 935

Public Comment Procedures and Opportunity for Public Hearing on Proposed Modifications to the Ohio Permanent Regulatory Program Under the Surface Mining Control and Reclamation Act of 1977

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSMRE), Interior.

ACTION: Proposed rule.

SUMMARY: OSMRE is announcing procedures for a public comment period and for requesting a public hearing on the substantive adequacy of program amendments submitted by Ohio as amendments to the State's permanent regulatory program (hereinafter referred to as the Ohio program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

The amendments submitted consist of proposed changes to Ohio's use of explosives rules. The amendments are proposed to amend the list of structures near which blasting cannot be conducted without written consent from the owners, amend the list of structures in the vicinity of the blasting area that must be protected by the establishment of a maximum allowable limit on ground vibration, improve the safety of blasting operations, and clarify the rules' requirements.

This notice sets forth the times and locations that the Ohio Program and proposed amendments will be available for public inspection, the comment period during which interested persons may submit written comments on the proposed amendments, and the procedures that will be followed for the public hearing.

DATES: Written comments from the public not received by 4:30 p.m., September 15, 1986, will not necessarily be considered in the decision on whether the proposed amendments should be approved and incorporated into the Ohio regulatory program. If requested, a public hearing on the proposed amendments has been scheduled for September 3, 1986. Any person interested in speaking at the hearing should contact Ms. Nina Rose Hatfield at the address or telephone number listed below by August 29, 1986. If no person has contacted Ms. Hatfield by that date to express an interest in the hearing, the hearing will be cancelled. If only one person requests an opportunity to speak at the public hearing, a public meeting, rather than a hearing, may be held and the results of the meeting included in the Administrative Record.

ADDRESSES: The public hearing, if requested, is scheduled for 1:00 p.m. in Room 202, Columbus Field Office, 2242 South Hamilton Road, Columbus, Ohio 43227.

Written comments and requests for an opportunity to speak at the hearing should be directed to Ms. Nina Rose Hatfield, Director, Columbus Field Office, Office of Surface Mining Reclamation and Enforcement, Room 202, 2242 South Hamilton Road, Columbus Ohio 43227; Telephone: (614) 866-0578.

Copies of the Ohio program, the proposed modification to the program, a listing of any scheduled public meetings, and all written comments received in response to this notice will be available for public review at the OSMRE field office listed above and at the OSMRE headquarters office and the office of the State regulatory authority listed below, during normal business hours Monday through Friday, excluding holidays. Each requestor may receive, free of charge, one single copy of the proposed amendment by contacting the OSMRE Columbus Field Office.

Office of Surface Mining Reclamation and Enforcement, Room 5315A, 1100 L Street NW., Washington, DC 20240.

Ohio Division of Reclamation, Building B, Fountain Square, Columbus, Ohio 43224.

FOR FURTHER INFORMATION CONTACT: Ms. Nina Rose Hatfield, Director, Columbus Field Office, Office of Surface Mining Reclamation and Enforcement, Room 202, 2242 South Hamilton Road, Columbus, Ohio 43227; Telephone: (614) 866-0578.

SUPPLEMENTARY INFORMATION:

I. Background on the Ohio Program

The Ohio program was approved effective August 16, 1982, by notice published in the August 10, 1982 **Federal Register** (47 FR 34688). Information pertinent to the general background, revisions, modifications, and amendments to the Ohio program submission, as well as the Secretary's findings, the disposition of comments, and a detailed explanation of the conditions of approval of the Ohio program can be found in the August 10, 1982 **Federal Register**. Subsequent actions concerning the conditions of approval and program amendments are identified at 30 CFR 935.11 and 935.15.

II. Submission of Revisions

By letter dated July 10, 1986, the Ohio Department of Natural Resources, Division of Reclamation submitted proposed amendments to Ohio's regulatory program at 1501:13-9-06. The proposed changes to OAC section 1501:13-9-06 set forth the responsibilities of the certified mine foreman and certified blaster, specify where the blasting plan and permit map will be kept for the use of employees and blasters, require a written report of the preblast survey be given to the resident or owner, amend the list of structures near which blasting cannot be conducted without written consent from the owners, amend the list of structures in the vicinity of the blasting area that must be protected by the establishment of a maximum allowable limit on ground vibration, improve the safety of blasting operations, and clarify the rules' requirements.

The full text of the proposed program amendments submitted by Ohio is available for public inspection at the addresses listed above under **"ADDRESSES"**. The Director now seeks public comment on whether the poposed amendments are no less effective than the Federal regulations. If approved, the amendments will become part of the Ohio program.

III. Procedural Matters

1. Compliance With the National Environmental Policy Act

The Secretary has determined that, pursuant to section 702(d) of SMCRA, 30 U.S.C., 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. Executive Order No. 12291 and the Regulatory Flexibility Act

On August 28, 1981, the Office of Management and Budget (OMB) granted OSMRE an exemption from sections 3, 4, 7 and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule would not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule would not impose any new requirements; rather, it would ensure that existing requirements established by SMCRA and the Federal rules would be met by the State.

3. Paperwork Reduction Act

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 935

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Dated: August 8, 1986.

Carl C. Close,

Acting Deputy Director, Operations and Technical Services, Office of Surface Mining Reclamation and Enforcement.

[FR Doc. 86-18351 Filed 8-13-86; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

31 CFR Part 10

Tax Practitioners

AGENCY: Department of the Treasury.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This notice proposes modification of the regulations governing practice before the Internal Revenue Service (31 CFR Part 10) by clarifying the regulations in two respects. The first is a proposed requirement that tax practitioners exercise due diligence in giving advice regarding positions to be taken on Federal tax returns and other documents relating to our tax system. The second proposal requires that in a situation where the provisions of section 6661 of the Internal Revenue Code may apply, a practitioner must exercise due diligence both with respect to advice given on positions to be taken on tax returns and tax return preparation itself. This includes the requirement in a tax shelter situation that there be substantial authority for the position taken and a more likely than not belief the position will be sustained if challenged. In a non-tax shelter situation, the position must be supported by substantial authority. If the position is not supported by substantial authority, there must be adequate disclosure in the tax return or in an attachment thereto.

DATE: Comments must be submitted in writing on or before October 14, 1986.

ADDRESSES: Comments should be sent to the Director of Practice, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, ATTN: PM:HR:DP.

FOR FURTHER INFORMATION CONTACT: Mr. Leslie S. Shapiro, Director of Practice, Internal Revenue Service, Washington, DC 20224, (202) 535-6787.

SUPPLEMENTARY INFORMATION:

Background

This notice of proposed rulemaking is premised on the concern of the Department of the Treasury that the professional responsibility of some of those eligible to practice before the Internal Revenue Service (IRS) with respect to tax return preparation and advice relative to positions on tax returns has eroded over the years. This has led to serious problems concerning taxpayer compliance with the revenue laws, a matter which adversely affects the integrity of our voluntary self-assessment tax system. Such concern has been shared by Congress, as evidenced by the several taxpayer penalty provisions in the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA). In addition, the American Bar Association (ABA) recently issued Formal Opinion 85-352 dealing with an attorney's ethical obligation on the subject. The opinion was the result of a similar concern expressed by the ABA Tax Section. The Department of the Treasury recently amended the regulations in 31 CFR Part 10 (Treasury Department Circular No. 230) concerning opinions used in the marketing of tax shelters. This amendment is further evidence of the government's concern about tax practitioners' responsibilities to our tax system. Requirements similar to those in Circular 230 were adopted by the ABA in Formal Opinion 346.

While it is generally agreed that a practitioner owes a client competence, loyalty and confidentiality, it also is recognized that a practitioner has responsibilities to the tax system as well. In the normal practitioner-client relationship, both responsibilities are recognized and carried out. However, there are situations when this is difficult. In those situations, the practitioner is required to decide which obligation prevails and, in so doing, may correctly conclude that the obligation to the tax system is paramount. To this end, the ability of the IRS to accomplish its mission efficiently and effectively depends on reliance on tax practitioners to be fair and honest in their dealings with the IRS and to foster confidence by their clients in our tax system and in tax compliance.

The area of tax return preparation and advice given with respect to positions on tax returns clearly reflects a practitioner's dual responsibility. A tax return is not a submission in an adversary proceedings. Rather, the tax return serves a disclosure, reporting and self-assessment function. It is a citizen's report to the government of his or relevent activities for the year. To serve its disclosure and assessment function, a tax return must be provide a fair report of matters affecting tax liability. The complexities of the tax and the limited number of tax return examinations the IRS is able to perform impose a substantial burden upon the government. Hence, the representations made on tax returns must accurately reflect the facts, and positions taken on tax returns must be supportable by the law. A practitioner, during an engagement with a taxpayer-client, has an affirmative duty to assure that these occur.

Due Diligence

The regulations in Circular 230 impose at section 10.22, a "due diligence" requirement on practitioners concerning oral and written representations made to clients and the IRS relative to tax matters. Such requirement addresses both advice on positions to be taken on tax returns and tax return preparation itself. While this discussion addresses the area of tax returns, it generally has equal applicability to all advice and documents impacting on tax matters.

The proposed amendments include a requirement that a practitioner exercise due diligence with respect to advice given concerning positions on tax returns. While this may be considered to be mandated already by Circular 230, we wish to punctuate the link between a practitioner's responsibility to exercise due diligence and his or her responsibility to adhere to the compliance provisions of the Internal Revenue Code.

The term "due diligence" is subject to varying interpretations and, as a result, affords elasticity in its application. The Treasury Department takes the position that, as a standard of prefessional responsibility in the area of tax return preparation, due diligence requires the practitioner to be assured that any reporting position is in compliance with and supportable by the revenue laws. Unless the position is reasonable, meritorious and made in good faith, a practitioner has not exercised the

necessary diligence imposed upon his or her. The due diligence standard cannot be met by a position advanced principally to exploit the audit selection process, a position that serve as a mere "arguing" position advanced solely to obtain leverage in the bargaining process of settlement negotiation within the IRS, a position that would serve merely to avert a successful charge that the return is false or fraudulent, or a position that has no practical and realistic possibility of being sustained in the courts.

Internal Revenue Code Section 6661

Section 6661 of the Internal Revenue Code was part of the effort by Congress to address in TEFRA the growing concern about tax compliance and the need for expanded enforcement measures to assure compliance. The role of the practitioner in our tax system requires adherence to this section as well as to all tax compliance laws. Under section 6661, a taxpayer is subject to the assessment of an addition to tax (penalty) if there is a substantial understatement of tax as defined in the law. In a non-tax shelter situation, the amount of the understatement (for penalty purposes) may be reduced by that portion of the understatement which is attributable to (1) the tax treatment of any item by the taxpayer if there is or was substantial authority for such treatment, or (2) any item with respect to which the relevant facts affecting the item's tax treatment are adequately disclosed in the return or in a statement attached to the return. With respect to a tax shelter situation, the item's reporting position must be supported by substantial authority and the taxpayers reasonable belief that the tax treatment of the tax shelter item more likely than not was the proper treatment. The statutory requirements of section 6661 provide guidance as to the requirements for the exercise of the due diligence standard in a situation where there is a substantial understatement of tax. In this connection, when the revenue laws mandate or suggest a higher standard than would be applied otherwise, that higher standard must be the one followed. A clear example is the section 6661 "substantial understatement penalty."

Accordingly, a practitioner should not, in the exercise of due diligence, place his or her client in a position of being assessed any penalty or addition to tax in connection with section 6661.

Proposed section 10.34 of Circular 230 addresses a practitioner's particular responsibility when dealing with a section 6661 matter. This also is believed to be a requirement of the current regulations. Because of the importance to our tax system of the compliance principle on which section 6661 is based, we believe it necessary to address section 6661 in Circular 230. These proposed amendments are the first to identify a specific provision of the Internal Revenue Code. They emphasize the position of the Treasury Department that the role of the practitioner in our tax system requires adherence to the principles of TEFRA as well as to all tax compliance laws. In a non-tax shelter situation, a practitioner who has advised a client about the applicability of section 6661 to a matter and then advises the client to take a position on a tax return without disclosure even though there is no substantial authority for the position, may be subjecting the client to the addition to tax. He or she may, in fact, be counseling a false or fraudulent tax position, depending on the circumstances. Consequently, the practitioner advising a client to take a position on a tax return should be assured that the position is supported by substantial authority or, if a shelter is not involved, that the relevant facts are disclosed. In a tax shelter situation, disclosure is not sufficient to satisfy a practitioner's responsibility; advice to take a tax shelter position on a tax return must be supported by substantial authority and a more likely than not belief that the position will be upheld if challenged.

The proposal would require a practitioner to advise a client fully about the addition to tax provisions of section 6661 of the Internal Revenue Code with respect to any tax return if, in the exercise of due diligence, the practitioner determines that the taxpayer filing the tax return may be liable for an addition to tax under the section as a result of a position taken with respect to the tax treatment of any item on the return.

The proposal also would prohibit a practitioner from recommending or advising a client that a position be taken with respect to the tax treatment of any item on a tax return if, in the exercise of due diligence, the practitioner determines that the taxpayer filing the return may be liable for an addition to tax under section 6661 of the Internal Revenue Code as a result of the position. Further, the proposal prohibits the preparation and/or signing of a tax return if, in the exercise of due diligence, the practitioner determines the taxpayer filing the return may be liable for an addition to tax under section 6661 of the Internal Revenue Code as a result of any position taken with respect to the tax treatment of any item on the return. This means that in a tax shelter situation, the above-discussed substantial authority and more likely than not belief must exist in order for the requirements of the proposal to have been met. In a non-tax shelter situation, the proposed requirements will not have been met unless there is substantial authority for the relevant position. If there is not substantial authority, adequate disclosure must be recommended and, in fact, present, if the practitioner prepares or signs the tax return.

For purposes of the proposal, the term "tax shelter" has the same meaning as defined in section 6661 of the Internal Revenue Code. It is defined as:

(1) A partnership or other entity,

(2) Any investment plan or arrangement, or

(3) Any other plan or arrangement, if the principal purpose of such partnership, entity, plan, or arrangement is the avoidance or evasion of Federal income tax.

The notice also proposes that the title, "Subpart B, Duties & Restrictions Relating to Practice Before the Internal Revenue Service," be retitled, "Subpart B, Duties and Restrictions Relating to Those Eligible to Practice Before the Internal Revenue Service". This change is proposed to make clear that the regulations under Subpart B apply to tax practitioners' personal tax matters in addition to those of their clients.

Special Analyses

This proposal relates solely to professional services in connection with Internal Revenue Service and Treasury Department proceedings and is not expected to have any significant economic consequences. Therefore, it has been determined that this rule is not a major rule as defined in Executive Order 12291 and a regulatory impact analysis is not required. It is hereby certified that this rule is not expected to have a significant economic impact on a substantial number of small entities. Accordingly, a regulatory flexibility analysis is not required.

Drafting Information

The author of these regulations is Mr. Leslie S. Shapiro, Director of Practice, Department of the Treasury. Other personnel in the Treasury Department participated in the development of the regulations, both as to substance and style.

List of Subjects in 31 CFR Part 10

Administrative rules and procedures, Lawyers, Accountants, Enrolled agents, Enrolled actuaries, Appraisers.

Amendments to Regulations

PART 10–[AMENDED]

Accordingly, 31 CFR Part 10 is amended as follows:

1. The authority citation of Part 31 continues to read as follows:

Authority: 5 U.S.C. 301; 31 U.S.C. 330; and 31 U.S.C. 321.

2. The title of Subpart B is revised to read as follows:

Subpart B—Duties and Restrictions Relating to Those Eligible to Practice Before the Internal Revenue Service

3. Paragraphs (a), (b) and (c) of § 10.22 are redesignated as paragraphs (b), (c) and (d) respectively, wherever the word "him" appears it is changed to the words "him or her," the introductory text is revised and a new paragraph (a) is added, as follows:

§ 10.22 Diligence as to accuracy.

Each person eligible to practice before the Internal Revenue Service shall exercise due diligence with respect to the following activities:

(a) In advising clients about positions taken with respect to the tax treatment of all items and returns;

* * * * *

4. Section 10.34 is added to read as follows:

§ 10.34 Advice regarding positions on tax matters where Internal Revenue Code section 6661 may be applicable.

In advising a taxpayer about the tax treatment of any item on a return, a practitioner must comply with the following requirements:

(a) A practitioner must advise a client fully about the addition to tax provisions of section 6661 of the Internal Revenue Code with respect to any return if, the exercise of due diligence, the practitioner determines that the taxpayer filing the return may be liable for an addition to tax under the section as a result of a position taken with respect to the tax treatment of any item on the return.

(b) A practitioner may not advise or recommend to a client that a position be taken with respect to the tax treatment of any time on a return unless in the exercise of due diligence the practitioner determines that the taxpayer filing the return will not be liable for an addition to tax under section 6661 of the Internal Revenue Code as a result of the position.

(c) A practitioner may not prepare or sign a return unless in the exercise of due diligence the practitioner determines that the taxpayer filing the return will not be liable for an addition to tax under section 6661 of the Internal Revenue Code as a result of a position taken with respect to the tax treatment of any item on the return.

(d) For purposes of this section, the term "tax shelter" has the same meaning as the term "tax shelter" in section 6661(b)(2)(C)(ii) of the Internal Revenue Code.

Dated: July 18, 1986.

Robert M. Kimmitt,

General Counsel.

[FR Doc. 86–18334 Filed 8–13–86; 8:45 am]

BILLING CODE 4810–25–M

DEPARTMENT OF DEFENSE

Department of the Army

32 CFR Part 553

Arlington National Cemetery; Violator Sanctions

AGENCY: Department of the Army, DOD.

ACTION: Proposed rule.

SUMMARY: This change amends the Visitors' Rules for Arlington National Cemetery. The change allows the Secretary of the Army to bar violators of the rules from conducting memorial services and cermonies within the Cemetery for two years.

DATE: Comments must be received on the proposed rule on or before September 29, 1986.

FOR FURTHER INFORMATION CONTACT: Harriet Antiporowich, Arlington National Cemetery, Arlington, VA 22211–5003 (202) 695–3191.

SUPPLEMENTARY INFORMATION: The sanctions placed on individuals or organizations who violate the Arlington National Cemetery Visitors' Rules are changed by this proposed rule.

Presently the Code of Federal Regulations provide that any person who violates the provisions of paragraphs (d), (e), (f), (g), (h), or (i) of 32 CFR 553.22 be subject to the penalties set out in Title 40 United States Code Section 318c.

The proposed change would also allow the Secretary of the Army to bar violators from conducting memorial services or ceremonies at Arlington National Cemetery for two years from the date of such violation. Use of this administrative sanction would not require prosecution of the violator as a prerequisite.

Executive Order 12291

This rule does not constitute a "major" rule as defined by Executive Order 12291.

Regulatory Flexibility Act

This rule does not have "significant" economic impact on a substantial number of small "entities" as defined by the Regulatory Flexibility Act, U.S.C. 601 et. seq.

Paperwork Reduction Act

There are no collection of information requirements contained in this rule that require approval by the Office of Management and Budget under 44 U.S.C. 3501 et. seq.

PART 553—[AMENDED]

According 32 CFR Part 553 amended as follows:

1. The authority citation for Part 553 continues to read as follows:

Authority: 24 U.S.C. Chapter 7.

2. Section 553.22(b) is revised to read as follows:

§ 553.22 Visitors' rules for the Arlington National Cemetery.

* * * * *

(b) *Scope.* Pursuant to Title 40 United States Code, Sections 318a and 486, and based upon delegations of authority from the Administrator, General Services Administration, the Secretary of Defense, and the Secretary of the Army, this section applies to all Federal property within the charge and control of the Superintendent, Arlington National Cemetery, and to all persons entering in or on such property. At the discretion of the Secretary of the Army, any person or organization that violates any of the provisions of paragraphs (d), (e), (f), (g), and (h), or (i) of this section may be barred from conducting memorial services and ceremonies within the Cemetery for two years from the date of such violation. Any such person shall also be subject to the penalties set out in Title 40, United States Code Section 318c.

* * * * *

Dated: July 22, 1986.

Robert K. Dawson,

Assistant Secretary of Army (Civil Works).

[FR Doc. 86–17972 Filed 8–13–86; 8:45 am]

BILLING CODE 3710–08–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-1-FRL-3065-6]

Approval and Promulgation of Implementation Plans; New Hampshire; Particulate Emission Standards and Permit Fees

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve revisions to Chapter Air 700, "Permit Fee System," and Chapter Air 1200, "Prevention, Abatement and Control of Stationary Source Air Pollution," of the New Hampshire State Implementation Plan (SIP). These revisions will require more stringent particulate emission standards for fuel burning devices installed on or after January 1, 1985; they also will require continuous emission monitoring (CEM) for fossil fuel-fired steam generators. The revisions increase the permit review fees for new or modified devices and the renewal fees for permits to operate. The intended effect of this action is to propose that these revisions be approved as part of the New Hampshire SIP under section 110 of the Clean Air Act.

DATE: Comments must be received on or before September 15, 1986.

ADDRESSES: Comments may be mailed to Louis F. Gitto, Director, Air Management Division, Room 2311, JFK Federal Building, Boston, MA 02203. Copies of the submittal and EPA's evaluation are available for public inspection during normal business hours at the Environmental Protection Agency, Room 2311, JFK Federal Building, Boston, MA 02203; and the New Hampshire Air Resources Commission, Health and Welfare Building, Hazen Drive, Concord, NH 03301.

FOR FURTHER INFORMATION CONTACT: Lynne A. Naroian, (617) 223-4873, FTS 223-4873.

SUPPLEMENTARY INFORMATION: On April 26, 1985 and January 24, 1986 the New Hampshire Air Resources Commission (NHARC) submitted revisions to its SIP. These revisions consist of the following changes to the State's regulations:

1. Section Air 704.01, which sets forth the permit review fee for a new or modified fuel burning device with a gross heat input capacity greater than 150 million Btu/hr, is amended by increasing the permit review fee from the current $450.00 to $900.00 per device.

2. Section Air 704.02, which sets forth the permit review fee for any new or modified device required to obtain a permit under Part Air 603, except as specified in Air 704.01, is amended by increasing the permit review fee from the current $150.00 to $300.00 per device.

3. Section Air 706.01, which sets forth the renewal review fee for an existing fuel burning device with a gross heat input capacity greater than 150 million Btu/hr, is amended by increasing the renewal review fee from the current $300.00 to $600.00 per device.

4. Section Air 706.02, which sets forth the renewal review fee for any existing device required to renew a permit under Part Air 603 except as specified in Air 706.01, is amended by increasing the renewal review fee from the current $100.00 to $200.00 per device.

EPA has reviewed the State's submittal of the revisions to Chapter Air 700, and found its new provisions consistent with the guidance provided in the Permit Fee Guideline document [EPA-450/2-81-003].

5. Part Air 1202, Fuel Burning Devices is renumbered and revised with minor changes to existing sections 1202.01-1202.06.

6. Sections 1202.07 through 1202.09 of the current regulation are restructured and amended to provide clarity and new stricter emission rates for boilers installed on or after January 1, 1985 with a gross heat input of less than 250 million Btu/hr. The changes to these sections also include a more stringent definition of the allowable particulate emissions from any fuel burning device installed on or after January 1, 1985 and vented to a common stack with one or more pre-existing fuel burning devices. The combination of devices connected to the stack shall be treated as a device installed on or after January 1, 1985 for the purposes of determining the allowable particulate emission from the stack using the combined gross heat input.

7. Two sections are added to the current regulation: Continuous Emission Monitoring Systems, which provides the CEM requirement for this regulation, and Permit Requirements, which provides additional clarification regarding the applicability of the permit fee regulation. Continuous Emission Monitoring Systems does not specify which fuel burning devices are required to install and operate CEM, and accordingly does not meet the requirements of 40 CFR 51.19(e). On January 24, 1986, the New Hampshire Air Resources Agency (NHARA) submitted a letter to EPA stating that it will require all fossil fuel-fired steam generators as specified in 40 CFR Part 51, Appendix P, paragraph 2.1 to install and operate CEM systems which meet the performance specifications of 40 CFR Part 60, Appendix B. This letter will be used as interim guidance for interpreting New Hampshire's SIP until a regulatory change is made.

For more details on these changes, refer to the document entitled SIP Revision to New Hampshire Regulation 1202 Fuel Burning Devices Technical Support Document, dated February 21, 1986. Copies of that document are available upon request from the EPA Regional Office specified in the ADDRESSES section of this notice.

Proposed Action

EPA is proposing to approve revisions submitted April 26, 1985 and January 24, 1986 by the NHARC amending the New Hampshire SIP requirement for permit review fees and the particulate emission standards for fuel burning devices installed on or after January 1, 1985.

Under 5 U.S.C. 605(b), I certify that these SIP revisions will not have significant economic impact on a substantial number of small entities (see 46 FR 8709).

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

The Administrator's decision to approve or disapprove the plan revisions will be based on whether it meets the requirements of sections 110(a)(A)-(K) and 110(a)(3) of the Clean Air Act, as amended, and EPA regulations in 40 CFR Part 51. These revisions are being proposed pursuant to section 110(a) and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7410(a) and 7601(a)).

Dated: April 8, 1986.

Authority: 42 U.S.C. 7401-7642.

Michael R. Deland,

Regional Administrator, Region I.

[FR Doc. 86-18335 Filed 8-13-86; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 31, 61, 71, 91, 167, 169, and 189

[CGD 84-024]

Intervals For Drydocking and Tailshaft Examination on Inspected Vessels

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking; reopening of comment period.

SUMMARY: This notice reopens the comment period on the notice of proposed rulemaking concerning the

intervals between drydock and tailshaft examinations on all inspected vessels except mobile offshore drilling units (MODUs) inspected under 46 CFR Subchapter I–A and small passenger vessels inspected under 46 CFR Subchapter T. The comment period expired on July 29, 1986. An extension was formally requested by the American Institute of Merchant Shipping (AIMS) and by the Offshore Marine Service Association (OMSA). Both organizations widely represent two different segments of the marine industry. AIMS requested a 60 day extension, while OMSA requested a 90 day extension. Their reasons for requesting the extension were the same, the comment period was too short for their members to give them the information they need to adequately comment on the proposed rule. AIMS noted that the summer is the busy time of the year for the shipping industry, which increases the time required for them to receive input from their association members. Both organizations noted the comment period, as published in the notice, was 30 days. This was a printing error which was later corrected to reflect the intended comment period of 60 days. However, the Coast Guard realizes this printing error and subsequent correction has led to confusion concerning the length of the comment period. For these reasons the Coast Guard believes the quality of the final rule will be enhanced by extending the public comment period. Therefore, the comment period is reopened.

DATE: Comments must be received on or before September 30, 1986.

ADDRESSES: Comments on the proposed rulemaking should be mailed to Commandant (G–CMC/21), [CGD 84–024], U.S. Coast Guard Headquarters, Washington, DC 20593. The comments may be delivered to, and will be available for inspection or copying between 8 a.m and 3 p.m. Monday through Friday except holidays, at the Office of the Marine Safety Council (G–CMC/21), Room 2110, Coast Guard Headquarters Building, 2100 2nd Street, SW., Washington, DC, (202) 267–1477.

FOR FURTHER INFORMATION CONTACT: LCDR Jeffrey G. Lantz, (202) 267–1056.

SUPPLEMENTARY INFORMATION: This notice of proposed rulemaking was published on May 30, 1986, in the **Federal Register** (51 FR 19720). A correction document to correct two printing errors, one of which concerned the closing date of the comment period, was published in the **Federal Register** on June 9, 1986 (51 FR 20847).

Dated: August 11, 1986.

J.C. Irwin,

Vice Admiral, U.S. Coast Guard Acting Commandant.

[FR Doc. 86–18354 Filed 8–13–86; 8:45 am]

BILLING CODE 4910–14–M

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46 CFR Part 160

[CGD 81–010]

Servicing of Inflatable Liferafts

AGENCY: Coast Guard, DOT.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Coast Guard is considering a revision to the regulations governing the servicing of Coast Guard approved inflatable liferafts used on merchant vessels. Due to an increased emphasis on the use of these devices, changes in the profile of the marine industry, and changes in the technology for constructing these devices, proposed changes to the requirement for periodic servicing are being considered that should decrease the Coast Guard's direct involvement while maintaining a Coast Guard oversight system for quality control. Any rules resulting from this advance notice should allow private industry the flexibility in servicing and inspection of inflatable liferafts necessary to meet the changing needs of the marine industry and minimize the role of U.S. Coast Guard inspectors in the inspection and servicing of inflatable liferafts used on inspected vessels.

DATE: Comments must be submitted on or before November 12, 1986.

ADDRESSES: Comments should be submitted to the Commandant (G–CMC/21) (CGD 81–010), U.S. Coast Guard, 2100 Second St., SW., Washington, DC 20593. Between the hours of 7:00 a.m. and 4:00 p.m. Monday through Friday, except federal holidays, comments may be delivered to, and are available for inspection and copying at, the Marine Safety Council (G–CMC/21) Room 2110, U.S. Coast Guard Headquarters, 2100 Second St., SW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: LCDR Timothy M. Keegan, the Office of Merchant Marine Safety, Survival Systems Branch (G–MVI–3), U.S. Coast Guard Headquarters, 2100 Second St., SW., Washington, DC 20593, telephone 202–426–1444. Normal office hours are between the hours of 7:00 am and 3:30 pm Monday through Friday except federal holidays. A limited number of single copies of the recommendations of the International Maritime Organization (IMO), discussed in this notice, are available free of charge from LCDR Keegan.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the earliest stages of this rulemaking procedure by submitting written views, data or arguments. Commenters should include their name and address, identify this Advance Notice (CGD 81–010), the specific issues of this advance notice to which each comment applies and give reasons for the comments. If an acknowledgment is desired, a stamped, self-addressed post card or envelope should be enclosed. All comments received before the expiration of the comment period will be considered before further action is taken. The Coast Guard has not planned to hold a public meeting; however, a public meeting may be held, at a time and place to be set in a later notice in the **Federal Register**, if requested in writing by a sufficient number of interested persons raising genuine issues and the Coast Guard determines that an opportunity to make oral presentations will aid in the rulemaking process.

Background

Requirements for the inflatable liferafts used aboard merchant vessels of U.S. registry originated on July 9, 1959, with the publication of Subpart 160.051 (Inflatable Liferafts) in Title 46—Shipping—of the Code of Federal Regulations. In the beginning the equipment was ship-oriented. Later, the Coast Guard regulations would require installations of the same rafts on offshore drilling rigs. The inflatable liferaft described in Subpart 160.051 in 1959 paralleled a requirement for similar equipment drafted by the International Convention for the Safety of Life at Sea, 1960 (SOLAS 1960). Subsequently, the United States became a signatory nation to this convention with an entry into force date of May 26, 1965. Thereafter, by revisions initiated by the Coast Guard, the contents of the original Subpart 160.051 were made to conform to the provisions for inflatable rafts featured in SOLAS 1960 and its successor, SOLAS 1974.

In the regulatory endeavors described above, it was necessary to include regulations for the recurring overhaul and testing of the inflatable liferaft, because it was a radical departure from the more durable lifesaving equipment previously permitted aboard the world's merchant vessels. In Subpart 160.051 the Coast Guard broke new ground by allowing flotation to result from pneumatic chambers instead of the traditional reliance on the buoyant

properties of cork, balsa, or air tanks made of sheet metal. This break with past practice raised a number of problems not previously faced in the marine inspection regulations. Although military and civilian aircraft had made extensive use of inflatable rafts during and after World War II (with the same being true to a lesser extent for the world's navies) this first-time acceptance of the inflatable liferaft for merchant vessels was a new encounter for both the Coast Guard and the U.S. Merchant Marine.

Prior to 1959 the repetitive overhaul of lifesaving equipment, such as lifeboats, buoyant apparatus, launching equipment, and similar equipment, took place onboard merchant vessels with their crews performing the work, in most instances with a minimum of shoreside support. The peculiarities of the fabrics and the CO_2 inflation systems of the new rafts made the previous way of doing things unrealistic. The original regulations for inflatable liferaft maintenance attempted to imitate the maintenance program of the air transport industry for parachutes and rafts, because both programs require special work areas, tools, and technical expertise. The Coast Guard and the drafters of SOLAS 1960, in light of the accumulated experience of the U.S. Navy and other authorities in maintaining inflatable liferafts, made the decision to cope with the new raft by including provisions for its regular overhaul and testing in regulations concerned with "servicing" which would be performed ashore by specialists at servicing facilities.

Since their inception, the servicing requirements contained in Subpart 160.051 have required a Coast Guard Marine Inspector to attend the overhaul, pneumatic testing and equipment inventory basic to the servicing of each raft. In the majority of instances the Coast Guard has performed this service without charge. The necessity for a marine inspector at each raft's servicing was a consequence of the rapid expansion in the 1960s of the servicing facilities. In the beginning the servicing facilities were primarily ship chandlers whose expertise on servicing inflatable liferafts was limited. The Coast Guard recognizing this limitation and the general lack of experience concerning the use and servicing of inflatable liferafts on merchant vessels was unwilling to permit the unsupervised servicing of these devices.

The marine industry and the aircraft industry did not develop a single standard system for servicing inflatable liferafts. They both developed their own resources and methodologies for servicing inflatable liferafts.

Over the years the design, construction, and fabrication of inflatable liferafts has changed while still meeting the Coast Guard specifications. Due to these changes inflatable liferafts have become more reliable and the use of these devices by the various facets of the marine industry has increased. The technical expertise of servicing facilities has increased due to greater technical support from the manufacturer through better manuals, servicing bulletins and training.

Under the servicing requirements of Subpart 160.051 as written, the servicing of each raft (at intervals of 12 to 15 months) requires at least 3 hours of attention by a marine inspector at a servicing facility. This is a considerable demand on Coast Guard inspection personnel. In the 1960s, as a result of the expansion of shipping to support U.S. activities in the far east, more U.S. vessels remained on shuttle operations overseas for periods of several years. This activity prevented the return of their inflatable liferafts to servicing facilities in U.S. ports and a need developed to service these rafts overseas.

Further demands on the overseas committment of the Coast Guard resulted from the rapid expansion of offshore oil drilling activities by U.S. operators in the 1970s. This was followed by the placement of construction contracts with overseas shipyards for U.S. flag drill rigs and merchant vessels. The Coast Guard responded to this ever-widening world situation by deploying marine inspection units in Singapore, Guam, Japan and Rotterdam.

While the overseas deployment of Coast Guard inspection personnel provided some relief from the problem of providing annual servicing of inflatable liferafts in overseas locations, it was not an entirely satisfactory solution. Coast Guard inspectors could not always be made available in the locations and at times that coincided with the vessel's schedule. Additionally, requests for inspectors at overseas locations other than the ports where they were available required the company operating the vessel to reimburse the Coast Guard for the traveling expenses and subsistence.

As a result of these developments the Coast Guard is reevaluating the requirement for periodic servicing of inflatable liferafts used on inspected U. S. merchant vessels. In conducting this evaluation, the Coast Guard. is employing the following guideline:

1. There must be no risk of derogating safety.

2. Servicing of liferafts should be available to meet the needs of U.S. vessels in world wide service.

3. In order to maintain the present level of safety the minimum government involvement in inflatable liferaft servicing should at least include oversight.

4. Most of the cost of servicing of inflatable liferafts should be borne by the users of the service.

5. Requirements on how servicing is conducted should be the minimum necessary to maintain the existing level of safety.

6. These regulations should be ao useful that they encourage improved servicing of inflatable liferafts used on uninspected vessels.

Regulatory Scheme

Changes to Part 160 of Title 46, Code of Federal Regulations are necessary to permit continued servicing of rafts on a world-wide basis with reduced participation by Coast Guard inspection personnel. A model for accomplishing this exists in 46 CFR Part 159. This regulation originated to permit third parties, that is independent laboratories and inspection organizations, to carry out equipment inspections and to monitor quality control in factories. The participation of third parties in the raft inspection process along with a diminished Coast Guard participation would not be a radical innovation. Similar programs have been in operation for several years for a number of different Coast Guard approved lifesaving items, such as pyrotechnic signals, personal floatation devices, and emergency rations for lifeboats and liferafts. The general objectives contemplated by the Coast Guard in this regard would be—

(a) To have the initial qualification inspection of a servicing facility, either within the U.S. or overseas, continue to be done by the Coast Guard;

(b) To remove the present requirements in Subpart 160.051 for a Coast Guard marine inspector to attend the servicing of each raft;

(c) To require the liferaft manufacturers to exercise greater responsibility in overseeing the conditions and personnel training of their affiliated servicing facilities; and

(d) To update Subpart 160.051 by adding to it recommendations of the International Maritime Organization (IMO), the agency concerned with coordinating the provisions of SOLAS.

The cost of third-party inspections and for training and performance

evaluation of the servicing facilities would be born by the raft manufacturer and the servicing facility. It is expected that this burden would ultimately be passed on to the inflatable liferaft user by increasing the cost of the liferaft and the liferaft servicing.

Regulation Changes Under Consideration

To meet these objectives, the following paragraphs discuss the various regulation changes that are under consideration. The Coast Guard would not necessarily implement all of these changes, and some of them may be somewhat contradictory. You are invited to comment on the projected cost and effectiveneas of any or all of the proposals discussed below and their impact on safety, as well as express alternative proposals that would accomplish the objectives discussed above.

a. *Improve requirements for servicing facilities to provide appropriate servicing area, tools, repair parts, and personnel.* The requirements for servicing facilities and personnel are in the introductory text and paragraphs (1) through (3) of 46 CFR 160.051–6(d). These requirements cover the condition of the servicing facility, its servicing equipment, the requirements for trained personnel, and the qualifying tests. Minor revisions to these requirements should be made to be consistent with IMO Resolution A.333(IX) "A Recommendation On The Conditions For The Approval Of Servicing Stations For Inflatable Liferafts", dated November 12, 1975, and the IMO MSC Circular 300 "Recommendation On Servicing Of Inflatable Liferafts" dated February 2, 1981. As modified, these would continue to be conditions for initial approval of the organization, and would be one of the primary concerns of those individuals making periodic inspections.

Changes would have to be made in order to be consistent with IMO Recommendation A.333(IX) and the 1981 MSC Circular 300. The Coast Guard believes that most currently approved servicing facilities would meet these standards which include the following:

1. Servicing would have to take place in fully enclosed spaces (indoors). The space would have to be ventilated, but free of drafts, and smoking would not be permitted.

2. Sufficient space would have to be available for the number of liferafts expected to be serviced at any one time. The ceiling would have to be high enough to allow overturning of the largest liferaft to be serviced with the liferaft inflated.

3. The floor would have to be covered or coated with a surface that can be cleaned. Carpets would not be acceptable.

4. The temperature, and where necessary, the relative humidity in the servicing space would have to be sufficiently controlled to ensure that servicing can be carried out.

5. Separate areas would have to be provided for—

i. Liferafts awaiting servicing, repair, or delivery;

ii. Repair of containers and painting of inflation cylinders;,

iii. Materials and spare parts; and

iv. Administrative areas.

6. The liferaft storage area would have to provide for rafts to be stored in tiers no more than two high, and not subjected to excessive loads.

7. Spare and obsolete pyrotechnics would have to be stored in a safe and secure magazine, in accordance with local safety codes, well away from the servicing and stowage spaces.

8. A source of pressure to inflate the rafts and a means to deflate them would have to be provided.

9. Facilities that service davit-launched liferafts would be required to be equipped with appropriate means for conducting the weight test.

10. All of the facilities raft servicing tools would have to be stored on a tool board that clearly indicates where each tool is to be stowed. This board would be checked at the conclusion of each servicing to make sure that no tools were left in the raft.

In addition to items 1 through 10 above the Coast Guard is also considering a requirement that each servicing facility have an up-to-date servicing manual for each type of liferaft that they service in order to be approved.

b. *Limited Coast Guard inspection of servicing facilities.* In order to reduce direct government involvement in liferaft servicing, the Coast Guard is considering focusing its primary attention on the qualification of the servicing facility, rather than on the servicing of individual liferafts. A Coast Guard Inspector would visit the servicing facility for the initial inspection for approval, examine the facility, and witness the servicing of a specified number of liferafts, as is presently required. If this inspection is satisfactory, the organization would be approved by the Coast Guard to service inflatable liferafts for U.S. inspected vessels. As under present regulations, approval of the organization would be limited to servicing those liferafts made by the manufacturers that have authorized the facility to service their liferafts. Manufacturer's authorizations would be limited to facilities that have properly trained personnel and up-to-date servicing information for each liferaft model concerned.

After the initial inspection, a Coast Guard inspector would periodically visit the facility, perhaps once each year. The inspector would witness the servicing of liferafts only if such servicing was taking place at the time of the visit. If the inspector found that some aspect of the regulations governing servicing facilities was not being complied with, the Coast Guard could withdraw the approval of the organization, or suspend approval pending correction of deficiencies.

For servicing facilities in foreign countries, the Coast Guard Inspector's travel and subsistence expenses would have to be reimbursed by the servicing organization. As an alternative, the Coast Guard would consider relying on periodic inspections by an authorized representative of the Administration of the country in which the servicing facility is located. The Administration would have to inspect to standards and at intervals that are equivalent to the Coast Guard requirements.

c. *Use of independent laboratories or inspection services to supplement Coast Guard inspections.* Since the Coast Guard would no longer witness the servicing of every inflatable liferaft used on an inspected vessel, one alternative is to require each servicing to be witnessed by an inspector of an independent laboratory or inspection service accredited under a modified Subpart 159.010 of Title 46 of the Code of Federal Regulations. Such inspections could add as much as $250 to $500 to the cost of each servicing. Since the routine annual servicing of an inflatable liferaft in good condition may cost on the order of $400 to $500, such a requirement has the potential to virtually double the cost of many liferaft servicings.

Alternatively, the Coast Guard is considering a requirement that an independent inspector from an accredited laboratory or inspection service examine each approved servicing facility at least once each year and witness the servicing of at least one liferaft during this examination. This visitation would be listed in the annual report detailed in paragraph e. of this notice and would be required in order for the servicing organization to retain its Coast Guard approval. Servicing organizations would be required to notify the inspecting organization whenever a liferaft is to be serviced, and the inspecting organization would select the servicing to be witnessed. In

addition to a once a year visitation, the Coast Guard is considering a requirement to have an independent inspector attend the special fifth-year servicing of every liferaft, as well as the servicing of every liferaft ten or more years old. These special servicings are more extensive than the normal annual servicing, and are in paragraphs (1) through (3) of 46 CFR 160.051–6(f), which would be retained. In the case of a liferaft more than ten years old, the concern is that the raft may be nearing the end of its useful life and must be closely examined.

The independent laboratory would be allowed to take the place of the Coast Guard inspector in conducting what would be considered the initial inspection for approving a servicing facility which only wants to service additional makes of liferaft from other manufacturers, or for determining the competence of new servicing personnel at a facility already approved.

For foreign servicing organizations, the Coast Guard is considering the accreditation of foreign laboratories or inspection services. Although not strictly "laboratories", classification societies and foreign government shipping safety administrations could also be accredited if they would be able to meet the criteria below and the requirements found in 46 CFR Subpart 159.010.

The standards for the qualification of independent inspectors are important to this procedure. The Coast Guard is considering a requirement that each of the independent inspectors complete at least one manufacturer's servicing training course, and that each inspector take a refresher course or another manufacturer's training course at least as often as refresher training is required for servicing personnel. The manufacturers would be required to offer the training for this qualification in order to retain their approval. Comments should consider how effective an inspector would be without such training.

d. *Increased manufacturer responsibility for quality of servicing.* As the Coast Guard decreases its direct involvement in liferaft servicing, the liferaft manufacturers should be required to assume more responsibility for the quality of servicing. As a condition of their continuing approval, manufacturers could be required to inspect each of their servicing facilities twice a year and report their findings to the Coast Guard at least once a year. So that the relative quality of each servicing facility could be consistently judged there should be a limited number of persons designated by the manufacturer to conduct these inspections. As part of its original and continued approval, the manufacturer should be required to identify the persons designated to conduct this inspection and to list their qualifications for this position. Additionally, a special report should be required if major problems are discovered which could result in the failure of the liferaft to operate as intended.

e. *Reporting of inspections and servicing.* The preceding paragraphs discuss different inspection requirements that could be imposed on servicing facilities as a condition of their continued approval. Under the present requirements for servicing (46 CFR 160.051–6), the Coast Guard inspector determines the adequacy of the facility and reports to the Commandant (G–MVI). If approved for servicing, the Commandant issues a letter to the manufacturer indicating which servicing facilities are approved. Records of individual raft inspections are kept by the Coast Guard Marine Inspection Office. The Marine Inspection Office reports to the Commandant on these inspections only after discrepancies are found.

If manufacturers and independent inspectors verify the qualifications of servicing facilities and individual liferaft servicings, some type of reporting requirement would have to be imposed so that the Commandant could determine which servicing facilities should retain their approval, and which approvals should be terminated. It is a Department policy that new reporting and record keeping requirements should be kept to a minimum; therefore, rather than require frequent detailed reports to the Commandant, a requirement for an annual summary from both the manufacturer and the designated independent inspection agency is being considered. This summary would include identification of the servicing facilities involved, and the dates of inspections or liferaft servicings witnessed. If the manufacturers inspections coincide with the inspections conducted by the independent inspection agency, only the inspection agency need file a report. However, the inspection agencies report should clearly identify the dates that the manufacturers inspector was present. No further information should be required if inspections revealed no problems. If an inspector found a problem that was subsequently resolved, a brief description of the problem and its resolution could be required. In addition to the yearly report, problems with the quality of the servicing, which may result in the failure of the liferaft or any of its components to operate as intended, should be resolved immediately by the servicing facility and then be brought to the attention of the Commandant by either the servicing facility, the manufacturer, or the independent inspector.

IMO Resolution A.333(IX) states that "each servicing station should prepare and transmit to the Administration, at regular intervals, statistics showing the nature and extent of damages to and defects found in liferafts during servicing and repair work." This information would be used by the Administration (the Coast Guard in this case) to determine if any liferafts show an unusual or dangerous pattern of defects. This information would be used to correct the problems identified either by requiring the manufacturers to modify their equipment or to correct their servicing procedures.

f. *FAA type servicing procedure.* One liferaft manufacturer has suggested that the Coast Guard use the same type of servicing procedure as the Federal Aviation Administration (FAA) uses for liferafts that are carried on transport aircraft engaged on long overwater flights. 14 CFR 121.339, requires lifesaving equipment to be onboard aircraft engaged in overwater flights and the operating specifications (developed by the aircraft manufacturer for use by the operator), requires aircraft inflatable liferafts to be inspected and serviced by FAA certificated repairmen. This is part of the carrier's overall aircraft maintenance and repair program. Alternatively, liferafts may be inspected and repaired in accordance with the manufacturer's instructions, or in accordance with procedures developed by the carrier, which are usually based on the manufacturer's procedure.

The procedures under consideration, and discussed in other paragraphs of this notice would place a greater reliance on the capability and integrity of the individual doing the liferaft servicing; however, liferafts stored on vessels and offshore platforms are subject to an environment which is far more destructive to the device than the controlled interior of an aircraft. For this and other reasons the Coast Guard is not, at this time, considering a procedure that completely does away with oversight.

g. *Coast Guard approval conditioned on authorization from manufacturer.* It is current policy that servicing facilities who lose their authorization from a manufacturer to service that manufacturer's liferafts also lose their Coast Guard approval to service that make of liferaft. The reason is that an

unauthorized servicing organization no longer has access to the current servicing information on the liferaft, and no longer has access to many of the correct components needed for proper repair of the liferaft. The Coast Guard is considering including this policy in the regulations.

You are requested to comment on the continuation of this policy and its effect on the relationship which exists between the manufacturers and their authorized servicing facilities.

h. *Require servicing manuals to be updated at least annually.* Present regulations [46 CFR 160.051–6(c)] require the manufacturer to produce a servicing manual. Section 160.051–6(c) requires the manual to have instructions on opening, inspecting, testing, repairing, and repacking of each of the manufacturer's approved liferafts. The regulations do not specifically require the manufacturer to keep this manual current, but a voluntary system of service bulletins is normally used to alert facilities of any changes required in the manual. After a while, these bulletins accumulate and can be lost or mislaid.

To make sure that the manuals are kept current, the Coast Guard is considering requiring the manufacturers to update their manuals at least annually, in order to retain their Coast Guard approval. This update could be accomplished by reissuing a complete corrected manual, by issuing revised pages along with a list of current manual pages or simply by sending out a letter that says no changes have been made to the manual in the last year. Further, the manufacturer, in order to retain his approval, could be required to supply each of its servicing facilities and independent inspectors with a current servicing manual, bulletins as they are developed or revised pages as applicable.

i. *Require servicing manuals to be maintained by authorized servicing facilities.* Present regulations do not require the servicing facility to have or maintain the manufacturers servicing manual. To remedy this situation the Coast Guard is considering a requirement as detailed in paragraph a. above for the servicing facilities to have up-to-date manuals in order to gain Coast Guard Approval. Another requirement under consideration is for servicing facilities to maintain their servicing manuals, in accordance with the manufacturers instructions, as developed in paragraph h. above, in order to retain their Coast Guard Approval. Further, the Coast Guard is also considering requiring servicing personnel to follow the appropriate manual for the raft being serviced in order for the facility to retain its Coast Guard Approval.

j. *Require manufacturers to provide initial and refresher training for servicing personnel.* Present regulations under 46 CFR 160.051–6(d)(2)(i) require that liferaft servicing facilities be staffed by trained personnel. The servicing personnel are required to attend a factory training course. In order to make sure that all servicing personnel are kept current on proper raft servicing techniques, the Coast Guard is considering requiring the manufacturer to provide the initial training in order to retain his approval. In addition, the Coast Guard is considering a requirement for refresher training every two years after the initial training. This training could take place during the manufacturers inspection of the servicing facility. Manufacturers could be required to provide the refresher training and servicing personnel from each of the manufacturers authorized servicing organization could be required to complete this training. The manufacturers failure to provide training would mean revocation of the liferaft approval and the servicing technicians failure to attend training would result in the loss of approval of the servicing facility. The present regulations do not specify the minimum contents of a liferaft servicing training course. Consequently the quality of this training may vary widely. Although,, the Coast Guard believes that all manufacturers make an effort to conduct meaningful training courses, consideration is being given to requiring the training course to meet certain criteria in order to gain Coast Guard approval. The criteria should specify the subjects that would have to be covered, and require a certain amount of actual supervised classroom work with the equipment for all servicing personnel, with special attention given to packing a raft, repairing buoyancy tubes, and repairing inflation system valves.

k. *Deny Coast Guard approval to any servicing organization that services liferafts of a manufacturer for which the organization does not have authorization.* The danger presented by unauthorized servicing organizations is that they do not have the manufacturer's servicing and repair information, they may not have access to the appropriate repair parts, and they do not know with certainty, the way that the raft must be packed in its container so that it inflates properly when needed. Each manufacturer's liferaft is a little different, so a servicing organization that is fully qualified to service a particular make of liferafts, is not necessarily qualified to service the raft of another manufacturer.

Because Coast Guard approved rafts used on merchant vessels are presently inspected by a Coast Guard marine inspector when they are serviced, and because servicing records are checked by another Coast Guard inspector when the raft is installed on the vessel, unauthorized servicing is an infrequent problem on inspected vessels. It may become more of a problem if the Coast Guard reduces its frequency of inspections at the servicing facility. A more serious problem concerns rafts on uninspected vessels, where a servicing organization that is Coast Guard approved for one make of rafts on inspected vessels, attempts to service rafts from uninspected vessels of any and all manufacturers, whether it is authorized by the particular manufacturer, or not.

The Coast Guard is considering regulations that would prohibit or withdraw Coast Guard approval of any organization which services liferafts for which it is not authorized by the manufacturer. The Coast Guard's statutory authority does not extend to the regulation of liferafts for uninspected vessels, so there is no way for the Coast Guard to directly prevent unqualified servicing of these liferafts. The regulation being considered may serve to discourage unqualified servicing by denying U. S. Coast Guard approval to unauthorized servicing facilities.

l. *Require each servicing organization that represents itself as Coast Guard approved to specify which makes of liferafts it is approved to service.* This issue is closely related to the issue discussed in the preceding paragraph. Each Coast Guard letter to a servicing organization that is approved states that the organization is approved to service a particular manufacturer's inflatable liferaft, that it may represent itself as a "Coast Guard approved facility" for this particular raft, and that it is not authorized to represent itself as a Coast Guard approved facility for any rafts for which it is not specifically authorized by letter. The Coast Guard is considering adding this language to the regulations. As previously stated, Servicing organizations that do not comply would lose their Coast Guard approval to service any liferaft.

m. *Allow liferaft servicing to take place on a vessel or MODU.* The present regulations were written for vessels that move cargo from one port to another and call at U.S. ports where servicing facilities are readily available. While the vessel is involved in cargo

operations, the liferaft can be removed from the vessel, taken to an approved facility where it is inspected and serviced, and then returned to the vessel before it leaves port.

As previously discussed, vessels may operate away from the United States for extended periods, sometimes in areas where Coast Guard Approved liferaft servicing is not readily available. This is particularly true for mobile offshore drilling units (MODUs) and the vessels that attend them. The present regulations require that a liferaft be serviced at an approved servicing facility. Unfortunately, as these vessels rarely enter ports where such facilities are available, the inflatable liferafts must be shipped back and forth from the vessel to the facility. Since the MODU remains in operation, it may be necessary to obtain a substitute liferaft to have available while the vessel's liferaft is being serviced. Since these vessels typically have a number of liferafts that have to be shipped away for servicing, this can be an expensive and time-consuming procedure. Delays in foreign ports have also been experienced since the rafts contain pressurized cylinders, pyrotechnics, and other materials the shipment of which may be limited or controlled by local laws.

To address this problem, the Coast Guard is considering a rule that would allow an approved servicing organization to set up a temporary liferaft servicing operation on board a MODU or other vessel that has a large, clean space meeting the requirements detailed in paragraph a. of this notice. The servicing facility would have to put together a portable assortment of test equipment, spare parts, and replacement survival equipment to accompany the individual doing the servicing. The servicing facility would have to gain authorization from the Coast Guard to conduct this type of servicing and the portable servicing package would have to be examined by an inspector from an independent laboratory to determine its adequacy. The person doing the servicing would have to make sure that the space provided and the equipment available meet the regulatory requirements for servicing previously described above in paragraph a. of this advance notice or the servicing facility would lose its approval.

n. *Servicing with Computer-Aided Devices.* One approved servicing organization has developed a computer-aided servicing system that could significantly improve liferaft servicing. Nothing under the present regulations would prohibit the use of such a system, and the company hopes to start using the system experimentally in its own servicing work. The issue the Coast Guard must consider is whether or not the system improves servicing to such an extent that the Coast Guard should require all facilities to use similar systems. To the extent that the system controls the quality of servicing to some degree, it could possibly provide a safeguard against any decline in servicing quality that might occur with a decreased frequency of inspection. The computer and its associated equipment are small enough that the system might lend itself to use with the portable servicing operation discussed in the preceding paragraph. If a computer-aided servicing system would not be required for all servicing facilities, it could be considered as a mandatory requirement for temporary servicing sites.

The computer-aided servicing system is based on a conventional microcomputer and specially developed accessories and software. The software can effectively include all of the requirements for a servicing manual and could be accepted as a servicing manual. It leads the person servicing the liferaft through the servicing procedure. When the program requires a pressure reading, a pressure transducer is connected to the computer, which then reads the data and stores the information in its memory. Weight, temperature, and barometric pressure measurements are also handled similarly by transducers connected to the computer. Timed measurements are controlled by the computer's internal clock. When the servicing procedure requires the person doing the servicing to make an observation of some data or information about the raft, the person must enter the information into the computer via the keyboard. When the servicing is complete, the computer prints out a servicing certificate, and a complete record of the tests and inspections.

The computer-aided servicing system may promote quality servicing. Rather than depending on a paper servicing manual with the attendant problems of entering change notices and bulletins, the servicing procedure would be updated by the manufacturer providing each organization with revised software. The computer-aided system also does not permit the person doing the servicing to short-circuit the manufacturer's intended procedure. The computer goes through the servicing procedure step-by-step and requires input at each step where some observation must be made. The person doing the servicing cannot overlook any required measurement or observation without making a conscious effort to deceive the system. By contrast, servicing peraonnel may now conduct servicing without direct reference to the servicing manual. This can lead to omissions, especially when there is a rush to return the raft. One of the primary functions of the present Coast Guard inspection of raft servicing is to make sure such omissions do not occur.

o. *Require inspection stickers supplied by the manufacturer to be affixed to the container of each liferaft serviced.* One liferaft manufacturer has begun issuing a controlled supply of inspection stickers to authorized servicing facilities. These stickers contain the manufacturer's logo, and a statement that the raft was serviced by an approved facility. The servicing facility's code number and the date when the raft is due for its next servicing is indicated by punched holes. The sticker is placed in a prominent location on the liferaft container.

The Coast Guard could adopt such a system. Each manufacturer would be required to produce the stickers to a specified format and supply them to their servicing organizations. Each sticker would contain the Coast Guard logo, the manufacturer's logo, and a unique serial number. Punched holes would indicate the servicing organization's code and the month of inspection. The year could be printed on the sticker, with the basic color of the sticker changing each year. The color would be selected by the Coast Guard and would be the same for all manufacturers. This sticker could be required to be placed over the joint in the liferaft container, so that the sticker would be broken whenever the raft is opened. This would be an immediate indication of unauthorized tampering, should such tampering occur.

The sticker system would make it more difficult for unauthorized organizations to represent themselves as Coast Guard approved and authorized by the manufacturer. Manufacturers without Coast Guard approved liferafts would be encouraged to adopt a similar system without the Coast Guard logo, in order to improve the quality of servicing for liferafts that are not required to be approved. The stickers would also make the date of inspection more prominent, and rafts seriously out of date would be obvious by the color of the inspection sticker.

The sticker could also potentially reduce the reporting and record keeping burden for vessel operators and servicing facilities. Now the servicing

certificate for the liferaft required under 46 CFR 160.051–6(e)(2) is generally kept by one of the ship's officers in the ship's files. The inspection sticker could conceivably replace the servicing certificate. Since the sticker would be firmly affixed to the raft, it would always be readily available to inspectors and not subject to being lost or misplaced. One disadvantage of discontinuing the servicing certificate is that many manufacturers include a complete summary of the work done on the face of the certificate, even though the Coast Guard regulations require only minimal information on the certificate. Manufacturers could, of course, continue to require their servicing organizations to issue servicing certificates as a condition of the manufacturer's authorization of the organization, even if Coast Guard regulations did not include such a requirement.

The sticker could also replace the metal inspection plate that is required on the liferaft container under 46 CFR 160.051–8(a), which is now marked with the words "passed", the date of servicing and the identification letters of the Coast Guard inspection office that witnessed the servicing.

p. *Require that the date of servicing, and the identification of the servicing facility be clearly marked on the body of each liferaft.* There have been cases in the past where a liferaft that was sent for servicing was suspected of not having been inspected and serviced at all. Since the liferaft is stored in its container, out of sight of the owner, an unscrupulous organization might be tempted to simply mark the raft container with the indication that it had been serviced without removing the raft from the container. In this way the full servicing fee could be collected without the servicing organization having to do any work. In order to place the date and identification of the servicing facility on the raft itself, the raft would have to be unpacked and repacked, guaranteeing that at least that much had been done. Any doubt about whether or not a facility had even opened the raft could be resolved by examining the raft.

Perhaps a more important reason for marking the raft with the identification of the servicing facility and date is its potential use in search and rescue. When a liferaft is found at sea with no one aboard, search and rescue forces want to know what vessel the raft came from as soon as possible. Unlike many other items of lifesaving equipment it is not always known what vessel the raft will be placed on after servicing. Therefore, inflatable liferafts are not marked with the name of the vessel they come from. If the servicing facility is clearly indicated on the raft, that facility can be contacted when a raft is found. The facility can then identify the customer from the raft's serial number which must be recorded when the raft is serviced under 46 CFR 160.051–6(e)(1). The servicing facility would be required to retain this listing for one year in order to keep its approval to conduct servicing.

Comments should consider how effective such a system could be in improving the efficiency and effectiveness of Coast Guard search and rescue operations.

q. *Liferafts stored under controlled conditions for up to 1 year after servicing to be allowed an extension on the date for the next required servicing.* In 1961, the Coast Guard published Navigation and Vessel Inspection Circular (NVIC) 12–61 which allowed an extension on the date for the next required servicing for liferafts in storage for extended periods after manufacture. The NVIC stated that liferafts might be held in storage for as long as a year before being sold and placed on board a vessel. Rafts stored for periods of ten months, for example, would otherwise require annual servicing approximately two months after installation on the vessel. This would add an unnecessary cost to the original cost of the raft.

The NVIC allowed rafts stored up to 6 months from date of manufacture to be placed in service without further servicing, with the first servicing due no later than one year from the date of installation on board the vessel. In order to help identify a raft in this category, the raft manufacturer furnished the master of the vessel with a copy of the bill of sale showing the manufacturer's name and address, the serial number of the raft, the date of manufacture, and the sales date. In addition, an affidavit was to be provided showing the date the raft was installed on the vessel. Both the affidavit and bill of sale were to be retained on board the vessel.

For rafts stored from 6 months to 1 year from the date of manufacture, the raft had to be opened by an approved servicing facility in the presence of a marine inspector to visually check the condition of the raft, check and weigh the CO_2 cylinder(s), and replace the flashlight batteries. This procedure effectively waives the 2-hour inflation test required under 46 CFR 160.051–6(e). After checking, the raft could be repacked by the approved servicing facility and stamped by the marine inspector as having been serviced on the date of the inspection. Regular annual servicing as set forth in 46 CFR 160.051–6(e) would be due one year from date of the stamp. Rafts in storage longer than one year would have to be serviced in accordance with § 160.051–6.

This policy on storage has been in effect for almost 25 years without any evidence that liferafts stored and serviced have been any less satisfactory than those serviced annually. The Coast Guard is considering making this policy part of the revised servicing regulations, but instead of limiting the procedure to newly produced liferafts, the Coast Guard could extend it to all liferafts that have been fully serviced and stored under controlled conditions. The Coast Guard could also simplify the record keeping requirements associated with this change by requiring the date that the raft was removed from controlled storage to be the date marked on the liferaft container because that is the information used to determine the need to reservice an inflatable liferaft stored on a vessel. Any servicing certificate could also indicate this date, and might also be endorsed to indicate that this special inspection procedure was used. This would eliminate the need for any special certifications, affidavits, or bills of sale to be provided by the servicing facility and retained by the master of the vessel.

r. *Issuance of unique code to each approved servicing facility.* The 1981 IMO MSC Circular 300 includes a provision for the issuance of an identification number to each approved servicing facility. The Coast Guard now uses approval numbers to identify most approved equipment, but servicing facilities have never been provided with such a number or code. The purpose of the code would be to positively identify the servicing facility as one that has been approved by the Coast Guard. The code would be particularly useful if the inspection sticker concept discussed previously is adopted.

s. *Detection of Aging Structural Connections.* There would be a new requirement that the manual have instructions for the servicing person on how to examine the tube-to-tube and tube-to-floor connections of the rafts for aging structural connections that have outlived their usefulness. The 5th-year CO_2 inflation test of a raft performs a check of the gas tightness of the seams of its buoyancy tubes. But this does not focus on the taping used in the above structural connections, which, while holding the major components of the raft together, do not come in contact with the inflation gas. It is possible that the cold-cure cements now most often used in the rafts' fabrication, has produced seams that suffer deterioration at a

faster rate than their adjacent fabrics. The rafts recovered from the loss of the drill rig "Ocean Ranger" in February 1982 showed extensive deterioration in their hinge tapes and floor supports. Subpart 160.051 should be ammended to correct this particular problem.

t. *Perform fifth-year inflation test with the liferaft in its container.* The special fifth year inspection requirements require the liferaft to be inflated with its own inflation system. This test is performed by removing the raft from its container and then operating the inflation system. A recent problem suggests that this test should probably be done with the raft still in its container.

The problem concerned a hose coupling that broke when a raft was inflated in its container during the sample lot inflation test required for new liferafts under 46 CFR 160.051–5(c)(4). The manufacturer also discovered that the hose failure did not occur when the raft was inflated in its folded condition, and outside of its container. Apparently, the forces on parts of the liferaft can be significantly different when the inflating raft breaks open its storage container.

Hoses on older liferafts are a potential point of deterioration that should be checked in the fifth year inflation test. Other parts of the raft may also be stressed more severely when the raft breaks free of its container, as compared to inflating in the folded condition. For this reason, the Coast Guard is considering a requirement for the fifth year inflation test to be conducted with the raft inside its storage container.

u. *Require servicing facility to mark maximum stowage height on liferaft container.* The 1983 Amendments to the 1974 International Convention for the Safety of Life at Sea come into force on July 1, 1986. The 1983 Amendments change the requirements related to the height above the waterline at which a liferaft is stowed. A liferaft will have to be equipped with a painter of length equal to not less than twice the distance from the stowed position to the waterline in the lightest seagoing condition, or 15 m (49.2 ft.), whichever is the greater. Liferafts must also be constructed to withstand a drop into the water from a height of 18 m (59 ft.), except if the liferaft is to be stowed at a greater height above the waterline, it must be of a type that has been drop tested from that height. The present regulations in 46 CFR Subpart 160.051 require a 60 ft. drop test. In accordance with IMO recommendations in SOLAS 60 the raft is also required to have a 100 ft. minimum painter length regardless of stowage height.

The Coast Guard is considering a requirement for each liferaft container to be marked with the length of the painter and the maximum permitted stowage height above the waterline. This height would be the lesser of; (1) the height at which the raft was drop tested; or (2) one-half the length of the painter. Consequently, the height at which the liferaft could be stowed on a vessel would be affected by the length of the painter, which could be changed by the servicing facility. The servicing facility in order to retain its authorization would be responsible for making sure that the marking of painter length and stowage height are correct.

v. *Provide for "SOLAS A Pack" and "SOLAS B Pack" markings on containers for inflatable liferafts used on vessels in international service.* The 1983 Amendments to the 1974 International Convention for the Safety of Life at Sea come into force on July 1, 1986. The 1983 Amendments change the requirements for emergency equipment packed inside liferafts. New liferafts for vessels in international service provided with the equipment specified in the 1983 Amendments will be required to carry the marking "SOLAS A Pack" or "SOLAS B Pack" on their containers as applicable. The servicing facility in order to retain its authorization would be responsible for making sure that the required markings on the container are correct.

List of Subjects in 46 CFR Part 160

Marine safety.

J.W. Kime,

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

[FR Doc. 86–18358 Filed 8–13–86; 8:45 am]

BILLING CODE 4910–14–M

FEDERAL MARITIME COMMISSION

46 CFR Part 502

[Docket No. 86–22]

Miscellaneous Amendments to Rules of Practice and Procedure

AGENCY: Federal Maritime Commission.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Federal Maritime Commission proposes to clarify and update certain of its Rules of Practice and Procedure. The proposed amendments would revise the Rules to provide for appeals from Commission staff actions; to establish a procedure for the filing of a brief of an amicus curiae in adjudicatory proceedings; to bring special docket procedures in conformity with the provisions of the Shipping Act of 1984 and recent Commission decisions; and to set forth the grounds upon which a request for oral argument should be based.

DATE: Comments due on or before September 15, 1986.

ADDRESS: Send comments (original and fifteen copies) to: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573, (202) 523–5725.

FOR FURTHER INFORMATION CONTACT: Robert D. Bourgoin, General Counsel, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573, (202) 523–5740.

SUPPLEMENTARY INFORMATION: Proceedings before the Federal Maritime Commission are conducted pursuant to the Commission's Rules of practice and procedure, 46 CFR Part 502. The proposed amendments would update and clarify certain sections and would add a new section to the Rules. The revised sections and the new section are discussed below.

I. 46 CFR 502.69 *Petitions.* This section provides, *inter alia,* that, except where otherwise provided in Part 502 or submitted in connection with a formal proceeding, claims for relief or other affirmative action must be by written petition to the Commission. Although the informal procedure is, by its terms, of general application, in view of some uncertainty as to the availability of the informal procedure for obtaining relief from adverse action taken in Commission regulatory activity, it is proposed that section 502.69 be amended to expressly set forth that the remedy is also available to appeal Commission staff actions.

II. 46 CFR 502.76 *Brief of an amicus curiae.* The proposed amendments would establish a new § 502.76 governing the filing of a brief and oral argument of an amicus curiae. This new section is modeled on Rule 29 of the Federal Rules of Appellate Procedure and retains the chief substantive features of Rule 29. Most notably, § 502.76 keeps that provision of Rule 29 which allows a United States government entity to file a brief as an amicus curiae without leave. Such an entity must, however, file its brief in a timely manner, *i.e.,* within the time allowed the party whose position it supports.

Proposed § 502.76 differs from Rule 29 in one respect. Rule 29 permits the filing of an amicus curiae brief if accompanied by written consent of all parties. As proposed, § 502.76 would not contain this alternative method of filing and

would provide for filing only by leave of the Commission or the Presiding Officer, except in the case of governmental entities. This modification to Rule 29 is necessary in order to accommodate the different context of Commission proceedings from that of appeals in federal circuit courts.

Except for the blanket authorization given governmental entities, § 502.76 would, for the most part, merely codify current Commission practice with regard to the filing of an amicus brief. The Commission has allowed interested persons to file an amicus brief in Commission proceedings but only upon application and with the leave of the Commission. Section 502.76 would expressly provide for such filings in the Rules of practice and procedure.

In addition to establishing a procedure for the filing of an amicus brief, this section would also clarify the distinction between participation as an intervenor and as an amicus curiae. Rule 72 of the Rules of practice and procedure, 46 CFR 502.72, provides that interested persons who desire to intervene in adjudicative proceedings may do so upon leave of the Commission by filing a petition for leave to intervene. An intervenor under Rule 72 has the status of a party, including the rights and obligations that attach to party status. An amicus curiae is a "friend of the court" and serves only to advise the Commission on legal issues through the filing of a brief. Status as an amicus filer under proposed Rule 76 would not confer any right to participate in the conduct of a hearing, including the presentation of evidence and the examination of witnesses.

The proposed amendments do not make any substantive change in Rule 72 which governs intervention. However, because some confusion has occurred in the past over the significance of the use of the word "amicus" in Rule 72(c), it is proposed that the reference to "amicus" be deleted from Rule 72(c). This may further clarify that persons who participate in proceedings pursuant to Rule 72 do so as intervenors.

III. 46 CFR 502.92(a) *Special docket applications and fee.* This section sets forth the procedure for filing applications for special docket refunds or waivers, as authorized by section 8(e) of the Shipping Act of 1984, 46 U.S.C. app. 1707(e) (the Act). Section 8(e)(1) of the Act sets as a condition to the grant of relief, that the refund or waiver not result in discrimination among "shippers, ports, or carriers," whereas 46 CFR 502.92(a)(1) now refers only to "shippers." It is therefore proposed that the CFR section be revised by making reference to "ports" and "carriers." Furthermore, while section 8(e)(1) gives the shipper, in addition to the carrier or conference, the right to file an application, section 8(e)(2) requires only the carrier or the conference to file with the Commission a new tariff showing the rate on which the refund or waiver would be based. Therefore, it is proposed that § 502.92(a)(2), which provides that prior to the filing of the application the Commission "must have received an effective tariff," be revised to specify that only the carrier or conference must file such a tariff.

Paragraph No. 1 of Exhibit No. 1 to Subpart F would be revised to delete the reference to the date of delivery of the cargo to the carrier. That information is irrelevant to the determination of the effective date of the tariff filed pursuant to section 8(e)(2) of the Act.[1]

Paragraph No. 3 of Exhibit No. 1 presently requests information as to whether the grant of the special docket application will result in discrimination among "ports or carriers." It is proposed to revise this paragraph, in accordance with § 502.92(a)(1), by adding the word "shippers" in the reference to "ports or carriers".

The request in paragraph 4 of Exhibit No. 1, for information as to "shipments of other shippers of the same *or similar* commodity" (emphasis added) appears to conflict with the prohibition in 46 CFR 580.6(h) against the application of specific commodity rates to "analogous articles." It is therefore proposed that the words "or similar" be deleted.[2]

The same paragraph refers to the beginning of the relevant period for "shipments of other shippers" as "the day the bill(s) of lading was issued." This provision needs to be revised in light of the Commission's decision in *Application of Yamashita-Shinnihon Line for the Benefit of Nissho-Iwai American Corporation*, 19 S.R.R. 1407 (1980),[3] which establishes the beginning of the relevant period as the date the tariff omitting the intended rate became effective, or the date the intended rate absent the mistake would have become effective.

IV. 46 CFR 502.241 *Oral argument.* Section 502.241(a) would be amended to provide that the Commission may hear oral argument either on its own motion or at the request of a party. The present rule contemplates the hearing of oral argument only upon request of a party. In practice, however, the Commission has on occasion heard oral argument on its own initiative.

Section 502.241(b) is proposed to be revised to set forth that oral argument will generally not be granted unless the moving party shows with specificity that the matter sought to be addressed involves a significant regulatory issue, that the legal arguments have not been adequately addressed on brief, and that the decisional process presented would be significantly aided by oral argument. Because the parties normally would have had the opportunity to fully present their case in proceedings before the Administrative Law Judge, such a demonstration would serve to avoid unnecessarily delaying the ultimate disposition of the matter at issue, assure efficient use of Commission resources, obviate unnecessary litigation expenses and generally maintain the integrity of the decisional process.

Additionally, in § 502.241(b) the words

> . . . and, if granted, the notice of oral argument will set forth the order of presentation. Upon request the Commission will notify any party of the amount of time which will be allowed it . . .

would be deleted and § 502.241(a) would be amended by adding the following:

> If the Commission determines to hear oral argument, a notice will be issued setting forth the order of presentation and the amount of time allotted to each party.

The latter more accurately reflects what has become standard practice.

List of Subjects in 46 CFR Part 502

Administrative practice and procedure.

PART 502—[AMENDED]

Therefore, pursuant to 5 U.S.C. 553, and sections 8(e) and 17 of the Shipping Act of 1984, 46 U.S.C. app. 1707(e) and 1716(a), Part 502 of Title 46, Code of Federal Regulations, is proposed to be amended as follows:

1. The Authority Citation for Part 502 is revised to read as follows:

Authority: 5 U.S.C. 552, 553, 559; 18 U.S.C. 207; 46 U.S.C. app. 817, 820, 821, 826, 841a, 1114(b), 1705, 1707–1711, and 1713–1716; and E.O. 11222 of May 8, 1965 (30 FR 6469).

2. In § 502.69, paragraph (a) is revised to read as follows:

§ 502.69 Petitions—general and fee.

(a) Except when submitted in connection with a formal proceeding, all claims for relief or other affirmative

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[1] Exhibit No. 1 to Subpart F [§ 502.92]—Application for Refund or Waiver for Freight Charges Due to Tariff Error.

[2] Part 580—Publishing and Filing of Tariffs by Common Carriers in the Foreign Commerce of the United States, 46 CFR 580.6(h).

[3] The decision was recently followed in *Application of Australia New Zealand Container Line for the Benefit of Meadowsfreight New Zealand, Ltd.*, Special Docket No. 1349, 23 S.R.R. 751 (1986), and in *Application of Lykes Bros. S.S. Co. for the Benefit of Embassy of Tunisia, Order of Partial Adoption*, Special Docket No. 1381, decision served June 9, 1986.

action by the Commission, including appeals from Commission staff action, except as otherwise provided in this part, shall be by written petition, which shall state clearly and concisely the petitioner's grounds of interest in the subject matter, the facts relied upon and the relief sought, shall cite by appropriate reference the statutory provisions or other authority relied upon for relief, shall be served upon all parties named therein, and shall conform otherwise to the requirements of Subpart H of this part. Replies thereto shall conform to the requirements of § 502.74.

* * * * *

§ 502.72 [Amended]

3. In § 502.72, paragraph (c)(3) is amended by removing the word "amicus."

4. In Part 502, Subpart E is amended by adding a new § 502.76 to read as follows:

§ 502.76 Brief of an amicus curiae.

(a) A brief of an amicus curiae may be filed only by leave of the Commission or the presiding officer granted on motion with notice to the parties, or at the request of the Commission or the presiding officer, except that leave shall not be required when the brief is presented by the United States or an agency or officer of the United States, or by a State, Territory or Commonwealth. The brief may be conditionally filed with the motion for leave.

(b) A motion for leave to file an amicus brief shall identify the interest of the applicant and shall state the reasons why such a brief is desirable.

(c) Except as otherwise permitted by the Commission or the presiding officer, an amicus curiae shall file its brief within the time allowed the party whose position as to affirmance or reversal the amicus brief will support. The Commission or the presiding officer shall grant leave for a later filing only for cause shown, in which event the period within which an opposing party may answer shall be specified.

(d) A motion of an amicus curiae to participate in oral argument will be granted only for extraordinary reasons.

5. In § 502.92, paragraphs (a)(1) and (a)(2) are revised to read as follows:

§ 502.92 Special docket applications and fee.

(a)(1) A common carrier by water in foreign commerce which publishes its own tariff or, if the common carrier does not publish its own tariff, the carrier and the conference to which it belongs, or a shipper, may file an application for permission to refund or waive collection of a portion of freight charges where it appears that there is:

(i) An error in the tariff of a clerical or administrative nature; or

(ii) An error due to inadvertence in failing to file a new tariff. Such refund or waiver must not result in discrimination among shippers, ports, or carriers.

(2) When the application is filed by a carrier or conference the Commission must have received prior to the filing of the application a new tariff which sets forth the rate on which refund or waiver would be based.

* * * * *

6. In Exhibit No. 1 to Subpart F [§ 502.92] paragraphs 1(d), 3 and 4 are revised to read as follows:

Exhibit No. 1 to Subpart F [§ 502.92]—Application for Refund of or Waiver for Freight Charges Due to Tariff Error

* * * * *

1. * * *

(d) Date(s) of shipment(s), i.e., sailing(s) [furnish supporting evidence].

* * * * *

3. Furnish any information or evidence as to whether grant of the application will result in discrimination among shippers, ports or carriers.

4. State whether there are shipments of other shippers of the same commodity which (i) moved via the carrier(s) or conference involved in this application during the period of time beginning on the date the tariff omitting the intended rate became effective or on the date the intended rate absent the mistake would have become effective and ending on the day before the effective date of the conforming tariff, and (ii) moved on the same voyage(s) of the vessel(s) carrying the shipment(s) described in No. 1, above.

* * * * *

7. In § 502.241, paragraphs (a) and (b) are revised to read as follows:

§ 502.241 Oral argument.

(a) The Commission may hear oral argument either on its own motion or upon the written request of a party. If oral argument before the Commission is desired on exceptions to an initial or recommended decision, or on a motion, petition, or application, a request therefor shall be made in writing. Any party may make such a request irrespective of its filing exceptions under § 502.227. If a brief on exceptions is filed, the request for oral argument shall be incorporated in such brief. Requests for oral argument on any motion, petition, or application shall be made in the motion, petition, or application, or in the reply thereto. If the Commission determines to hear oral argument, a notice will be issued setting forth the order of presentation and the amount of time allotted to each party.

(b)(1) Requests for oral argument will be granted or denied in the discretion of the Commission.

(2) Oral argument generally will not be granted unless the party so requesting demonstrates with specificity that:

(i) The matter to be addressed involves a significant regulatory issue;

(ii) The legal arguments have not been adequately addressed on brief; and

(iii) The decisional process would be significantly aided by oral presentation.

* * * * *

By the Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 86-18331 Filed 8-13-86; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 67

[CC Docket No. 86-297]

Establishment of a Federal-State Joint Board

AGENCY: Federal Communications Commission: Federal-State Joint Board.

ACTION: Order inviting comments and request for data.

SUMMARY: The Federal-State Joint Board seeks comment on its proposal for amendments to Part 67 of the Commission's rules regarding the separation of costs between the state and interstate jurisdictions. The Joint Board proposes two sets of separations rules to conform to the two-tiered system of accounts under the recently revised Uniform System of Accounts (USOA): One system for the larger Class A carriers and one system for the smaller Class B carriers. For Class A carriers, the Joint Board proposes to change the separations rules primarily to conform to the revised USOA. For Class B carriers, the Joint Board proposes both conformance and simplification of separations procedures. The Joint Board also requests that parties submit data to be used to evaluate the revenue requirement impact of the proposed changes.

DATES: Comments on the proposed Class A Manual must be filed on or before September 25, 1986, and reply comments on or before October 10, 1986. Comments on the Class B Manual must be filed on or before October 27, 1986, and reply comments on or before November 25, 1986. Data on the revenue requirement impact of both proposed

Manuals must be filed on or before November 25, 1986.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Michael Wilson or Cindy Schonhaut (202) 632–7500.

SUPPLEMENTARY INFORMATION: This is the full text of the Joint Board's Order Inviting Comments and Request for Data and a summary of the proposed rules. The full text of the proposed rules is available for inspection and copying during normal business hours in the Federal Communications Commission Dockets Branch, 1919 M Street, NE., Room 230, Washington, DC 20554. The complete text may also be purchased from the Commission's copy contractor, International Transcription Service, 2100 M Street, NW., Suite 140, Washington, DC 20037, (202) 857–3800.

Adopted: July 11, 1986.
Released: July 25, 1986.

I. Introduction

1. The Federal-State Joint Board seeks comment on its proposal to conform the Separations Manual, Part 67 of the Commission's rules, to the revised Uniform System of Accounts (USOA) recently adopted by the Commission. Because of the relationship of the USOA and separations, the Separations Manual must be conformed when the revised USOA becomes effective on January 1, 1988. The Joint Board herein proposes to revise the Separations Manual to conform to the two-tiered acconting system of the revised USOA by establishing two sets of separations procedures: one for Class A carriers and one for Class B carriers. The proposed Separations Manual for Class A carriers would revise the current rules to conform to the new accounting rules and to make practical improvements in the separations procedures for those carriers. The proposed Class B procedures would revise the current rules for conformance and would also simplify the current rules. The Joint Board requests comments on these proposals and requests data to be used in the evaluation of these Manuals. The close relationship between the accounting rules and the separations rules mandates that any change in the accounting system be accompained by a corresponding change in the Separations Manual.

II. Discussion

A. Need To Conform Separations Manual to Revised USOA

2. One of our goals in this proceeding is to make the changes necessary to conform the Separations Manual to the revised USOA with minimal or no expected revenue requirement shifts. Our other goals are to achieve the limited changes that are necessary to improve the practical application of separations procedures for Class A carriers and to more extensively simplify those procedures for Class B carriers. As discussed above, the USOA establishes a two-tiered system of accounting. Under that system, smaller carriers are allowed to use less burdensome acconting procedures. The Commission was concerned, in adopting Class B accounting, that unduly burdensome obligations should not be imposed on small telephone companies. If those small telephone companies are required to comply with the current detailed Separations Manual after the revised USOA becomes effective, the purpose of Class B accounting would be defeated. Thus, the current Separations Manual must be revised to provide a two-tiered separations approach to conform to the two-tiered approach under the revised USOA. We therefore tentatively recommend that two Separations Manuals should be adopted. Under this approach, Class A companies may use the Class A Manual proposed in Appendix A to this Notice and Class B carriers may use the Class B Manual proposed in Appendix B.

3. Many changes in the current separations rules are required to conform to the specifics of the accounting system set forth in the revised USOA. For example, the "Big Four" wage factor which is the basis of apportioning expense between the jurisdictions, must be changed to correspond to the "Big Three" wage portion of the new accounting system. The separations rules proposed in the Appendices to this Order include these minor modifications.

B. Class A Separations Manual

4. The instant proposal to adopt a Separations Manual for Class A carriers would change the current rules to conform separations to the new accounting system and to make practical improvements in the separations procedures for Class A carriers, such as the allocation of certain expenses. Thus, the Class A Manual proposed in this Order is primarily a conformance proposal. Minor changes in addition to conformance are also required, such as the deletion of instructions regarding the phase-out and termination of interstate apportionment of customer premises equipment.

5. Because the Class A Manual is primarily a conformance proposal, we expect little or no shift in revenue requirements to result from its implementation. In addition, the minor changes in separations necessary to maintain current rules should not have a significant impact on revenue requirements. As discussed below, a conformed Separations Manual must be in effect when the revised accounting system becomes effective on January 1, 1988. Because of the need to expedite consideration of the instant proposal to amend the separations rules, the comment cycle for the Class A Manual will be relatively brief.

C. Class B Separations Manual

6. The Class B Manual, on the other hand, involves both separations conformance and simplification. Simplified separations are required for Class B carriers because the revised USOA will establish simplified accounting procedures for those carriers. We believe the current separations rules should be greatly simplified for smaller carriers because the current separations procedures may be unduly burdensome. Thus, in the proposed Class B Manual, we have eliminated some of the extremely complex basic and monthly studies currently required. We have attempted instead to use, wherever possible, a broad averaging approach and the data found in the abbreviated accounts and subsidiary records as prescribed by the revised USOA. At the same time, we propose to retain, wherever practical, the actual use allocation principles required by the current procedures for separating plant, revenues, expenses and reserves. For example, relative time measurements, such as minutes of use, have been incorporated into out averaging approach along with overhead-type allocation factors for apportioning certain assets and expenses based on total plant in service.

7. For the Class B Manual, we seek comments on both conformance and on our simplification proposal. We are particularly interested in the potential revenue requirement impact of the proposed separations procedures. We specifically solicit comments addressing the issue of whether the proposed Class B Manual creates substance jurisdictional revenue requirements shifts and proposals on ways to mitigate any such effects. Because the Class B Manual involves simplification in addition to conformance, we believe a comment cycle longer than that proposed for the Class B Manual is appropriate.

D. Separations Simplification

8. In addition to the simplification of separations procedures proposed for the

Class B Manual, we request suggestions for other proposals to simplify separations procedures for both large and small carriers. Any such proposal must be fully supported and include an estimate of any potential shift in revenue requirements. We also expect that recommendations for separations simplification be accompanied by draft separations rules. Commenters should address the issue of whether, and under what conditions, Class A carriers should be allowed to use the simplified Class B Manual. As stated in the Order establishing this Joint Board, we are particularly interested in proposals that would reduce the burdens for small carriers. We believe that in complying with the existing separations rules, carriers currently devote time and resources that may no longer have significant value in the the allocation of costs between the jurisdictions.

9. Although we have included allocation rules for Central Office Equipment, related expenses and revenue accounting expenses in the proposed Manuals to provide commenters an opportunity to comment on complete Manuals, we recognize that the Docket No. 80–286 Joint Board is or will be examining those subjects and will also be reexamining the high cost factor formula. The Joint Board in that docket is considering simplification issues with respect to the separations procedures applied to Local Dial Switching Equipment (Category 6) and Circuit Equipment (Category 8). We will coordinate with that Joint Board to ensure that our final recommendation in this poroceeding is consistent with any recommendations that Joint Board may have made.

E. Data Request

10. We expect that commenters will use the separations model developed by the Joint Board staff to identify any revenue requirement shifts that may result from implementation of the Class A Manual and the simplified Class B Manual. But because the Class A Manual is primarily a conformance proposal, we do not expect any significant revenue requirement shifts, such as those that would require rate adjustments, to result from its implementation. Therefore, the reasons for any any such shift identified for the Class A Manual should be fully explained. Moreover, Class A carriers are expected to use the model to identify any possible revenue requirement shifts that would result if such carriers were required or permitted to use the separations procedures for Class B carriers. Such submittals should contain at least a sufficient level of detail to identify jurisdictional shifts at the level of separations categories. The results of the application of this model to test the Manuals should be submitted to the Joint Board members and staff listed in Appendix D on or before November 25, 1986.

F. Effective Dates

11. New separations procedures must be in place when the revised USOA becomes effective on January 1, 1988, because the current separations procedures cannot be used with the new accounts. The industry has indicated that it requires a minimum of six months to implement revised separations rules. Therefore, the separations revisions must be adopted in early 1987. As a result, we are expediting consideration of these proposals. The comment cycles set forth below are designed to accomplish that objective.

III. Other Matters

A. Regulatory Flexibility Act Analysis

12. We certify that the Regulatory Flexibility Act is not applicable to the rules we propose in this proceeding. Although we find that the Regulatory Flexibility Act does not apply to this proceeding, we are cognizant of the potential effect that the options proposed in this Order may have on small exchange carriers. We therefore seek comment on the effect of the separations revisions proposed above on small exchange carriers. Commenters are requested to analyze the burden on small exchange carriers under the proposal and to estimate the number of carriers affected. Comments on this issue will be considered by the Joint Board.

B. Paperwork Reduction Act

13. We have analyzed the proposal contained herein and conclude that the Paperwork Reduction Act does not apply. The instant proposal is a general solicitation of comments from the public and, as such, does not constitute a collection of information. *See* 5 CFR 1320.7(k)(4). All comments will be considered in this proceeding. Parties need not respond specifically to the data request for their comments to be considered.

C. Ex Parte Contacts

14. Members of the public are advised that the *ex parte* rules applicable to nonrestricted informal Commission rulemakings are applicable to Commission decisions in this proceeding. 47 CFR 1.201–.1245. For actions taken by the Joint Board, however, special *ex parte* rules apply. *Amendment of Part 67 of the Commission's Rules and Establishment of Joint Board.* CC Docket No. 80–286, 89 FCC 2d 36 (1982).

D. Comments

15. Interested parties may file comments on the proposed Class A Manual on or before September 25, 1986, and reply comments on or before October 10, 1986. Comments on the proposed Class B Manaul may be filed on or before October 27, 1986, and reply comments on or before November 25, 1986. Parties may file data in response to this Order on or before November 25, 1986. Copies of the comments will be available for inspection in the Commission's Docket Reference Room, 1919 M Street, NW., room 239, Washington, DC 20554. Copies can also be obtained from the Commission's contractor for public records duplication, International Transcription Services, Inc., 2100 M Street, NW., suite 140, Washington, DC 20037 (202) 857–3800.

IV. Ordering Clauses

16. Accordingly, it is ordered, that, pursuant to the provisions of sections 4(i), 4(j), 201–205, 221(c) and 410 of the Communications Act, 47 U.S.C. 154(i), 154(j), 201–205, 221(c) and 410, comments and data are hereby requested concerning the separations procedures discussed above.

List of Subjects in 47 CFR Part 67

Common carrier, Telephone, Rates, Jurisdictional separations.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 86–18269 Filed 8–13–86; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 86–323, RM–5290]

Radio Broadcasting Services; Haughton, LA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Haughton Broadcasting Company proposing to allot FM Channel 279A to Haughton, Louisiana as that community's first FM channel.

DATES: Comments must be filed on or before September 29, 1986, and reply comments on or before October 14, 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:

Matthew H. McCormick, Reddy, Begley & Martin, 2033 M Street, NW., Washington, DC 20036 (Counsel to Petitioners).

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 86–323, adopted July 31, 1986, and released August 7, 1986. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Docket 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* contracts 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. 86–18275 Filed 8–13–86; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 86–325, RM–5412]

Radion Broadcasting Services; Waverly, TN

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Mid-Cumberland Communications, Inc., proposing the substitution of FM Channel 286C2 for Channel 285A at Waverly, Tennessee and modification of the license of Station WVRY (FM), Channel 285A, Waverly, to specify operation on the new channel, as that community's first wide coverage area FM service.

DATES: Comments must be filed on or before September 29, 1986, and reply comments on or before October 14, 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: Richard E. Wiley, Esquire, James R. Bayes, Esquire, Merilyn M. Strailman, Esquire, Wiley & Rein, 1776 K. Street, NW., Washington, DC 20006.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 86–325, adopted July 31, 1986, and released August 7, 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* contracts 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. 86–18277 Filed 8–13–86; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 86–324, RM–5395]

Radio Broadcasting Services; Burnet, TX

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Donald L. Freed proposing the allotment of FM Channel 223A to Burnet, Texas, as that community's second FM service. A site restriction of 9.2 kilometers (5.7 miles) northwest of the community is required. The proposal also requires concurrence by the Mexican government.

DATES: Comments must be filed on or before September 29, 1986, and reply comments on or before October 14, 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: Donald L. Freed, P.O. Box 2682, Victoria, TX 77902 (Petitioner) and John J. Tibiletti, Route 9, Box 143, Victoria, TX 77902 (Consultant to petitioner).

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 86–324, adopted July 31, 1986, and released August 7, 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 not longer subject to Commission consideration or court review, all *ex parte* contracts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contract.

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 Communication Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 86-18276 Filed 8-13-86; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 86-326; RM-5323]

Television Broadcasting Services; Utica, and Buffalo, NY, and Boston, MA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission proposes to allocate VHF TV Channel 4 to Utica, New York, as the community's fourth local commercial television service, at the request of Mohawk Valley Telecasters, Inc. The allocation requires a site restriction of 13.4 miles east to avoid a short-spacing to Station WSTM-TV, Channel 3, Syracuse, N.Y. In addition, offset changes are required for co-channel Stations WIVB-TV, Buffalo, N.Y. (from minus to zero) and WBZ-TV, Boston, Mass. (from minus to plus). Petitioner is requested to state an intention to reimburse the above stations for the reasonable costs associated with the change in offset. Canadian concurrence in the channel allocation and offset changes is required since Utica, Buffalo and Boston are each located within 400 kilometers (250 miles) of the U.S.-Canada border. Group W. Television, Inc., licensee of Station WBZ-TV, Boston, Mass. and Buffalo Broadcasting Co., Inc., licensee of Station WIVB-TV, Buffalo, N.Y. are each requested to respond to the Order to Show Cause why their licenses should not be modified to specify the proposed offset change.

DATES: Comments must be filed on or before September 29, 1986, and reply comments on or before October 14, 1986.

ADDRESS: Federal Communication Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: James R. Meehan, President, Mohawk Valley Telecaster, Inc. P.O. Box 327 (Stanley Road), Cazenovia, New York 13035.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 86-326, adopted July 31, 1986, and released August 7, 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. This complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, (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 1.425 and 1.420.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 86-18278 Filed 8-13-86; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 90

[P.R. Docket No. 86-37]

Restriction of Use of Radio Transmitters (Designed To Operate Above 25 MHz) With External Frequency Controls; Order Extending Reply Comment Period

AGENCY: Federal Communications Commission.

ACTION: Order Extending Reply Comment Period.

SUMMARY: The FCC is extending the time for submission of reply comments in this Docket concerning the use of radio transmitters (desinged to operate above 25 MHz) with external frequency controls. This action is taken to allow interested parties ample opportunity to prepare reply comments and assure a thorough analysis of the issues in this proceeding.

DATE: Reply Comments will now be due by September 5, 1986.

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

FOR FURTHER INFORMATION CONTACT: Thomas L. Johnson, Private Radio Bureau, (202) 632-6497.

Order Extending Reply Comment Period

In the matter of amendment of Part 90 of the Commission's rules to restrict the use of radio transmitters with external frequency controls, PR Docket No. 86-37.

Adopted: August 4, 1986.

Released: August 7, 1986.

By the Acting Chief, Private Radio Bureau.

1. On January 30, 1986 the Commission adopted a *Notice of Proposed Rule Making* in the above-captioned matter. This *Notice* appeared in the **Federal Register**, 51 FR 6149, on February 20, 1986. Comments and reply comments were due by March 21 and April 7, 1986, respectively.

2. This *Notice* proposes to amend Part 90, Subpart 1 of the rules (which apply to the Private Land Mobile Radio Services) to restrict the use of radio transmitters (designed to operate above 25 MHz) with external frequency controls that would allow the selection of unauthorized frequencies.

3. In response to petitions filed by the National Association of Business and Educational Radio, Inc. and the Association of American Railroads for an extension of the comments filing period, the Commission on March 20, 1986 adopted an *Order* extending the comments and reply comments filing periods to July 21 and August 5, 1986, respectively. This *Order* appeared in the **Federal Register**, 51 FR 11075, on April 1, 1986.

4. The Electronic Industries Association, Land Mobile Radio Section (Section) has filed a petition requesting that the time for filing reply comments be extended from August 5 to September 5, 1986. The Section contends that as manufacturers of the equipments concerned, members of the Section "have a critical stake in the outcome of this proceeding." After a diligent effort was made to review comments filed, "it became apparent that more than the allotted two weeks will be required to attempt to reconcile the highly interactive policy and technical issues in this proceeding." It will also "provide the opportunity to convene a meeting on this matter in conjunction with the APCO conference during the third week of August." Motorola also suggested in its comments that the reply comment period be extended.

5. We are persuaded that the public interest will be served by granting the

Section's request to allow it and others to file more thorough analysis of the issues in this proceeding.

6. 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 September 5, 1986 to file reply comments in this proceeding.

Federal Communications Commission.

Robert S. Foosaner,

Chief, Private Radio Bureau.

[FR Doc. 86-18274 Filed 8-13-86; 8:45 am]

BILLING CODE 6712-01-M

GENERAL SERVICES ADMINISTRATION

48 CFR Parts 501, 513 and 553

[GSAR Notice No. 5-147]

General Services Administration Acquisition Regulation

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice invites written comments on a proposed change to the General Services Administration Acquisition Regulation (GSAR) which would permanently incorporate the substance of GSAR Acquisition Circulars AC-86-1 and AC-86-4 in the regulation. Acquisition Circular AC-86-1 temporarily increased the thresholds for Imprest Fund purchases and purchases made under Certified Invoice procedures outlined in Part 513. Acquisition Circular AC-86-4 temporarily amended Part 513 of the GSAR to encourage use of the certified invoice procedures for open market purchases of $2,000 or less, to provide detailed instructions on the use of the GSA Form 300, Order for Supplies and Services, to emphasize the need for contracting officers to provide "remit to" addresses when submitting purchase orders and contracts to the appropriate Finance Division, and to revise ordering procedures for small dollar value ($2,000 or less) purchases which require written orders by providing for invoices to be submitted to the ordering activity rather than the Finance Division. Miscellaneous other changes in small purchase procedures are proposed based on comments received from GSA activities. The intended effect is to improve the regulatory coverage and provide uniform procedures for contracting under the regulatory system.

DATE: Comments are due in writing on or before September 15, 1986.

ADDRESS: Requests for a copy of the proposal and comments should be addressed to: Mrs. Marjorie Ashby, Office of GSA Acquisition Policy and Regulations, 18th and F Streets, NW., Room 4026, Washington, DC 20405, (202) 523-3822..

FOR FURTHER INFORMATION CONTACT: Ms. Ida Ustad, Office of GSA Acquisition Policy and Regulations, 18th and F Streets, NW., Room 4029, Washington, DC 20405, (202) 566-1224.

SUPPLEMENTARY INFORMATION: The Director, Office of Management and Budget (OMB), by memorandum dated December 14, 1984, exempted certain procurement regulations from Executive Order 12291. The exemption applies to this proposed rule. The GSA certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et. seq.). The proposed rule primarily relates to the internal operations of the agency and will not have a significant impact on contractors and offerors. Therefore, no flexibility analysis has been prepared. The rule does not contain information collection requirements which require the approval of OMB under the Paperwork Reduction Act (44 U.S.C. 3501 et. seq.).

List of Subjects in 48 CFR Parts 501, 513, and 553

Government procurement.

Dated: July 31, 1986.

Ida M. Ustad,

Director, Office of GSA Acquisition Policy and Regulations.

[FR Doc. 86-18360 Filed 8-13-86; 8:45 am]

BILLING CODE 6820-61-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611 and 685

Foreign Fishery; Pelagic Fisheries of the Western Pacific Region

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

ACTION: Notice of availability of a fishery management plan and request for comments.

SUMMARY: NOAA issues notices that the Western Pacific Fishery Management Council (Council) has submitted a Fishery Management Plan for the Pelagic Fisheries of the Western Pacific Region (FMP) for review by the Secretary of Commerce (Secretary), and is requesting comments from the public. Copies of the plan may be obtained from the Council at the address below.

DATE: Comments on the plan should be submitted on or before October 24, 1986.

ADDRESS: Send comments to E. Charles Fullerton, Director, Southwest Region, NMFS, 300 South Ferry Street, Terminal Island CA 90731. Copies of the plan and its environmental assessment are available upon request from the Council at 1164 Bishop Street, Suite 1405, Honolulu, HI 96813.

FOR FURTHER INFORMATION CONTACT: Kitty Simonds (Executive Director, Western Pacific Fishery Management Council), 808-523-1368.

SUPPLEMENTARY INFORMATION: The Magnuson Fishery Conservation and Management Act, as amended, (16 U.S.C. 1801 *et seq.*) requires that each fishery management council submit any fishery management plan it prepares to the Secretary for review and approval or disapproval. This act also requires that the Secretary, upon receiving the plan, must immediately publish a notice that the plan is available for public review and comment. The Secretary will consider the public comments in determining whether to approve the plan.

This plan proposes: (1) To establish new area closures for foreign longline vessels in the FCZ, (2) to eliminate existing quotas on foreign longline catch in the open areas of the FCZ, (3) to require foreign longline vessels to submit effort plans and report catch data and fishery interactions with protected species in the FCZ, (4) to prohibit the use of drift gill nets in the FCZ, and (5) to establish a process to obtain data on the incidential catch of pelagic fishes in the FCZ by tuna pole-and-line and purse seine vessels. This FMP will replace most of the Preliminary Fishing Management Plan for Pacific Billfish and Oceanic Sharks implemented in 1980 at 50 CFR 611.81 and will regulate fishing in American Samoa, Guam, Hawaii, and U.S. possessions.

Regulations proposed by the Council and based on this plan are scheduled to be published within 30 days.

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

Dated: August 11, 1986.

Richard B. Roe,

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

[FR Doc. 86-18303 Filed 8-11-86; 11:53 am]

BILLING CODE 3510-22-M

50 CFR Part 630

[Docket No. 5058 I -6137]

Atlantic Swordfish Fishery

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

ACTION: Notice of preliminary annual adjustment to variable season closure; extension of public comment period.

SUMMARY: The Secretary of Commerce issued a notice of preliminary annual adjustment to the variable season closure (VSC) for Atlantic Swordfish. This was published July 30, 1986 (51 FR 27227). The VSC must be adjusted annually to reflect the most recent year's estimated catch of small swordfish. NOAA extends the public comment period for an additional six days because it is felt that a longer comment period would be in the best interest of the public.

DATE: The public comment period is extended from August 14, 1986, to August 20, 1986.

ADDRESS: Comments should be sent to Donald W. Geagan, Southeast Region, NMFS, 9450 Koger Boulevard, St. Petersburg, FL 33702.

FOR FURTHER INFORMATION CONTACT: Donald W. Geagan, 813–893–3722.

Dated: August 11, 1986.

Carmen J. Blondin,

Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

[FR Doc. 86–18391 Filed 8–13–86; 8:45 am]

BILLING CODE 3510–22–M

Notices

Federal Register
Vol. 51, No. 157
Thursday, August 14, 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

Forms Under Review by Office of Management and Budget

August 8, 1986.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) An indication of whether section 3504(h) of Pub. L. 96-511 applies; (9) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Department Clearance Officer, USDA, OIRM, Room 404-W Admin. Bldg., Washington, DC 20250, (202) 447-2118.

Comments on any of the items listed should be submitted directly to: Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, Attn: Desk Officer for USDA.

If you anticipate commenting on a submission but find that preparation time will prevent you from doing so promptly, you should advise the OMB Desk Officer of your intent as early as possible.

Existing

- Foreign Agricultural Service

Licenses for Importation of Sugar to be Re-Exported in Refined Form FAS 947
On occasion, Weekly, Monthly, Quarterly, Annually, Variable Frequency
Businesses or other for-profit; 350 responses; 700 hours; not applicable under 3504(h)
Linda M. Doeg, (202) 447-2916

- Foreign Agricultural Service

Issuing Certificates for the Importation of Speciality Sugars
On occasion
Businesses or other for-profit; 50 responses; 100 hours; not applicable under 3504(h)
Gordon E. Patty, (202) 447-2916

Extension

- Agricultural Stabilization and Conservation Service

MQ-76, Tobacco Marketing Card, MQ-77, Excess Marketing Card, MQ-117, Application for Duplicate Marketing Card
MQ-76, -77, -117
On occasion
Farms; 486,900 responses; 81,650 hours; not applicable under 3504(h)
Donald M. Blythe, (202) 447-2715

- Animal and Plant Health Inspection Service

Gypsy Moth—Outdoor Household Articles
On occasion
Individuals or households; Businesses or other for-profit; 163,000 responses; 27,221 hours; not applicable under 3504(h)
G.E. Moorehead, (301) 436-8295

- Food and Nutrition Service

Requisition for Food Coupon Books
FNS 260
On occasion
State or local governments; 13,500 responses; 6,750 hours; not applicable under 3504(h)
Asher S. Bryte, (703) 756-3545

- Food and Nutrition Service

7 CFR Part 235—State Administrative Expense Funds (Reporting)
Monthly; Semi-annually; Annually
State or local governments; 2,253 responses; 8,473 hours; not applicable under 3504(h)
Marian Stroud, (703) 756-3600

- Food and Nutrition Service

7 CFR Part 235—State Administrative Expense Funds (Recordkeeping)
Recordkeeping
State or local governments; Federal agencies or employees; 28,498 hours; not applicable under 3504(h)
Marian Stroud (703) 756-3600

- Food and Nutrition Service

Commodity Supplemental Food Program Regulation
Recordkeeping; On occasion; Monthly; Quarterly; Semi-annually; Annually
Individuals or households; State or local governments; Federal agencies or employees; Non-profit institutions; 335,233 responses; 172,190 hours; not applicable under 3504(h)
Idalia McKelvey (703) 756-3730
Forest Service

- Grazing Permit Administration Forms

FS-2200-1, -2, -12, -13, -15, -16, -17, R-1-2230-5, R-2-2200-6, R-3-2200-1, 2200-1 and unnumbered Form
On occasion
Farms; 5,000 responses; 2,000 hours; not applicable under 3504(h)
Ivan Thornton (703) 235-3345

Reinstatement

- Federal Crop Insurance Corporation

Standard Reinsurance Agreement
Annually
Businesses or other for-profit; 64 responses; 128 hours; not applicable under 3504(h)
William Flora (202) 382-9798

- Food and Nutrition Service

Emergency Food Assistance for Victims of Disasters
FNS 447
On occasion
Individuals or households; State or local governments; 4,690 responses; 874 hours; not applicable under 3504(h)
Nancy Artherholt (703) 756-3389

Jane A. Benoit,
Departmental Clearance Officer.

[FR Doc. 86-18320 Filed 8-13-86; 8:45 am]
BILLING CODE 3410-01-M

Cooperative State Research Service

National Academy of Sciences; Public Meeting

As a public service the Department of Agriculture is notifying all interested parties of the following meeting. The Committee on Technological Options to

Improve the Nutritional Attributes of Animal Products is a committee which offers advice to the National Academy of Sciences.

Name: Committee on Technological Options To Improve the Nutritional Attributes on Animal Products
Date: Monday, September 8, 1986
Time: 8:30 a.m.—3:00 p.m.
Place: Joseph Henry Building, 2100 Pennsylvania Avenue, NW, Room 451, Washington, DC 20037
Type of Meeting: Open to the public.

Comment: Individuals wishing to speak should submit a written statement to Pat Locacciato, Board on Agriculture, National Academy of Sciences, 2101 Constitution Avenue, Washington, DC 20418. Deadline for submittal is August 22, 1986.

Background: National Research Council (NRC) committee is studying viable technological options for improving the nutritional contribution of animal products within the U.S. diet. Under investigation are the production, processing, distribution, and marketing practices of the animal products industry and the role government policies and regulations play in determining the final product.

The committee seeks optional practices which government and industry might pursue in order to enhance the nutritional contribution of animal products to the diet.

Meeting Purpose: Further input is sought by the committee from individuals involved or interested in some aspect of the aforementioned subject.

This information will assist the committee members in assessing how animal products can be nutritionally improved and in formulating their recommendations on the policy and scientific options which will best promote these desired changes.

Contact: For further information, contact Pat Locacciato, (202) 334–2397.

Done at Washington, DC, this 8th day of August, 1986.

John Patrick Jordan,

Administrator, Cooperative State Research Service.

[FR Doc. 86–18369 Filed 8–13–86; 8:45 am]

BILLING CODE 3410-22-M

Policy Advisory Committee for the Science and Education Research Grants Program; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, the Cooperative State Research Service announces the following meeting:

Name: Policy Advisory Committee for the Science and Education Research Grants Program
Date: September 9, 1986
Time: 9:00 a.m. to 5:00 p.m.
Place: U.S. Department of Agriculture, Room 104–A, Administration Building, 14th and Independence Avenue, SW., Washington, DC 20250.
Type of meeting: Open to the public. Persons may participate in the meeting as time and space permit.

Comments: The public may file written comments before or after the meeting with the contact person listed below.

Purpose: To advise the Secretary of Agriculture with respect to the research to be supported, priorities to be adopted and emphasized, and that procedures to be followed in implementing those programs of research grants to be awarded competitively.

Contact Person for Agenda and More Information: Anne Holiday Schauer, Associate Chief, Competitive Research Grants Office, Cooperative State Research Service, U.S. Department of Agriculture, Room 112, J. S. Morrill Building, Washington, DC 20251, telephone: 202–475–5022.

Done at Washington, DC, this 8th day of August, 1986.

Anne Holiday Schauer,

Executive Secretary, Policy Advisory Committee.

[FR Doc. 86–18373 Filed 8–13–86; 8:45 am]

BILLING CODE 3410-MT-M

Forest Service

Mad Critter Area Analysis; Stikine Area, Tongass National Forest, Petersburg, AK; Intent To Prepare an Environmental Impact Statement

The Department of Agriculture, Forest Service, will prepare an Environmental Impact Statement (EIS) which will refine management direction for the Mad Critter Study Area, (Value Comparison Units #501, 502, & 504) on the Wrangell Ranger District. The analysis documented in the EIS will result in a decision which may amend the Tongass Land Management Plan.

The Tongass Land Management Plan allocated the Mad Critter area to Land Use Designation III, providing for a balanced mix of commodity and non-commodity uses. The Area Analysis will result in refined management objectives, standards and guidelines for implementing projects within the area. The area is presently unroaded.

Previous analysis resulted in an Environmental Assessment and decision on the location of a Terminal Transportation Facility on the beach which will provide the connecting link between transport of logs and equipment on upland roads and transport by saltwater.

The area analysis will consider alternative mixes of resource management emphasis for the area appropriate to the Forest Plan land use designation. The total road network needed to meet various resource objectives will be examined as will multi-entry timber harvest unit layouts.

Initial scoping has occurred in respect to a proposed timber sale in the area. The focus of study has now broadened to an area analysis prior to preparing a timber sale and, as a result, further scoping will be conducted.

Federal, state, and local agencies along with other individuals or organizations who have been or may be interested in, or affected by, the decision will be invited to participate further in the scoping process.

The area analysis will take approximately 4 months. The Draft EIS should be available for public review by March, 1987. The Final EIS is scheduled for completion by July 1987.

Robert E. Lynn, Forest Supervisor, Stikine Area, Tongass National Forest, Petersburg, Alaska, is the responsible official.

Written comments and suggestions concerning the area analysis and Environmental Impact Statement should be sent to Keene Kohrt, District Ranger, Wrangell Ranger District, Stikine Area, Tongass National Forest, P.O. Box 51, Wrangell, Alaska, 99929 by May 1, 1987.

Questions about the proposed action and EIS should be directed to Richard Strauss, IDT leader, Wrangell Ranger District, Stikine Area, Tongass National Forest, phone (907) 874–2323.

Dated: August 7, 1986.

Robert E. Lynn,

Forest Supervisor.

[FR Doc. 86–18290 Filed 8–13–86; 8:45 am]

BILLING CODE 3410-11-M

National Forest System Lands; Rights-of-Way Authorizations; Rental Fee Policy

AGENCY: Forest Service, USDA.

ACTION: Notice of proposed fee policy for linear rights-of-way; request for comments.

SUMMARY: The Forest Service proposes to revise its policy and procedures governing determination of rental fees for linear rights-of-way across National Forest System lands. The Forest Service has coordinated this proposal with the

Bureau of Land Management to achieve consistent procedures between the two Agencies.

The proposal provides for a rental fee schedule by State, County, and type of linear right-of-way use. The fee schedules will be adjusted annually based on the Implicit Price Deflator (IPD) index. A phase-in period is provided for existing permits. The proposed policy is based on sound business management principles, and as far as practicable, is in accordance with comparable commercial practices for establishing fair market rental fees.

EFFECTIVE DATE: Comments on the proposal must be received on or before October 14, 1986.

ADDRESS: Send comments on the proposal to R. Max Peterson, Chief (2720), Forest Service, USDA, P.O. Box 2417, Washington, DC 20013.

FOR FURTHER INFORMATION CONTACT: William C. Wakefield, Lands Staff, Forest Service, Washington Office at (703) 235–2594 or Robert Sipe, Lands Staff, Forest Service at Portland, Oregon Office at (503) 221–2921.

SUPPLEMENTARY INFORMATION: The Forest Service administers approximately 25,300 linear right-of-way permits for such facilities or improvements as powerlines, pipelines, roads, and ditches.

The Mineral Leasing Act (MLA) of 1920 as amended and supplemented (30 U.S.C. 185) provides specific direction that fees for right-of-way uses and grants should reflect fair market values. The language of the Act is as follows:

> (1) The applicant for a right-of-way or permit shall reimburse the United States for administrative and other costs incurred in processing the application, and the holder of a right-of-way or permit shall reimburse the United States for the costs incurred in monitoring the construction, operation, maintenance, and termination of any pipeline and related facilities on such right-of-way or permit area and shall pay annually in advance the fair market rental value of the right-of-way or permit, as determined by the Secretary or Agency head.

The Office of Management and Budget (OMB) Circular No. A–25, as amended and supplemented, requires Agencies to establish user charges based on sound business management principles and to the extent feasible in accordance with comparable commercial practices. Charges need not be limited to the recovery of costs; they may produce net revenues to the Government.

In 1964, the Bureau of the Budget (Predecessor to OMB) issued further guidelines in the *Natural Resources User Charges Study*, which provided for the use of Federal land as follows:

> . . . the Government should recover the fair market value for the use of Federal land resources. Competitive bidding will be used to establish the fair market value in all instances where an identifiable competitive interest exists. Where a competitive interest does not exist, fees should be comparable to those charged for the use of similar private lands. Fees and charges for long-term use should be established in such a manner as will allow for periodic timely adjustment.

The 1976 passage of the Federal Land Policy and Management Act (Pub. L. 94–579, 90 Stat. 2743 at 2745) reinforced long-standing Congressional support of fair market value as a basis for fees. Section 102(a) of the Act states that ". . . it is the policy of the United States that . . . the United States receive fair market value for the use of the public lands and their resources unless otherwise provided for by statute. . . ." Title V provides specific direction that fees for right-of-way uses and grants should reflect fair market values.

In accordance with these Acts and OMB directives, the Forest Service's special use regulations at 36 CFR 251.57 provide that special-use authorization shall require ". . . the payment in advance of an annual rental fee as determined by the authorized officer. The fee will be based upon the fair market value of the rights and privileges authorized as determined by appraisal or other sound business management principles."

Current fees are established at 5 percent of the appraised value of the land for the authorized use. The following example illustrates how fees are calculated under current policy:

Formula: Annual rental fee = Market value of the rights and privileges or lacking such data, land value × a rate of 5 percent.

Factors: Market Value = $100/acre; Conversion Rate = 5 percent

Calculation: $100/acre × 0.05 = $5.00/acre

There has been debate over the appropriateness of various appraisal and administrative methods used to establish fair market rental value for rights-of-way crossing public lands. The concerns emerged from the Forest Service and Bureau of Land Management using purchase prices paid for oil and gas pipeline easements across private lands rather than using land value to calculate annual rentals.

Public Participation in Developing Proposal

On April 20, 1984, the Forest Service published an advance notice of proposed policy requesting comments and suggestions on revising fees for linear rights-of-way (49 FR 16823). That notice set forth several alternative approaches for determining rental fees and a summary of the current process used for establishing permit fees.

In addition, the Agency raised 3 questions on which response was requested. The notice also requested suggestions for developing a method of establishing annual fair market rental payments for rights-of-way crossing National Forest System lands, and provided a list of criteria by which the Forest Service would evaluate suggested methods.

A total of 26 comments were received in response to the advance notice; 1 from an individual citizen, 6 from industry associations, 6 from electric utilities, 10 from oil and gas transportation related companies, and 3 from State and other public agencies.

In response to the comments, the Forest Service and Bureau of Land Management cooperated on a second Notice of Intent which was published by the Bureau of Land Management at 50 FR 2697 on January 18, 1985.

The second notice of intent described a proposed method for determining rental fees which would: (1) Use actual prices paid for similar uses on private lands, (2) contain a reasonable adjustment to reflect differences in terms and conditions of "private" right-of-way easements and Federal right-of-way grants, (3) convert the adjusted right-of-way value to an annual rent, by use of a readily obtainable market interest rate, and (4) provide a means for easily updating the information to maintain a current and usable schedule.

To gather and establish actual price data, the Forest Service and Bureau of Land Management proposed to use market data surveys to establish right-of-way values by right-of-way type and geographic areas. To establish differences in value between the purchase of easements and a right-of-way grant across Federal lands, the Agencies indicated that they had considered three elements: (1) Annual vs. one-time payments, (2) periodic adjustment of the annual payment, and (3) other terms and condition.

The Agencies sought to determine if paying annual fees reduced the value of the right-of-way grant as compared to the value of an easement purchased paying a one-time fee. Also, they considered whether the annual fee should be adjusted to offset any loss in value.

Data is limited for comparing similar easements that were purchased both by annual payments and a one-time fee. However, analysis of the data available found that the method of payment did

not affect the value of the easement to the purchaser.

Next, the two Agencies looked at the effect of periodic adjustments in the annual payments for Federal right-of-way grants and whether these adjustments argue for an adjustment in the annual fee. As a result of the analysis, the Agencies, using real estate financing techniques, proposed a downward adjustment of 20 percent in market value of Federal right-of-way grants to offset the effect of periodic payments.

Finally, the Agencies compared the restrictions and constraints of terms and conditions in Federal right-of-way grants to those in easements purchased outright to determine the extent of adjustment in value of the Federal grant. The adjustment for the more restrictive conditions found in Federal grants was proposed as a 10 percent downward adjustment for those granted under the Federal Land Policy and Management Act and 15 percent for those issued pursuant to the Mineral Leasing Act.

The Agencies proposed to use the 30-year Federal Bond rate as of October 1 each year as the rate for converting the right-of-way value to an annual rent. Finally, the Agencies proposed updating the fee schedule by one of two alternatives. One alternative was to resample the market data at least every five years; the other was to adjust the schedule annually by the fluctuation in the 30-year bond rate or the Consumer Price Index.

The following example illustrates how fees established under this proposal would have been calculated at that time:

Formula: Annual rental fee—Market value of the rights and privileges x periodic adjustment of the annual payment x adjustment for terms and conditions x 30-year Federal Bond rate.

Factors: Market value=$100/acre; Periodic adjustment=20 percent; Terms and conditions=(FLPMA) 10 percent; 30-year Federal Bond rate=10.85 percent.

Calculation: $100acre x 0.80 x 0.90 x 0.1085=$7.81/acre

Analysis of Public Comments

The second notice generated a total of 37 responses; an additional 13 requested an extension of time which was granted on April 18, 1985, (50 FR 10998). The distribution of respondents was as follows:

Type of respondent	Number of comments received	Percent of the total
Citizens	2	5.4
Major landowners	0	0
Government	2	5.4
State and other public agencies	1	2.7
Oil and gas industry	19	51.4
Electric and phone utility cos	9	24.3
Trade associations or ad hoc		
Organizations	4	10.8
Total	37	100.0

The comments were very specific and contained recommendations applicable to the fee calculation process proposed by the two Agencies. Analysis of the comments has pointed out the need for some modification of the first proposal. In developing the revised proposed policy, both the Forest Service and Bureau of Land Management considered the comments received by both Agencies.

In addition, the Forest Service and the Department of the Interior held several meetings and discussions with permittee representatives for the purpose of seeking an equitable resolution of the permittee's concerns about the Notice of Intent Proposal dated January 18, 1985.

The following is a summary of the policy proposed in the second notice, a summary of public comments, and permittee discussions, and where applicable, a discussion of changes in the proposal based on Agency consideration of the comments.

Right-of-Way Zone Determinations

The Forest Service and the Bureau of Land Management proposed to complete a market survey to identify zones of reasonably common purchase prices. Upon determination of common price zones, the Agencies proposed then to select administratively a single value for the zone by type of right-of-way.

Most reviewers commented on this section. Industry respondents suggested that land values be established locally by appraisers and that these values be restricted to the uses described in the Forest Management Plan, that these values then be adjusted to reflect the percentage of the rights conveyed, and then that the values be further reduced by 40–90 percent to reflect the differences between a public grant and a private easement. This value amount then would be multiplied by 4–8 percent to reflect a rate of return to the land.

As an example, using a Management Plan land value of $100 per acre adjusted downward by 50 percent to reflect rights conveyed x a downward adjustment of 65 percent for the difference between a public grant and private easement x rate of return to the land of 5 percent, the annual rental fee would be $100/acre x 0.50 x 0.35 x 0.05 or $0.88/acre.

Comments were mixed on establishment of value zones. Some preferred a "mean" price for a single zone while others felt "typical values" for specific areas would be most appropriate. Again, the comments varied on the size of a zone. Many preferred large geographic zones while others preferred small areas. A few reviewers recommended continuing with individual appraisals for each right-of-way.

Right-of-Way Zones presented herein are areas based on typical raw land values for the type of land the FS and BLM have in the past allowed and plan in the future to be occupied by a linear right of way. A corridor or window through which such uses must pass would be typical of the land represented by the value zones.

The value of timber is not included in the value assigned to the zones because the timber is usually paid for separately and removed when the right of way is cleared.

The market survey conducted by the Forest Service Regional Chief Appraisers and their counterparts in the Bureau of Land Management was made for the purpose of collecting data on what industry was paying for a right-of-way. However, part of the survey was to estimate the land values over which the right-of-way was purchased. It is this information and additional information provided by the permittee representatives that is used as a basis in establishing the right-of-way zones.

Right-of-Way Zones are not based on the values for urban or suburban residential areas, industrial parks, farms or orchards, recreation properties or other such types of land. Attractive public use areas such as lakeshores, streamsides, and scenic highways frontage, are examples of areas the Agencies try to avoid with the type of uses associated with linear rights-of-way. Consequently, the value zones do not reflect these types of land values. No representation is made that the Zones reflect the value of private land or other ownership unless that land is comparable with the land typically occupied by a right of way under permit from the FS or the BLM. Specific sites within the zones may have actual values higher or lower than the value assigned to the zone.

The zones are established by State and County jurisdiction for administrative convenience.

It is the intent of the Forest Service that the proposed fee schedule be used

to calculate fees for the majority of the right-of-way permits. However, the agency reserves the right to use individual appraisals or other valuation procedures to calculate fees for those permits that have unique characteristics.

Differential Adjustment

Annual vs. One-time Payments

Generally, all respondents would prefer acquiring a perpetual grant by paying a one-time, lump sum payment up front. In support of this, industry asserted that the cost of billing on an individual case instead of company basis often exceeds the amount of the rental. Respondents felt the laws or regulations should be changed to allow the issuance of a perpetual easement for a lump sum payment. Many requested a discount be applied to the lump sum payment.

The Forest Service lacks authority to discount lump sum advance payments, but existing policy allows advance lump-sum payment for up to five years or until the next fee adjustment date whichever is first when the annual fee is less than $100. It is proposed to remove the dollar limitation on advance payment. However, when the annual fee is less than $100 the authorizing officer may require an advance lump-sum payment. At the beginning of the next 5-year period the current annual rental rate would apply.

This procedure provides benefits similar to discounting advance payments.

To assist in reducing the industries' and the Forest Service administrative costs on billing, a system will be implemented to provide consolidated billing for a multiple permit holder within a National Forest unit.

Annual Fee Schedule Adjustment

Two methods were originally proposed for maintaining an updated schedule. One alternative was to resample the market data at least every five years and the other alternative was to adjust the schedule annually by the degree of fluctuation in the 30-year bond rate or the Consumer Price Index.

The majority of respondents stated that use of the Consumer Price Index would not accurately reflect changes in the market value of land.

Respondents suggested that a new market analysis of land values in each zone was needed every 5 to 10 years to update the schedule. Several respondents suggested that the USDA's, Farm Real Estate Market Developments annual report be used to update the fee schedule.

A number of respondents favored periodic adjustment of rental fees at intervals of 5 or less years. Based on the Forest Service's past experience with other special-use permits being reappraised on 5-year intervals, an annual adjustment was selected in order to maintain a schedule which would reflect current values and reduce the administrative cost of making appraisals.

After a review of various indexes, it now is proposed that the per acre rental fees in the fee schedules will be adjusted annually by multiplying the current year per acre rental by the annual change (third quarter to third quarter) in the Implicit Price Deflator (IPD) index as published in the *Survey of Current Business* of the U.S. Department of Commerce, Bureau of Economic Analysis. The IPD index provides users protection from rising prices and eliminates wide swings in rates which often result in appeals.

To assure that the rentals being collected actually reflect the rental value of the land, the basis for each of the elements used in the original formula to calculate the per acre rental values shall be reviewed when the cumulative change in the IPD index exceeds ± 30 percent, or a cumulative change in the 1-year Treasury securities "Constant Maturity" rate exceeds ± 50 percent. The review is for the purpose of determining whether market conditions and business practices have varied sufficiently from the index to warrant a revision in the elements or the complete formula.

Rental for the ensuing calendar year for any single right-of-way easement or permit shall be the rental per acre from the schedule times the number of acres embraced in the right-of-way rounded to the nearest whole dollar, unless such rental is reduced or waived as provided in FSM 2715.24.

Imposition of New Rates

New Permits—New rental fees and permit clauses will be effective as of the date the final notice is published.

Existing Permits—New rental payments and permit clauses will be effective for existing permits when they are periodically scheduled for fee readjustment. Most existing permits require a fee readjustment every 5 years. Where no readjustment is provided, the new rates and clauses will be put into effect in 1992.

During the period of new policy development, the Forest Service has issued permits with provisional terms and conditions subject to the adoption of the new policy. In some cases, fee adjustments have been deferred pending adoption of new policy. Terms and conditions of permits issued subject to the final adoption of the new policy will be followed in applying the new rates. The same applies to fee adjustments deferred until completion of the new policy.

For existing permits, where the increase in the annual rental would exceed $100 and the increase in rental would be in excess of 100 percent, the amount of the new rental in excess of the 100 percent increase would be phased in by equal increments, plus the annual adjustment, over a 3-year period. As an example of how this process would work, assume a current rental of $100 per year, a new rental of $500 per year, and an annual adjustment of plus 2 percent of the increase in the rental; then, the payments would be as follows:

Year	Last year fee	First 100% increase	⅓ balance of increase	Annual adjustment	Current year fee
1	$100	$100	$100	0	$300
2	300	0	100	$10	410
3	410	0	100	10	520

Other Terms and Conditions

To provide for the differences between a Federal and private grant, the January 18, 1985, proposal (50 FR 2697) provided for use of a 15 percent adjustment for Mineral Leasing Act rights-of-way and a 10 percent adjustment for Federal Land Policy and Management Act rights-of-way. The Mineral Leasing Act adjustment is greater due to its additional statutory requirements, such as the Common Carrier provision, that are not required for other types of rights-of-way.

This adjustment is the area of most concern to respondents. Some provided data by which they measured such differences based on cost of grant acquisitions or construction. All indicated that the discount for a Federal grant should be no less than 40 percent; some reviewers recommended adjustments ranging as high as 100 percent for certain categories of grants.

Some reviewers also felt there should be no adjustment made for the difference between Federal Land Policy and Management Act and Mineral Leasing Act grants. Some respondents recommended changes in Federal authorizations to eliminate differences. These proposed changes included allowing perpetual easements, developing master permits common to the two Agencies, deleting the clauses requiring permittees to relocate facilities

at their expense as a result of Agency management decision, and permitting reassignment of permits without the Agencies being able to include new requirements.

Existing requirements for relocation cost to the user and assignability are two areas modified in this proposal. Under this proposal, the requirement for relocation at the user's expense would be dropped and the transfer clause modified to allow easements to be assigned to qualified parties without change in terms and conditions of the authorization. This proposal to modify clauses would not apply to permits and other special use authorizations that do not pay fair market value fees, such as REA financed facilities.

A number of respondents suggested that additional requirements in public lands rights-of-way permits, such as requiring archeological studies, painting structures, and seeding, are costly, unreasonable and, therefore, should be modified. Some of these comments concern statutory obligations beyond regulatory jurisdiction of the Department of Agriculture, and others are required by the Forest Service to protect the natural resources and scenic environment.

Conclusion

The comments addressed above were primarily directed at a proposal to use a market survey data base. We believe that a majority of these comments have been addressed by the decision to change from the purchase price of easements to a land value base.

The permits or easements being granted are not in fee ownership and the real estate market shows that, in most instances, if you do not acquire the fee, the value is less than the fee. The real estate market is not refined to the point to measure such less than fee values in exact dollars or percentages. In arriving at the proposal, all available data, including comments, discussions with permittee representatives, the impact of the use on the land, and professional judgment have been utilized in selecting an adjustment.

For rights-of-way for electric transmission and distribution lines, telephone lines, and similar rights-of-way, a 30 percent adjustment has been selected. The impact on the land, and its management, made by energy pipelines, ditches, canals, and roads, as a whole, is more severe than those for electrical, telephone and other rights-of-way. For these types of rights-of-way, a 20 percent adjustment has been selected.

For these reasons, the Forest Service proposes to charge 80 percent of the zone right-of-way value for energy pipelines, ditches, canals, and road rights-of-way; and 70 percent for electrical transmission, electrical distribution, telephone, and other linear rights-of-way.

Calculation of Annual Rental from Adjusted Right-of-Way Zone Value

The January 18, 1985, proposal (50 FR 2697) was to use the 30-year Federal Bond rate as of October 1 as the applicable rate for converting the right-of-way zone value to an annual rent.

Respondents had widespread opinions as to what rate should be used. The majority of respondents did not support long-term financial rates on the basis that long term rates do not reflect periodic adjustment in rents. Some stated a Federal bond rate would be appropriate if it coincided with the payment term. Others stated the rate of return must be drawn from the land market relevant to the right-of-way. Almost all comments suggested a rate of return in a range from 4 to 8 percent of the fair market value of the land.

To calculate right-of-way annual rental, it is proposed to use the current 1-year Treasury Securities "Constant Maturity" rate effective, as published by the Federal Reserve in the statistical release report H. 15 (519), at the time the final notice is published. Thereafter, annual adjustments would be made using the Implicit Price Deflator (IPD) index rate effective at the end of third quarter of each year.

Other Issues Raised by Respondents

Whether All Utilities Should Be Exempt From Rentals

Several of those commenting suggested that private investor utilities should be exempt from paying rentals. This contention is not supported by statute or legislative history.

The Federal Land Policy and Management Act provides authority for waiver of rental fees when equitable and in the public interest; for Federal, State, or local governments or any agency or instrumentality thereof, nonprofit associations or nonprofit corporations which are not themselves controlled or owned by profit making corporations or business enterprises, or where holders provide without charge, or at reduced charge, a valuable benefit to the public or to the programs of the Secretary concerned, or to a holder in connection with the authorized use or occupancy of Federal land for which the United States is already receiving compensation, including free use.

Numerous administrative appeal decisions by the agency have affirmed the position that no reduction or waiver of fees is appropriate for organizations whose principal source of revenue is customer charges. The legislative history of section 504(g) of the Federal Land Policy and Management Act records that Congress intended free use to be restricted to Agencies of the Federal Government and to those situations where the charge is token, and the cost of collection unduly large.

Several additional respondents concluded that, because of the United States Court of Appeals, Tenth Circuit ruling in *Beaver, Bountiful, Enterprise v. Andrus*, 637 F2d 749 (1980), all municipalities and other entities, including private investor utilities, should be exempt from paying rental fees under the proposed policy because the lands and resources utilized would continue to serve the general public.

In the subject case, the court ruled that *Beaver, Bountiful, Enterprise* was a local governmental entity under State law and, therefore, exempt from paying rental under the Bureau of Land Management regulations in effect at that time; however, the court did not decree that all private investor utilities should be exempt.

Several others claimed that public utilities should be exempt from paying rental because congressional intent expressed in the passage of Public Law 98–300, which amended the Federal Land Policy and Management Act to exempt electric and telephone facilities of Rural Electric Cooperatives from paying right-of-way rental, supported such a conclusion. Such a conclusion is not supported by the language in Pub. L. 98–300 which provides for rental exemptions for facilities financed pursuant to the Rural Electrification Act. Facilities that are not so financed do not qualify for a rent-free authorization except when the facilities are an extension of a Rural Electrification Act financed facility.

Unauthorized Double Charge

Some respondents stated that the requirement to pay both annual rental and the costs of processing and monitoring the permit is an unauthorized double charge on the applicant/holder and suggested that this situation could be resolved by providing for an offset in one fee for payments made in the other. The Mineral Leasing Act specifically requires collection of both annual rental fees that reflect fair market value and reimbursement of costs. In addition, the Federal Land Policy and Management Act provides for recovery of reasonable administrative costs incurred in processing an application.

Other

The Forest Service concludes it is important to maintain a cooperative relationship with users of linear rights-of-way crossing Federally managed lands. The Forest Service will continue to work closely with various user groups to resolve issues, reduce administrative costs, and improve the efficiency of the system by which Federal right-of-way programs are managed.

Summary of Proposed Rental Fee Procedure

Using land value data from the market survey and information from permittees, a right-of-way value zone map was prepared. To determine fees, the right-of-way zone value was adjusted downward by 20 percent for energy pipelines, ditches, canals and roads, and 30 percent for all other uses. The adjusted value is then multiplied by the 1-year Treasury Securities "Constant Maturity" rate to arrive at the annual per acre rental fee for each value zone.

For this proposal a rate of 7.07 percent was used. The final notice will be based on the current rate as published by the Federal Reserve statistical release H.15 (519) at time of preparation of the final notice. The following example illustrates how the proposed rental fees are calculated.

Formula: Rental fee/acre = R/W zone value × differential adjustment × 1-year Treasury Securities rate.

Factors: Zone value = $100/acre; differential adjustment 20 percent energy pipelines, and similar uses and 30 percent for all others; 1-year Treasury Securities rate = 7.07 percent (as of 3/7/86).

Calculation

Energy Pipelines, etc: $100/acre × 0.80 × 7.07 percent = $5.66/acre rental fee.

Other $100/acre × 0.70 × 7.07 percent = $4.95/acre rental fee.

The appendix shows a proposed fee schedule by State, county, and type of linear right-of-way use that results from applying the above formula to the right-of-way zone values.

Dated: August 1, 1986.

F.A. Dorrell,

Acting Chief.

APPENDIX—FEE SCHEDULES FOR LINEAR RIGHTS-OF-WAY RENTAL RATE/YEAR

State and county	Oil and gas and other energy related pipelines, roads, ditches and canals	Electric transmission lines, telephone, electric distribution, non-energy related pipelines, and other linear rights-of-way
Alabama: All counties	$22.62/AC/YR	$19.80/AC/YR.
Arkansas: All counties	$16.97/AC/YR	$14.85/AC/YR.
Arizona:		
Apache, Cochise, Gila, Graham, La Paz, Mohave, Navajo, Pima, Yavapai, Yuma, Coconino north of Colorado River	$5.66/AC/YR	$4.95/AC/YR.
Coconino south of Colorado River, Greenlee, Maricopa, Pinal, Santa Cruz	$22.62/AC/YR	$19.80/AC/YR.
California:		
Siskiyou	$16.97/AC/YR	$14.85/AC/YR.
Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte	$28.28/AC/YR	$24.75/AC/YR.
El Dorado, Fresno, Glenn, Humboldt, Kern, Kings, Lake, Madera, Mariposa, Mendicino, Merced, Mono, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Joaquin, Santa Clara, Shasta, Sierra, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Toulumne, Yolo, Yuba.	$28.28/AC/YR	$24.75/AC/YR.
Imperial, Inyo, Lassen, Modoc, Riverside, San Bernardino	$11.31/AC/YR	$9.90/AC/YR.
San Luis Obispo, Los Angeles, Orange, Santa Barbara, San Diego, Ventura, Monterey, Santa Cruz, San Mateo, San Francisco, Marin.	$33.94/AC/YR	$29.69/AC/YR.
Colorado:		
Adams, Arapahoe, Bent, Cheyenne, Crowley, Elbert, El Paso, Huerfano, Kiowa, Kit Carson, Lincoln, Logan, Moffat, Montezuma, Morgan, Pueblo, Sedgewick, Washington, Weld, Yuma.	$5.66/AC/YR	$4.95/AC/YR.
Alamosa, Archuleta, Boulder, Chaffee, Clear Creek, Conejos, Costilla, Custer, Denver, Delta, Douglas, Eagle, Fremond, Gilpin, Grand, Gunnison, Hinsdale, Jackson, Jefferson, Lake, La Plata, Larimer, Mineral, Ouray.	$22.62/AC/YR	$19.80/AC/YR.
Park, Pitkin, Rio Grande, Saguache, San Juan, Summit, Teller	$22.60/AC/YR	$19.80/AC/YR.
Baca, Dolores, Garfield, Las Animas, Mesa, Montrose, Otero, Prowers, Rio Blanco, Routt, San Miguel	$11.31/AC/YR	$9.90/AC/YR.
Connecticut: All counties	$5.66/AC YR	$4.95/AC/YR.
Florida:		
Baker Bay, Bradford, Calhoun, Clay, Columbia Dixie, Duval, Escambia, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Holmes, Jackson, Jefferson, Lafayette, Leon, Liberty, Madison, Nassau, Okaloosa, Santa Rosa, Suwannee, Taylor, Union, Wakulla, Walton, Washington.	$33.94/AC/YR	$29.69/AC/YR.
All other countries	$56.56/AC/YR	$49.49/AC/YR.
Georgia: All counties	$33.94/AC/YR	$29.69/AC/YR.
Idaho:		
Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, Shoshone	$16.97/AC/YR	$14.85/AC/YR.
Cassia, Gooding, Jerome, Lincoln, Minidoka, Oneida, Owyhee, Power, Twin Falls	$5.66/AC/YR	$4.95/AC/YR.
Ada, Adams, Bannock, Bear Lake, Bingham, Blaine, Boise, Bonneville, Butte, Camas, Canyon, Caribou, Clark, Custer Elmore, Franklin, Fremont, Gem, Jefferson, Lemhi, Madison, Payette, Teton, Valley, Washington.	$16.97/AC/YR	$14.85/AC/YR.
Kansas:		
Morton	$11.31/AC/YR	$9.90/AC/YR.
All other counties	$5.66/AC/YR	$4.95/AC/YR.
Illinois: All counties	$16.97/AC/YR	$14.85/AC/YR.
Indiana: All counties	$28.28/AC/YR	$24.85/AC/YR.
Kentucky: All counties	$16.97/AC/YR	$14.85/AC/YR.
Louisiana: All counties	$33.94/AC/YR	29.69/AC/YR.
Maine: All counties	$16.97/AC/YR	$14.85/AC/YR.
Michigan:		
Alger, Baraga, Chippewa, Dickinson, Delta, Gogebic, Houghton, Iron, Keweenaw, Luce, Mackinac, Marquette, Menominee, Ontonagon, Schoolcraft.	$16.97/AC/YR	$14.85/AC/YR.
All other counties	$22.62/AC/YR	$19.80/AC/YR.
Minnesota: All counties	$16.97/AC/YR	$14.85/AC/YR.
Mississippi: All counties	$22.62/AC/YR	$19.80/AC/YR.
Missouri: All counties	$16.97/AC/YR	$14.85/AC/YR.
Montana:		
Big Horn, Blaine, Carter, Cascade, Chouteau, Custer, McCone, Meagher, Dawson, Fallon, Fergus, Garfield, Glacier, Golden Valley, Hill, Judith Basin, Liberty, Musselsheli, Petroleum, Phillips, Pondera, Powder River, Prairie, Rosebud, Teton, Toole, Treasure, Valley, Wheatland, Wibaux, Yellowstone.	$5.66/AC/YR	$4.95/AC/YR.
Beverhead, Broadwater, Carbon, Deer Lodge, Flathead, Gallatin, Granite, Jefferson, Lake, Lewis & Clark, Lincoln, Madison, Mineral, Missoula, Park, Powell, Ravalli, Sanders, Silver Bow, Stillwater, Sweet, Grass.	$16.97/AC/YR	$14.85/AC/YR.
Daniels, Richland, Roosevelt, Sheridan	$5.66/AC/YR	$4.95/AC/YR.
Nebraska: All counties	$5.66/AC/YR	$4.95/AC/YR.
Nevada:		
Churchill, Elko, Esmeralda, Eureka, Humboldt, Lander, Lincoln, Lyon Mineral, Nye, Pershing, Washoe, White Pine	$2.83/AC/YR	$2.47/AC/YR.

APPENDIX—FEE SCHEDULES FOR LINEAR RIGHTS-OF-WAY RENTAL RATE/YEAR—Continued

State and county	Oil and gas and other energy related pipelines, roads, ditches and canals	Electric transmission lines, telephone, electric distribution, non-energy related pipelines, and other linear rights-of-way
Douglas, Carson City, Story	$28.28/AC/YR	$24.75/AC/YR.
Clark	$11.31/AC/YR	$9.90/AC/YR.
New Hampshire: All counties	$16.97/AC/YR	$14.85/AC/YR.
New Mexico:		
Chaves, Curry, De Baca, Dona Ana, Eddy, Grant, Guadalupe, Harding, Hidalog, Lea, Luna, McKinley, Otero, Quay, Roosevelt, San Juan, Socorro, Torrence.	$5.66/AC/YR	$4.95/AC/YR.
Bernalillo, Catron, Cibola, Colfax, Lincoln, Los Alamos, Mora, San Miguel, Santa Fe, Sierra, Taos, Valencie	$22.62/AC/YR	$19.80/AC/YR.
Rio Arriba, San Doual, Union	$11.31/AC/YR	$9.90/AC/YR.
New York: All counties	$22.62/AC/YR	$19.60/AC/YR.
North Carolina: All counties	$33.94/AC/YR	$29.69/AC/YR.
North Dakota: All counties	$5.66/AC/YR	$4.95/AC/YR.
Ohio: All counties	$22.62/AC/YR	$19.80/AC/YR.
Oklahoma:		
Le Flore, McCurtain	$16.97/AC/YR	$14.85/AC/YR
Beaver, Cimerron, Roger Mills, Texas	$11.31/AC/YR	$9.90/AC/YR.
All other counties	$5.66/AC/YR	$4.95/AC/YR.
Oregon:		
Harvey, Lake, Malheur	$5.66/AC/YR	$4.95/AC/YR.
Baker, Crook, Deschutes, Gilliam, Grant, Jefferson, Klamath, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco, Wheeler	$11.31/AC/YR	$9.90/AC/YR.
Coos, Curry, Douglas, Jackson, Josephine	$16.97/AC/YR	$14.85/AC/YR.
Benton, Clackamas, Clatsop, Columbia, Hood River, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Washington, Yamhill.	$22.62/AC/YR	$19.80/AC/YR.
Pennsylvania: All counties	$22.62/AC/YR	$19.80/AC/YR.
Puerto Rico: All	$33.94/AC/YR	$29.69/AC/YR.
South Dakota:		
Butte, Custer, Fall River, Lawrence, Meade, Pennington	$16.95/AC/YR	$14.85/AC/YR.
All other counties	$5.66/AC/YR	$4.95/AC/YR.
South Carolina: All counties	$33.94/AC/YR	$29.69/AC/YR.
Tennessee: All counties	$22.62/AC/YR	$19.80/AC/YR.
Texas:		
El Paso, Hudspeth, Culberson	$5.66/AC/YR	$4.95/AC/YR.
All other counties	$33.94/AC/YR	$29.69/AC/YR.
Utah:		
Beaver, Box Elder, Carbon, Duchesne, Emery, Garfield, Grand, Juab, Kane, Millard, Iron, San Juan, Tooele, Uintah, Wayne	$5.66/AC/YR	$4.95/AC/YR.
Cache, Daggett, Davis, Morgan, Piute, Rich	$16.97/AC/YR	$14.85/AC/YR.
Salt Lake, Sanpete, Sevier, Summit, Utah, Wasatch, Weber	$16.97/AC/YR	$14.85/AC/YR.
Washington	$11.31/AC/YR	$9.90/AC/YR.
Vermont: All counties	$22.62/AC/YR	$19.80/AC/YR.
Virginia: All counties	$22.62/AC/YR	$19.80/AC/YR.
Washington:		
Adams, Asotin, Benton, Chelan, Columbia, Douglas, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanagan, Spokane, Walla Walla, Whitman, Yakima.	$11.31/AC/YR	$9.90/AC/YR.
Ferry, Pend Oreille, Stevens	$16.97/AC/YR	$14.85/AC/YR.
Clallam, Clark, Cowlitz	$22.62/AC/YR	$19.80/AC/YR.
Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific, Pierce, San Juan, Skagit, Skamania, Snohomish, Thurston, Wahkiakum, Whatcom.	$22.62/AC/YR	$19.80/AC/YR.
West Virginia: All counties	$22.62/AC/YR	$19.80/AC/YR.
Wisconsin: All counties	$16.97/AC/YR	$14.85/AC/YR.
Wyoming:		
Campbell, Johnson, Sheridan	$5.66/AC/YR	$4.95/AC/YR.
Big Horn, Crook, Hot Springs, Park, Washakie, Weston, Treton	$16.97/AC/YR	$14.85/AC/YR.
Albany, Carbon, Converse, Goshen, Laramie, Lincoln, Natrona, Niobrara, Platte, Sweetwater, Fremont, Sublette, Uinta	$5.66/AC/YR	$4.95/AC/YR.

[FR Doc. 86-18224 Filed 8-13-86; 8:45 am]

BILLING CODE 3410-11-M

Cowee-Davies (Echo Cove) Management Area Plan and Timber Sale Project; Chatham Area, Tongass National Forest, Alaska

AGENCY: Forest Service, USDA.

ACTION: Rescission of decision; notice of new decision.

SUMMARY: On July 8, 1986, a notice was published which withdrew the Decision Notice and Finding of No. Significant Impact for the Cowee/Davies (Echo Cove) Management Area Plan and Timber Sale Project (51 FR 24735). The withdrawl decision was dated June 24, 1986. In order to permit a full 45 day period to appeal this decision, the withdrawal decision date June 24, 1986, has been rescinded and replaced with a withdrawal notice signed July 8, 1986. The withdrawal notice dated July 8, 1986, which follows is identical to the June 24, 1986, notice with the exception of the date. Interested parties have already been notified of this new decision date through direct distribution and local press releases.

DATE: The public may appeal the decision to withdraw the Decision Notice and Finding of No Significant Impact pursuant to the appeal procedures at 36 CFR 211.18 within 45 days of the July 8 decision notice.

FOR FURTHER INFORMATION CONTACT: Questions concerning the above should be addressed to Kenneth Roberts, Forest Supervisor, Tongass National Forest, Chatham Area, 204 Siginaka Way, Sitka, Alaska 99835. Telephone 907-747-6671.

Kenneth W. Roberts,

Forest Supervisor.

July 28, 1986.

[FR Doc. 86-18292 Filed 8-13-86; 8:45 am]

BILLING CODE 3410-11-M

Withdrawal of Decision Notices and Findings of No Significant Impact for the Cowee-Davies (Echo Cove) Management Area Plan and Timber Sale Project

In February 1982, the Forest Supervisor, Chatham Area, Tongass National Forest, made available to the public an environmental assessment (EA) regarding a proposal to harvest timber in the Echo Cove (C03)

Management Area of the Tongass National Forest, and associated road and log transfer facility development. This Management Area has been referred to as the Cowee-Davies Management Area in some Forest Service environmental analyses, to avoid confusion with private lands surrounding Echo Cove. On July 19, 1983, the Forest Supervisor issued a Decision Notice and Finding of No Significant Impact (FONSI), which adopted as a selected alternative a timber sale project that included approximately 25 miles of road construction and initial harvest entry sale of 26 million board feet (MMBF) of timber in small cutting units dispersed among the Cowee, Davies, Canyon, and Sawmill Creek drainages in the management area. The project also included construction of a log transfer facility to the north of Sawmill Cove, on the southeast shore of Berners Bay. The project would provide access to approximately 115 MMBF of additional operable commercial timber over a rotation period of 100 years or more.

Management Area C03 received a LUD III designation in the Tongass Land Management Plan completed in March 1979 (TLMP). Draft and final Environmental Impact Statements (EIS) were prepared for TLMP. Commercial timber harvest and road construction are authorized by TLMP in such LUD III areas. Available commercial forest land in such areas was included in TLMP to calculate the allowable sale quantity for the commercial timber sale program on the Tongass National Forest. The Cowee-Davies Management Area Plan Decision Notice and Finding of No Significant Impact, issued April 24, 1981 by the Forest Supervisor, Chatham Area, adopted a timber sale of 35 MMBF, a barge log transfer facility in the vicinity of Sawmill Cove, and associated road construction as the selected alternative for initial entry timber harvest in the management area. An EA was prepared for the Management Area Plan. The timber sale project decision notice, FONSI, and EA were tiered to TLMP and the TLMP EIS and to the Management Area Plan Decision Notice, FONSI, and EA.

On June 17, 1985, the Forest Service opened bids for a contract to construct the roads associated with the timber sale project. However, on the same day, opponents of the project filed a lawsuit seeking to enjoin roading and logging activities in Management Area C03, based upon alleged violations of the National Environmental Policy Act (NEPA) and other laws. Sierra Club et al v. Blackwell et al, No. J85-015 Civ. (D. Alaska). On August 26, 1985, the federal district court issued a preliminary injunction against award of the road building contract and otherwise beginning road construction or logging operations in the area until further order of the court, based upon a tentative finding that the Plaintiffs were likely to succeed in showing that an environmental impact statement (EIS) would be required for the project. The Forest Service determined to reject all bids for the road contract and wait for further resolution of the litigation before determining whether to readvertise the contact. The litigation currently remains pending.

I have determined at this time that the resolution of this dispute will be expedited by preparation of an EIS that addresses the environmental impacts of the proposed project and alternatives to it, including a no action alternative. Particular issues, concerns, and opportunities to be addressed will be established during the scoping process to be conducted according to 40 CFR 1501.7. The concerns which opponents of this project have raised in the litigation will be considered in this process.

I hereby withdraw the July 19, 1983 decision notice, and FONSI and supporting EA for the Cowee-Davies timber sale project and the April 24, 1981 Cowee-Davies Management Area Plan Decision Notice, FONSI, and supporting EA. No commercial timber harvest or road construction shall occur in Management Area C03 until additional environmental analysis and new decisions regarding any such action are completed and issued. Before reaching a new decision concerning the previously proposed Cowee-Davies timber sale project and associated road contract and log transfer facility, or alternatives to these actions, an environmental impact statement concerning the project and alternatives to it will be prepared, in accordance with the Notice of Intent attached hereto.

This decision is subject to administrative appeal pursuant to 36 CFR 211.18. A written Notice of Appeal and Statement of Reasons must be filed with the deciding official within 45 days of the date of decision listed below.

Dated: July 8, 1986.

K. W. Roberts,

Forest Supervisor.

[FR Doc. 86-18297 Filed 8-13-86; 8:45 am]

BILLING CODE 3410-11-M

Timber Sale Information Reporting System

AGENCY: Forest Service, USDA.

ACTION: Notice of availability.

SUMMARY: In the October 1984 Conference Report (98-1150) accompanying the fiscal year 1985 continuing appropriations act, Congress directed the Forest Service to develop proposals for "a reasonable but complete system" that would allow for better identification of the costs of its timber sale program and that would also allow for a comparison of actual costs and benefits. A Forest Service task force has proceeded to investigate, design, test, and evaluate various techniques and procedures to respond to congressional direction and has developed a draft recommendation. The proposed reporting system would gather data at the National Forest level and provide a basis for annual reporting of accounts relating to financial, economic, and employment, income, and program level aspects of the timber sale program.

ADDRESS: Single copies of the draft report are available upon request from Director of Policy Analysis (1960), Forest Service, USDA, P.O. Box 2417; Washington, DC 20013; (202) 447-2775.

FOR FURTHER INFORMATION CONTACT: Bjorn Dahl, Forest Service, Policy Analysis, P.O. Box 2417, Washington, DC 20013, Telephone: (202) 447-2775.

Dated: August 1, 1986.

R. Max Peterson,

Chief.

[FR Doc. 86-18374 Filed 8-13-86; 8:45 am]

BILLING CODE 3410-11-M

Soil Conservation Service

Northwest Cherokee Watershed, South Carolina and North Carolina; Finding of No Significant Impact

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 (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 Northwest Cherokee Watershed, Cherokee County, South Carolina, and Rutherford and Cleveland Counties, North Carolina.

FOR FURTHER INFORMATION CONTACT: Mr. Billy Abercrombie, State Conservationist, Soil Conservation Service, 1835 Assembly Street, Room 950, Columbia, South Carolina 29201, Telephone (803) 765-5681.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicated that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Billy Abercrombie, State Conservationist, has determined that the preparation and review of an environmental impact statement is not needed for this project. The project concerns a plan for erosion control on 7,650 acres of cropland to be accomplished through Conservation plans and long-term contracts involving about 120 farms. The soil and water conservation districts will provide leadership for installing the project.

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

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: June 13, 1986.

T. Niles Glasgow,

Deputy State Conservationist.

[FR Doc. 86-18291 Filed 8-13-86; 8:45 am]

BILLING CODE 3410-16-M

Trumbull County Joint Vocational School Land Drainage RC&D Measure, Ohio

AGENCY: Soil Conservation Service. USDA.

ACTION: 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 Trumbull County Joint Vocational School Land Drainage, RC&D Measure, Trumbull County, Ohio.

FOR FURTHER INFORMATION COUNTY: Harry W. Oneth, State Conservationist, Soil Conservation Service, Federal Building, 200 North High Street, Room 522, Columbus, Ohio 43215, telephone: (614)–469–6962.

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

This measure concerns a plan for improving the internal and surface drainage in the land laboratory and campus area of the school.

Planned works of improvement include the installation of subsurface (title) drainage, the installation of a diversion, and the seeding and mulching of disturbed areas.

The Notice of Finding 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 Harry W. Oneth.

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

(This activity is listed in the Catalog of Federal Domestic Assistance under No. 10.901—Resource Conservation and Development Program—and is subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with state and local officials.)

Harry W. Oneth,

State Conservationist.

July 31, 1986.

[FR Doc. 86-18322 Filed 8-13-86 8:45 am]

BILLING CODE 3410-16-M

DEPARTMENT OF COMMERCE

International Trade Administration

[A-122-020]

Pig Iron From Canada; 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 Dofasco, Inc., the Department of Commerce has conducted an administrative review of the antidumping finding on pig iron from Canada. The review covers 1 of the 5 known manufacturers and/or exporters of this merchandise to the United States currently covered by this finding and the period July 1, 1983 through June 30, 1985. The review indicates the existence of no dumping margins for the period.

As a result of the review, the Department has tentatively determined to revoke the finding with respect to Dofasco, Inc.

Interested parties are invited to comment on these preliminary results and tentative determination to revoke in part.

EFFECTIVE DATE: August 14, 1986.

FOR FURTHER INFORMATION CONTACT: Mary Helen Askins or John Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377–1130/3601.

SUPPLEMENTARY INFORMATION:

Background

On March 19, 1985, the Department of Commerce ("the Department") published in the **Federal Register** (50 FR 11003) the final results of its last administrative review of the antidumping finding on pig iron from Canada (36 FR 13780, July 24, 1971). On September 13, 1985, the Department received a request from Dofasco, Inc. in accordance with § 353.53a(a) of the Commerce Regulations for the next administrative review, and we published a notice of initiation of the antidumping duty administrative review in the **Federal Register** on January 21, 1986 (51 FR 2748).

Scope of the Review

Imports covered by the review are shipments of pig iron, which is used in steel production and in the iron foundry industry for making iron castings such as pipe automoble castings, and machine parts. Such merchandise is currently classifiable under items 606.1300 and 606.1500 of the Tariff Schedules of the United States Annotated. The review covers 1 of the 5 known manufacturers and/or exporters of Canadian pig iron to the United States currently covered by this finding, Dofasco, and the period July 1, 1983 through June 30, 1985.

United States Price

In calculating United States price the Department used purchase price, as defined in section 772 of the Tariff Act of 1930 ("the Tariff Act"). Purchase price was based on f.o.b. mill prices to unrelated purchasers in the United States. No deductions were claimed or allowed.

Foreign Market Value

In calculating foreign market value the Department used home market price, defined in section 773 of the Tariff Act, since sufficient quantities of such or similar merchandise were sold in the home market to provide a basis of comparison. Home market price was based on f.o.b. mill prices to unrelated purchasers in the home market. No adjustments were claimed or allowed.

Preliminary Results of the Review and Tentative Determination to Revoke in Part

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

Manufacturer/exporter	Period	Margin (percent)
Dofasco	07/01/83-06/30/84	0
	07/01/88-06/30/85	[1]0

[1]No shipments during the period.

The Department will issue appraisement instructions directly to the Customs Service. Dofasco, Inc. 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. Dofasco, Inc. made all sales at not less than fair value for 3 years and had no shipments for 1 year.

Therefore, we tentatively determine to revoke the antidumping finding on pig iron from Canada with respect to Dofasco, Inc. If this partial revocation is made final, it will apply to all unliquidated entries of this merchandise manufactured and exported by Dofasco, Inc. and 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. Any request for an administrative protective order must be made no later than 5 days after the date of publication. The Department will publish the final results of the administrative review including the results of its analysis of issues raised in any such comments or hearing.

Further, as provided for by § 353.48(b) of the Commerce Regulations, since there was no margin for Dofasco the Department shall not require a cash deposit of estimated antidumping duties for Dofasco, Inc. For any shipments from the four remaining manufacturers/exporters of Canadian pig iron 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 (50 FR 11003, March 19, 1985).

For any future entries from a new exporter of Canadian pig iron not covered in this or prior reviews, whose first shipments occurred after June 30, 1985, no cash deposit shall be required. These deposit requirements are effective for all shipments of Canadian pig iron entered, or withdrawn from warehouse, for consumption on or after the date of publications 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: August 8, 1986.

Gilbert B. Kaplan,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 86-18379 Filed 8-13-86; 8:45 am]

BILLING CODE 3510-DS-M

[A-427-001]

Sorbitol From France; Preliminary Results of Antidumping Duty Administrative Review

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice of Preliminary Results of Antidumping Duty Administrative Review.

SUMMARY: In response to a request by Roquette Freres, the Department of Commerce has conducted an administrative review of the antidumping duty order on sorbitol from France. The review covers the one known manufacturer/exporter of this merchandise to the United States and consecutive periods from June 1, 1982 through March 31, 1985. The review indicates the existence of dumping margins during the periods.

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

Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: August 14, 1986.

FOR FURTHER INFORMATION CONTACT: Maureen Rosch or Robert Marenick, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-1130/5255.

SUPPLEMENTARY INFORMATION:

Background

On March 22, 1984, the Department of Commerce ("the Department") published in the **Federal Register** (49 FR 10695) the final results of its last administrative review of the antidumping duty order on sorbitol from France (47 FR 15391, April 9, 1982). We began the current review of the order under our old regulations. After the promulgation of our new regulations, the respondent, Roquette Freres, requested in accordance with § 353.53a(a) of the Commerce Regulations that we complete the administrative review. We published a notice of initiation of the antidumping duty administrative review on November 27, 1985 (50 FR 48825).

Scope of the Review

Imports covered by the review are shipments of crystalline sorbitol. Crystalline sorbitol is a polyol produced by the catalytic hydrogenation of sugars (glucose). It is used in the production of sugarless gum, candy, groceries, and pharmaceuticals.

Such merchandise is currently classifiable under item 493.6820 of the Tariff Schedules of the United States Annotated. The review covers the one known French exporter of crystalline sorbitol to the United States, Roquette Freres, and consecutive periods from June 1, 1982 through March 31, 1985.

United States Price

In calculating United States price the Department used purchase price, as defined in section 772 of the Tariff Act of 1930 ("the Tariff Act"). Purchase price was based on the packed duty-paid delivered price to unrelated purchasers in the United States. We made deductions, where applicable, for

foreign inland freight, ocean freight, marine insurance, freight forwarding, rebates, U.S. Customs duties and brokerage fees. We made an addition for an import levy imposed by the EC on corn which was not collected by reason of exportation of the sorbitol to the United States. No other adjustments were claimed or allowed.

Foreign Market Value

In calculating foreign market value the Department used home market price, as defined in section 773 of the Tariff Act, since sufficient quantities of such or similar merchandise were sold in the home market to provide a basis for comparison. Home market price was based on the packed delivered price to unrelated purchasers in the home market. We made adjustments, where applicable, for inland freight, quantity rebates, differences in credit costs, commissions and packing. We disallowed a claimed adjustment for certain indirect selling expenses. No other adjustments were claimed or allowed.

Preliminary Results of the Review

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

Manufacturer/exporter	Time period	Margin (percent)
Roquette Freres	06/01/82-03/31/83	0.70
	04/01/83-03/31/84	.96
	04/10/84-03/31/85	.21

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

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

Further, since the margin for Roquette Freres for the latest review period is less than 0.5 percent and therefore *de minimis* for cash deposit purposes, the Department shall not require a cash deposit of estimated antidumping duties, as required by section 751(a)(1) of the Tariff Act, on shipments of French sorbitol entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53a of the Commerce Regulations (19 CFR 353.53a; 50 FR 32556, August 13, 1985).

Dated: August 8, 1986.

Gilbert B. Kaplan,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 86-18382 Filed 8-13-86; 8:45 am]

BILLING CODE 3510-DS-M

[C-412-020]

Stainless Steel Plate From the United Kingdom; Final Results of Changed Circumstances Administrative Review and Revocation of Countervailing Duty Order

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice of Final Results of Changed Circumstances Administrative Review and Revocation of Countervailing Duty Order.

SUMMARY: On May 20, 1986, the Department of Commerce published the preliminary results of its administrative review of the countervailing duty order on stainless steel plate from the United Kingdom and announced its tentative determination to revoke the order. The review covers the period from March 1, 1986.

We gave interested parties an opportunity to comment. After considering the comment received, we determine that domestic interested parties are no longer interested in continuation of the order, and we are revoking the order. In accordance with the petitioner's notification, the revocation will apply to all stainless steel plate exported on or after March 1, 1986.

EFFECTIVE DATE: March 1, 1986.

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

SUPPLEMENTARY INFORMATION:

Background

On May 20, 1986, the Department of Commerce ("the Department") published in the **Federal Register** (51 FR 18472) the preliminary results of its changed circumstances administrative review of the countervailing duty order on stainless steel plate from the United Kingdom (48 FR 28690, June 23, 1983). The Department has now completed 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 U.K. stainless steel plate currently classifiable under items 607.7605 and 607.9005 of the Tariff Schedules of the United States Annotated. Stainless steel plate is a flat-rolled product, whether or not corrugated or crimped, in coils or cut to length, 0.1875 inch or more in thickness and over 8 inches in width or, if cold-rolled, over 12 inches in width. The review covers the period for March 1, 1986.

Analysis of Comment Received

Comment: The Commission of the European Communities points out that the wording of the notice of preliminary results of changed circumstances administrative review is not in accordance with the Agreed Minutes of the 1986 Steel Arrangement. The notice states that the revocation will apply to exports on or after March 1, 1986, while the Agreed Minutes state that the "revocation will be made effective for all unliquidated entries on or after" March 1, 1986. The Commission contends that the revocation should be changed to comply with the wording to the Agreed Minutes.

Department's Position. The basis of the revocation is the lack of interest in continuation of the order on the part of domestic interested parties. In their April 22, 1986 letter to the Department, the petitioners requested that the Department revoke the order with respect to all shipments from the United Kingdom on or after March 1, 1986. Therefore, we are revoking this order with respect to shipments of U.K. stainless steel plate exported on or after March 1, 1986.

Although the 1982 US/EC arrangement on certain steel products, as amended on December 11, 1986, is not the basis of the revocation, the effective date of the revocation is consistent with that agreement.

Article 2(b)(1) states, ". . . this Arrangement shall only apply to such (specialty steel) products that are

exported from the ECSC after the last day of the month in which the U.S. terminates both the tariffs and quotas imposed under section 203 of the Trade Act of 1974 on such products." Therefore, specialty steel products exported prior to March 1, 1986, including those shipments which entered the U.S. after March 1, 1986, are not covered by the Arrangement.

Only those shipments exported on or after March 1, 1986 and accompanied by a valid export certificate are covered by the Arrangement.

Final Results of Review and Revocation

After a review of the comment received, we determine that domestic interested parties are no longer interested in continuation of the countervailing duty order on stainless steel plate from the United Kingdom and that the order shoud be revoked on this basis.

Therefore, we are revoking the order on stainless steel plate from the United Kingdom effective March 1, 1986. We will instruct the Customs Service to proceed with liquidation of all unliquidated entries of this merchandise exported on or after March 1, 1986 without regard to countervailing duties and to refund any estimated countervailing duties collected with respect to those entries.

This notice does not cover unliquidated entries of stainless steel plate from the United Kingdom which were exported prior to March 1, 1986. The Department will cover any entries not covered in a prior administrative review and exported before March 1, 1986 in a separate review, if one is requested.

This administrative review, revocation, and notice are in accordance with sections 751 (b) and (c) of the Tariff Act (19 U.S.C. 1675 (b), (c)) and §§ 355.41 and 355.42 of the Commerce Regulations (19 CFR 355.41, 355.42).

Dated: July 24, 1986.

Gilbert B. Kaplan,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 86-18378 Filed 8-13-86; 8:45 am]

BILLING CODE 3510-DS-M

[C-557-601]

Termination of Countervailing Duty Investigation; Carbon Steel Wire Rod From Malaysia

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice.

SUMMARY: In a letter dated July 30, 1986, petitioners withdrew their countervailing duty petition filed on March 4, 1986, on carbon steel wire rod for Malaysia. Based on the withdrawal, we are terminating this investigation.

EFFECTIVE DATE: August 14, 1986.

FOR FURTHER INFORMATION CONTACT: Ellie Shea or Barbara Tillman of the Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 377-0184 or 377-2438.

SUPPLEMENTARY INFORMATION: .

Case History

On March 4, 1986, we received a petition filed in proper form from Armco, Inc., Atlantic Steel Co., Georgetown Steel Corp., North Star Steel Texas, Inc., and Raritan River Steel Co., filed on behalf of the U.S. industry producing carbon steel wire rod. In compliance with the filing requirements of § 355.26 of the Commerce Regulations (19 CFR 355.26), the petition alleged that manufacturers, producers, and exporters in Malaysia of wire rod receive, directly or indirectly, benefits which constitute bounties or grants within the meaning of section 303 of the Tariff Act of 1930 (the Act).

We found that the petition contained sufficient grounds upon which to initiate a countervailing duty investigation, and on March 24, 1986, we initiated an investigation (51 FR 10905). We stated that we expected to issue a preliminary determination on or before May 28, 1986.

Since Malaysia is not a "country under the Agreement" within the meaning of section 701(b) of the Act, sections 303 (a)(1) and 303(b) of the Act apply to this investigation. Accordingly, petitioners are not required to allege that, and the U.S. International Trade Commission is not required to determine whether, imports of the subject merchandise from Malaysia materially injure, or threaten material injury to, a U.S. industry.

On April 3, 1986, we presented a questionnaire to the government of Malaysia in Washington, DC concerning petitioners' allegations. We received the govenment and company responses on May 9, 1986.

On May 28, 1986, we issued our preliminary determination that no benefits constituting bounties or grants are being provided to the manufacturers, producers, or exporters in Malaysia of carbon steel wire rod (51 FR 20324). We conducted verification of the responses of the government of Malaysia, Amalgamated Steel Mills Bhd., Angkasa Marketing Sdn. Bhd., and Malayawata Steel Bhd. from June 23 through 27, 1986.

Our notice of preliminary determination gave interested parties an opportuity to submit oral and written views. On July 19, 1986, we received written views and on July 21, 1986, a public hearing was held.

Scope of Investigation

For purposes of this investigation, the term "carbon steel wire rod" covers a coiled, semi-finished, hot-rolled carbon steel product of approximately round solid cross-section, not under 0.20 inch in diameter, nor over 0.74 inch in diameter, tempered or not tempered, treated or not treated, not manufactured or partly manufactured, and valued over or under 4 cents per pound. Wire rod is currently classifiable under items 607.14, 607.17, 607.22, and 607.23 of the *Tariff Schedules of the United States.*

Withdrawal of Petition

In a letter dated July 31, 1986, petitioners notified the Department that they are withdrawing their March 4, 1986 petition. Under section 704(a) of the Tariff Act of 1930, as amended by section 604 of the Trade and Tariff Act of 1984 (the Act), upon withdrawal of a petition, the administering authority may terminate an investigation after giving notice to all parties to the investigation and after assessing the public interest. We have determined that termination would be in the public interest.

We have notified all parties to the investigation of petitioners' withdrawal and our intention to terminate. For these reasons, we are terminating our investigation.

This notice is published pursuant to section 704(a) of the Act (19 U.S.C. 1671c(a)).

Gilbert B. Kaplan,

Deputy Assistant Secretary for Import Administration.

August 8, 1986.

[FR Doc. 86-18376 Filed 8-13-86; 8:45 am]

BILLING CODE 3510-DS-M

[C-401-056]

Viscose Rayon Staple Fiber From Sweden; 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: In response to a request from the petitioner, the Department of Commerce has conducted an administrative review of the countervailing duty order on viscose rayon staple fiber from Sweden. The review covers the period October 1, 1982 through September 30, 1983 and five programs

As a result of the review, the Department has preliminarily determined the net subsidy for the period of review to be 7.26 percent *ad valorem*. We invite interested parties to comments on these preliminary results.

EFFECTIVE DATE: August 14, 1986.

FOR FURTHER INFORMATION CONTACT: Cynthia Gozigian 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 May 15, 1979, the Department of Commerce ("the Department") published in the **Federal Register** (48 FR 50914) a countervailing duty order on viscose rayon staple fiber from Sweden. We began this review of the order under our old regulations. On September 24, 1985, after the promulgation of our new regulations, the petitioner, the U.S. Rayon Producers Committee, requested in accordance with § 355.10 of the Commerce Regulations that we complete the administrative review of the order. We published the new initiation on November 27, 1985 (50 FR 48825). The Department has now conducted that administrative review in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

Scope of the Review

Imports covered by the review are shipments of Swedish regular viscose rayon staple fiber and high-wet modulua ("modal") viscose rayon staple fiber. Such merchandise is currently classifiable under items 309.4320 and 309.4325 of the Tariff Schedules of the United States Annotated.

The review covers the period October 1, 1982 through September 30, 1983 and five programs: (1) Loans/grants for plant creation; (2) Elderly employment compensation; (3) A grant for manpower reduction and a conditional loan; (4) An energy savings loan/grant; and (5) Deferral of interest payments. The sole known Swedish producer of the merchandise is Svenska Rayon, AB.

Analysis of Programs

(1) Loans/Grants for Plant Creation

Under three agreements, the Swedish government provided Svenska with interest-free loans for the creation of a modal fiber plant. The agreements provided that the Swedish government would forgive the loans in equal amounts over ten years if Svenska maintained its modal fiber plant capacity for at least ten years. If Svenska did not maintain its modal fiber plant for ten years, the full amount of the outstanding principal would fall due immediately.

The first agreement, Project 77, was concluded in 1975, and the Swedish government disbursed the funds between 1975 and 1977. The second agreement, Project 81, was concluded in 1978 and the funds disbursed between 1978 and 1981. In February 1979, the Swedish government provided a final interest-free loan to Svenska for pollution control improvement to the modal fiber plant.

Although Svenska modified its modal fiber plant to produce regular fiber as well as modal fiber, it maintained the modal production facilities at least through the end of the review period. The Swedish government forgave ten percent of the total disbursements to Svenska under Project 77 in 1978, and each year thereafter through the end of the year covered by this review, *i.e.*, 1983. Similarly, the Swedish government forgave ten percent of the total disbursements under Project 81 in 1981, and each year thereafter, and ten percent of the environmental loan in 1980, and each year thereafter.

If forgiveness continues according to schedule, Svenska's obligation under Project 77 will terminate by 1987, the year in which the Swedish government will forgive the last portion. Likewise, Svenska's obligation under Project 81 will terminate by 1990, and under the environmental loan, by 1989. This means that the life of the interest-free loans under Project 77 and Project 81 is 13 years, and under the environmental loan, 11 years.

In the final results to our last administrative review of this case (48 FR 50914, November 4, 1983), we treated the portion forgiven in the review period as a grant and expensed it in the year of receipt. We treated the unforgiven portion as the outstanding balance of a long-term loan, allocating to the review period the interest payments that would have been due in that period.

We now treat such government disbursements as contingent liabilities. Contingent liability programs usually involve some type of goal, such as the manufacture of a particular product or the fulfillment of a certain production, export, or profit level. There is usually some type of reward for achieving the goal, such as forgiveness of the financial obligation, or some type of retribution for failure to achieve the goal, such as accelerated payment of that obligation. When the terms of repayment are contingent upon the achievement of the goal, we must measure the benefit according to the conditions set for that particular program. (*See, e.g.*, the preliminary affirmative countervailing duty determination on certain textile mill products and certain apparel from Peru (49 FR 49680, December 21, 1984) and the final affirmative countervailing duty determination on certain carbon steel products from Sweden (50 FR 33375, August 19, 1985).)

As in past administrative reviews, we still consider the portions actually forgiven to be grants. However, instead of calculating the benefit from these grants by expensing the forgiven portions in the year of receipt, we have now applied the grant methodology outlined in the Subsidies Appendix to the notice of "Final Affirmative Countervailing Duty Determination" on certain cold-rolled carbon steel flat-rolled products from Argentina (49 FR 18006, April 26, 1984) ("the Subsidies Appendix"). As stated in the Subsidies Appendix, we expense in the year of receipt only those grants that are less than 0.5 percent of total sales. Since the portions forgiven since 1978 have been greater than that, we have allocated the present values of such portions forgiven, *i.e.*, those forgiven in prior periods and in the current period, over the remaining life of the relevant loan. For example, the life of the Project 77 loan is 13 years (including a maximum 3-year grace period, from 1975 to 1977, plus a 10-year period for forgiveness, from 1978 to 1987). Since the Swedish government forgave the first portion of that loan in 1978, the life of the first grant is ten years. The life of the second grant (*i.e.*, the portion forgiven in 1979) is nine years. The life of the third grant is eight years, and so on. Because the agreements on Project 77, Project 81, and the environmental loan were reached in 1975, 1978, and 1979, respectively, we used as the discount rates the national average corporate bond rate in Sweden (obtained from the *Monthly Digest of Swedish Statistics*, a Swedish government publication) for those years. We consider those rates to be the best information available because we have no information on Svenska's weighted cost of capital for those years. On this basis, we preliminary determine the

benefit from the grant portion of this program to be 1.58 percent *ad valorem*.

As in past reviews of this case, we continue to consider the unforgiven portions of this program to be interest-free loans. However, instead of treating the unforgiven portions as the outstanding balances of long-term loans, we are treating them as short-term loans and expensing the benefits in the year of receipt. Because there is uncertainty from year to year over whether the Swedish government will forgive a portion of Svenska's outstanding obligation under this program, or whether it will require full payment of the outstanding balance, we consider the balance outstanding during the review period to be a short-term loan.

To measure the benefit, we used a short-term commercial interest benchmark. We calculated the difference between the interest Svenska paid (*i.e.*, zero) on the outstanding balances (*i.e.*, the unforgiven portions) during the review period and the interest Svenska would have paid on a comparable short-term commercial loan for the same period. We used as a benchmark rate the national average short-term interest rate in Sweden, published in the Sveriges Riksbank's (the Swedish central bank) *Statistical Yearbook*. Assuming that Svenska rolled over the loans at the beginning of 1982 and paid the interest at the beginning of 1983, we applied the 1982 benchmark rate of 15.31 percent. On this basis, we preliminarily determine the benefit from the loan portion of this program to be 2.79 percent *ad valorem*. The benefit from both the grant and loan portions of this program is 4.37 percent *ad valorem*.

(2) Elderly Employment Compensation Program

The Swedish government provides a subsidy to certain companies within the textile and clothing industries through a special employment contribution for older workers. This program was established by government bill 1976/77: 105, adopted on March 3, 1977. The program is designed to encourage the retention of redundant employees in certain regions of the country. It provides compensation to a company based upon the number of hours worked by employees over 50 years of age. A company participating in the program must agree not to dismiss or release redundant employees of any age for any reason other than normal attrition. Payments are calculated on the basis of 28 kronor per hour for employees over age 50 who are involved in production and may not exceed 15 percent of the company's total labor costs.

Svenska received a payment under this program in July 1982. In January 1983, the Swedish government excluded the rayon fiber industry, including Svenska, from this program.

In past administrative reviews, we expensed the benefits from this program in the year of receipt. We have now applied the grant methodology outlined in the Subsidies Appendix, allocating the 1982 payment over ten years, the average useful life of assets in the rayon fiber industry, according to the "Asset Guideline Classes" of the U.S. Internal Revenue Service. We used Svenska's 1982 weighted cost of capital as a discount rate. On this basis, we preliminarily determine the benefit from this program to be 0.46 percent *ad valorem*.

(3) Grant for Manpower Reduction and Conditional Loan

The Swedish government concluded an agreement with Svenska in 1980 consisting of two parts: a grant for manpower reduction and a conditional loan to cover operating losses. The grant was intended to compensate the company for maintaining redundant employees longer than collective agreements and employment protection laws warranted, and for retraining employees to work elsewhere within the KF Industri ("KFIAB", the group of firms, including Svenska, owned directly or indirectly by Kooperativa Forbundet ("KF")). The grant was paid through the National Labor Market Board in two installments, one in December 1980, and the other in July 1981. In the absence of any indication that this agreement was part of some program of potential aid to more than Svenska, we conclude that the grant was available only to a specific enterprise, and preliminarily determine that it is countervailable.

We treated each installment of the grant separately and derived a discount rate for 1980, the year in which the agreement was reached. We used the 1980 national average corporate bond rate in Sweden as the discount rate because we have no information on Svenska's weighted cost of capital for that year.

Using the grant methodology described in the Subsidies Appendix, we first allocated each grant over ten years. We then allocated the benefits occurring in the review period over the value of Svenska's net sales during the review period. On this basis, we preliminarily determine the benefit from this manpower reduction grant to be 0.50 percent *ad valorem*.

For the additional loan part of the 1980 agreement, the terms (including the length) and conditions depended on the company's profit levels. The loan bore an interest rate of 10 percent per annum. If Svenska does not make a high enough profit (as determined by a confidential formula concluded between the Swedish government and Svenska), the Swedish government may forgive portions of the outstanding principal and interest. If Svenska attains a certain level of profit, it must repay a certain portion of the profit, including interest. The maximum duration of the conditional loan is 12 years. Again, in the absence of any indication that this agreement was part of some program of potential aid to more than Svenska, we conclude that the conditional loan was available only to a specific enterprise on terms inconsistent with commercial considerations, and preliminarily determine that it is countervailable.

The National Economic Defense Board disbursed the loan in three installments, one in December 1980, one in January 1981, and one in February 1982. Since Svenska did not reach a high enough profit in any year between 1980 and 1982 (as determined by the confidential formula), it has not made any repayments on this loan as of the end of the review period. The Swedish government forgave a portion of the loan in early 1983. Using the same methodology described for the plant creation loans/grants, we treated the amount forgiven in 1983 as a grant (allocated over the remaining life of the loan, nine years) and the unforgiven portion as a short-term loan on which interest would have been paid during the review period. We applied the same discount rate used for the manpower reduction grant and the same short-term benchmark rate used for the plant creation loans. On this basis, we preliminarily determine the benefit from the conditional loan to be 1.93 percent *ad valorem*.

(4) Energy Savings Loan/Grant

In accordance with a national policy intended to reduce dependence on foreign sources of energy (codified in government law 1980: 1085), the government of Sweden authorized an energy savings loan/grant for Svenska in January 1983. The amount covered approximately one-half the cost of a new steam and power station as well as a variety of other energy-related improvements.

If the investment program is carried out as scheduled, the Swedish government will forgive 20 percent each year through 1987. If Svenska fails to meet its obligations, it must repay the loan at commercial interest rates. As of the end of the review period, Svenska

had not paid any interest on this loan/grant.

The Swedish government provided to the Department a description of the program and a list of firms that received benefits under it. Because the program is available to all industries in all parts of the country, we preliminarily determine that it is generally available and therefore not counteravailable.

(5) Deferral of Interest Payments

The petitioner alleged that the Swedish government provided funds to Svenska's parent company, KF, that enabled Svenska to defer interest payments on short-term and long-term loans from KF to Svenska.

Svenska's short-term liabilities to its parent company are in the form of a current account system and its long-term liabilities to KF (or KFIAB) are in the form of promissory note loans and a debenture loan. The current account arrangement is comparable to an interest-bearing checking account. When the account is positive, KF pays interest to Svenska; when the account is negative, KF charges interest to Svenska. We found that KF charges and pays market rates of interest on the current account and that Svenska does not defer interest payments without penalty charges.

Svenska had two promissory note loans outstanding during the period of review, one underwritten by KF, and the other by KFIAB. Both loans are secured by mortgages on Svenska's assets. The loans are intended to be long-term, but the actual lengths are not specified. The loans bear variable interest rates that depend on KF's and KFIAB's cost of capital. We found that both KF and KFIAB charge market rates of interest on these loans and that Svenska does not defer interest payments without a penalty.

Svenska also had a debenture loan outstanding from KFIAB during the period of review. The terms of the loan and the interest rate depend on Svenska's profit levels. As of the end of 1983, Svenska had not paid any interest on this loan because of low profit levels.

For all of these financial arrangements between Svenska and KF (or KFIAB), we have found no evidence that the Swedish government provided funds to KF (or KFIAB) that enabled Svenska to defer interest payments on short-term and long-term loans. Furthermore, we consider all of these transactions to be intra-corporate transfers of funds. Therefore, we preliminarily determine that any deferred interest payments on these loans are not counteravailable.

Preliminary Results of Review

As a result of the review, we preliminarily determine the net subsidy to be 7.26 percent *ad valorem* for the period of review.

On October 30, 1980, the International Trade Commission ("the ITC") notified the Department that the Swedish government had requested an injury determination for this order under section 104(b) of the Trade Agreements Act of 1979. On March 15, 1983, the ITC notified the Department of its determination that an industry in the United States would be materially injured, or threatened with material injury, if the order were revoked. The Department has already instructed the Customs Service to assess countervailing duties in the amount of the estimated duties required to be deposited, at the time of entry, on all unliquidated entries of Swedish viscose rayon staple fiber entered, or withdrawn from warehouse, for consumption on or after October 30, 1980 and on or before March 15, 1983. The Department intends to instruct the Customs Service to assess countervailing duties of 7.26 percent of the f.o.b. invoice price on all shipments entered, or withdrawn from warehouse, for consumption on or after March 16, 1983 and exported on or before September 30, 1983.

Further, the Department intends to instruct the Customs service to collect a cash deposit of estimated countervailing duties, as provided by section 751(a)(1) of the Tariff Act, of 7.26 percent of the f.o.b. invoice price on all shipments of the 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 requirement shall remain in effect until publication of the final results of the next administrative review.

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 5 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)), section 104(b)(4)(A) of the Trade Agreements Act (19 U.S.C. 1671 note), and § 355.10 of the Commerce Regulations (50 FR 32556, August 13, 1985).

Dated: August 8, 1986.

Gilbert B. Kaplan,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 86-18377 Filed 8-13-86; 8:45 am]

BILLING CODE 3510-DS-M

Petitions by Producing Firms for Determinations of Eligibility To Apply for Trade Adjustment Assistance; Andre Industries, Inc., et al.

Petitions have been accepted for filing on the dates indicated from the following firms: (1) Andre Industries, Inc., P.O. Box 1113, Bismarck, North Dakota 58501, producer of metal washers, bandsaws and agricultural machinery (July 7, 1986); (2) Crown Metal Manufacturing Company, 5925 South Lowe Avenue, Chicago, Illinois 60621, producer of metal brackets; rails; rods and legs (July 8, 1986); (3) Ludwig Industries, Inc., 133 Middleton Street, Brooklyn, New York 11206, producer of box hardware and metal stampings (July 10, 1986); (4) Carlson Tool and Machine Company, 2300 Gary Lane, Geneva, Ilinois 60134, producer of brush making machines parts (July 10, 1986); (5) Lunder Shoe Products Company, P.O. Box 368, Saco, Maine 04072, producer of shoe findings (July 11, 1986); (6) Bridgeport Brass Corporation, P.O. Box 51519, Indianapolis, Indiana 46251, producer of copper and brass strip, sheet, rods and tubes (July 11, 1986); (7) Copperweld Steel Company, P.O. Box 351, Warren, Ohio 44482, producer of hot rolled and cold formed alloy and carbon steel bars (July 11, 1986); (8) Brooks Leather Sportswear, Inc., 14511 West 11 Mile Road, Oak Park, Michigan 48237, producer of leather jackets, vests and pants (July 11, 1986); (9) Switches, Inc., 6131 West 80th Street, Indianapolis, Indiana 46278, producer of automotive electrical switches and other electrical parts (July 14, 1986); (10) Charland Sportswear Corporation, 1002 Arenteen Boulevard, Charleroi, Pennsylvania 15022, producer of women's slacks (July 15, 1986); (11) D'Andrea Manufacturing Company, Inc., 115 Eileen Way, Syosset, New York 11791, producer of musical instruments cases and stringed instrument accessories (July 15, 1986); (12) The Beaumont Company, P.O. Box 803, Morgantown, West Virginia 26507, producer of hand blown glass (July 18, 1986); and (13) Koszegi Products, Inc., P.O. Box 1277, South Bend, Indiana

46624, producer of leather, vinyl and synthetic covers, bags and cases (July 21, 1986).

The petitions were submitted pursuant to section 251 of the Trade Act of 1974 (Pub. L. 93–618), as amended. Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Certification Division, Office of Trade Adjustment Assistance, Room 4015A, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

The Catalog of Federal Domestic Assistance official program number and title of the program under which these petitions are submitted is 11.309, Trade Adjustment Assistance. Inasfar as this notice involves petitions for the determination of eligibility under the Trade Act of 1974, the requirements of Office of Management and Budget Circular No. A–95 regarding review by clearinghouses do not apply.

Achamma Chandersekaran,

Acting Chief, Office of Trade Adjustment Assistance.

[FR Doc. 86–18375 Filed 8–13–86; 8:45 am]

BILLING CODE 3510-DR-M

Applications for Duty-Free Entry of Scientific Instruments; Georgia Scientific and Technical Research Foundation et al.

Pursuant to section 6(c) of the Educational, Scientific and Cultural Matierals Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897; 15 CFR Part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the puposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with § 301.5(a) (3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington DC 20230. Applications may be examined between 8:30 a.m. and 5:00 p.m. in Room 1523, U.S. Department of Commerce, 14th Constitution Avenue NW., Washington, DC.

Docket Number: 86–003R. Applicant: Georgia Scientific and Technical Research Foundation, Georgia Institute of Technology, Office of V.P. Research, Room 285, Atlanta, GA 30332. Instrument: Mass Spectrometer, Model MMAZB–E with Gas Chromatograph and Accessories. Manufacturer: VG Analytical Limited, United Kingdom. Original notice of this resubmitted application was published in the **Federal Register** of November 1, 1985.

Docket Number: 86–069R. Applicant: U.S. Department of Energy, New Brunswick Laboratory, Building 350, 9800 South Cass Avenue, Argonne, IL 60439. Instrument: Mass Spectrometer, Model 261 with Accessories. Manufacturer: Finnigan MAT GmbH, West Germany. Original notice of this resubmitted application was published in the **Fedeal Register** of January 28, 1986.

Docket Number: 86–278. Applicant: Carnegie-Mellon University, Schenley Park, Pittsburgh, PA 15213. Instrument: Theta/Theta X-Ray Powder Diffractometer, Model D/MAX–11TBX and Accessories. Manufacturer: Rigaku Corporation, Japan. Intended use; the instrument is intended to be used for the study of a wide variety of metals, insulators, semiconducting materials and liquid specimens. Investigations will inlude determination of crystal structure, phase analysis, phase transformations, crystal orientation, qualitative analysis, crystalline size and lattice distortion, preferred orientation, etc. Application Received by Commissioner of Customs: July 18, 1986.

Docket Number: 86–279. Applicant: Carnegie-Mellon University, Schenley Park, Pittsburgh, PA 15213. Instrument: Scanning X-Ray Diffraction Micrographic Camera, Model D1511. Manufacturer: Rigaku Corporation, Japan. Intended use: The instrument is intended to be used for studying single crystal materials particulary semiconductors. Experiments will be conducted to determine and assess the degree of perfection in a variety of materials being grown at the University. X-ray topographic techniques will be used to achieve these objectives. Application Received by Commissioner of Customs: July 18, 1986

Docket Number: 86–280. Applicant: U.S. Department of Commerce, NOAA/ National Marine Fisheries Service, P.O. Box 271, 8604 La Jolla Shores Drive, La Jolla CA 92038. Instrument: Pitch-roll sensor, Model PIRO–120. Manufacturer: Datawell B.V., The Netherlands. Intended Use: The instrument is indended to be used for studies of dolphin population trends in the eastern tropical Pacific Ocean to determine whether or not the dolphin population is decreasing. Applicant Received by Commissioner of Customs: July 18, 1986.

Docket Number: 86–281. Applicant: University of Colorado Health Sciences Center, 4200 E. Ninth Avenue, Denver, CO 80262. Instrument: Electron Microscopes, Model CM 10 with Accessories. Manufacturer: N.V. Philips, The Netherlands. Intended Use: The Instrument is intended to be used to meet the expanding requirements of researchers and provide capabilities of the routine production of stereo pairs and the imaging of sections having a thickness of up to 1 micron or more. The research conducted will include studies of the following:

(1) Monoclonal antibodies to protein kinases:
(2) Intracerebral transplants; primary gustatory afferents, two gustatory channels and substance P and hypertension;
(3) Ultrastructural correlates of olfactory dysfunction, microvillar cells, vomeronasal system and olfactory receptors;
(4) Structure and physiology of taste cells;
(5)Microtubule assembly;
(6) Neuronal cell surface antigens; and
(7) Plasminogen activator on growth cones.

In addition, the instrument will used for advanced electron microscopy training of graduate students and post-doctoral fellows. Application Received by Commissioner of Customs: July 18, 1986.

Docket Number 86–282. Applicant: Centers for Disease Control, 1600 Clifton Road, N.E., Altanta, GA 30333. Instrument: Mass Spectrometer, Model MM70707S with Accessories. Manufacturer: VG Instruments Inc., United Kindom. Intended Use: The instrument is intended to be used for research which involves qualitative and quantitative measurement of ultra toxic organic compounds in human specimens. An appropriate sample is obtained, sample work-up is conducted and instrumental analysis is used to measure the compounds under study. The definitive methodology for this work is high resolution mass spectrometry. Application Received by Commissioner of Customs: July 18, 1986.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 86-18381 Filed 8-13-86; 8:45 am]

BILLING CODE 3510-DS-M

Applications for Duty-Free Entry of Scientific Instruments; Research Foundation of State University of New York, et al.

Pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897; 15 CFR Part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with § 301.5(a)(3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, DC 20230. Applications may be examined between 8:30 A.M. and 5:00 P.M. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, DC.

Docket Number: 86-283. Applicant: The Research Foundation of State University of New York, P.O. Box 9, Albany, NY 12201-0009. Instrument: Micromanipulator. Manufacturer: Carl Zeiss/Aus Jena, East Germany. Intended Use: This instrument will be used to perform voltage clamp and current clamp studies on amphibian sympathetic ganglionic neurons, which are dissected out of the host. A microelectrode will be connected to a single or double electrode clamp and impaled into a suitable nerve cell. Membrane currents set up by appropriate voltage and current command waveforms will be measured. The effects of ions and pharmocological agents on these responses will be studied, so as to improve the understanding of neuronal functions and pathology. The manipulator itself will be used to precisely direct the microelectrode into the suitable nerve cell and once impaled will stabilize and maintain this union for long periods of time for measurement of the complex responses elicited. Application Received by Commissioner of Customs: July 18, 1986.

Docket Number: 86-284. Applicant: Louisiana State University Medical Center, Department of Ophthalmology, 1440 Canal Street, Suite 1510, New Orleans, LA 70112. Instrument: Electron Microscope, Model EM 10CA. Manufacturer: Carl Zeiss, West Germany. Intended Use: The instrument is intended to be used to examine various ocular tissues from humans, non-human primates and animals for the purpose of investigating the mechanisms of wound healing and repair in ocular tissues. Other experiments will be conducted to examine the structure and organization of the lacrimal gland and other accessory ocular tissues to determine the number and types of cells present for the purpose of correlating this information with tissue culture studies. In addition, the instrument will be used for training students at the pre-doctoral and post-doctoral levels. Application Received by Commissioner of Customs: July 18, 1986.

Docket Number: 86-285. Applicant: State University of New York at Stony Brook, Purchasing Department, Administration Building, Stony Brook, NY 11794-6100. Instrument: Renal Micropuncture System. Manufacturer: Klaus Effenberger, West Germany. Intended Use: The instrument is intended to be used for renal studies through use of renal micropuncture techniques in rats that have been treated with various approved drugs in order to determine the effect of these substances on kidney function. In addition, the instrument will be used in a pediatric research course to instruct undergraduate students in the basic principles of renal research. Application Received by Commissioner of Customs: July 18, 1986.

Docket Number: 86-286. Applicant: University of Texas at Austin, Department of Chemistry, Welch Hall, Austin, TX 78712. Instrument: Mass Spectrometer for SIMS System, Model SIB-12-63 with Accessories. Manufacturer: Leybold-Heraeus Vacuum Products, West Germany. Intended Use: The instrument will be used for the study of surface chemistry of metals on graphite substrate materials as they relate to "Electrothermal Atomic Absorption Spectrometry" (ETAAS). Secondary ion mass spectrometry will be used to determine the surface composition (e.g., oxide, carbide species) and physical form (e.g., microdroplets) of metals on heated graphite following the deposition as aqueous or vapor samples. The results will be used to elucidate the processes involved with ETAAS. Application Received by Commissioner of Customs: July 22, 1986.

Docket Number: 86-287. Applicant: National Cancer Institute, Frederick Cancer Research Facility, P.O. Box B, Frederick, MD 21701. Instrument: Electron Microscope (Top Entry with 35 mm Camera & High Intensity TV Camera), Model H-7000. Manufacturer: Hitachi Scientific Instruments, Japan. Intended Use: The instrument is intended to be used in a continuing series of projects and experiments designed to solve an assortment of problems in cancer research. The research will include identification of viruses associated with AIDS (HTLV-III and mutant variants) in numerous patient samples; heteroduplexing of viral DNA and RNA for genetic mapping; characterization of cancer cell types from a variety of animal and human sources; identification of intra and extra cellular proteins involved in cell transformation by immunoelectron microscopy; localization of viral antigenic determinants that offer protection to disease in support of the AIDS and other vaccine programs; and determination of morphology changes in animal cells subjected to various anti-cancer drug treatment programs. Application Received by Commissioner of Customs: July 22, 1986.

Docket Number: 86-288. Applicant: National Cancer Institute, Frederick Cancer Research Facility, P.O. Box B, Frederick, MD 21701. Instrument: Electron Microscope (Side Entry with 35mm Camera), Model H-7000. Manufacturer: Hitachi Scientific Instruments, Japan. Intended use: The instrument is intended to be used in continuing series of projects and experiments designed to solve an assortment of problems in cancer research. The research will include identification of viruses associated with AIDS (HTLV-III and mutant variants) in numerous patient samples; heteroduplexing of viral DNA and RNA for genetic mapping; characterization of cancer cell types from a variety of animal and human sources; identification of intra and extra cellular proteins involved in cell transformation by immunoelectron microscopy; localization of viral antigenic determinants that offer protection to disease in support of the AIDS and other vaccine programs; and determination of morphology changes in animal cells subjected to various anti-cancer drug treatment programs. Application Received by Commissioner of Customs: July 22, 1986.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 86-18380 Filed 8-13-86; 8:45 am]

BILLING CODE 3510-DS-M

Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles; Fox Chase Cancer Center et al.

This is a decision cosolidated pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 AM and 5:00 PM in Room 1523, U.S.C. Department of Commerce, 14th and Constitution Avenue NW., Washington, DC.

Decision: Denied. Applicants have failed to establish that domestic instruments of equivalent scientific value to the foreign instruments for the intended purposes are not available.

Reasons: Section 301.5(e)(4) of the regulations requires the denial of applications that have been denied without prejudice to resubmission if they are not resubmitted within the specified time period. This is the case for each of the listed dockets.

Docket Number: 85–106. Applicant: The Fox Case Cancer Center, Philadelphia, PA 19111. Instrument: NMR Spectrometer System, Model BIOSPEC 2.3/300. Manufacturer: Bruker Medical Instruments Inc., United Kingdom. Date of Denial Without Prejudice to Resubmission: May 14, 1986.

Docket Number: 85–212. Applicant: University of California, Los Angeles, Los Angeles, CA 90024. Instrument: NMR Spectrometer, Model AM500. Manufacturer: Bruker Analytik GmbH, West Germany. Date of Denial Without Prejudice to Resubmission: April 10, 1986.

Docket Number: 85–236. Applicant: University of Colorado Health Sciences Center, Denver, CO 80262. Instrument: Electroencephalographic Power Spectral Analyzer, Model CME–100. Manufacturer: Japan Systems Inc., Japan. Date of Denial Without Prejudice to Resubmission: March 25, 1986.

Docket Number: 86–027. Applicant: Saint Francis Medical Center, Peoria, IL 61637. Instrument: Extracorporeal Shockwave Lithotripter. Manufacturer: Dornier System GmbH, West Germany. Date of Denial Without Prejudice to Resubmission: April 10, 1986.

Docket Number: 86–085. Applicant: University of California, Davis, CA 95616. Instrument: Excimer Laser HE–420 with Accessories. Manufacturer: Lumonics Research Limited, Canada. Date of Denial Without Prejudice to Resubmission: May 8, 1986.

Docket Number: 86–142. Applicant: Clement J. Zablocki VAMC, Milwaukee, WI 53193. Instrument: Lithotripter. Manufacturer: Dornier Medical Systems Inc., West Germany. Date of Denial Without Prejudice to Resubmission: April 7, 1986.

(Calalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 86–18383 Filed 8–13–86; 8:45 am]

BILLING CODE 3510-DS-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjusting the Import Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in the Peoples' Republic of China

August 8, 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 11, 1986. For further information contact Diana Solkoff, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212.

Background

A CITA directive of December 24, 1985, as amended, which established import limits for specified categories of cotton, wool and man-made fiber textile products, including cotton dresses in Category 336, men's and boys' woven cotton shirts in Category 340, women's, girls' and infants' woven cotton shirts and blouses in Category 341, cotton sweaters in Category 345, cotton trousers in Category 347/348, man-made fiber dresses in Category 636, and women's, girls' and infants' man-made fiber shirts and blouses in Category 641, produced or manufactured in China and exported during the twelve-month period which began on January 1, 1986 and extends through December 31, 1986, was published in the **Federal Register** on December 30, 1985 (50 FR 53182). Under 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 restraint limits for the foregoing are being increased by the application of swing for the current agreement year which began on January 1, 1986. To account for the increases, the limit for men's and boys' woven shirts of man-made fibers in Category 640 is being reduced by 201,141 dozen to 968,077 dozen.

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 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1986).

William H. Houston III,

Chairman, Committee for the Implementation of Textile Agreements.

August 8, 1986.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive of December 24, 1985, as amended, from the Chairman of the Committee for the Implementation of Textile Agreements, which established restraint limits for certain specified categories of cotton, wool and man-made fiber textile products, produced or manufactured in the People's Republic of China and exported during 1986.

Effective on August 11, 1986, the directive of December 24, 1985 is hereby further amended to adjust the previously established restraint limits for the following categories under the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 19, 1983, as amended:[1]

Category	Adjusted 12-mo. limit [1] (dozen)
336	128,104
340	658,327
341	524,070
345	94,488
347/348	2,045,149
636	368,918
640	968,077
641	1,021,657

[1] The limits have not been adjusted to reflect any imports exported after December 31, 1985.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs

[1] The agreement provides, in part, that: (1) With the exception of Category 315, any specific limit may be exceeded by not more than 5 percent of its square yards equivalent total, provided that the amount of the increase is compensated for by an equivalent square yard equivalent decrease in one or more other specific limits in that agreement year; (2) The specific limits for certain categories may be increase for carryforward, and (3) Administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

exception to the rulemaking provisions of 5 U.S.C. 553.

Sincerely,

William H. Houston III,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 86-18336 Filed 8-13-86; 8:45 am]

BILLING CODE 3510-DR-M

DEPARTMENT OF ENERGY

Availability of "Responses to Written Comments Received on the Information Package for From-Reactor Cask Procurement"

AGENCY: Idaho Operations Office, Department of Energy.

ACTION: Notice of availability of "Responses to Written Comments Received on the Information Package for From-Reactor Cask Procurement".

The Department of Energy's Office of Civilian Radioactive Waste Management (OCRWM) issued an Information Package on the From-Reactor Cask Procurement and sponsored an Information Meeting in Salt Lake City, Utah on March 17–18, 1986, to discuss the program and the forthcoming procurement of casks. Comments on the program and the proposed procurement were solicited to allow public input prior to initiation of the formal procurement process. Comments were received from several interested parties and DOE has prepared an explanation of the consideration given to the various issues raised. This explanation is contained in "Responses to Written Comments Received on the Information Package for From-Reactor Cask Procurement," a copy of which may be obtained by submitting a written request to: Department of Energy, Idaho Operations Office, 785 DOE Place, Idaho Falls, ID 83402 Attn: K.R. Hastings.

Issued in Idaho Falls, ID, August 7, 1986.

J.F. Marmo,

Director, Contracts Management Division, Idaho Operations Office.

[FR Doc. 86-18317 Filed 8-13-86 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. ER86-620-000 et al.]

Electric Rate and Corporate Regulation Filings; Idaho Power Co. et al.

August 8, 1986.

Take notice that the following filings have been made with the Commission:

1. Idaho Power Company

[Docket No. ER86-620-000]

Take notice that on July 29, 1986, the Idaho Power Company tendered for filing in compliance with the Federal Energy Regulatory Commission's Order of October 7, 1978, a summary of Sales made under the Company's 1st Revised FERC Electric Tariff, Volume No 1 (Supersedes Original Volume No 1) during May 1986, along with cost justification for the rate charged. This filing includes the following supplements:

Utah Power & Light Company, Supplement No 54
Sierra Pacific Power Company, Supplement No 51
Portland General Electric Company, Supplement No 47
Washington Water Power, Supplement No 39
Puget Sound Power & Light Company, Supplement No 22

Comment date: August 21, 1986, in accordance with Standard Paragraph E at the end of this notice.

2. Iowa Power and Light Company

[Docket No. ER86-532-000]

Take notice on July 31, 1986, Iowa Power and Light Company ("Iowa Power") tendered for filing an amendment to its June 5, 1986 filing in this docket concerning a rate schedule ("Schedule"), between Iowa Power and Union Electric Company ("Union Electric"), dated May 20, 1986.

The amendment consists of a description of how the energy charge was determined.

Iowa Power requests that the Commission waive its prior notice requirements and accept the Schedule with an effective date of May 25, 1986.

Copies of this filing were served upon Union Electric and the Iowa State Commerce Commission.

Comment date: August 21, 1986, in accordance with Standard Paragraph E at the end of this document.

3. Long Island Lighting Company

[Docket No. ER86-628-000]

Take notice that on August 1, 1986, Long Island Lighting Company (LILCO) tendered for filing a notice of change in the rates that LILCO charges the Incorporated Village of Rockville Centre, New York pursuant to the electric power contract dated April 13, 1960 between LILCO and Rockville Centre.

The electric power contract provides that LILCO will change the rates LILCO charges Rockville Centre whenever LILCO changes, with the approval of the New York Public Service Commission, the rates it charges retail customers in its Service Classification No. 2-MRP.

LILCO states that this filing is to give the Commission notice of the change in the SC2-MRP rates that have occurred since October 1, 1982 and which by operation of rate Schedule FERC 30 are applicable to Rockville Centre.

Comment date: August 21, 1986, in accordance with Standard Paragraph E at the end of this notice.

4. Niagara Mohawk Power Corporation

[Docket No. ER86-621-000]

Take notice that on July 31, 1986, Niagara Mohawk Power Corp. (Niagara) tendered for filing as a rate schedule, an agreement between Niagara and Rochester Gas and Electric Corporation (Rochester) dated July 7, 1986.

Niagara presently has on file an agreement with Rochester dated December 26, 1968. This agreement is designated as Niagara Mohawk Power Corporation Rate Schedule FERC No. 58. This new agreement is being transmitted as a supplement to the existing agreement.

The December 26, 1968, agreement is for the use of Niagara's transmission facilities by Rochester for the purpose of connecting Rochester's Gina Nuclear Plant into the New York-State transmission system. The July 7, 1986, agreement revises the rate to be paid by Rochester for the use of Niagara's facilities. Niagara requests the Commission to allow said agreement to become effective as of October 1, 1986.

Copies of the filing were served upon Rochester Gas and Electric Corporation and the Public Service Commission of New York.

Comment date: August 21, 1986, in accordance with Standard Paragraph E at the end of this notice.

5. The Washington Water Power Company

[Docket No. ER86-627-000]

Take notice that on July 31, 1986, the Washington Water Power Company (Washington) tendered for filing a transmission rate for power transfers through its system. This transmission rate is to apply to those wheeling transactions that are not provided for under existing tariffs.

Washington further states that the rate for power transfers is 1.50 mill per kilowatthour plus losses.

Washington proposes an effective date of October 1, 1986.

Comment date: August 21, 1986, in accordance with Standard Paragraph E at the end of this notice.

6. El Paso Electric Company

[Docket No. ES86-52-000]

Take notice that on August 4, 1986, El Paso Electric Company (Applicant) filed an application with the Federal Energy Regulatory Commission (Commission) seeking authority pursuant to section 204 of the Federal Power Act to issue and sell up to an additional 1,000,000 shares of Common Stock, no par value, pursuant to the Applicant's Dividend Reinvestment and Stock Purchase Plan and applying for an exemption of such transaction from the competitive bidding requirements of the Commission.

Comment date: August 27, 1986, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-18301 Filed 8-13-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. P-5756-005 et al.]

Environmental Assessment Notices; Mega Hydro, Inc., et al.

August 8, 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.

I. Upper San Joaquin River Basin

Project No.	Project name	State	Water body	Nearest town or county	Applicant
			Exemption		
5756-005	Rock Creek	CA	Rock Creek	Madera	Mega Hydro Inc.
			Licenses		
5248-004	Whisky Creek No. 2	CA	Whisky Creek	Madera	West Slope Power Company.
5250-003	Whisky Creek No. 1	CA	Whisky Creek	Madera	West Slope Power Company.
5262-003	Whisky Creek No. 3	CA	Whisky Creek	Madera	West Slope Power Company.

II. South Fork of the American River Basin

Project No.	Project name	State	Water body	Nearest town or county	Applicant
			Licenses		
3188-003	Pyramid Creek	CA	Pyramid Creek	Twin Bridges	Joseph M. Keating.
3194-003	Foottrail	CA	Silver Fork	Kyburz	Joseph M. Keating.
5192-002	Upper Rock Creek	CA	Rock Creek	Placerville	Lind and Associates.
7930-001	Fry Creek	CA	Fry Creek	White Hall	Larry Hensley.
7931-001	29 Mile Creek	CA	Unnamed Stream	White Hall	Larry Hensley.

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. 86-18300 Filed 8-13-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP86-648-000 et al.]

Natural gas certificate filings; Sea Robin Pipeline Co. et al.

Take notice that the following filings have been made with the Commission:

1. Sea Robin Pipeline Co.

[Docket No. CP86-648-000]

August 7, 1986.

Take notice that on July 31, 1986, Sea Robin Pipeline Company (Sea Robin), 600 Travis, P.O. Box 1478, Houston, Texas 77251-1478, applied to the Commission for a determination, pursuant to sections 5(e) and 5(f) of the Outer Continental Shelf Lands Act (OCSLA), 43 U.S.C. 1334 (e) and (f), of the proportionate amounts of gas that should be purchased and transported by

Sea Robin from its producers, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Sea Robin states that such determination is necessary (1) to avert an emergency on Sea Robin's system that may soon disable Sea Robin from meeting its obligations under OCSLA to purchase and transport natural gas without discrimination and in a manner that will conserve resources on the Outer Continental Shelf (OCS) and avoid waste, and (2) to deal with a chronic and worsening condition of overdeliverability on its system. Sea Robin states that such determination is also necessary to avoid placing Sea Robin in violation of its obligations under the Natural Gas Act and the Natural Gas Pipeline Safety Act. Sea Robin states that, absent a Commission determination, Sea Robin's limited ability to purchase natural gas from its producers will be available only to a handful of producers who have obtained court orders requiring such purchases and that such result would ignore the interests or rights of other producers to a share of the Sea Robin market and the mandates of OCSLA.

Sea Robin requests the Commission to determine the proportionate amounts of gas to be purchased from its producers by adopting the following allocation plan:

1. Sea Robin shall first take, on a pro rata basis, gas under existing contracts whose production is necessary to prevent damage to reservoirs.

2. Sea Robin shall next take, on a pro rata basis, casinghead gas under existing contracts produced in association with oil.

3. Sea Robin shall next take, on a pro rata basis, gas under existing contracts whose production is necessary to prevent drainage.

4. Sea Robin shall next take, on a pro rata basis, all remaining gas under existing gas contracts not included in the categories listed above.

5. Sea Robin shall next take, on a pro rata basis, gas under expired gas purchase contracts where approval to abandon the sale has not been issued.

Alternatively, Sea Robin asks the Commission to make its determination by ordering such modifications to the proposed allocation plan as the Commission believes reasonable and to take any action required for the determination on an expedited basis.

Comment date: August 21, 1986, in accordance with Standard Paragraph F at the end of this notice.

2. Northern Natural Gas Co., Division of Enron Corp.

[Docket No. CP86-633-000]

August 8, 1986.

Take notice that on July 21, 1986, Northern Natural Gas Company, Division of Enron Corporation (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP86-633-000 an application pursuant to section 7 of the Natural Gas Act, to request authority to implement adjustments to the firm entitlements of certain of Northern's market area utility customers as a result of the stipulation and agreement of settlement (stipulation and agreement) filed in resolution of issues in Docket Nos. RP82-71, TA83-1-59, TA84-1-59, and TA85-1-59, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Northern states that as part of the stipulation and agreement, Northern agreed to provide for a three-stage firm entitlement adjustment program. Northern indicates that this program would allow each of Northern's market area customers to reduce or realign its respective level of firm entitlement in the following manner:

(1) Each of Northern's market area utility customers would be allowed to reduce its firm entitlement under the CD-1, CDO-1, GS-1, or PL-1 Rate Schedules up to a maximum of 2 percent, of its then currently effective firm entitlement, in each of three phases (turnback program).

(2) Any customer not requesting a reduction in its currently effective firm entitlement or who only desires to reduce a portion of the 2 percent limit, may realign from CD-1, CDO-1 or PL-1 to SS-1 up to the maximum 2 percent limit or the balance of the 2 percent limit not reduced.

(3) If a customer does not reduce or realign up to the 2 percent limit in any year, a carryover of the unutilized portion of such 2 percent limit to a subsequent year will not be allowed. A customer would have the option to participate in all or any of the three phases of the turnback program.

Northern indicated that as a result of the implementation of the third phase of the firm entitlement adjustment program, it now seeks authority to realign and reduce 20,996 Mcf per day of its market area system firm entitlement to be effective December 1, 1986. It is indicated that the proposed reduction in firm entitlement is the net result of 29,032 Mcf per day decrease in Contract Demand, 9,766 Mcf per day increase in Seasonal Service, and 1,730 Mcf per day decrease in Pipe Line Service.

Northern indicates that due to competition from alternate fuels, conservation by end use customers, and permanent loss of markets, some of Northern's utility customers' firm entitlements exceed their market requirements. Northern states that during settlement negotiations, it agreed to file certificate applications to assist these utility customers in more efficiently utilizing their sources of supply to meet their current market requirements.

Comment date: August 29, 1986, in accordance with Standard Paragraph F at the end of this notice.

3. Northwest Central Pipeline Corp.

[Docket No. CP86-634-000]

August 8, 1986.

Take notice that on July 24, 1986, Northwest Central Pipeline Corporation (Northwest Central), P. O. Box 3288, Tulsa, Oklahoma 74101, filed in Docket No. CP86-634-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to abandon by reclaim measuring, regulating and appurtenant facilities and construct replacement measuring, regulating and appurtenant facilities, replace 0.13 miles of 2-inch pipeline with 4-inch pipeline, and construct 2.3 miles of new 4-inch loop line, all in McDonald County, Missouri, for the sale and delivery of gas to The Kansas Power and Light Company (KPL Gas Service), under the certificate issued to Northwest Central in Docket No. CP82-479-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Northwest Central states KPL Gas Service has requested that the capacity of an existing townborder delivery point be increased in order to deliver natural gas to KPL Gas Service for resale to new domestic and industrial customers. It is said that the projected volume of delivery through these replacement facilities is 402,400 Mcf per year with a maximum peak load of 2,850 Mcf per day for the first year increasing to 585,700 Mcf per year with a maximum peak load of 3,700 Mcf per day by the fifth year. It is further said that the cost to reclaim is $900 with an estimated salvage value of $1,800. The estimated cost of construction is said to be $225,300, which would be paid from treasury cash.

Northwest Central states that this change is not prohibited by an existing tariff and that it has sufficient capacity to accomplish the deliveries specified

without detriment or disadvantage to its other customers.

Comment date: September 22, 1986, in accordance with Standard Paragraph G at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

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

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

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-18302 Filed 8-13-86; 8:45 am]

BILLING CODE 6717-01-M

[Project Nos. 8933-001 et al.]

Surrender of preliminary permits; Burlington Energy Development Associates et al.

August 8, 1986.

Take notice that the following preliminary permits have been surrendered effective as described in Standard Paragraph I at the end of this notice.

1. Burlington Energy Development Associates

[Project No. 8933-001]

Take notice that the Burlington Energy Development Associates, permittee for the Bear Rock Falls Project No. 8933 located on the Bear Rock Stream in Berkshire County, Massachusetts, has requested that its preliminary permit be terminated. The preliminary permit was issued on August 8, 1985, and would have expired on July 31, 1988. The permittee states that analysis of the Bear Rock Falls Project did not indicate feasibility for development.

The permittee filed the request on July 28, 1986.

2. Independence Electric Corporation

[Project No. 8920-001]

Take notice that Independence Electric Corporation, Permittee for the proposed Sugar Creek Hydroelectric Project No. 8920, has requested that its preliminary permit be terminated. The permit was issued on August 5, 1985, and would have expired July 31, 1988. The project would have been located on the Catawba River, in York County, South Carolina. The Permittee states that it has been determined that the project is not economically feasible.

The Permittee filed the request on July 30, 1986.

Standard Paragraph

I. The preliminary permit 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. 86-18299 Filed 8-13-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. QF86-932-000 et al.]

Small Power Production and Cogeneration Facilities; Qualifying Status; Certificate Applications, etc; Chevron Chemical Co. et al.

Comment date: Thirty days from publication in the **Federal Register**, in accordance with Standard Paragraph E at the end of this notice.

August 8, 1986.

Take notice that the following filings have been made with the Commission.

1. Chevron Chemical Company

[Docket No. QF86-932-000]

On July 22, 1986; Chevron Chemical Company (Applicant), of 1006 Farm Road, Orange, Texas 77630, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located at Chevron Chemical's Orange Plant in Orange, Texas. The facility will consist of a combustion turbine, a heat recovery steam generator (HRSG), equipped with supplementary firing. Steam recovered from the HRSG will be used for polyethylene manufacturing processes. The primary energy source will be natural gas. The net electric power production capacity of the facility will be 36.3 MW. Installation will begin in February, 1987.

2. A.E. Staley Manufacturing Company

[Docket No. QF86-921-000]

On July 14, 1986, A.E. Staley Manufacturing Company (Applicant), of 2200 East Eldorado Street, Decatur, Illinois 62525, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility is located at 2200 East Eldorado Street, Decatur, Illinois. The facility consists of two circulating fluidized bed boilers and one extraction/condensing steam turbine generator. The primary energy source will be coal. The electric

power production capacity of the facility will be 52.8 MW. Thermal energy recovered from the facility will be used in a corn processing plant. Construction of the facility began in March, 1986.

3. EHV-Weidmann Industries, Inc.

[Docket No. QF86-747-000]

On July 21, 1986, EHV-Weidmann Industries, Inc. (Applicant), of Memorial Drive, P.O. Box 278, St. Johnsbury, Vermont 05819 submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The small power production facility will be located in St. Johnsbury, Vermont. The facility will consist of a waste-wood fired steam generator and an extraction/condensing turbine-generator. The net electric power production capacity will be 18 megawatts. The primary energy source will be biomass in the form of wood waste. Fuel oil will be used as a back up fuel, but will amount to less then twenty-five percent (25%) of the total energy input during any calender year.

4. Roland Development Corporation

[Docket No. QF86-931-000]

On July 21, 1986, Roland Development Corporation (Applicant), of 9762 James River Circle, Fountain Valley, California 92708, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located near Lockwood, California. The facility consists of a circulating fluidized bed boiler and an extraction/condensing steam turbine generator. The primary energy source will be coal. The net electric power production capacity of the facility will be 45.9 MW. Thermal energy recovered from the facility will be used for enhanced oil recovery. The facility is scheduled to be installed by July, 1989.

Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-18298 Filed 8-13-86; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-51632; FRL-3054-2]

Certain Chemicals Premanufacture Notices

Correction

In FR Doc. 86-16535, beginning on page 26941, in the issue of Monday, July 28, 1986, make the following corrections:

1. On page 26943, first column, under "P86-1283" fifth line, "Industrial" was misspelled.

2. On the same page, second column, under "P86-1287" fourth and fifth lines, "3-hydroxy-N-methoxy-7-(2-methylphenyl)-," should read "3-hydroxy-7-methoxy-N-(2-methylphenyl)-,".

BILLING CODE 1505-01-M

[OW-10-FRL-3064-8]

Water Pollution; Proposed General NPDES Permit for Concentrated Animal Feeding Operations in Idaho

AGENCY: Environmental Protection Agency.

ACTION: Extension of the public comment period.

SUMMARY: On May 9, 1986, EPA provided notice of proposed general National Pollutant Discharge Elimination System (NPDES) permit for concentrated animal feeding operations in Idaho. On June 13, 1986, EPA provided notice of four public hearings and an extension of the public comment period. Today's notice further extends the comment period to September 30, 1986.

Public informational workshops on the permit conditions will be scheduled in Boise and Twin Falls. Details on the workshop dates and locations will be published in local newspapers within two weeks. Persons interesed in obtaining information on the workshops should contact Karen Harder at the address below.

DATES: Written comments on the proposed general permit may be submitted to the Seattle address given below by September 30, 1986.

ADDRESS: Send comments to Karen Harder, U.S. Environmental Protection Agency, Water Permits and Compliance Branch, M/S 521, 1200 Sixth Avenue, Seattle, Washington 98101.

FOR FURTHER INFORMATION CONTACT: Karen Harder at the Seattle address above or by telephone at (206) 442-1669.

Dated: August 3, 1986.

Robert S. Burd,

Director, Water Division.

[FR Doc. 86-18209 Filed 8-13-86; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Requirement Submitted to Office of Management and Budget for Review

August 7, 1986.

The Federal Communications Commission has submitted the following information collection requirement to the Office of Management and Budget for review and clearance under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq.

Copies of the submission are available from Jerry Cowden, Federal Communications Commission, (202) 632-7513. Persons wishing to comment on this information collection should contact J. Timothy Sprehe, Office of Management and Budget, Room 3235 NEOB, Washington, DC 20503, (202) 395-4814.

OMB Number: 3060-0287
Title: Section 78.69, (Cable Relay) Station Records
Action: Revision
Respondents: Licensees of cable television relay service (CARS) stations
Estimated Annual Burden: 1,714 Recordkeepers; 44,564 Hours

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 86-18268 Filed 8-13-86; 8:45 am]

BILLING CODE 6712-01-M

[Report No. W-9]

Window Notice for the Filing of FM Broadcast Applications

Released: August 6, 1986.

Notice is hereby given that applications for vacant FM broadcast allotment(s) listed below may be submitted for filing during the period

beginning August 18, 1986 and ending September 18, 1986 inclusive. Selection of a permittee from a group of acceptable applicants will be by the Comparative Hearing process.

Channel—250 C2	
Grants	NM
Channel—250 A	
Oxford	AL
Tuba City	AZ
Crescent North	CA
Salinas	CA
Enfield	CT
Selbyville	DE
Ft Valley	GA
Wiggins	MS
Bayboro	NC
Gaston	NC
Beulah	ND
Milton-Freewater	OR
Edinboro	PA
Beeville	TX

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 86-18273 Filed 8-13-86; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL RESERVE SYSTEM

San Bancorp 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 September 3, 1986.

A. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *San Bancorp,* Sanborn, Iowa; to acquire 100 percent of the voting shares of Milford Bancorporation, Milford, Iowa, and thereby indirectly acquire 97.5 percent of Dickinson County Savings Bank, Milford, Iowa.

B. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *The Harlem Corporation,* Billings, Montana; to merge with Stevensville Bancshares, Inc., Billings, Montana, and thereby indirectly acquire First State Bank of Stevensville, Stevensville, Montana. Comments on this application must be received by September 5, 1986.

C. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Southwest Bancshares, Inc.,* Hermitage, Missouri; to acquire 90 percent of the voting shares Buffalo Bank, Buffalo, Missouri; 90 percent of the voting shares of First National Bank, Republic, Missouri; 100 percent of the voting shares of The Lowry City Bank, Lowry City, Missouri; 98 percent of the voting shares of Citizens State Bank of Polk County, Bolivar, Missouri; 100 percent of the voting shares of Osceola Bank, Osceola, Missouri; 100 percent of the voting shares of Tri-County State Bank of El Dorado Springs, El Dorado Springs, Missouri; and 100 percent of the voting shares of Humansville Bank, Humansville, Missouri.

Board of Governors of the Federal Reserve System, August 8, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-18315 Filed 8-13-86; 8:45 am]

BILLING CODE 6210-01-M

The Sumitomo Trust & Banking Co., Ltd., 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 September 4, 1986.

A. **Federal Reserve Bank of New York** (William L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

1. *The Sumitomo Trust & Banking Co., Ltd.,* Osaka, Japan; to engage *de novo* through its subsidiary, Sumitrust Security Pacific Investment Managers, Inc., Los Angeles, California; in acting as investment financial advisor to the extent of (1) serving as the advisory company for mortgage or real estate investment trusts, (2) serving as investment advisor (as defined in section 2(a)(20) of the investment company of 1940) to investment companies registered under that act, including sponsoring, organizing, and managing closed-end investment companies, (3) providing portfolio investment advice to any other persons, (4) furnishing general economic information and advice, general economic statistical forecasting services and industry studies, and (5) providing financial advice to state and local governments, such as with respect to the issuance of their securities.

B. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Norwest Corporation*, Minneapolis, Minnesota; to engage *de novo* through its subsidiary, Norwest Investment Advisors, Inc., Minneapolis, Minnesota, in investment advisory activities pursuant to § 225.25(b)(4) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, August 8, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-18316 Filed 8-13-86; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 86M-0325]

Wesley-Jessen; Premarket Approval of Durasoft® 4 (OFILCON A) Hydrophilic Contact Lens

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application by Wesley-Jessen, Chicago, IL, for premarket approval, under the Medical Device Amendments of 1976, of the spherical DURASOFT® 4 (ofilcon A) HYDROPHILIC CONTACT LENS. After reviewing the recommendation of the Ophthalmic Devices Panel, FDA's Center for Devices and Radiological Health (CDRH) notified the applicant of the approval of the application.

DATES: Petitions for administrative review by September 15, 1986.

ADDRESS: Written requests for copies of the summary of safety and effectiveness data and petitions for administrative review to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: David M. Whipple, Center for Devices and Radiological Health (HFZ-460), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7940.

SUPPLEMENTARY INFORMATION: On December 24, 1985, Wesley-Jessen, Chicago, IL 60610, submitted to CDRH an application for premarket approval of the Durasoft® 4 (ofilcon A) HYDROPHILIC CONTACT LENS. The spherical DURASOFT® 4 (ofilcon A) HYDROPHILIC CONTACT LENS is indicated for daily wear or extended wear from 1 to 30 days between removals for cleaning and disinfection as recommended by the eye care practitioner. The lens is indicated for the correction of visual acuity in not-aphakic persons with nondiseased eyes that are myopic or hyperopic. The lens may be worn by persons who may exhibit astigmatism of 2.00 diopters or less that does not interfere with visual acuity. The lens ranges in powers from −20.00 diopters to +10.00 diopters and is to be disinfected using either a heat or chemical lens care system.

On May 23, 1986, the Ophthalmic Devices Panel, an FDA advisory committee, reviewed and recommended approval of the application. On July 17, 1986, CDRH approved the application by a letter to the applicant from the Director of the Office of Device Evaluation, CDRH.

A summary of the safety and effectiveness data on which CDRH based its approval is on file in the Dockets Management Branch (address above) and is available from that office upon written request. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

A copy of all approved labeling is available for public inspection at CDRH—contact David M. Whipple (HFZ-460), address above.

The labeling of the DURASOFT® 4 (ofilcon A) HYDROPHILIC CONTACT LENS states that the lens is to be used only with certain solutions for disinfection and other purposes. The restrictive labeling informs new users that they must avoid using certain products, such as solutions intended for use with hard contact lenses only. The restrictive labeling needs to be updated periodically, however, to refer to new lens solutions that CDRH approves for use with approved contact lenses made of polymers other than polymethylmethacrylate, to comply with the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 301 et seq.), and regulations thereunder, and with the Federal Trade Commission Act (15 U.S.C. 41-58), as amended. Accordingly, whenever CDRH publishes a notice in the **Federal Register** of approval of a new solution for use with an approved lens, each contact lens manufacturer or PMA holder shall correct its labeling to refer to the new solution at the next printing or at any other time CDRH prescribes by letter to the applicant.

Opportunity for Administrative Review

Section 515(d)(3) of the act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of CDRH's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and CDRH's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register.** If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before September 15, 1986, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 515(d), 520(h), 90 Stat. 554-555, 571 (21 U.S.C. 360e(d), 360j(h)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.53).

Dated: August 8, 1986.

John C. Villforth,

Director, Center for Devices and Radiological Health.

[FR Doc. 86-18281 Filed 8-13-86; 8:45 am]

BILLING CODE 4160-01-M

Health Care Financing Administration

Medicaid Program; Notice of Hearing; Reconsideration of Disapproval of a California State Plan Amendment

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

ACTION: Notice of hearing.

SUMMARY: This notice announces an administrative hearing on September 24, 1986 in San Francisco, California to

reconsider our decision to disapprove California State Plan Amendment 85–11.

CLOSING DATE: Requests to participate in the hearing as a party must be recieved by the Docket Clerk by August 29, 1986.

FOR FURTHER INFORMATION CONTACT: Docket Clerk, Hearing Staff, Bureau of Eligibility, Reimbursement and Coverage, 365 East High Rise, 6325 Security Boulevard, Baltimore, Maryland 21207, telephone: (301)594–8261.

SUPPLEMENTARY INFORMATION: This notice announces an administrative hearing to reconsider our decision to disapprove a California State Plan Amendment.

Section 1116 of the Social Security Act and 45 CFR Parts 201 and 213 establish Department procedures that provide an administrative hearing for reconsideration of a disapproval of a State plan or plan amendment. HCFA is required to publish a copy of the notice to a State Medicaid Agency that informs the agency of the time and place of the hearing and the issues to be considered. (If we subsequently notify the agency of additonal issues which will be considered at the hearing, we will also publish that notice).

Any individual or group that wants to participate in the hearing as a party must petition the Hearing Officer within 15 days after publication of this notice, in accordance with the requirements contained in 45 CFR 213.15(b)(2). Any interested person or organization that wants to participate as amicus curiae must petition the Hearing Officer before the hearing begins in accordance with the requirements contained in 45 CFR 213.5(c)(1).

If the hearing is later rescheduled, the Hearing Officer will notify all participants.

The issue in this matter is whether California SPA 85–11 violates section 1902(a)(4) and section 1902(a)(19)(B) of the Social Security Act.

California SPA 85–11 establishes a medically needy income level for determining Medicaid eligibility for two adults that is based on the AFDC payment level for an AFDC family of three.

Although the 133 1/3 limit under serction 1903(f)(1)(B) of the Act is not a State plan requirement, the statute is clear that FFP is not available for medical assistance to persons whose income exceeds that limit. By setting the MNIL for a family of two adults at 133 1/3 percent of the AFDC level for a family of three, California could provide medical assistance to individuals with income in excess of the limitation. The likelihood of this occuring is increased by the fact that the State has not demonstrated that it has methods for excluding claims for persons whose income exceeds the FFP limitation. In fact, the State has deleted that footnote in the preprint which would have attested that it has such procedures. Therefore, HCFA has determined approval of the proposed SPA would not be consistent with the "proper and efficient operation of the plan, and would thus violate section 1902(a)(4) of the Act. Further, HCFA has determined such approval would not be "consistent with simplicity of administration" as required under section 1902(a)(19) of the Act.

HCFA wishes to make clear, despite some confusion arising in the context of amendment number 83.14, that its disapproval of amendment number 85–11 is not in any way based upon section 1902(a)(10)(C)(i)(III) of the Act. The court in *Cubanski* v. *Heckler*, 781 F.2d 1421 (9th Cir. 1986) decided that section 1902(a)(10)(C)(i)(III) was involved in the disaproval of amendment number 83–14 and that this afforded the amendment protection under section 2373(c) of the Deficit Reduction Act of 1984, Pub. L. 98–369. HCFA does not believe that the use of a separate and higher medically needy income level for a family composed of two adults than that used for a family composed of an adult and a child violates the single standard requirement of section 1902(a)(10)(C)(i)(III). A higher standard for families composed of two adults could be approved if it does not exceed the 133 and 1/3 percent limit under section 1902(f)(1)(B).

Although the holding of the *Cubanski* decision might extend to out approval of this amendment (85–11) as well as amendment no. 83–14, the mandate of *Cubanski* only requires us to approve 83–14. We had petitioned for a panel rehearing and for a rehearing en banc, which petition was denied on July 14, 1986. On July 18, however, a vigorous dissenting opinion was filed by four Ninth Circuit judges disagreeing on all scores with the reasoning and the result of *Cubanski*. In light of that dissent the government is presently considering whether to seek Supreme Court review. However, the statute requires us to schedule a hearing on the States's request for reconsideration within 30 days of receipt of that request. Thus, we must schedule the hearing on amendment 85–11 even though our time to file for a writ of *Certiorari* with the Supreme Court on the *Cubanski* decision has not expired.

We note further that the *Cubanski* panel's decision was based upon the notion that HCFA relied upon section 1902(a)(10)(C)(i)(III) in disapproving amendment 83–14 (a proposition with which the dissenting judges disagreed). In light of this controversy, we hereby make it clear that our disapproval of the instant amendment (no. 85–11) is *not* in any way based upon that section, and therefore not subject to the moratorium.

Accordingly, in order to keep our options open and comply with all applicable legal requirements, we propose to schedule the hearing as required by statute and regulations. In the event we do not seek further review of the *Cubanski* decision, we will then assess the impact of the *Cubanski* holding upon the facts of the disapproval of amendment no. 85–11.

The notice to California announcing an administrative hearing to reconsider our disapproval of its State plan amdendment reads as follows:

Mr. John Rodriquez,
Deputy Director, Medical Care Services, Department of Health 714/744 P Street, Sacramento, California 95814

Dear Mr. Rodriquez: This is to advise you that your request for reconsideration of the decision to disapprove California State Plan Amendment 85–11 was received on July 9, 1986.

California State Plan Amendment 85–11 establishes a medically needy income level for determining Medicaid eligibility for two adults which exceeds 133⅓ percent of the payment level for a family of two in the State's AFDC program. You have requested a reconsideration of whether this plan amendment conforms to the requirements for approval under the Social Security Act and pertinent Federal regulations. The issues to be considered at the hearing are: (1) Whether approval of the proposed SPA would not be consistent with the "proper and efficient operation of the plan" and would thus violate section 1902(a)(4) of the Act and (2) whether approval of the plan would not be "consistent with simplicity of administration" as required under section 1902(a)(19) of the Act, and (3) whether the disapproval of the amendment is precluded by the moratorium established by section 2373(c) of the Deficit Reduction Act of 1984.

I am scheduling a hearing on your request to be held on September 24, 1986 in the 21st Floor Conference Room, 100 Van Ness Avenue, San Francisco, California. If this date if not acceptable, we would be glad to set another date that is mutually agreeable to the parties.

I am designating Mr. Lawrence Ageloff as the presiding official. If these arrangements present any problems, please contact the Docket Clerk. In order to facilitate any communication which may be necessary between the parties to the hearing, please notify the Docket Clerk of the names of the individuals who will represent the State at the hearing. The Docket Clerk can be reached at (301) 594–8261.

Sincerely,

William L. Roper, M.D.,

Administrator.

(Section 1116 of the Social Security Act (42 U.S.C. 1316))

(Catalog of Federal Domestic Assistance Program No. 13.714, Medicaid Assistance Program)

Dated: August 8, 1986.

William L. Roper,

Administrator, Health Care Financing Administration.

[FR Doc. 86-18321 Filed 8-13-86; 8:45 am]

BILLING CODE 4120-01-M

Health Resources and Services Administration Advisory Committee; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory body scheduled to meet during the month of November 1986.

Name: Maternal and Child Health Research Grants Review Committee

Date and Time: November 12-14, 1986 9:00 am.-5:00 p.m.

Place: Conference Room M, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857

Open on Wednesday, November 12, 1985 at 9:00 a.m. to 10:00 a.m. Closed for remainder of meeting.

Purpose: The Committee is charged with the review of all research grant applications in the program areas of maternal and child health administered by the Bureau of Health Care Delivery and Assistance.

Agenda: The open portion of the meeting will cover opening remarks by the Director, Division of Maternal and Child Health, who will report on program issues, Congressional activities and other topics of interest to the field of maternal and child health. The meeting will be closed to the public on November 12, 1986, from 10:00 a.m. for the remainder of the meeting for the review of research grant applications. The closing is in accordance with the Provision set forth in section 552b(c)(6), Title 5 U.S. Code, and the Determination by the Acting Administrator, Health Resources and Services Administration, pursuant to Pub. L. 92-463.

Anyone wishing to obtain a roster of members, minutes of meetings, or other relevant information should write to or contact Gontran Lamberty, Dr.P.H., Executive Secretary, Maternal and Child Health Reserach Grants Review Committee, Room 6-17, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, telephone: 301 443-2190.

Agenda items are subject to change as priorities dictate.

Dated: August 11, 1986.

Jackie E. Baum,

Advisory Committee Management Officer, HRSA.

[FR Doc. 86-18341 Filed 8-13-86; 8:45 am]

BILLING CODE 4160-15-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Alaska Native Claims Selection; AHTNA, Inc.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that decisions to issue conveyance under the provisions of section 14(a) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(a), will be issued to AHTNA, Incorporated (for the Native village of Cantwell). The lands involved are in the vicinity of Cantwell, Alaska.

Serial No.	Land description	Approximate acreage
F-14844-A	T. 18 S., R. 8 W., FM, Tract B	258.86
	T. 18 S., R. 9 W., FM, Secs. 25, 35 and 36.	360.00
F-14844-A	A portion of U.S. Survey No. 4398.	8.8

A notice of the decisions will be published once a week, for four (4) consecutive weeks, in the Fairbanks Daily News-Miner. Copies of the decisions may be obtained by contacting the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513 ((907) 271-5960).

Any party claiming a property interest which is adversely affected by the decisions, an agency of the Federal government, or regional corporation, shall have until September 15, 1986, to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management, Division of Conveyance Management (960), address identified above, where the requirements for filing an appeal may be obtained. Parties who do not file an appeal in accordance with the requirements of 43 CFR Part 4, Subpart E, shall be deemed to have waived their rights.

Steven L. Willis,

Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 86-18304 Filed 8-13-86; 8:45 am]

BILLING CODE 4310-JA-M

[AA-6650-B]

Alaska Native Claims Selection; Belkofski 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 section 14(a) of the Alaska Native Claims Settlement Act of December 18, 1971 (ANCSA), 43 U.S.C. 1601, 1613(a), will be issued to Belkofski Corporation for approximately 20 acres. The lands involved are in the vicinity of Moss Cape, within T. 58 S., R. 84 W., Seward Meridian, Alaska.

A notice of the decision will be published once in the Aleutian Eagle and once a week for four (4) consecutive weeks in the Anchorage Daily News. 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 15, 1986, to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management, Division of Conveyance Management (960), address identified above, where the requirements for filing an appeal can be obtained. Parties who do not file an appeal in accordance with the requirements of 43 CFR Part 4, Subpart E, shall be deemed to have waived their rights.

Helen Burleson,

Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 86-18311 Filed 8-13-86; 8:45 am]

BILLING CODE 4310-JA-M

[AA-8103-37 [1]]

Alaska Native Claims Selection; Doyon, Ltd.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is

[1] AA-8103-7, AA-8103-38, AA-8103-39, AA-8103-40, AA-8103-41, AA-8103-42, AA-8103-43, AA-8103-44, AA-8103-45, AA-8103-46, AA-8103-

Continued

hereby given that a decision to issue conveyance under the provisions of section 14(e) of the Alaska Native Claims Settlement Act of December 18, 1971 (ANCSA), 43 U.S.C. 1601, 1613(e), will be issued to Doyon, Limited for approximately 100,350 acres. The lands involved are within the following townships:

Kateel River Meridian, Alaska

T. 17 S., R. 1 W.
T. 18 S., R. 3 W.
T. 19 S., R. 3 W.
T. 20 S., R. 3 W.
T. 21 S., R. 3 W.
T. 21 S., R. 4 W.
T. 22 S., R. 5 W.
T. 23 S., R. 5 W.
T. 24 S., R. 5 W.
T. 25 S., R. 5 W.
T. 26 S., R. 5 W.
T. 27 S., R. 5 W.
T. 26 S., R. 6 W.
T. 27 S., R. 6 W.

A notice of the decision will be published once a week for four (4) consecutive weeks in the Fairbanks Daily News-Miner. Copies of the decision may be obtained by contacting the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513. ((907) 271–5960.)

Any party claiming a property interest which is adversely affected by the decision shall have until September 15, 1986, to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management, Division of Conveyance Management (960), address identified above, where the requirements for filing an appeal can be obtained. Parties who do not file an appeal in accordance with the requirements of 43 CFR Part 4, Subpart E, shall be deemed to have waived their rights.

Helen Burleson,

Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 86–18309 Filed 8–13–86; 8:45 am]

BILLING CODE 4310–JA–M

[F–21906–8, F–21906–9, and F–21906–34]

Alaska Native Claims Selection; Doyon Ltd.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of Section 14(e) of the Alaska Native Claims Settlement Act of December 18, 1971 (ANCSA), 43 U.S.C. 1601, 1613(e), will be issued to Doyon, Limited for approximately 68,306 acres. The lands involved are in the vicinity of the Venetie Indian Reserve, Alaska.

Fairbanks Meridian, Alaska

T. 36 N., R. 6 E.
T. 36 N., R. 7 E.

Umiat Meridian, Alaska

T. 16 S., R. 32 E.

A notice of the decision will be published once a week for four (4) consecutive weeks in the Fairbanks Daily News-Miner. Copies of the Decision may be obtained by contacting the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513. ((907) 271–5960.)

Any party claiming a property interest which is adversely affected by the decision shall have until September 15, 1986, to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management, Division of Conveyance Management (960), address identified above, where the requirements for filing an appeal can be obtained. Parties who do not file an appeal in accordance with the requirements of 43 CFR Part 4, Subpart E, shall be deemed to have waived their rights.

Helen Burleson,

Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 86–18310 Filed 8–13–86; 8:45 am]

BILLING CODE 4310–JA–M

[AA–6981–A]

Alaska Native Claims Selection; Haida Corp.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of sec. 14(b) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(b), will be issued to Haida Corporation for approximately 40 acres. The lands involved are in the vicinity of Hydaburg, Alaska.

Copper River Meridian, Alaska

T. 77 S., R. 83 E. (Partially Surveyed),
Secs. 22 and 27, those lands within Sec. 3(e) application AA–20914.

A notice of the decision will be published once a week, for four (4) consecutive weeks, in the Juneau Empire. Copies of the decision may be obtained by contacting the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513 ((907) 271–5960).

Any party claiming a property interest which is adversely affected by the decision, an agency of the Federal government or regional corporation, shall have until September 15, 1986, to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file and appeal. Appeals must be filed in the Bureau of Land Management, Division of Conveyance Management (960), address identified above, where the requirements for filing and appeal may be obtained. Parties who do not file an appeal in accodance with the requirements of 43 CFR Part 4, Subpart E, shall be deemed to have waived their rights.

Steven L. Willis,

Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 86–18306 Filed 8–13–86; 8:45 am]

BILLING CODE 4310–JA–M

[F–14854–A]

Alaska Native Claims Selection; Iqfijouaq Co.

In accordance with Department regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of section 14(a) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(a), will be issued to Iqfijouaq Company for approximately 0.99 acres. The lands involved are in the vicinity of Eek, Alaska.

U.S. Survey No. 2021

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, an agency of the Federal government or regional corporation, shall have until September 15, 1986, to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file and appeal. Appeals must be filed in the Bureau of Land Management, Division of Conveyance Management (960), address identified above, where the requirements for filing and appeal may be obtained. Parties who do not file an appeal in accodance with the requirements of 43 CFR Part 4, Subpart

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48. AA–8103–49, AA–8103–50, AA–8103–51, AA–8103–55.

E, shall be deemed to have waived their rights.

Steven L. Willis,

Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 86-18325 Filed 8-13-86; 8:45 am]

BILLING CODE 4310-JA-M

[AA-6675-A]

Alaska Native Claims Selection; The King Cove 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 section 14(a) of the Alaska Native Claims Settlement Act of December 18, 1971 (ANCSA), 43 U.S.C. 1601, 1613(a), will be issued to The King Cove Corporation for approximately 1 acre. The land involved is in T. 59 S., R. 86 W., Seward Meridian, Alaska, within the vicinity of King Cove, Alaska.

A notice of the decision will be published once in the Aleutian Eagle and once a week for four (4) consecutive weeks in The Anchorage Times. Copies of the decision may be obtained by contacting the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513. ((907) 271-5960.)

Any party claiming a property interest which is adversely affected by the decision shall have until September 15, 1986, to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management, Division of Conveyance Management (960), address identified above, where the requirements for filing an appeal can be obtained. Parties who do not file an appeal in accordance with the requirements of 43 CFR Part 4, Subpart E, shall be deemed to have waived their rights.

Helen Burleson,

Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 86-18312 Filed 8-13-86; 8:45 am]

BILLING CODE 4310-JA-M

Alaska Native Claims Selection; Leisnoi, Inc.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that decisions to issue conveyance under the provisions of section 14(a) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(a), will be issued to Leisnoi, Inc. The lands involved are in the vicinity of Woody Island, Alaska.

Serial No.	Land description	Approximate acreage
AA-8448-A	T. 27 S., R. 19 W., SM, Tract G.	1.0
AA-8448-B	T. 29 S., R. 18 W., SM, Sec. 27, lot 2; Sec. 34, lot 1.	12

A notice of the decisions will be published once a week for four (4) consecutive weeks in the Kodiak Daily Mirror. 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 decisions, an agency of the Federal government, or regional corporation, shall have until September 15, 1986, to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management, Division of Conveyance Management (960), address identified above, where the requirements for filing an appeal may be obtained. Parties who do not file an appeal in accordance with the requirements of 43 CFR Part 4, Subpart E, shall be deemed to have waived their rights.

Steven L. Willis,

Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 86-18307 Filed 8-13-86; 8:45 am]

BILLING CODE 4310-JA-M

[AA-6689-A]

Alaska Native Claims Selection; Sanak 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 section 14(a) of the Alaska Native Claims Settlement Act of December 18, 1971 (ANCSA), 43 U.S.C. 1601, 1613(a), will be issued to Sanak Corporation for approximately 5 acres. The lands involved are within T. 66 S., R. 90 W., Seward Meridian, Alaska, in the vicinity of Pauloff Harbor, Alaska.

A notice of the decision will be published once in the Aleutian Eagle and once a week for four (4) consecutive weeks in the The Anchorage Times. Copies of the decision may be obtained by contacting the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513. ((907) 271-5960.)

Any party claiming a property interest which is adversely affected by the decision shall have until September 15, 1986, to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management, Division of Conveyance Management (960), address identified above, where the requirements for filing an appeal can be obtained. Parties who do not file an appeal in accordance with the requirements of 43 CFR Part 4, Subpart E, shall be deemed to have waived their rights.

Helen Burleson,

Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 86-18313 Filed 8-13-86; 8:45 am]

BILLING CODE 4310-JA-M

Alaska Native Claims Selection; Sealaska Corp.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that decisions to issue conveyance under the provisions of section 14(h)(1), 14(h)(7), and 22(j), of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(h)(1), 1613(h)(7), 1621(j), will be issued to Sealaska Corporation. The lands involved are in the Tongass National Forest, Alaska.

Serial No.	Land description	Approximate acreage
AA-10509	A portion of U.S. Survey No. 906.	1.40
AA-10521	U.S. Survey No. 908	143.79
	Copper River Meridian, Alaska	
AA-10455	T. 70 S., R. 78 E., Sec. 33	3.58
AA-10460	T. 77 S., R. 85 E., Secs. 22 and 27.	9.46
AA-10463	T. 70 S., R. 79 E., Sec. 9	1.60
AA-10477	T. 70 S., R. 79 E., Sec. 29	6.90
AA-10486	T. 49 S., R. 62 E., Sec. 14	8.80
AA-10504	T. 48 S., R. 65 E., Sec. 31	18.14
AA-10515	T. 50 S., R. 65 E., Sec. 22	17.50
AA-10518	T. 42 S., R. 69 E., Sec. 19	44.00
AA-10520	T. 53 S., R. 68 E., Secs. 21 and 28.	48.00
AA-10522	T. 42 S., R. 66 E., Secs. 34 and 35.	23.50
	T. 43 S., R. 66 E., Sec. 2	

A notice of the decisions will be published once a week for four (4) consecutive weeks, in the Juneau Empire. Copies of the decisions may be obtained by contacting the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513 ((907) 271-5960).

Any party claiming a property interest which is adversely affected by the decisions shall have until September 15, 1986, to file an appeal. However, parties

receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management, Division of Conveyance Management (960), address identified above, where the requirements for filing an appeal can be obtained. Parties who do not file an appeal in accordance with the requirements of 43 CFR Part 4, Subpart E, shall be deemed to have waived their rights.

Steven L. Willis,

Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 86-18308 Filed 8-13-86; 8:45 am]

BILLING CODE 4310-JA-M

[AA 14015]

Alaska Native Claims Selection; Sealaska 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 section 14(h)(8) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(h)(8), will be issued to Sealaska Corporation for approximately 1.0 acres. The lands involved are in the vicinity of Tongass National Forest, Alaska.

Copper River Meridian, Alaska

T. 77 S., R. 82 E. (Unsurveyed)
Sec. 5, those lands within Sec. 3(e) application AA-22286.

A notice if the decision will be published once a week, for four (4) consecutive weeks, in the Juneau Empire. Copies of the decision may be obtained by contacting the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513 ((907) 271-5960).

Any party claiming a property interest which is adversely affected by the decision, an agency of the Federal government or regional corporation, shall have until September 15, 1986 to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management, Division of Conveyance Management (960), address identified above, where the requirements for filing an appeal may be obtained. Parties who do not file an appeal in accordance with the requirements of 43 CFR Part 4, Subpart E, shall be deemed to have waived their rights.

Steven L. Willis,

Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 86-18337 Filed 8-13-86; 8:45 am]

BILLING CODE 4310-JA-M

Alaska Native Claims Selection; Yak-Tat-Kwaan, Inc.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that decisions to issue conveyance under the provisions of section 14(b) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(b), will be issued to Yak-Tat-Kwaan, Incorporated. The lands involved are in the vicinity of Yakutat, Alaska.

Serial No.	Land description	Approximate acreage
AA-6987-A	T. 27 S., R. 33 E., CRM, Sec. 32, those lands, within Sec. 3(e) application AA-15156.	3.8
AA-6987-A	T. 27 S., R. 33 E., CRM, Sec. 23, those lands within Sec. 3(e) application AA-12392.	1.0

A notice of the decisions will be published once a week, for four (4) consecutive weeks, in the JUNEAU EMPIRE. Copies of the decisions may be obtained by contacting the Bureau of Land Management, Alaska State Office 701 C Street, Box 13, Anchorage, Alaska 99513 ((907) 271-5960).

Any party claiming a property interest which is adversely affected by the decisions, an agency of the Federal government, or regional corporation, shall have until September 15, 1986 to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management, Division of Conveyance Management (960), address identified above, where the requirements for filing an appeal may be obtained. Parties who do not file an appeal in accordance with the requirements of 43 CFR Part 4, Subpart E, shall be deemed to have waived their rights.

Steven L. Willis,

Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 86-18305 Filed 8-13-86; 8:45 am]

BILLING CODE 4310-JA-M

[MT-920-06-4121-10]

Availability of Fort Union Draft Regional Coal Team Charter

AGENCY: Bureau of Land Management, Montana State Office, Interior.

ACTION: Notice of Availability—Fort Union Draft Regional Coal Team Charter.

SUMMARY: Public comments are being sought by the Montana State Office, Bureau of Land Management, on a draft charter for the Fort Union Regional Coal Team (RCT). Comments on the Draft RCT Charter will be accepted until September 22, 1986.

ADDRESS: Comments should be sent to the Division of Mineral Resources (Frey/921), Bureau of Land Management, Montana State Office, P.O. Box 36800, Billings, Montana 59107.

SUPPLEMENTARY INFORMATION: Individual regional coal team charters are now needed under revised General Services Administration regulations (41 CFR 101-6.1007(a)(3)). These regulations require that subcommittees, which function independently of their parent advisory committee, be chartered separately. When reactivated, the Fort Union Coal Team will be a subcommittee of the Federal-State Coal Advisory Board. The coal program's first order of business in the Fort Union Region is to re-establish the Fort Union Regional Coal Team. A proposed charter has been written that would allow the re-establishment of the team. As in the past, the team will guide and oversee federal coal leasing activities in the region.

The draft charter is patterned after the national charter of the Federal-State Coal Advisory Board, and contains requirements concerning coal leasing activities in the region, including competitive coal leasing, noncompetitive coal leasing, public notices, opportunities for public participation, records and proceedings. The draft would allow the coal team to operate in a lease-by-application mode, if it so chooses.

Copies of the draft charter may be obtained from BLM's Division of Mineral Resources at the above address.

FOR FURTHER INFORMATION CONTACT: William J. Frey, Coal Coordinator, Bureau of Land Management, Montana State Office, Division of Mineral Resources, P.O. Box 36800, Billings, Montana 59107, Phone (406) 657-6841, or FTS 585-68421.

Dated: August 1, 1986.

Dean Stepanek,

State Director.

[FR Doc. 86-18330 Filed 8-13-86; 8:45 am]

BILLING CODE 4310-DN-M

[UT-040-06-4410-12]

Utah; Plan Amendment for Pinyon Plan; Proposed Geothermal Leasing Stipulations, Beaver and Iron Counties

AGENCY: Bureau of Land Management, Interior.

ACTION: Plan amendment notice; proposed geothermal leasing stipulations.

SUMMARY: The Cedar City District of the Bureau of Land Management proposes to amend the Pinyon Management Framework Plan (1983). The original plan did not address changes in the geothermal leasing stipulations from the original stipulations developed in programmatic environmental analysis records (EAR's). Oil and gas leasing categories in the planning unit were revised during the planning process. This amendment would make the geothermal leasing stipulations the same as the stipulations in the oil and gas leasing categories. The same protection afforded resources under the oil and gas categories would be provided by the proposed geothermal leasing stipulations. The environmental assessment is available for review at the Cedar City District Office at the address listed below. The public may comment on the amendment and environmental assessment for 30 days following publication of this notice.

The Pinyon Planning Unit is located in western Beaver and Iron Counties of southern Utah. The Pinyon Planning Unit is the westernmost planning unit of the Beaver River Resource Area in the Cedar City District. The stipulations now in effect are the product of programmatic environmental assessments on the area completed in 1975 and 1976. When completed this amendment would be attached to the MFP and become part of the plan. All future geothermal leases would contain the stipulations developed in this amendment. There are 1,390,800 acres of BLM administered Federal land in the planning unit. Only 1,460 acres of this area are now under lease. There is a potential for 93,750 acres to be leased under simultaneous leasing procedures.

The proposal is to drop 15,360 acres of unneeded protection of antelope kidding grounds seasonal stipulation and add 3,919 acres of seasonal stipulations for the protection of raptors and sage grouse, and 2,347 acres of no surface occupancy to protect the Utah prairie dog and three historical recreation sites. Recent wildlife inventories have indicated that there are no identified kidding areas needing special protection by seasonal or year round no surface occupancy stipulation. There are other areas, however, that do require protection by seasonal and year round no surface occupancy stipulation. These stipulations are the same as those now in place under the oil and gas leasing categories.

The environmental assessment/plan amendment is available at the Cedar City District Office at 1579 North Main Street, Cedar City, Utah. The environmental assessment/plan amendment was prepared and reviewed by an interdisciplinary team of minerals, vegetation, wildlife, recreation, soils, and watershed specialists.

DATE: The comment period will be open for 30 days following the publication of this notice. At the end of the comment period, a decision notice will be issued subject to a 30 day protest period.

FOR FURTHER INFORMATION CONTACT: Pete Wilkins, District Planning Coordinator in the Cedar City District Office. 1579 North Main, P.O. Box 724, Cedar City, Utah 84720, (801) 586-2401.

Dated: August 5, 1986.

Morgan S. Jensen,

District Manager.

[FR Doc. 86-18362 Filed 8-13-86; 8:45 am]

BILLING CODE 4310-DQ-M

[MT-070-06-4322-01-ADVB]

Grazing Advisory Board; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: A meeting of the Butte District Grazing Advisory Board will be held Thursday, September 18, 1986, in the Butte District office conference room. A short organizational meeting will be held at 8:00 a.m. Immediately following, the board will participate in a field tour of various sites in the Headwaters Resource Area. The field tour will be done in conjunction with the Butte District Advisory Council.

The meeting and field tour are open to the public, although transportation for members of the public on the field tour will not be provided by BLM. The public may make oral statements before the advisory board or file written statements for the board's consideration. Anyone wishing to make oral statements or participate in the field tour should make advance arrangements with the district manager.

Summary minutes of the meeting will be maintained in the district office and will be available for public inspection and reproduction during regular business hours within 30 days following the meeting.

James A. Moorhouse,

District Manager.

[FR Doc. 86-18293 Filed 8-13-86; 8:45 am]

BILLING CODE 4310-DN-M

[MT-070-06-4341-01-ADVB]

District Advisory Council; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: A meeting of the Butte District Advisory Council will be held Wednesday and Thursday, September 17 and 18, 1986. The meeting will begin at 1:00 p.m. in the Butte District Office conference room, 106 North Parkmont (Industrial Park), Butte, Montana. The agenda will include (1) recreation access to public lands, (2) BLM's role in endangered species management, (3) weed control, (4) the BLM land appraisal process used in land exchanges, and (5) a discussion of the various points of interest in the Headwaters Resource Area to be visited on a field tour.

On September 18, a field tour of the Headwaters Resource Area will begin starting approximately 9:00 a.m. from the district office. The field tour will be made in conjunction with the Butte District Grazing Advisory Board.

The meeting and field tour are open to the public, although transportation for members of the public during the tour will not be provided by BLM. Interested persons may make oral statements to the council or file written statements for the council's consideration. Anyone wishing to make statements to the council or participate in the field tour should make advance arrangements with the district manager.

Summary minutes of the meeting will be maintained in the district office and will be available for public inspection and reproduction during regular business hours within 30 days following the meeting.

FOR FURTHER INFORMATION CONTACT: District Manager, Butte District, Bureau of Land Management, Box 3388, Butte, Montana 59702.

James A. Moorhouse,

District Manager.

[FR Doc. 86-18294 Filed 8-13-86; 8:45 am]

BILLING CODE 4310-DN-M

[OR120-6310-02: GP6-326]

Coos Bay District Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Meeting of Coos Bay District Advisory Council.

SUMMARY: Notice is hereby given in accordance with Pub. L. 94–579 and 43 CFR Part 1780 that a meeting of the Coos Bay District Advisory Council will be held on Monday, September 22, 1986, beginning at 9:00 a.m. The meeting will be held in the conference room of the Coos Bay District Office, 333 South Fourth Street, Coos Bay, OR.

Agenda: The agenda for the meeting will include:

1. Explanation to the council of the legislation which created and directs the actions of BLM, and a similar discussion of law and regulations guiding actions of the District Advisory Council.

2. Discussion of future assignments for the council's consideration.

3. Discussion of council committee formation and assignments.

4. Discussion of the Dean Creek Wildlife Area Habitat Management Plan and the public comments received on the draft plan to date, followed by Council deliberation and a Council recommendation to the District Manager on the HMP.

5. Arrangements for the next meeting.

The meeting is open to the public and news media. Interested persons may make oral statements to the council from 10:00 a.m. to 10:30 a.m. on Monday, September 22, or file written statements for the council's consideration. Anyone wishing to make an oral statement must notify the District Manager by close of business on Monday, September 15, 1986 (Telephone 503–269–5880).

ADDRESS: Bureau of Land Management, Coos Bay District Office, 333 South Fourth Street, Coos Bay, OR 97420.

Minutes of the meeting will be maintained at the District Office and made available during regular business hours (7:45 a.m. to 4:30 p.m.) for public inspection or reproduction at the cost of duplication.

Dated: August 8, 1986.

Robert T. Dale,

District Manager.

[FR Doc. 86–18323 Filed 8–13–86; 8:45 am]

BILLING CODE 4310-33-M

[AZ-040-06-4132-12]

Meeting of the Safford District (Arizona) Advisory Council

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of a meeting of the Safford District Advisory Council.

SUMMARY: Notice is hereby given in accordance with Pub. L. 94–579 and 43 CFR Part 1780, that a meeting of the Safford District Advisory Council will be held.

DATE: Friday, September 12, 1986, at 10:00 a.m.

ADDRESS: BLM Safford District Office, 425 E. 4th Street, Safford, Arizona 85546.

FOR FURTHER INFORMATION CONTACT: Pete Zwaneveld, Public Affairs Specialist, Safford District Office, 425 E. 4th Street, Safford, AZ 85546. Telephone (602) 428–4040.

SUPPLEMENTARY INFORMATION: The agenda for the meeting includes the following items: State and Private Land Exchanges; San Pedro Management Plan; Aravaipa Canyon Wilderness Management Plan; Advisory Council nominations; Management Update; and Business from the floor.

The meeting is open to the public. Interested persons may make oral statements to the Council between 1:30 and 2:30 p.m. or may file written statements for the Council's consideration. Anyone wishing to make an oral statement must contact the Safford District Manager by September 11, 1986. Depending upon the number of people wishing to make oral statements, a per person time limit may be considered.

Summary minutes of the meeting will be maintained in the District Office and will be available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

Dated: August 1, 1986.

Lester K. Rosenkrance,

District Manager.

[FR Doc. 86–18324 Filed 8–13–86; 8:45 am]

BILLING CODE 4310-32-M

[OR-11112 (WASH) (OR-943-06-4220-11: GP-6-322]

Order Providing For Opening of Land; Washington

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This action will open approximately 0.50 acre of land reconveyed to the United States to disposal by sale to resolve an unauthorized occupancy. The land has been and continues to be open to mineral leasing.

EFFECTIVE DATE: September 18, 1986.

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

SUPPLEMENTARY INFORMATION: 1. Pursuant to the Act of March 30, 1904 (33 Stat. 154), the following described land has been voluntarily reconveyed to the United States:

Willamette Meridian

T. 30., R. 6 W.,

That portion of the Townsite of Port Angeles more particularly described as follows: Beginning at the corner common to Suburban lots 113, 114, 155, and 156, Townsite of Port Angeles, Washington, monumented with a ½ in. iron pipe, with a plastic survey cap marked LS 9364, as set by Earl E. Johnston in 1982, from which the closing corner of the North and South center line of Section 8 with the south right-of-way line of Lauridsen Boulevard established by the Clallam County Engineer, bears S. 76°00′ 19″ W., 448.37 feet; thence S. 56°45′06″ E., 439.40 feet along the line between Suburban lots 113 and 156 to a ½ in. iron pipe, with a plastic survey cap marked LS 9364; thence N. 33°15′05″ E., 50.00 feet to a ½ in. iron pipe, with a plastic survey cap marked LS 9364; thence N. 56°45′06″ W., 439.40 feet to a ½ in. iron pipe with a survey cap marked LS 9364, at a point which is on the line between Suburban lots 113 and 114, thence S. 33°15′05″ W., 50.00 feet along the line between suburban lots 113 and 114 to the point of beginning.

The area described contains approximately 0.50 acre in Clallam County, Wsshington.

2. At 8:30 a.m., on September 18, 1986, the land will be open to sale under section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750; 43 U.S.C. 1713). The land has been and remains open to applications and offers under the mineral leasing laws, but remains closed to all other forms of appropriation under the public land laws, including the mining laws.

Dated: August 4, 1986.

B. LaVelle Black,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 86–18361 Filed 8–13–86; 8:45 am]

BILLING CODE 4310-33-M

[AZ-040-06-4212-14; A 21805]

Realty Action; Modified Competitive Sale of Public Land in Cochise County, AZ

AGENCY: Bureau of Land Management, Safford District, Interior.

ACTION: Notice of realty action, modified competitive sale of public lands in Cochise County, Arizona.

SUMMARY: The following lands have been examined and identified as suitable for disposal under section 203 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2750; 43 U.S.C. 1713 at no less than the appraised fair market value.

Legal description	Acres	Appraised value
Gila and Salt River Meridian, Arizona T. 16 S., R. 22 E., Sec. 9, SE¼NW¼, NE¼SW¼	80.00	$24,000

The land is being offered only to the two adjacent landowners, Mr. Roy McGoffin and Kartchner Farms and Ranches, Inc. There is no legal access to the parcel and access is controlled by these two landowners. No other bids or bidders will be considered.

The land is not required for any Federal purpose. The parcel is difficult and uneconomic to manage as public land. Disposal would best serve the public interest. The disposal would be consistent with the Bureau's planning recommendations.

All minerals will 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). Purchaser of the affected parcel will be required to submit a non-returnable filing fee in the amount of $50.00 to cover the processing costs of conveying the available mineral interests. Failure to do so will result in disqualification.

The patent issued as the result of the sale will be subject to all valid existing rights and reservations of record. It will contain a reservation to the United States for a right-of-way of ditches and canals under the Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945.

The patent will be issued subject to such rights as the grazing lessees, Roy W. and Geraldine G. McGoffin may have to continue their grazing use. Two years from the date of receipt of this notice the grazing lease and grazing preference will be cancelled on this parcel of land.

Publication of this notice in the **Federal Register** segregates the public lands from the operation of the public land laws and the mining laws. The segregative effect will end upon issuance of a patent or 270 days from the date of the publication, whichever occurs first.

Sale Procedures

This parcel will be sold through the acceptance of sealed bids. Sealed bids must be submitted to the Safford District Office, 425 E. 4th Street, Safford, Arizona 85546. Sealed bids sent by mail will only be considered if received prior to 1:00 p.m., October 22, 1986. Bids may be made by a principal or duly qualified agent.

Sealed bids, accompanied by a certified check, postal money order, bank draft, or cashier's check made payable to the Bureau of Land Management for not less than one-fifth (20%) of the amount of the bid must be in a separate sealed envelope, within the transmittal envelope. The sealed envelopes must be marked in the lower lefthand corner, "Sealed Bid, Public Land Sale A 21805, Sale to be held October 22, 1986." All sealed bids will be opened at 1:00 p.m. on the day of sale.

The remainder due must be paid within 180 days from the date of sale. Failure to submit the full bid price prior to, but not including the 180th day following the day of sale, shall result in cancellation of the sale and forfeiture of the deposit.

If two envelopes contain bids of the same amount, the highest bid shall be determined by supplemental bidding. The designated bidder shall submit sealed bids immediately following the bid openings at 1:00 p.m., October 22, 1986.

DATE: For a period of 45 days from the date of this notice in the **Federal Register**, interested parties may submit comments to the District Manager at the above address. Any adverse comments will be evaluated by the State Director who may sustain, vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department of the Interior.

SUPPLEMENTARY INFORMATION: Detailed information concerning reservations, conditions, terms, appraised price, bidding precedures and other items may be obtained from the Safford District Office or by calling (602) 428–4040 during the office hours 7:45 to 4:15 MST.

Dated: August 7, 1986.

Vernon L. Saline,

Acting District Management.

[FR Doc. 86–18328 Filed 8–13–86; 8:45 am]

BILLING CODE 4310-32-M

[AZ-040-06-4131-11; A 21969]

Realty Action; Exchange of Federal Mineral Estate in Pinal County, AZ

AGENCY: Bureau of Land Management, Interior.

ACTION: Exchange of Federal mineral estate.

SUMMARY: The Federal mineral estate underlying the following described private land has been determined to be suitable for disposal by exchange under section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

Gila and Salt River Meridian, Arizona

T. 8 S., R. 17 E.,
Sec. 7, SE¼SE¼;
Sec. 8, SW¼SW¼, S½N½SW¼.
Comprising 120 acres.

In exchange for the above 120 acres of Federal mineral estate, Magma Copper Company offers the following lands (surface and mineral estates):

Gila and Salt River Meridian, Arizona

T. 9 S., R. 18 E.,
Sec. 31, N½SE¼, SE¼SE¼.
T. 10 S., R. 18 E.,
Sec. 5, SW¼NW¼.
Comprising 160 acres.

Based on land and mineral appraisals, with a money equilization payment, it has been determined that the values of the estates to be exchanged are equal.

There are no oil and gas leases on any of the above described parcels.

Publication of this notice shall segregate the Federal minerals, as described in this notice, from appropriation under the mining laws with the exception of the mineral leasing laws. This segregative effect shall terminate upon the issuance of a patent or two years from the date of this notice, or upon publication of a Notice of Termination.

DATE: For a period of forty-five (45) days from the date of this publication, interested parties may submit comments to the District Manager at the address given in the Supplementary Information.

SUPPLEMENTARY INFORMATION: Detailed information concerning the exchange proposal may be obtained from the

District Manager, Safford District Office, 425 E. 4th Street, Safford, Arizona 85546.

Dated: August 7, 1986.

Vernon L. Saline,

Acting District Manager

[FR Doc. 86-18327 Filed 8-13-86; 8:45 am]

BILLING CODE 4310-32-M

Realty Action, Recreation and Public Purpose Sale, Public Land in Lincoln County, WY

Correction

In the issue of Tuesday, July 8, 1986, on page 24756, second column, a correction to FR Doc. 86-13939 appeared. The correction was inaccurate and should have appeared as follows:

On page 22869, in the issue of Monday, June 23, 1986, in the first column, under the heading, "6th Principal Meridan, Wyoming", the first line is corrected to read:

"T. 36, N., R. 119 W."

BILLING CODE 1505-01-M

[ID-060-06-4331-12]

Coeur d'Alene District; Restriction Order

AGENCY: Bureau of Land Management, Interior.

ACTION: Restriction order.

SUMMARY: Notice is hereby given in accordance with 43 CFR 8364.1, that the following acts are prohibited on certain lands administered by the Bureau of Land Management, Emerald Empire Resource Area, known as Hideaway Islands:

1. Building, maintaining, attending or using a fire or campfire.

2. Camping, defined as use or occupancy for any period longer than eight consecutive hours.

These restrictions apply to all lands, the surface of which is administered by the Bureau of Land Management, located within sec. 21, T.62N., R.2E., B.M. BLM land encompassed by this description includes approximately 170 acres consisting of two unsurveyed islands located in the Kootenai River. They are situated between river mile 158 and 159, which is upstream and east of Bonners Ferry, Idaho and about two and one-half river miles downstream from the mouth of the Moyie River. These restrictions become effective immediately and will remain in effect until revoked or rescinded.

These restrictions do not apply to:

1. Any federal, state or local law enforcement officer or member of an organized rescue or firefighting force in the performance of an official duty.

2. Persons issued a BLM permit expressly authorizing the otherwise prohibited acts.

3. BLM personnel, contractors or cooperators in the performance of an official duty.

These restrictions are necessary to manage the islands, designated a research natural area in a non-destructive and non-manipulative manner to preserve existing plant communities.

Signed at Coeur d'Alene, Idaho, this 5th day of August, 1986.

Lewis M. Brown,

Acting District Manager.

[FR Doc. 86-18296 Filed 8-13-86; 8:45 am]

BILLING CODE 4310-GG-M

[AZ-050-06-4333-11]

Long-Term Visitor Permit Program For 1986-1987 and Subsequent Use Seasons; Designation and Revision of Long-Term Visitor Area; and Revision and Establishment of Supplementary Rules: Yuma District, Arizona, and California Desert District, California

AGENCY: Bureau of Land Management, Interior.

ACTION: Changes to the Long-Term Visitor Permit Program for the 1986-1987 and subsequent use seasons, boundary changes for the Imperial Dam Long-Term Visitor Area, and revisions to and establishment of supplementary rules in the Yuma District, Arizona, and the California Desert District, California.

SUMMARY: The Bureau of Land Management's (BLM) Yuma District and California Desert District announce revisions to the "Long-Term Visitor Program" for the 1986-1987 and subsequent use seasons. The program, which was instituted in 1983, established an annual long-term use season from October 1 to May 31. During this time, visitors who wish to camp on public lands in one location for extended periods must stay in designated Long-Term Visitor Areas (LTVAs) and purchase a $25 LTVA permit. Beginning with the 1986-1987 use season, the following modifications are being made to the Long-Term Visitor Program:

1. Between October 1 and May 31, visitors who wish to camp in an LTVA are required, regardless of length-of-stay, to obtain an LTVA permit except (a) in designated areas within LTVAs specifically identified for short-term camping use of up to 14 days, (b) in the Mule Mountain LTVA where visitors may stay up to 14 days before a permit is required, or (c) when campers are registered as a guest of an LTVA permittee. Persons using an LTVA under the exceptions listed above must obtain the necessary short-term or guest registration forms.

2. The La Posa LTVA may be occupied without a permit during the period of operation of the annual Quartzsite Pow Wow. The exact dates of this waiver period may be obtained from the Yuma District Office or from informational signing at the La Posa LTVA.

3. The Yuma District is revising the boundaries of the Yuma District portion of the Imperial Dam LTVA (see Table 1). The other eight LTVAs are unchanged.

TABLE 1.—LONG-TERM VISITOR AREAS

District	Area	Approximate size (acres)	Location
Yuma	Imperial Dam LTVA (Revision of Yuma District Portion).	1,950	T. 15 S., R. 24 E. (SBM); Secs. 5, 6, 7, 8, 17, 18, 19

4. In addition to rules of conduct set forth in CFR Title 43, Chapter II, 8365.1-5, the following supplementary rules apply to designated LTVAs. These rules replace the rules published in the **Federal Register** on August 23, 1985.

a. The speed limit in LTVAs is 15 m.p.h. Motorized vehicle free play is prohibited. Motorized vehicles should be used in LTVAs only for access to and from campsites.

b. Pets must be kept on a leash or under some other form of physical control at all times.

c. A 15-foot space must be maintained between dwelling units, campfires, and vehicles.

d. Quiet hours are from 10 p.m. to 6 a.m. Operation of audio devices or motorized equipment, including generators, in a manner that makes unreasonable noise that disturbs other visitors is prohibited.

e. Dumping of gray water is prohibited unless otherwise posted.

f. Discharge of firearms or weapons is prohibited within one-half mile of LTVAs.

g. Landing or taking off of aircraft, including ultra-lights, is prohibited.

h. Boarding of livestock (horses, cattle, sheep, goats, etc.) within the boundaries of LTVAs is permitted only through authorization by the local Area Manager.

i. Campers, trailers, and other dwelling units must remain mobile. Wheels must remain on all wheeled

vehicles. No permanent structures or alterations to the natural landscape are allowed.

j. No wood collecting is permitted within the boundaries of Imperial Dam and La Posa LTVAs.

k. Overnight occupancy is prohibited in desert washes within the Imperial Dam and La Posa LTVAs.

l. Overnight occupancy is prohibited between Old Highway 80 and Interstate 8 in Hot Spring LTVA.

m. Food or beverages are prohibited within 50 feet of the hot spring facility in Hot Spring LTVA.

n. In the La Posa, Pilot Knob, Midland, Dunes Vista, Tamarisk, and Hot Spring LTVAs, camping is restricted to self-contained camping units only. The Imperial Dam LTVA is also restricted to self-contained camping units only, except for the South Mesa area.

o. Access to the La Posa LTVA is restricted to legal access roads along U.S. Highway 95. Construction and use of other access points are prohibited. This includes removal and modification of barricades such as fences, ditches, and berms.

EFFECTIVE DATE: September 1, 1986.

FOR FURTHER INFORMATION CONTACT: David Mensing, Outdoor Recreation Planner, California Desert District, 1695 Spruce Street, Riverside, California 92507, (714) 351–6402, or Hal Hallett, Outdoor Recreation Planner, Yuma District, 3150 Winsor Avenue, Yuma, Arizona 85365, (602) 726–6300.

SUPPLEMENTARY INFORMATION: The purpose of the Long-Term Visitor Program is to provide areas for long-term winter camping use. The sites designated as LTVAs are, in most cases, the traditional use areas of long-term visitors. Designated sites were selected using criteria developed during the management planning process, and environmental assessments were completed for each site location.

The program was established to properly accommodate the increasing demand for long-term winter visitation and to provide natural resource protection through improved management of this use. The designation of LTVAs will assure that specific locations are available for long-term use year after year and that inappropriate areas are not used for extended periods.

Visitors may camp without a Long-Term Visitor Permit outside of LTVAs on public lands not otherwise closed to camping for up to 14 days in any 28-day period unless posted otherwise. The Mule Mountain LTVA is also open to short-term camping without an LTVA permit for a period not to exceed 14 days.

Authority for the designation of LTVA's is contained in CFR Title 43, Chapter II, 8372.0–5(g). Authority for the establishment of a Long-Term Visitor Permit Program is contained in CFR Title 43, Chapter II, 8372.1 and for the payment of fees is contained in CFR Title 36, Chapter I, Part 71.

The authority for establishing supplementary rules is contained in CFR Title 43, Chapter II, 8365.1–6. The LTVA supplementary rules have been developed to meet the goals of individual resource management plans. These rules will be available in each local office having jurisdiction over the lands, sites, or facilities affected and posted near and/or within the lands, sites, or facilities affected. Violations of supplementary rules are punishable by a fine not to exceed $1,000 and/or imprisonment not to exceed 12 months.

Maps showing the location of all LTVAs are available at both the California Desert District and Yuma District Offices.

Ed Hastey,

State Director, California.

D. Dean Bibles,

State Director of Arizona.

[FR Doc. 86–18364 Filed 8–13–86; 8:45 am]

BILLING CODE 4310-32-M

[NV–943–06–4212–22]

Filing of Plats of Survey; Reno, NE

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of filing of plats of survey.

SUMMARY: The purpose of this notice is to inform the public and interested State and local government officials of the latest filing of Plats of Survey in Nevada.

DATE: Filings were effective at 10 a.m. on July 23, 1986.

FOR FURTHER INFORMATION CONTACT: Lacel Bland, Chief, Branch of Cadastral Survey, Nevada State Office, Bureau of Land Management, 850 Harvard Way, P.O. Box 12000, Reno, Nevada 89520, (702) 784–5484.

SUPPLEMENTARY INFORMATION: The Plats of Survey of lands described below were officially filed at the Nevada State Office, Reno, Nevada.

Mount Diablo Meridian, Nevada

T. 39 N., R. 61 E.—Dependent Resurvey and Section Subdivision
T. 37 N., R. 62 E.—Dependent Resurvey
T. 20 N., R. 24 E.—Supplemental Plat
T. 33 N., R. 70 E.—Supplemental Plat

These surveys were executed to meet certain administrative needs of this Bureau.

Dated: August 4, 1986.

Robert G. Steele,

Deputy State Director, Operations.

[FR Doc. 86–18365 Filed 8–13–86; 8:45 am]

BILLING CODE 4310-HC-M

New Mexico; Filing of Plat of Survey

July 31, 1986.

The plat of survey described below was officially filed in the New Mexico State Office, Bureau of Land Management, Santa Fe, New Mexico, effective at 10:00 a.m. on August 1, 1986.

The dependent resurvey of a portion of Sixth Standard Parallel North through a portion of Range 18 West, the west boundary and a survey of the north boundary and subdivisional lines of Township 25 North, Range 18 West, New Mexico Principal Meridian, New Mexico.

A corrective resurvey of the Sixth Standard Parallel North, through Range 19 West, a dependent resurvey of portions of the west and north boundaries and the survey of the subdivisional lines of Township 25 North, Range 19 West, New Mexico Principal Meridian, New Mexico; all executed under Group 833, New Mexico.

This survey was requested by the Bureau of Indian Affairs, Navaho Area Office, Window Rock, Arizona.

The plat will be in the open files of the New Mexico State Office, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87504. Copies of the plat may be obtained from that office upon payment of $2.50 per sheet.

Gary S. Speight,

Chief, Branch of Cadastral Survey.

[FR Doc. 86–18329 Filed 8–13–86; 8:45 am]

BILLING CODE 4310-FB-M

New Mexico; Filing of Plat of Survey

August 8, 1986.

The plat of survey described below was officially filed in the New Mexico State Office, Bureau of Land Management, Santa Fe, New Mexico, effective at 10:00 am on August 8, 1986.

A survey representing the dependent resurvey of portions of the south boundary of the Sevilleta Grant, the subdivisional lines, the partial subdivision of section 13, certain small holding claim boundaries, and the survey of lots 12 and 13, Township 1 South, Range 1 West, of the New Mexico Principal Meridian, New Mexico, under

Group 768 NM, approved August 1, 1986, and the dependent resurvey of portions of the subdivisional lines, the subdivision of section 32, Small Holding Claim 2929, Tr. 2, lots 15, 16 and 17, and the survey of lots in section 32, Township 4 South, Range 1 East, under Group 768 NM, approved August 1, 1986.

The survey was requested by the District Manager, Socorro, New Mexico.

The plat will be in the open files of the New Mexico State Office, Bureau of Land Management, P. O. Box 1449, Santa Fe, New Mexico 87504. Copies of the plat may be obtained from that office upon payment of $2.50 per sheet.

William S. DeGroot,

Acting Chief, Branch of Cadastral Survey.

[FR Doc. 86-18287 Filed 8-13-86; 8:45 am]

BILLING CODE 4310-FB-M

New Mexico; Filing of Plats of Surveys

August 8, 1986.

The plats of surveys described below were officially filed in the New Mexico State Office, Bureau of Land Management, Santa Fe, New Mexico, effective at 10:00 am on August 8, 1986.

The following surveys representing:

The dependent resurvey of a portion of the Fourth Standard Parallel North, a portion of the subdivisional lines, the partial subdivision of section 5, and the new meanders of a portion of the present right bank of the Canadian River in section 5, Township 16 North, Range 19 West, Indian Meridian, Oklahoma;

The dependent resurvey of a portion of the subdivisional lines, the adjusted record meanders of the former left bank of the Canadian River in section 33, the subdivision of section 33 and the new meanders of a portion of the present left bank of the Canadian River in section 33, Township 18 North, Range 17 West, Indian Meridian, Oklahoma;

The dependent resurvey of a portion of the subdivisional lines, the subdivision of section 26, and the new meanders of a portion of the present left bank of the Canadian River in section 26, Township 18 North, Range 25 West, Indian Meridian, Oklahoma;

The dependent resurvey of a portion of the south boundary, a portion of the subdivisional lines, the adjusted record meanders of the former right bank of the Canadian River in section 33, the subdivision of section 33, and the survey of the new meanders of the present right bank of the Canadian River in section 33, Township 18 North, Range 25 West, Indian Meridian, Oklahoma, under Group 43 OK.

These surveys were requested by the BLM Area Manager, Oklahoma Resource Area, Tulsa District, Oklahoma.

The plats will be in the open files of the New Mexico State Office, Bureau of Land Management, P. O. Box 1449, Santa Fe, New Mexico 87504. Copies of the plats may be obtained from that office upon payment of $2.50 per sheet.

William S. DeGroot,

Acting Chief, Branch of Cadastral Survey.

[FR Doc. 86-18288 Filed 8-13-86; 8:45 am]

BILLING CODE 4310-FB-M

New Mexico; Filing of Plat of Survey

August 8, 1986.

The plat of survey described below was officially filed in the New Mexico State Office, Bureau of Land Management, Santa Fe, New Mexico, effective at 10:00 am on August 8, 1986.

A survey representing the dependent resurvey of a portion of the east boundary, a portion of the subdivisional lines and the adjusted record meanders of the former left bank of the Red River in section 13, and the survey of a portion of the state boundary between Oklahoma and Texas in sections 14 and 23, a portion of the subdivisional lines, an informative traverse of portion of the new meanders of the present left bank of the Red River in sections 13 and 24, and the present medial lines of the Red River in section 13, Township 5 South, Range 9 West, Indian Meridian, Oklahoma under Group 47 OK.

This survey was requested by the BLM Area Manager, Oklahoma Resource Area, Tulsa, District, Oklahoma.

The plat will be in the open files of the New Mexico State Office, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 878504. Copies of the plat may be obtained from that office upon payment of $2.50 per sheet.

William S. DeGroot,

Acting Chief, Branch of Cadastral Survey.

[FR Doc. 86-18289 Filed 8-13-86; 8:45 am]

BILLING CODE 4310-FB-M

Inventory of Re-Instated Wilderness Study Areas; Nevada

August 8, 1986.

AGENCY: Bureau of Land Management, Interior.

ACTION: Announcement of publication of a document which contains proposed decisions for the status of ten Wilderness Study Areas (WSAs) being reinstated to the wilderness study process as the result of a court case.

SUMMARY: The Bureau of Land Management (BLM) in Nevada has completed the inventory of ten former Wilderness Study Areas (WSAs) which were reinstated to the wilderness study process as the result of a court case. The areas are in Clark, Lincoln and White Pine Counties and all ten are adjacent to the other Federal agencies' proposed wilderness or roadless areas. The purpose of the inventory was to determine whether each WSA would be studied under section 603 or 202 of the Federal Land Policy and Management Act (FLPMA), Pub. L. 94-579. These ten WSAs have wilderness character and will be studied under section 603 of FLPMA. Recommendations regarding each of the ten WSA's suitability or nonsuitability for wilderness designation will be developed in the Bureau's land use planning process slated to be completed in 1988.

SUPPLEMENTARY INFORMATION: The acreage which was inventoried was reinstated as a result of an April 1985 decision in Sierra Club vs. Watt concerning certain lands that were deleted from wilderness review in 1982 and 1983. Then Secretary of the Interior James Watt nationally initiated dropping of WSAs that were contiguous to other agencies' proposals. As the result of a stipulated settlement with the plaintiffs, the ten contiguous areas in Nevada have been re-inventoried.

The ten areas, all of which are more than 5,000 acres in size, which are discussed in this document are as follows:

WSA name	County	Acreage	Contiguous lands
Marble Canyon[1] (NV040-066).	White Pine	19,150	USFS prop. wilderness.
Fish & Wildlife #1 (NV050-201).	Lincoln/ Clark.	11,090	USFWS prop. wilderness.
Fish & Wildlife #2 (NV050-216).	Clark	17,242	USFWS prop. wilderness.
Fish & Wildlife #3 (NV050-217).	Clark	22,002	USFWS prop. wilderness.
Lime Canyon (NV050-231).	Clark	34,680	NPS roadless area.
Million Hills (NV050-233).	Clark	21,296	NPS roadless area.
Garrett Buttes (NV050-235).	Clark	11,835	NPS roadless area.
Quail Springs (NV050-411).	Clark	12,145	USFWS prop. wilderness.
El Dorado (NV050-423).	Clark	12,290	NPS roadless area.
Ireteba Peaks (NV050-438).	Clark	14,994	NPS roadless area.
Total		176,724	

[1] Formerly Granite Springs.

All the WSAs listed above will be managed under the provisions of the "Interim Management Policy and Guidelines for Lands Under Wilderness Review." There is a difference in the

way existing and new mining activities under the 1872 Mining Law are regulated. In "603" WSAs, the mining activities are regulated to prevent impairment of the WSA's wilderness suitability. In "202" WSAs, mining activities are regulated to prevent unnecessary or undue degradation of the lands. All Nevada WSAs here are proposed to fall in the "603" classification. All ten WSAs will be studied in the Bureau's land use planning process.

DATES: There is a 90-day comment period on the summary document which is being issued to determine if the WSA study should be under section 603 or 202 of the Federal Land Policy and Management Act. The comment period will end on November 20, 1986.

ADDRESS: Comments on the document "Summary of Proposed Wilderness Inventory Decisions, Nevada BLM, 1986" should be sent to the State Director, Nevada State Office, Bureau of Land Management, P.O. Box 12000, Reno, Nevada 89520 by November 20, 1986. Questions regarding specific WSAs should be directed to the BLM District Manager with jurisdiction for the area. Questions on Marble Canyon should be directed to the Ely District Manager, Star Route 5, Box 1, Ely, Nevada 89301. Questions on the other nine WSAs should be addressed to the Las Vegas District Manager, 4765 W. Vegas Drive, P.O. Box 26569, Las Vegas, Nevada 89126.

FOR FURTHER INFORMATION CONTACT: Dave Harmon, Wilderness Coordinator, (702) 784–5748.

Edward F. Spang,

State Director, Nevada.

[FR Doc. 86–18314 Filed 8–13–86; 8:45 am]

BILLING CODE 4310-HC-M

Fish and Wildlife Service

Receipt of Applications for Permits

The following applicants have applied for permits to conduct certain activities with endangered species. This notice is provided pursuant to section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*):

PRT 710078

Applicant: James Warren Landwermeyer, Dallas, TX.

The applicant requests a permit to import a trophy from a bontebok (*Damaliscus dorcas dorcas*) which was a member of a captive herd maintained by F.W.M. Bowker, Jr., Grahamstown, Republic of South Africa. The herd is maintained for the purpose of sport hunting. The applicant contends that permission to import this trophy will enhance the likelihood of the continued maintenance of this herd and thereby enhance the likelihood of the survival of the species.

PRT 710088

Applicant: San Diego Zoological Society, San Diego, CA.

The applicant requests a permit to import one captive bred female Somali wild ass (*Equus africanus somalicus*) from the Basel Zoological Gardens in Switzerland. This animal will be kept at the San Diego Wild Animal Park in Escondido, California for the purpose of exhibition, education and propagation.

PRT 710271

Applicant: Arizona Game and Fish Department, Phoenix, AZ.

The applicant requests a permit to import eight captive born thick billed parrots (*Rhynchopsitta pachyrhyncha*) from the Jersey Wildlife Preservation Trust in the Channel Islands. These birds will be released into the wild in Arizona, to reestablish a population in the United States.

PRT 710242.

Applicant: James Dennis Garry, Walnut Creek, CA.

The applicant requests a permit to import one captive born male peregrine falcon (*Falco peregrinus anatum*) from John LeJeune Falcon Farms Ltd., Agassiz, British Columbia, Canada, for captive breeding and falconry purposes.

PRT 697819

Applicant: U.S. Fish and Wildlife Service, Regional Director, Region 4, Atlanta, GA.

The applicant requests an amendment to their current permit to allow take of additional species of wildlife and plants for scientific purposes and the enhancement of propagation or survival in accordance with Recovery Plans, listing or other Service work for those species.

PRT 710158

Applicant: World Insectivorus Plants, Marietta, GA.

The applicant requests a permit to sell in interstate commerce, artificially propagated green pitcher plants (*Sarracenia oreophila*) from seeds supplied by Georgia Department of Natural Resources. Commercially available plants would provide an alternate source for collectors thereby relieving pressure on the population remaining in the wild.

PRT 709836

Applicant: Peter Pauls Nurseries, Canandaigua, NY.

The applicant requests a permit to sell in interstate commerce, artificially propagated green pitcher plants (*Sarracenia oreophila*). Availability of artificially propagated specimens will help alleviate pressure on the population remaining in the wild.

Documents and other information submitted with these applications are available to the public during normal business hours (7:45 am to 4:15 pm) Room 611, 1000 North Glebe Road, Arlington, Virginia 22201, or by writing to the Director, U.S. Fish and Wildlife Service of the above address.

Interested persons may comment on any of these applications within 30 days of the date of this publication by submitting written views, arguments, or data to the Director at the above address. Please refer to the appropriate PRT number when submitting comments.

Dated: August 11, 1986.

Earl B. Baysinger,

Chief, Federal Wildlife Permit Office.

[FR Doc. 86–18343 Filed 8–13–86; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF JUSTICE

Lodging of Consent Decree; Century Utilities, Inc.

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on July 31, 1986, a proposed Consent Decree in *United States* v. *Century Utilities, Inc.*, Civil Action No. 85–8495, was lodged with the United States District Court for the Southern District of Florida. The proposed Consent Decree settles a lawsuit filed on August 27, 1985, pursuant to section 309 of the Clean Water Act ("the Act"), 33 U.S.C. 1319, for injunctive relief and for the assessment of a civil penalty against Century Utilities, Inc. ("Century"). The complaint alleges, among other things, that Century had violated the Act by discharging sewage into waters of the United States in violation of its National Pollutant Discharge Elimination System ("NPDES") permit and by discharging without a permit after the permit expired. The complaint alleges that Century's acts violated section 301 of the Act, 33 U.S.C. 1311, and entitled the United States, pursuant to section 308 of the Act, 33 U.S.C. 1319, to injunctive relief and to recover a civil penalty of not more than $10,000 per day of violation.

The proposed Consent Decree sets forth a corrective action program that Century will implement. The corrective action program requires Century, among other things, to connect its treatment plant into the regional treatment facility of West Palm Beach County and provides Century with interim effluent limitations while Century completes work on the connection. The proposed Consent Decree imposes stipulated penalties for failure to comply with the Decree. The proposed Consent Decree also requires Century to make the payment of the $40,000 civil penalty required by a consent judgment entered into with the State of Florida on October 15, 1985.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Century Utilities, Inc.*, D.J. Ref. 90–5–1–1–2262.

The proposed Consent Decree may also be examined at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1517, 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 $2.40 (10 cents per page reproduction costs) payable to the Treasurer of the United States.

F. Henry Habicht II,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 86–18295 Filed 8–13–86; 8:45 am]

BILLING CODE 4401-01-M

Lodging of Consent Decree Pursuant to Clean Air Act; Stockton Port District

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on July 29, 1986, a proposed Consent Decree in *United States* v. *Stockton Port District*, Civil Action No. S–83–962–EJG, was lodged with the United States District Court for the Eastern District of California.

The proposed Consent Decree requires the Defendant to avoid all opacity violations of the Clean Air Act by (1) handling materials on covered conveyer belts and in covered truck load-out areas; (2) inspecting and applying dust suppressant to materials stored in open piles; (3) sweeping and applying dust suppressant to port roads; (4) applying dust suppressant during the rail car unloading of petroleum coke; (5) closing of all openings in warehouses during loading and unloading operations; (6) constructing a new cone hopper system; (7) conducting compliance demonstrations; and (8) operating and maintaining its facility properly. The Defendant has also agreed to provide EPA with advance notice of arriving ships and to provide access to its port facility to EPA and its representatives. The Decree also imposes stipulated penalties on the defendant for any failures on its part to comply with the terms of the Consent Decree. The Decree also provides for the payment of a civil penalty by the Defendant in the amount of $90,000 to be paid 30 days after entry of the Decree. With the exception of penalty obligations, the Decree terminates December 31, 1990.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments regulating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Stockton Port District.*, D.J. No. 90–5–2–2–557.

The proposed Consent Decree may be examined at the office of the United States Attorney, 3305 Federal Building, 650 Capitol Mall, Sacramento, California; the Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, California; and at 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 refer to the case name and D.J. Number and enclose a check in the amount of $1.70 (10 cents per page reproduction cost) payable to the Treasurer of the United States.

F. Henry Habicht II,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 86–18326 Filed 8–13–86; 8:45 am]

BILLING CODE 4410-01-M

[AGG/A Order No. 13–86]

Privacy Act of 1974; Notice of New System of Records

Pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), the United States Department of Justice is publishing notice of a new system of records entitled "United States Department of Justice Relocation Management Information System (Justice/JMD–014)."

Section 552a (e)(4) and (11) of the Privacy Act provides that the public be given a minimum of 30 days in which to comment on the routine uses of this system. In addition, Office of Managment and Budget (OMB) Circular A–130 requires that OMB be given 60 days in which to review the system.

To comply with both of these timeframes, please submit any comments by October 14, 1986. Comments should be submitted to J. Michael Clark, Assistant Director, General Services Staff, Justice Management Division, Department of Justice, Room 9002, 601 "D" Street NW., Washington, DC 20530.

In accordance with Privacy Act requirements, the Department has provided a report on this new system to the Director, OMB, the President of the Senate, and the Speaker of the House of Representatives.

A description of this new system of records in printed below.

Dated: July 31, 1986.

Robert N. Ford,

Acting Assistant Atorney General for Administration.

JUSTICE/JMD–014

SYSTEM NAME:

United States Department of Justice Relocation Management Services Information System (Justice/JMD–014).

SYSTEM LOCATION:

Office of Personnel and Adminstration, Justice Management Division (JMD), 10th and Constitution Avenue, NW., Washington, DC 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Department of Justice (DOJ) employees who have been authorized by their employing organizations to transfer to an alternate location for the benefit of the Government and who have chosen to utilize the relocation services offered by a firm under contract to DOJ.

CATEGORIES OF RECORDS IN THE SYSTEM:

Manual and automated records will contain abbreviated data, e.g.,

relocation number, name, social security number, employing organization, address, telephone number, descriptive housing data, and billing information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

28 U.S.C. 509 and 510; 5 U.S.C. 301; 44 U.S.C. 3101; and 28 CFR 0.75.

PURPOSE(S):

The purpose of this system is to maintain information on home sale transactions for those individuals employed by DOJ who are authorized to use home sale services when being transferred for the benefit of the Government. To enable DOJ to administer its relocation management program and provide home sale services for transferring enployees, it is necessary for a system of records to be maintained. This system will be maintained for DOJ by a contractor offering relocation services designed specifically for DOJ. The system will allow tracking of employee home sale transactions from initial employee notification of eligibility, through appraisal, offer, acquisition, and final contractor billing and payment. Such information is essential to the conduct and monitoring of relocation services. In accordance with subsection (m) of the Privacy Act, DOJ shall cause the requirements of the Privacy Act to apply to this system.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Primary users of this system will be DOJ and contractor employees working directly for DOJ. The system will be use to manage relocation services within DOJ and to monitor the status of home sale transactions for employees using the relocation management program.

Release of Information to a Court or Adjudicative Body:

Records or information may be disclosed as a routine use in a proceeding before a court or adjudicative body before which DOJ is authorized to appear when any of the following is a party to litigation or has an interest in litigation and such records are determined by DOJ to be arguably relevant to the litigation: the DOJ or any of its subdivisions; any DOJ employee in his or her official capacity or in his or her individual capacity were DOJ agrees to represent the employee; or the United States where the DOJ determines that the litigation is likely to affect it or any of its subdivisions.

Release of Information to the News Media:

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from the system of records maintained by DOJ unless it is determined that release of the specific infromation in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of Information to Members of Congress:

Information contained in the system of records maintained by DOJ may be disclosed as is necessary to respond appropriately to congressional inquiries on behalf of constituents.

Release of Information to the National Archives and Records Administration (NARA) and the General Services Administration (GSA):

A record from a system of records may be disclosed as a routine use to NARA and to GSA in records management inspections conducted under the authority of Title 44 of the United States Code.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records will be stored on magnetic discs and in file folders.

RETRIEVABILITY:

Records will be indexed and retrieved by name, relocation number and type of transaction.

SAFEGUARDS:

Access to computerized records will be restricted to DOJ and contractor relocation management personnel through the use of assigned codes. Paper records will be secured in locked file cabinets.

RETENTION AND DISPOSAL:

A detailed records retention plan and disposal schedule is being developed by NARA and DOJ.

SYSTEM MANAGER(S) AND ADDRESS:

Relocation Management Coordinator, Justice Management Division, U.S. Department of Justice, Room 1111, 10th and Constitution Avenue, NW. 20530.

NOTIFICATION PROCEDURE:

Direct all inquiries to the system manager identified above. Clearly mark the letter and envelope "Freedom of Information/Privacy Act Request."

RECORD ACCESS PROCEDURE:

Make all requests for access in writing and clearly mark letter and envelope "Freedom of Information/Privacy Act Request." Clearly indicate name of the requestor, nature of the record sought, approximate date of the record, and provide the required verification of identity (28 CFR 16.41(d)). Direct all requests to the system manager identified above, and provide a return address for transmitting the information.

CONTESTING RECORD PROCEDURES:

Direct all requests to contest or amend information to the system manager identified above. State clearly and concisely the information being contested, the reason for contesting it, and the proposed amendment to the information sought. Clearly mark the letter and envelope "Freedom of Information/Privacy Act Request."

RECORD SOURCE CATEGORIES:

The relocating employee will be either the primary source of records in this system or will be actively and directly involved with any information provided by other sources, i.e., personnel files, office records, contractor files.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 86-18286 Filed 8-13-86; 8:45 am]

BILLING CODE 4410-01-M

Antitrust Division

Proposed Modification of Final Judgement; Allied Finance Adjusters Conference, Inc.

Notice is hereby given that Allied Finance Adjusters Conference, Inc. ("Allied") has filed with the United States District Court for the Northern District of Illinois a motion to modify the final judgment in *United States v. Allied Finance Adjusters Conference, Inc.*, Civil No. 81C-3723; and the Department of Justice ("Department"), in a stipulation also filed with the court, has consented to modification of the judgment, but has reserved the right to withdraw its consent pending receipt of public comments.

The complaint in this case (filed on January 5, 1981) alleged that Allied had combined and conspired to agree on, prepare, publish in its directory, disseminate and encourage members to adhere to fee schedules for repossession services; to restrict membership to one member in each designated geographic territory; to restrict the area for which each of defendant's members could advertise its repossession services; and to establish arbitrary and unreasonable membership rules and restrictions.

The 1983 Judgment (1) prohibits various activities relating to pricing; (2) prohibits advertishing and operating restrictions; and (3) allows Allied to continue its policy of one member per

territory, provided it does not grant to any member an exclusive territory that overlaps in whole or in part an exclusive territory granted to the member by any other repossessor organization. The 1983 Judgment allows a three-year period during which any member that already held overlapping exclusive territories could elect either to waive its exclusive rights in the other organization or require Allied to open its territory to service by all Allied members and all qualified applicants that wish to serve such territory. If Allied opens a territory, it is required to publicize its action and entertain applications under specified procedures. All applicants fulfilling certain specified requirements must be accepted. Allied's obligation to open certain territories before the end of the three-year period provided for in the decree has been stayed by an order of the court entered on May 27, 1986. The stay was granted pending resolution of Defendant's Motion to Modify Final Judgment.

The Proposed Modified Final Judgment contains three substantive changes. The primary modification is the elimination of the provison in the Final Judgment that allows certain Allied members holding exclusive territories in other repossessor organizations to elect, in effect, whether to have Allied open their Allied exclusive territories. Instead, Allied would be required to terminate members holding overlapping exclusive territories in other repossessor organizations, rather than allowing such members the option of requiring Allied to open their territories. The proposed Modified Final Judgment also contains a broader definition of "exclusive territory" to conform with the definition used in the consent decree entered in the related case of *United States* v. *National Finance Adjusters, Inc.* Finally, the modified decree would be in effect for seven years after entry to reflect the three years that the 1983 Judgment has been in effect.

The Department has filed with the court a memorandum setting forth the reasons why the Department believes that modification of the judgment would serve the public interest. Copies of the complaint and final judgment, Allied's motion papers, the stipulation containing the Government's consent, the Department's memorandum and all further papers filed with the court in connection with this motion will be available for inspection at Room 7233, Antitrust Division, United States Department of Justice, 10th Street and Pennsylvania Avenue, NW., Washington, DC 20530 (telephone: 202/633-2481), and at the office of the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division, Dirksen Federal Building, Room 2008, 219 South Dearborn Street, Chicago Illinois 60604. Copies of any of these materials may be obtained from the Antitrust Division upon request and payment of the copying fee set by Department of Justice regulations.

Interested persons may submit comments regarding the proposed termination of the decree to the Department. Such comments must be received within the sixty day period established by court order and will be filed with the court. Comments should be addressed to John W. Clark, Chief, Professions and Intellectual Property Section, Antitrust Division, United States Department of Justice, Washington, D.C. 20530 (telephone: 202/724-6335).

Dated: July 25, 1986.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 86-18340 Filed 8-13-86; 8:45 am]

BILLING CODE 4410-01-M

Notice Pursuant to the National Cooperative Research Act of 1984; Portland Cement Association

Notice is hereby given that pursuant to section 6(a) of the National Cooperative Research Act of 1984, Pub. L. 98-462 ("the Act"), the Portland Cement Association ("PCA") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. Specifically, Medusa Cement Company joined PCA effective July 1, 1986. Accordingly, at present the members of the PCA are:

Aetna Cement Corporation
Alaska Basic Industries
Ash Grove Cement Company
Ash Grove Cement West, Inc.
Blue Circle Atlantic
Blue Circle Inc.
CalMat Co.
Capitol Aggregates, Inc.
Dragon Products Company
Falcon Cement Company, Inc.
General Portland Inc.
Genstar Cement Company
Hawaiian Cement
Ideal Basic Industries, Cement Division
Independent Cement Corporation
Lehigh Portland Cement Company
Lone Star-Falcon
Lone Star Industries, Inc.
Medusa Cement Company
The Monarch Cement Company
Moore McCormack Cement, Inc.
Northwestern States Portland Cement Co.
Rochester Portland Cement Corporation
St. Marys Peerless Cement Company
St. Marys Wisconsin Cement Inc.
The South Dakota Cement Plant
Southwestern Portlant Cement Company
Canada Cement Lafarge Ltd.
Ciment Quebec, Inc.
Federal White Cement Ltd.
Genstar Cement Limited
Lake Ontario Cement Limited
North Star Cement Limited
St. Lawrence Cement Inc.
St. Marys Cement Limited

In addition, the following equipment suppliers are involved as "Participating Associates," together with PCA members, in the activities of the Manufacturing Process Subcommittee of PCA's General Technical Committee:

Baker-Dolomite (DBCA)
C-E Raymond
Holderbank Consulting Ltd.
Humboldt Wedag Company
Centennial Engineering, Inc.
Allis-Chalmers Corp.
F.L. Smidth and Company
Claudius Peters, Inc.
Polysius Corp
The Fuller Company

The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. The original notification, identifying the original parties to the venture and describing in general terms the area of planned activities of the venture, is published at 50 FR 5015 (1985).

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 86-18339 Filed 8-13-86; 8:45 am]

BILLING CODE 4410-01-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-369 and 50-370]

Duke Power Co.; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to the Duke Power Company (the licensee) for the McGuire Nuclear Station, Units 1 and 2, located in Mecklenburg County, North Carolina.

Environmental Assessment

Identification of Proposed Action: The amendments would revise Technical Specification (TS) 3/4.4.5, "Steam Generators" and its bases. The revision would eliminate the requirement for

plugging of a steam generator tube if the tube defects are located at least 2 inches below the top of the tubesheet. The associated bases 3/4.4.5 would be supplemented to distinguish between requirements for plugging of tubes with defects located at least two inches below the top of the tubesheet and those located elsewhere in the tubes.

These revisions to the Technical Specifications would be made in response to the licensee's application for amendments dated June 24, 1986, as revised August 5, 1986, and supplemented July 1 and 23, 1986.

The Need for the Proposed Action: The proposed amendments would avoid the plugging of steam generator tubes when the location of defects is such that plugging is unnecessary. The amendments, therefore, preclude the attendant radiation exposure which would otherwise be incurred by plant workers involved with tube plugging operations. The proposed amendments would also maintain operational flexibility by avoiding a loss of margin in reactor coolant system flow and therefore assist in assuring that minimum flow rates are maintained in excess of that required for operation at full power.

Environmental Impacts of the Proposed Action

A. Occupational Radiological Exposure

During the current Unit 1—Cycle 4 refueling outage, primary water stress corrosion cracking was observed in several previously hardroll-expanded steam generator tubes within the tubesheet region. Results of eddy current testing revealed 139 tubes with axial cracks within the tubesheet region in excess of the plugging depth limit of existing TS 4.4.5.4 (40% through wall). Of these 139 tubes, 106 are located at least 2 inches below the top of the tubesheet.

The proposed amendments are expected to reduce radiological exposure to workers by reducing the number of tubes required to be plugged. The licensee has determined that a radiation dose of approximately 310 person-millirem results to workers for each tube plugged. The 106 tubes which would not need to be plugged under the proposed change, therefore, would result in a savings of about 33 person-rem during the current Unit 1—Cycle 4 refueling outage.

The reduction in occupational radiological exposure would increase if additional tubes in either McGuire unit are found during subsequent tests to contain cracks at least two inches below the top of the tubesheet.

B. Radiological Impacts During Plant Operation and Accidents

The licensee's submittal of August 5, 1986 includes an evaluation of primary-to-secondary leakage in a steam generator for tube through-wall cracks in the tubesheet region. The evaluation conservatively assumed a crack location which was less than 2 inches below the top face of the tubesheet. The evaluation considered both normal operation and accidents. For normal operation, the evaluation shows that the hardrolled joint between the tube and tubesheet will remain leaktight. Therefore, no increase in steam generator leakage during normal operation, and no attendant increase in plant radiological releases to the environment, is associated with the proposed amendments. Similarly, the evaluations considered accidents such as main steam line and feedwater line breaks which increase tube differential pressure and the driving head for a leak, and which, therefore, represent events with the largest potential for increasing primary-to-secondary leakage. The evaluations show that, because of the effect of the hardroll, no increase in primary-to-secondary leakage would occur during or after an accident. Results of the evaluation are also confirmed by laboratory tests.

The Commission has reviewed these evaluations and test results and finds them acceptable. We find that the proposed amendments would not cause any adverse changes in radiological impacts during normal operations as reported in section 5.5 of the "Final Environmental Statement Related to Operation of William B. McGuire Nuclear Station Units 1 and 2," (FES) date April 1976, nor any adverse changes for radiological impacts of postulated accidents as reported in Chapter 7 of the FES. Therefore, no adverse change in radiological impacts to the environment would result from the proposed amendments.

C. Non-Radiological Impacts

The proposed amendments involve systems located entirely within the restricted area as defined in 10 CFR Part 20. They do not affect non-radiological plant effluents and have no other environmental impact. Therefore, the Commission concludes that there are no significant non-radiological environmental impacts associated with the proposed amendments.

Alternative to the Proposed Actions: Since we have concluded that no adverse environmental effects are associated with the proposed action, any alternatives would have equal or greater environmental impact and need not be selected.

The principal alternative would be to deny the rquested amendments. That alternative, in effect, is the same as the "no action" alternative because either case would require the licensee to plug tubes in accordance with existing TS requirements. (As an alternative to plugging, the licensee could request further TS changes to allow repairs of tubes by a tube sleeving technique. Although sleeving would result in less loss of margin in available reactor coolant system flow, it would result in more than twice the dose to workers involved with sleeving installation than the dose resulting from inserting of mechanical, removable plugs. Sleeving within the tubesheet region would also preclude further repairs of that same tube within its remaining tube length without substantial additional worker exposure associated with sleeve removal and replacement.) Neither plugging nor sleeving would reduce environmental impacts associated with correction of steam generator tube imperfections when compared to the proposed amendment, but both would result in reduced margins in reactor coolant system flow and increased occupational radiological exposure to plant workers.

Alternative Use of Resources: This action does not involve the use of resources not previously considered in connection with the Nuclear Regulatory Commission's Final Environmental Statement dated April 1976 or its addendum dated January 1981 related to this facility.

Agencies and Persons Consulted: The NRC staff reviewed the licensee's requests of June 24, July 1 and 23, and August 5, 1986, and did not consult other agencies or persons.

Finding of No Significant Impact: The Commission has determined not to prepare and environmental impact statement for the proposed license amendments.

Based upon this environmental assessment, we conclude that the proposed action will not have a significant adverse effect on the quality of the human environment.

For further details with respect to this action, see the request for amendments dated June 24, 1986, as revised August 5, 1986, and supplements dated July 1 and 23, 1986, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC 20555 and at the Atkins Library, University of North Carolina, Charlotte (UNCC Station), North Carolina 28223.

Dated at Bethesda, Maryland, this 11h day of August 1986.

For the Nuclear Regulatory Commission.

Dave Wigginton,

Acting Director, PWR Project Directorate No. 4, Division of PWR Licensing-A.

[FR Doc. 86-18349 Filed 8-13-86; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-23516; File No. SR-NASD-86-24]

Self-Regulatory Organizations; Proposed Rule Change by National Association of Securities Dealers, Inc. Relating to NASD Assessments and Fees.

Pursuant to section 19(b) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on August 5, 1986, the National Association of Securities Dealers, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule changes to section 1(d) of Schedule A of the By-Laws of the National Association of Securities Dealers, Inc. ("Corporation" or "NASD") establishes a credit during fiscal year 1986-87 of fifty (50) percent toward certain annual assessment fees set forth in sections 1(b) and 1(c) of the Corporation's By-laws.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and statutory basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The proposed rule amendment to section 1(d) of Schedule A establishes a special credit during fiscal year 1986-87 of 50% toward certain annual assessment fees for each member firm. After preparing manpower projections to determine the number of persons required to perform the Corporation's regulatory functions during the coming fiscal year and forecasting required expenditures for operations and for new projects, the Board of Governors concluded that a fiscal year 1987 operating budget increase of approximately $12 million and a capital budget of $6.1 million were required. This includes a budgeted personnel increase of 156.5 positions over Fiscal Year 1986. Since the current assessment rates would yield greater income than necessary to fund such a budget, the Board of Governors believes it appropriate to permit a temporary, proportionate reduction for fiscal year 1986-87 in the rate of certain assessments previously approved by the Commission as being fair and equitable.

For reasons stated above, the proposed reduction is consistent with and in furtherance of section 15A(b) (5) of the Act which requires that the rules of the Corporation provide for the equitable allocation of reasonable dues, fees and other charges among members

B. Self-Regulatory Organization's Statement on Burden on Competition

The Corporation does not anticipate that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comment on the Proposed Rule Change Received From Members, Participants or Others

Comments were neither solicited nor received with respect to the proposed rule changes contained in this filing.

III. Date of Effectiveness of Proposed Rule Change and Timing for Commission Action.

The proposed rule change is effective on filing pursuant to section 19(b)(3)(A)(ii) of the Act in that it affects assessments and fees imposed by the Corporation exclusively upon its members. Imposition of the fees will, however, be delayed until the start of the Corporation's fiscal year on October 1, 1986

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the NASD, and, in particular, the requirements of section 15A(b)(5) and the rules and regulations thereunder.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submissions, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552 will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the above mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by September 4, 1986.

It is therefore ordered, pursuant to section 19(b)(3) of the Act, that the proposed rule change referenced above be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: August 7, 1986.

Jonathan G. Katz,

Secretary.

[FR Doc. 86-18386 Filed 8-13-86; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-23515; File No. SR-NASD-86-21]

Self-Regulatory Organizations; Proposed Rule Change by National Association of Securities Dealers, Inc. Relating to Proposed Amendments to Appendix F to Article III, Section 34 of the Rules of Fair Practice for Freely-Tradeable Securities

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on July 22, 1986, the National Association of Securities Dealers, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, III, and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Set forth below is the text of a proposed rule change to sections 3 and 4 of Appendix F to Article III, section 34 of the Rules of Fair Practice ("Appendix F") of the National Association of Securities Dealers, Inc. Additions are italicized; deletions are in brackets.

Section 3

Suitability

(a) A member or person associated with a member shall not underwrite or participate in a public offering of a direct participation program unless standards of suitability have been established by the program for participants therein and such standards are fully disclosed in the prospectus and are consistent with the provisions of subsection (b) of this section.

(b) In recommending to a participant the purchase, sale or exchange of an interest in a direct participation program, a member or person associated with a member shall:

(1) Have reasonable grounds to believe, on the basis of information obtained from the participant concerning his investment objectives, other investments, financial situation and needs, and any other information known by the member or associated person, that:

(i) The participant is or will be in a financial position appropriate to enable him to realize to a significant extent the benefits described in the prospectus, including the tax benefits where they are a significant aspect of the program;

(ii) The participant has a fair market net worth sufficient to sustain the risk inherent in the program, including loss of investment and lack of liquidity; and

(iii) The program is otherwise suitable for the participant;

(2) Maintain in the files of the members documenting disclosing the basis upon which the determination of suitability was reached as to each participant.

(c) Subsections 3(a) and 3(b) shall not apply to:

(1) A secondary public offering of or a secondary market transaction in a unit, depositary receipt, or other interest in a direct participation program for which quotations are displayed on the NASDAQ System or which is listed on a registered national securities exchange, or

(2) An initial public offering of a unit, depositary receipt or other interest in a direct participation program for which an application for inclusion on the NASDAQ System or listing on a registered national securities exchange has been approved by NASDAQ or such exchange and the applicant makes on good-faith representation that it believes such inclusion on NASDAQ or listing on an exchange will occur within a reasonable period of time following the formation of the program.

Section 4

Disclosure

* * * * *

(d) Prior to executing a purchase transaction in a direct participation program, a member or person associated with a member shall inform the prospective participant of all pertinent facts relating to the liquidity and marketability of the program during the term of the investment; *provided, however, that this subsection shall not apply to an initial or secondary public offering of or a secondary market transaction in a unit, depositary receipt or other interest in direct participation program which complies with a Subsection 3(c).*

II. Self-Regulatory Organizations Statement Regarding The Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

Appendix F was adopted for the purpose of regulating the distribution of an secondary transactions in direct participation program securities, usually limited partnerships, which have traditionally been an illiquid security, with cash flow delayed for several years, and tax consequences that vary with the tax bracket of the investor. Investors are generally required to hold an investment in a direct participation program for a number of years in order to fully realize the benefit of the investment. The nature of the direct participation program security, therefore, presented special concerns regarding the suitability of investors, the adequacy and accuracy of the disclosure in the offering document, and other program arrangements that Article III, section 34 and Appendix F, adopted thereunder, were intended to address. However, since 1981, and increasing number of direct participation programs have issued partnership units, depositary receipts for such units, or assignee units of limited partnership interests that are freely tradeable in a manner generally analogous to common stock and are quoted on the NASDAQ System and listed on registered national stock exchanges. Such freely-tradeable program units have been required to comply with provisions of Appendix F intended to regulate offerings of illiquid securities. Therefore, the NASD undertook a review of the application of Appendix F to freely-tradeable program units.

Subsection 3(a) of Appendix F prohibits a member from distributing a direct participation program which has not established standards of suitability which are disclosed in the program prospectus. Where a program's units are quoted on the NASDAQ System or listed on a registered national securities exchange, or has been approved for inclusion on the NASDAQ System or listing on an exchange, state securities authorities generally do not impose suitability standards on investors. Subsection 3(b) of Appendix F requires members in "recommending the purchase, sale or exchange of an interest in a direct participation program" to obtain certain enumerated information, make an affirmative finding of suitability, and retain a record of the basis for that finding in its files. These requirements were specifically included in light of the general absence of liquidity in the market for limited partnerships, as well as to assure that the unique tax status and investment

characteristics of the program be considered in secondary market transactions as well as initial distributions. The NASD had reviewed the purposes of the special suitability requirements contained in subsections 3(a) and 3(b) of Appendix F and has concluded that freely-tradeable program units present liquidity, tax and investment considerations which are different from those for other partnership securities.

Subsection 4(d) of Appendix F requires NASD members to inform potential investors of the facts pertaining to the lack of liquidity and marketability of an investment in a direct participation program prior to the execution of such transaction. The NASD believes that the necessity for obtaining compliance with this section appears to be rendered moot where an active trading market exists or is to exist in the program units.

Therefore, the NASD is proposing to amend section 3 and subsection 4(d) of Appendix F to exempt from those provisions (1) secondary offerings of or secondary market transactions in a direct participation program security for which quotations are displayed on the NASDAQ System or listed on a registered national securities exchange; and (2) primary offerings of direct participation programs for which an application for inclusion on the NASDAQ System or listing on an exchange has been approved. In addition, with respect to the exemption for primary offerings, the issuer is required to make a good faith representation that inclusion in the NASDAQ System or listing on a registered national securities exchange will occur within a reasonable period of time following the formation of the program. This latter requirement is intended to ensure that the member's obligations of compliance with section 3 and section 4(d) of Appendix F will not be eliminated unless, in fact, an active trading market is anticipated in good faith and inclusion on NASDAQ or exchange listing has been approved.

Thus, the proposed amendment would relate only to freely tradeable partnership units, depositary receipts, or assignee units quoted on the NASDAQ System or listed on a registered national securities exchange. Such transactions would, however, remain subject to the general suitability requirements contained in Article III, section 2 of the Rules of Fair Practice and to other provisions of Appendix F.

The proposed rule change is consistent with the provisions of sections 15A(b)(2) and 15A(b)(6) of the Securities Exchange Act of 1934, as it is in furtherence of the Association's responsibility for promulgated rules which prevent fraudulent and manipulative practices, promote just and equitable principals of trade, remove impendiments to and perfect the mechanism of a free and open market and generally protect investors.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Association believes that the proposed rule change will not burden on competition not necessary in furtherance of the purposes of the Securities Exchange Act of 1934, as amended.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

The Association published Notice to Members 84–53 dated October 9, 1984, requesting comments from Association members concerning its initial proposal to exempt from the special suitability criteria contained in subsection 3(b) of Appendix F secondary trades and secondary offerings of direct participation programs which are either quoted on NASDAQ or listed on a registered national securities exchange.

The Association received three comments. As a result of its consideration of such comments, the NASD determined to expand the exemption to include primary public offerings of direct participation programs where the issuer has been approved for listing on a registered national securities exchange or for inclusion in the NASDAQ System. The NASD also determined to require that the issuer make a good faith representation to the NASD that it believes that such inclusion on the NASDAQ System or listing on a registered national securities exchange will occur within a reasonable time period following formation of the program. In addition, in its reconsideration of the scope of the proposed amendment, the NASD concluded that, in light of the special characteristics of publicly traded direct participation programs, subsections 3(a) and 4(d) of Appendix F should also be amended to exempt primary and secondary offerings of DPP securities.

III. Date of Effectiveness of Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date or it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

A. By order approve such proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be approved.

Solicitation of Comments

Interested persons are invited to submit written data, veiws, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submissions, all subsequent amendments, all written statements with respect ot the proposed rule change that are filed with the Commission, and all written communication relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552 will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and be submitted by September 4, 1986.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30–3(a)(12).

Jonathan G. Katz,

Secretary.

August 7, 1986.

[FR Doc 86–18389, Filed 8–13–86; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–23509; File No. SR–NYSE–86–22]

Self-Regulatory Organizations; Proposed Rule Changes by New York Stock Exchanges, Inc. Relating to Rule 345, (Employees-Registration, Approval, Records), Rule 10 (Registered Representative), and an Addendum to Form U–4

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on July 16, 1986, the New York Stock Exchange, Inc. ("NYSE") filed with the Securities and Exchange Commission the proposed rule changes as described in Items I, II, and III below,

which items have been prepared by the NYSE. The Commission is publishing this notice to solicit comments on the proposed rule changes from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Changes

The proposed amendments to Rule 345 and its Supplementary Material represent a comprehensive updating of this Rule. The major changes resulting from the proposed amendments include:

—Requirements for the registration of securities lending representatives, securities traders, and their direct supervisors. In addition, securities lending representatives and their direct supervisors will be required to sign an agreement representing a "code of ethics" which will be filed as an addendum to Form U–4. The intended effective date for compliance by member organizations with the registration requirements pertaining to such persons is six months following Commission approval of these amendments;

—Deletion of provision (currently Rule 345(a)(2)) relating to statutory disqualification as it is redundant with Rule 346(f);

—Investigatory and recordkeeping requirements relating to registered persons and other employees have been specifically and clearly detailed;

—A new requirement that information contained on Form U–4 (Uniform Application for Securities Industry Registration or Transfer) must be kept current;

—A New provision incorporating registration, maintenance and filing fee requirements by reference;

—Training and/or examination requirements are enumerated for applicable categories of registered persons;

—A revised provision that termination of employment of any registered person must be reported to the Exchange promptly "but in any event not later than thirty days following termination."

Rule 10 currently defines a registered representative, in part, in terms of "solicitation" of securities orders for customer accounts and solicitation of subscriptions to investment advisory or to investment management service. The proposed rule change will clarify the scope of the term "registered representative" to include those individuals who handle accounts or orders and/or provide investment advisory or management services and not merely solicit them.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Changes

In its filing with the Commission, the NYSE included statements concerning the purpose of and basis for the proposed rule changes. The text of these statements may be examined at the places specified in Item IV below. The NYSE has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Changes

The purpose of the proposed amendments to Rule 345 is to require the registration of securities lending representatives, securities traders and their direct supervisors in order to provide a measure of control (including ability to track employment history) over those engaged in securities lending, borrowing and trading activities on behalf of their employer. Registration of such persons is appropriate in view of the increasing volume and sensitive nature of such activities.

The proposed amendments to the Supplementary Material to Rule 345 are designed to delete outdated provisions and to restructure the remaining material in a more clearly defined, logical and concise manner.

The purpose of the proposed amendments to Rule 10 is to clarify the definition of the term "registered representative".

The proposed amendments requiring registration of securities lending representatives, securities traders and their direct supervisors are consistent with section 6(c)(3)(B) of the Act in that they will establish procedures for the registration of these classes of associated persons of member organizations.

The proposed rule changes are consistent with section 15(b)(7) of the Act in that such amendments are designed to strengthen standards of training, experience, competence and other qualifications necessary for the protection of investors by clarifying and updating specific provisions relating to registered persons and other employees. In addition, the proposed rule changes will promote the objectives of section 17(a)(1) of the Act in that they more clearly detail the recordkeeping requirements of member organization broker/dealers.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that these proposed rule changes do not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Changes Received From Members, Participants, or Others

The Exchange has neither solicited nor received written comments on the proposed rule changes.

III. Date of Effectiveness of the Proposed Rule Changes and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the NYSE consents, the Commission will:

A. By order approve such proposed rule changes, or

B. Institute proceedings to determine whether the proposed rule changes should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule changes that are filed with the Commission, and all written communications relating to the proposed rule changes between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the NYSE. All submissions should refer to the file number in the caption above and should be submitted by September 4, 1986.

For the Commission, by the Dividion of Market Regulation, pursuant to delegated authority.

Dated: August 6, 1986.

Jonathan G. Katz,

Secretary.

[FR Doc. 86-18387 Filed 8-13-86; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-23517; File No. SR-PSDTC-86-04]

Self-Regulatory Organizations; Order Approving Proposed Rule Change by Pacific Securities Depository Trust Company

On June 12, 1986 the Pacific Securities Depository Trust Company ("PSDTC") submitted a proposed rule change pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"). The proposed rule change amends Article XI of PSDTC's By-Laws. Notice of the proposed change appeared in the **Federal Register** on July 8, 1986.[1] No comments were received.

The proposal will amend Article XI by deleting provisions for a separate participants' fund for bearer bond activity. In 1983, PSDTC offered the Midwest Securities Trust Company's ("MSTC") municipal bearer bond service. At that time, PSDTC established a separate participants' fund for PSDTC users of that program. Although PSDTC now offers its own bearer bond program, the separate participants' fund contribution formula related to the MSTC bearer bond program, along with other provisions in Article XI concerning the separate participants' fund, were never deleted from the By-Laws.

PSDTC currently calculates each participant's required fund contribution on the basis of the participant's total depository activity, including bearer bond activity. The current participants' fund formula requires a deposit of 1% of a participant's daily average settlement activity, with certain minimum and maximum amounts.

PSDTC believes that the current level of participants' fund contributions is adequate to protect it against potential financial risks including those risks incidental to the processing of municipal securities in bearer form. PSDTC also believes that the proposed rule change is consistent with the provisions of section 17A(b)(3)(D) of the Act in that it provides for the equitable allocation of reasonable charges among PSDTC participants.

The Commission finds that the proposed rule change is consistent with section 17A of the Act and should be approved. The Commission recently approved PSDTC's service plan for safekeeping municipal bearer bonds,[2] and member contributions tyo PSDTC's participants' fund on account of those services. Thus, the proposal updates PSDTC By-Laws to reflect PSDTC's current operations and depository services offered to participants.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change (SR-PSDTC-86-04) be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Dated: August 7, 1986.

Jonathan G. Katz,

Secretary.

[FR Doc. 86-18388 Filed 8-13-86; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-23518; File No. PHLX 86-24]

Self-Regulatory Organizations; Proposed Rule Change By the Philadelphia Stock Exchange, Inc. Relating to Increasing PHLX Foreign Currency Option Position/Exercise Limits

August 7, 1986.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on July 31, 1986, the Philadelphia Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items, I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Philadelphia Stock Exchange ("PHLX") proposes to amend Rules 1001 and 1002 as set forth below. Italics indicate material proposed to be added; brackets indicate material proposed to be deleted.

Rule 1001 Position Limits

Except with the prior written approval of the Exchange in each instance, no member or member organization shall effect, for any account in which such member or member organization has an interest or for the account of any partner, officer, director or employee thereof or for the account of any customer, an opening transaction (whether on the Exchange or on another Participating Exchange) in an option contract of any class of options dealt in on the Exchange if the member of member organization has reason to believe that, as a result of such transaction, the member or member organization or partner, officer, director or employee thereof or customer would, acting alone or in concert with others, directly or indirectly hold or control or be obligated with respect to an aggregate position of more than 3000, 5500 and 8000 put or call option contracts on the same side of the market relating to the same underlying security, which limit is determined in accordance with commentary .05, in the case of options on a stock, or more than [50,000] *100,000* put or call option contracts on the same side of the market relating to the same underlying foreign currency, in the case of options on a foreign currency, or such other number of option contracts as may be fixed from time to time by the Exchange as the position limit for one or more classes or series.

. . . Commentary

.01—.05 [No change]

Rule 1002 Exercise Limits

Except with the prior approval of the Exchange in each instance, no member or member organization shall exercise for any account in which such member or member organization has an interest or for the account of any partner, officer, director or employee thereof or for the account of any customer, a long position in any option contract of a class of options dealt in on the Exchange if as a result thereof such member or member organization, or partner, officer, officer, director or employee thereof or customer, acting alone or in concert with others, directly or indirectly, has or will have exercised within any five (5) consecutive business days aggregate long positions in that particular class of options in excess of the number of options covering the same options class (put or call) as set forth as in the position limit in Rule 1000, in the case of options on a stock, or in excess of [50,000] *100,000* options covering the same option class (put or call), in the case of options on a foreign currency, without regard to the Exchange on which the options were purchased.

. . . Commentary

.01—.03 [No Change]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filling with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

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[1] Security Exchange Act Release No. 23381 (June 30, 1986), 51 FR 24770 (July 8, 1986).

[2] *See* Securities Exchange Act Release No. 231,87 (April 29, 1986), 51 16559 (May 5, 1986).

A. Self-Regulatory Organization's Statements of the Purpose of, and Statutory Basis for the Proposed Rule Change

When the Exchange first began trading options of foreign currencies, it was intended that as interest in these options grew, higher position and exercise limits would be put in place. It was then believed, as now, that the overwhelming size of the underlying currencies markets made the likelihood of manipulation through currency options remote. This would appear to be true even at trading levels significantly in excess of the trading volumes presently experienced in PHLX foreign currency option contracts.

At thje initiation of foreign currency trading in December, 1982 until January 1985 the position and exercise limits for currency options were set at 10,000 contracts. Late in 1984, significant growth in the daily average currency option volume prompted the Commission to approve an increase to a level of 25,000 contracts. In July 1985 the PHLX sought and received an increase in position and exercise limits to 50,000 contracts. At that time currency option open interest had just exceeded 400,000 contracts while deaily average volume was 15,000 contracts. The record foreign currency option trading volume then was 30,527 contracts on July 17, 1985.

As the market for currency options has become mature the ability of specialists and market makers to make deeper markets has increased proportionately. Over the last several months, the Exchange has serviced three requests from members wishing to be termporarily exempted from foreign currency option position limits. In each case, a need for liquidity was perceived and steps were taken to allow for exemptions.

The motivation for the Exchange in granting exemptions relates not only to the size of the underlying markets and, hence the improbability of manipulation but also to the needs of the marketplace. Contrary to established patterns of trading in the equity options market, the foreign currency options market tends to attract a significant portion of its interest and market participation in block form. Many of these orders of block size are for the accounts of multi-national corporations with hedging needs. The importance of this point in addressing the question of increasing position and exercise limits is twofold. First, higher limits would serve an economic purpose to the business community by facilitating the needs of the well capitalized hedger. Second, the better the investing public is serviced, the more liquidity is drawn to the market.

In May of this year the PHLX foreign currency option daily volume averaged 30,705 contracts. Opened interest achieved a record of 651,549 contracts on June 12, 1985 and a daily total foreign currency option record of 74,121 contracts was achieved on May 23, 1986. On that same day, 53,423 Japanese Yen contracts alone were traded. PHLX foreign currency option daily trading volume in the first six months of 1986 averaged 25,892 contracts, with open interest regularly maintained over 500,000 contracts and presently exceeding 600,000 contracts outstanding. During the first half of 1986, PHLX has observed increased open interest, daily trading volume and block trade size. In less than a year, PHLX foreign currency options trading volume and market participation again has doubled.

In short, PHLX perceives a need for higher limits and believes that the proposed limits meet these needs, without raising additional regulatory concerns. In this regard, we note that at the proposed 100,000 contract level, if exercised, deliverable would represent less than 10 percent of conservative estimates of currency float in any of the respective foreign currencies traded on the PHLX. Moreover, given the supplemental amount of currency trading in the interbank market in the United States as well as in the international market, a 100,000 contract position exercise limit would not pose a dislocation to any of the respective currency markets.

In an analogous circumstance regarding Treasury options on the CBOE, PHLX notes that the Commission utilized a 10 percent of outstanding issue standard regarding an increase in position/exercise limits. The financial/interest rate options are not unlike PHLX foreign currency otpions in that a majority of market participants tend to be professional/commercial hedgers, trading in markets of institutional/block size.

Furthermore, we believe that unless position/exercise limits in PHLX foreign currency options are allowed to increase to the 100,000 contract level, the liquidity of the PHLX marketplace will suffer. Deterred by position limits, market participants would turn to OTC markets where pricing is not as efficient and costs to the investment public reflect increased risks regarding execution, credit and liquidity.

The proposed rule change is based on section 6(b)(5) of the Securities Exchange Act in that it will facilitate transactions in securities and protect investors and the public interest.

B. Self-Regulatory Organizations Statement on Burden on Competition

The PHLX does not believe that the proposed rule change will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days or such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approved such proposed rule change, or,

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Pesons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by September 4, 1986.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 86-18385 Filed 8-13-86; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 35-24163]

Filings Under the Public Utility Holding Company Act of 1935 ("Act") August 7, 1986

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated thereunder. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendment(s) thereto is/are available for public inspection through the Commission's Office of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by September 2, 1986 to the Secretary, Securities and Exchange Commission, Washington, DC 20549, and serve a copy on the relevant applicant(s) and/or declarant(s) at the addresses specified below. Proof of service (by affidavit, or in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After said date, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

The Southern Company, et al. (70-7281)

The Southern Company ("Southern"), 64 Perimeter Center East, Atlanta, Georgia 30346, a registered holding company, and its subsidiaries, Alabama Power Company, Southern Electric Generating Company, 600 North 18th Street, Birmingham, Alabama 35291, Georgia Power Company, 333 Piedmont Avenue, NE., Atlanta, Georgia 30308, Gulf Power Company, 75 North Place Boulevard, Pensacola, Florida 32520, Mississippi Power Company, 2992 West Beach, Gulfport, Mississippi 39501, Southern Company Services, Inc., 800 Shades Creek Parkway, Birmingham, Alabama 35202, and Southern Electric International, Inc., 3500 Piedmont Road, NE., Suite 500, Atlanta, Georgia 30305 (collectively, the "Subsidiary Companies") have filed an application-declaration pursuant to sections 6(a), 7, 9(a) and 10 of the Act and Rule 50(a)(5) thereunder.

Southern proposes to issue up to a maximum of $6 million in value of its authorized but unissued shares of common stock, par value $5 per share ("Additional Common Stock"), in order to provide common stock to fund the Employee Stock Ownership Plan of the Southern Company System ("Plan"), initially adopted by the Subsidiary Companies effective January 1, 1976, and as subsequently amended, for the Plan year 1985 by direct purchases of common stock from Southern.

It is anticipated that the contributions by the Subsidiary Companies generally will be made in cash and are to be invested by the trust established pursuant to the Plan ("Trust"). Cash contributions to the Trust may be used to acquire Additional Common Stock directly from Southern or may be invested in Southern's common stock through open market purchases or private purchases from parties other than Southern.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 86-18390 Filed 8-13-86; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

National Advisory Council Executive Committee Meeting

The U.S. Small Business Administration, Office of Advisory Councils, located in the geographical area of Washington, DC will hold a National Advisory Council Executive Committee meeting, 10:00 a.m. to 4:00 p.m., Sunday, September 7, 1986, at the Camelback Inn, 5402 East Lincoln Drive, Scottsdale, Arizona 85252, to discuss such matters as may be presented by members, staff of the Small Business Administration and others attending.

For further information, write or call Jean M. Nowak, Director, U.S. Small Business Administration, Office of Advisory Councils, 1441 L Street, NW., Room 920-D, Washington, DC 20416, (202) 653-6748.

Jean M. Nowak,

Director, Office of Advisory Councils.

August 7, 1986.

[FR Doc. 86-18346 Filed 8-13-86; 8:45 am]

BILLING CODE 8025-01-M

National Advisory Council Meeting

The U.S. Small Business Administration, Office of Advisory Councils, located in the geographical area of Washington, DC, will hold its semiannual National Advisory Council meeting beginning at 8:30 a.m., Monday, September 8, 1986 thru 12:00 noon, Tuesday, September 9, 1986 at the Camelback Inn, 5402 East Lincoln Drive, Scottsdale, Arizona 85252, to discuss such matters as may be presented by members, staff of the Small Business Administration and others attending.

For further information, write or call Jean M. Nowak, Director, U.S. Small Business Administration, Office of Advisory Councils, 1441 L Street NW., Room 920-D, Washington, DC 20416 (202) 653-6748.

Jean M. Nowak,

Director, Office of Advisory Councils.

August 7, 1986.

[FR Doc. 86-18347 Filed 8-13-86; 8:45 am]

BILLING CODE 8025-01-M

Region IV Advisory Council Meeting; Public Meeting; South Carolina

The U.S. Small Business Administration, Region IV Advisory Council, located in the geographical area of Columbia, South Carolina, will hold a public meeting at 10:00 a.m., Tuesday, September 9, 1986; at the Energy Center Conference Room at Dutch Square, Columbia, South Carolina, to discuss such matters as may be presented by members, staff of the Small Business Administration and others attending.

For further information, write or call John C. Patrick, District Director, U.S. Small Business Administration, P.O. Box 2786, Columbia, South Carolina—(803) 765-5339.

Jean M. Nowak,

Director, Office of Advisory Councils.

August 7, 1986.

[FR Doc. 86-18344 Filed 8-13-86; 8:45 am]

BILLING CODE 8025-01-M

Region VI Advisory Council Meeting; Public Meeting; Texas

The U.S. Small Business Administration, Region VI Advisory Council located in the geographical area of the Lower Rio Grande Valley of Texas, will hold a public meeting at 2:00 p.m. on Thursday, September 18, 1986, at the Board Room of Pan American University, Edinburg, Texas, to discuss such matters as may be presented by members, staff of the Small Business Administration and others attending.

For further information, write or call Rodney W. Martin, District Director, U.S. Small Business Administration, 222 E. Van Buren, Suite 500, Harlingen, Texas—(512) 423–8933.

Jean M. Nowak,

Director, Office of Advisory Councils.

August 7, 1986.

[FR Doc. 86–18345 Filed 8–13–86; 8:45 am]

BILLING CODE 8025–01–M

[Application No. 05/05–0143]

Application for Approval of a Conflict of Interest Transaction Between Associates; Miami Valley Capital, Inc.

Notice is hereby given that Miami Valley Capital, Inc. (MV), 131 North Ludlow Street, Dayton, Ohio 45402, a Federal Licensee under the Small Business Investment Act of 1958, as amended (Act), has filed an application pursuant to § 107.903 of the Regulations governing small business investment companies (13 CFR 107.903 (1986), for approval of a conflict of interest transaction.

MV desires to invest up to $250,000 in the form of a loan to Benchmark Communities Inc. (BCI), 630 Hay Avenue, Brookville, Ohio 45309.

The conflict of interest arises from the fact that Mr. Everett F. Telljohann, President, Treasurer and Director of MV and is an officer, director and shareholder of BCI and therefore falls within the definition of an associate as defined in § 107.3(g) of the SBA regulations. Consequently, the proposed transaction falls within the purview of § 107.903 of the Regulations and requires a written exemption granted by SBA.

Notice is further given that any person may, not later than 15 days from the date of publication of this Notice, submit written comments on the proposed transaction to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW., Washington, DC 20416.

A copy of the Notice will be published in a newspaper of general circulation in the Dayton, Ohio area.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: July 21, 1986.

John L. Werner,

Acting Deputy Associate Administrator for Investment

[FR Doc. 86–18348 Filed 8–13–86; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF TRANSPORTATION

[Order 86–8–17; Docket 44247]

Institution of Texas-Mexico (1986) Service Case

AGENCY: Department of Transportation.

ACTION: Institution of Texas-Mexico (1986) Service Case.

SUMMARY: The Department has decided to institute the *Texas-Mexico (1986) Service Case* to select a primary and a backup carrier to provide scheduled combination service on U.S. Route B.2 of the U.S.-Mexico Agreement. The proceeding will be set for oral evidentiary hearing before an Administrative Law Judge of the Department. The Department has also decided to defer the applications of Eastern Air Lines, Inc. (Docket 40700) and Braniff, Inc. (Docket 43946) for renewal/grant of *pendente lite* exemption authority to serve the relevant Texas-Mexico markets.

DATES: Certificate applications (which will be assigned separate docket numbers), motions to consolidate, petitions for leave to intervene, and petitions for reconsideration shall be filed by August 25, 1986. Answers shall be filed by September 2, 1986.

ADDRESSES: Applications, motions, petitions, and answers should also be filed in Docket 44247, and addressed to the Documentary Services Division, U.S. Department of Transportation, 400 Seventh Street, SW., Room 4107, Washington, DC 20590, and should be served on all parties in Docket 44247.

Dated: August 8, 1986.

Matthew V. Scocozza,

Assistant Secretary for Policy and International Affairs.

[FR Doc. 86–18356 Filed 8–13–86; 8:45 am]

BILLING CODE 4910–62–M

Office of the Secretary

[Order 86–8–16; Docket 43597]

Application of Suncoast Airlines, Inc.

AGENCY: Department of Transportation.

ACTION: Notice of order to show cause.

SUMMARY: The Department of Transportation is directing all interested persons to show cause why it should not issue an order (a) finding that SunCoast Airlines, Inc., continues to be fit to engage in interstate and overseas scheduled air transportation of persons, property, and mail and (b) transferring the certificate to the identically named Delaware corporation into which the original Florida corporation has merged. The Department also granted SunCoast *pendente lite* exemption authority in Docket 43598 permitting it to engage in interstate, overseas, and foreign charter air transportation pending a final order in Docket 43597.

DATE: Persons wishing to file objections should do so no later than August 29k 1986.

ADDRESS: Responses should be filed in Docket 43597 and addressed to the Documentary Services Division, Department of Transportation, 400 7th Street, SW., Room 4107, Washington, DC 20590 and should be served on the parties listed in Attachment A to the order.

FOR FURTHER INFORMATION CONTACT: Carol A. Szekely, Special Authorities Division, P–47, U.S. Department of Transportation, 400 7th Street, SW., Washington, DC 20590, (202) 366–9721.

Dated: August 8, 1986.

Matthew V. Scocozza,

Assistant Secretary for Policy and International Affairs.

[FR Doc. 86–18357 Filed 8–13–86; 8:45 am]

BILLING CODE 4910–62–M

[Order 86–8–22]

Fitness Determination of Tatonduk Outfitters Ltd. d/b/a Tatonduk Flying Service

AGENCY: Department of Transportation, Office of the Secretary.

ACTION: Notice of commuter air carrier fitness determination; order to show cause.

SUMMARY: The Department of Transportation is proposing to find that Tatonduk Outfitters Ltd. d/b/a Tatonduk Flying Service is fit, willing, and able to provide commuter air service under section 419(c)(2) of the Federal Aviation Act.

RESPONSES: All interested persons wishing to respond to the Department of Transportation's tentative fitness determination should file their responses with the Special Authorities Division, P–47, Department of Transportation, 400 7th Street, SW., Room 6420, Washington, DC 20590 and serve them on all persons listed in Attachment A to the order. Objections shall be filed no later than August 29, 1986.

FOR FURTHER INFORMATION CONTACT: Linda L. Lundell, Special Authorities Division, P–47, U.S. Department of

Transportation, 400 7th Street, SW., Washington, DC 20590, (202) 366–2336.

Dated: August 8, 1986.

Matthew V. Scocozza,

Assistant Secretary for Policy and International Affairs.

[FR Doc. 86–18355 Filed 8–13–86; 8:45 am]

BILLING CODE 4910–62–M

Federal Aviation Administration

Technical Standard Orders; Aircraft Seats and Berths

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of availability of proposed technical standard order (TSO) and request for comment.

SUMMARY: The proposed TSO–C39b prescribes the minimum performance standard that aircraft seats and berths must meet in order to be identified with the marking "TSO–C39b."

DATE: Comments must identify the TSO file number and be received on or before December 5, 1986.

ADDRESS: Send all comments on the proposed technical standard order to:

Federal Aviation Administration, Technical Analysis Branch, AWS–120, Aircraft Engineering Division, Office of Airworthiness—File No. TSO–C39b, 800 Independence Avenue SW., Washington, DC 20591.

Or Deliver Comments To: Room 335, 800 Independence Avenue SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: Ms. Bobbie J. Smith, Technical Analysis Branch, AWS–120, Aircraft Engineering Division, Office of Airworthiness, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, Telephone (202) 267–9569.

Comments received on the proposed technical standard order may be inspected, before and after the comment closing date at Room 335, FAA Headquarters Building (FOB–10A), 800 Independence Avenue, SW., Washington, DC 20591, between 8:30 a.m. and 4:30 p.m.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to comment on the proposed TSO listed in this notice by submitting such written data, views, or arguments as they may desire. Communications should identify the TSO file number and be submitted to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Director of Airworthiness before issuing the final TSO.

Background

There have been many questions from TSO holders on the marking of seat cushions which incorporate fire blocking material to meet FAR 25.853(c), effective November 26, 1984, which will be required for transport category airplanes operating under FAR Part 121 after November 26, 1987.

Since many TSO seat/flotation device manufacturers are including the fire blocking material as part of their TSO article, TSO–C39a is being changed to include FAR 25.853(c) as a requirement.

TSO–C39a is being changed to allow a TSO holder, if desired, to conduct the testing of FAR 25.853(c) effective November 26, 1984, and after conducting such testing mark on the TSO tag that the cushion has been tested to FAR 25.853(c).

How To Obtain Copies

A copy of the proposed TSO may be obtained by contacting the person under **"FOR FURTHER INFORMATION CONTACT."** TSO–C39b references the National Standards Association's (NSA), National Aerospace Standard (NAS) 809, dated January 1, 1956, for the minimum performance. NSA's Document NAS 809 may be purchased from the National Standards Association, 5161 River Road, Bethesda, Maryland 20816.

Issued in Washington, DC, on August 8, 1986.

Thomas E. McSweeny,

Manager, Aircraft Engineering Division, Office of Airworthiness.

[FR Doc. 86–18263 Filed 8–13–86; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF THE TREASURY

Customs Service

Removal of Prohibition on Importation of Tuna and Tuna Products From Mexico

AGENCY: Customs Service, Treasury.

ACTION: Notice of removal of prohibition.

SUMMARY: This notice is to advise that under the Fishery Conservation and Management Act of 1976 ("the Act"), the Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs has notified the Secretary of the Treasury that the reasons for the imposition of a prohibition on the importation of tuna and tuna products from Mexico no longer prevail. Accordingly, the prohibition against the entry for consumption or withdrawal from warehouse for consumption of tuna and tuna products from Mexico is removed.

EFFECTIVE DATE: August 13, 1986.

FURTHER INFORMATION CONTACT: Harrison C. Feese, Commercial Compliance Division, (202–566–5307).

SUPPLEMENTARY INFORMATION:

Background

Section 205(a)(4)(C) of the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801, *et seq.*) provides that the Secretary of State shall certify to the Secretary of the Treasury any determination that a fishing vessel of the U.S., while fishing in waters beyond any foreign nation's territorial sea, to the extent that such sea is recognized by the U.S., has been seized by a foreign nation as a consequence of a claim of jurisdiction not recognized by the U.S. The responsibility for this certification was delegated to the Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs by Department of State Delegation of Authority No. 138 of April 29, 1977.

Pursuant to section 205(b) of the Act, upon receiving the Certification, the Secretary of the Treasury is required to take such action as may be necessary and appropriate to prohibit the importation of all fish and fish products from the fishery involved.

Section 205(c) of the Act provides that if the Secretary of State finds that the reasons for the import prohibition no longer prevail, the Secretary of State shall notify the Secretary of the Treasury, who shall promptly remove the import prohibition.

On July 15, 1980, a notice was published in the **Federal Register** (45 FR 47562) advising that under section 205(a)(4)(C) of the Act, on July 11, 1980, the Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs certified to the Secretary of the Treasury that a U.S. fishing vessel, while fishing in waters beyond any foreign nation's territorial sea, to the extent that such sea is recognized by the U.S., was seized by Mexico as a consequence of a claim of jurisdiction which is not recognized by the U.S. Under the authority of section 205 (b) and (c) of the Act, on July 11, 1980, the Secretary of the Teasury determined that the entry for consumption or withdrawal from warehouse for consumption of tuna and

tuna products from Mexico was prohibited until the Department of State notified the Secretary of the Treasury that the reasons for this prohibition no longer prevailed.

On July 14, 1986, the Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs informed the Secretary of the Treasury that the reasons for the imposition of the import prohibition on tuna and tuna products from Mexico no longer prevail. Accordingly, the prohibition against the entry for consumption or withdrawal from warehouse for consumption of tuna and tuna products from Mexico is removed.

Drafting Information

The principal author of this document was John E. Doyle, Regulations Control Branch, Office of regulations and Rulings, U.S. Customs Service. However, personnel from other offices participated in its development.

Dated: August 7, 1986

Francis A. Keating II,

Assistant Secretary of the Treasury.

[FR Doc. 86-18243 Filed 8-13-86; 8:45 am]

BILLING CODE 4820-02-M

VETERANS ADMINISTRATION

Cooperative Studies Evaluation Committee; Meeting

The Veterans Administration gives notice under Pub. L. 92-463 that a meeting of the Cooperative Studies Evaluation Committee, authorized by 38 U.S.C. 4101, will be held at the Ramada Inn, 4641 Kenmore Avenue, Alexandria, Virginia 22304, on October 8 and 9, 1986. The meeting will be for the purpose of reviewing proposed cooperative studies and advising the Veterans Administration on the relevance and feasibility of the studies, the adequacy of the protocols, and the scientific validity and propriety of technical details, including protection of human subjects. The Committee advises the Director, Medical Research Service, through the Chief of the Cooperative Studies Program, on its findings.

The meeting will be open to the public up to the seating capacity of the room from 7:30 to 8 a.m., on October 8 and 9, to discuss the general status of the program. To assure adequate accommodations, those who plan to attend should contact Dr. Ping C. Huang, Coordinator, Cooperative Studies Evaluation Committee, Veterans Administration Central Office, Washington, DC (202-389-3702), prior to September 20, 1986.

The meeting will be closed from 8:00 a.m. to 5:30 p.m. on October 8, and from 8:00 a.m. to 5:30 p.m. on October 9, for consideration of specific proposals in accordance with provisions set forth in subsection 10(d) of Pub. L. 92-463, as amended by section 5(c) of Pub. L. 94-409, and subsection (c)(6) and (c)(9)(B) of section 552b, title 5, United States Code. During this portion of the meeting, discussions and decisions will deal with qualifications of personnel conducting the studies and the medical records of patients who are study subjects, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Additionally, premature disclosure of the Committee's recommendations would likely frustrate implementation of final proposed actions.

Dated: August 4, 1986.

By direction of the Administrator.

Rosa Maria Fontanez,

Committee Management Officer.

[FR Doc. 86-18283 Filed 8-13-86; 8:45 am]

BILLING CODE 8320-01-M

Veterans' Advisory Committee on Rehabilitation; Meeting

The Veterans Administration gives notice that a meeting of the Veterans'Advisory Committee on Rehabilitation, authorized by 38 U.S.C. 1521, will be held in Room D-309, Building 1, of the Veterans Administration Hospital, Hines, Illinois 60141, September 9, 10 and 11, 1986. The sessions will begin at 1 p.m. The purpose of the meeting will be to review the administration of veterans' rehabilitation programs and provide recommendations to the Administrator.

The meeting will be open to the public up to the seating capicity of the conference room. Because of the limited seating capacity, it will be necessary for those wishing to attend to contact Dr. Carole J. Westerman, Executive Secretary, Veterans' Advisory Committee on Rehabilitation (phone 202-389-2886) prior to August 26, 1986.

Interested persons may attend, appear before, or file statements with the Committee. Statements if in written form, may be filed before or within 10 days after the meeting. Oral statements will be heard at 9 a.m. on September 11, 1986.

Dated: August 4, 1986.

By direction of the Administrator.

Rosa Maria Fontanez,

Committee Management Officer.

[FR Doc. 86-18282 Filed 8-13-86; 8:45 am]

BILLING CODE 8320-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-23514; File No. 600-20]

Self-Regulatory Organizations; Application for Registration as a Clearing Agency

On August 1, 1986, the International Securities Clearing Corporation ("ISCC") filed with the Commission an application for registration as a clearing agency under section 17A of the Securities Exchange Act of 1934, 15 U.S.C. 78q-1 (the "Act"), and Rule 17Ab2-1(c)(1) thereunder.

Pursuant to Rule 17Ab2-1(c)(1), the Commission may grant ISCC registration as a clearing agency and exempt it from one or more of the requirements of section 17A(b)(3)(A)-(I) of the Act. Registration pursuant to Rule 17Ab2-1(c)(1) shall not be effective for more than eighteen months from the date on which registration is made effective by the Commission. Rule 17Ab2-1(c)(2) requires that not later than nine months from the date registration is granted under Rule 17Ab2-1(c)(1), the Commission either: (i) Grant registration without exempting the registrant from one or more of the requirements as to which the Commission is directed to make a determination under section 17A(b)(3)(A)-(I) of the Act; or (ii) Institute proceedings to determine whether registration should be denied at the expiration of eighteen months.

You are invited to submit written data, views and arguments concerning the foregoing application within thirty days of the date of publication of this notice is the **Federal Register**. Such written data, views and arguments will be considered by the Commission in granting registration or instituting proceedings to determine whether registration should be denied in accordance with Rule 17Ab2-1(c)(2). Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Reference should be made to the appropriate file number. Copies of the applications and of all written comments will be available for inspection at the Securities and Exchange Commission's Public Reference Room, 450 Fifth Street NW., Washington, DC 20549.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: August 6, 1986.

Jonathan G. Katz,

Secretary.

[FR Doc. 86-18384 Filed 8-13-86; 8:45 am]

BILLING CODE 8010-01-M

Sunshine Act Meetings

Federal Register
Vol. 51, No. 157
Thursday, August 14, 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

1

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:23 p.m. on Thursday, August 7, 1986, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to: (1) Receive bids for the purchase of certain assets of and the assumption of the liability to pay deposits made in the Easton State Bank, Easton, Kansas, which was closed by the State Bank Commissioner for the State of Kansas on Thursday, August 7, 1986; (2) accept the bid for the transaction submitted by Fort National Bank, Easton, Kansas, a newly-chartered national bank; 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), seconded by Director Robert L. Clarke (Comptroller of the Currency), that Corporation busienss 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)).

The meeting was recessed at 2:25 p.m., and at 5:10 p.m. that same day the meeting was reconvened, by the telephone conference call, at which time the Board of Director:

(A) adopted a resolution: (1) Making funds available for the payment of insured deposits made in The First National Bank and Trust Company of El Reno, El Reno, Oklahoma, which was closed by the Senior Deputy Comptroller, Office of the Comptroller of the Currency, on Thursday, August 7, 1986; (2) accepting the bid of The American National Bank of Lawton, Lawton, Oklahoma, for the transfer of the insured and fully secured or preferred deposits of the closed bank; and (3) designating The American National Bank of Lawton, Lawton, Oklahoma, as the agent for the Corporation for the payment of the insured and fully secured or preferred desposits of the closed bank;

(B)(1) received bids for the purchase of certain assets of and the assumption of the liability to pay deposits made in First Citizens Bank, Dallas, Texas, which was closed by the Banking Commissioner for the State of Texas on Thursday, August 7, 1986; (2) accepted the bid for the transaction submitted by Grand Bank Northeast, Dallas, Texas, a newly-chartered State nonmenber bank; (3) approved the applications of Grand Bank Northeast, Dallas, Texas, for Federal deposit insurance and for consent to purchase certain assets of and assume the liability to pay deposits made in First Citizens Bank, Dallas, Texas; and (4) provided 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; and

(C)(1) received bids for the purchase of certain assets of and the assumption of the liability to pay deposits made in Graettinger State Bank, Graettinger, Iowa, which was closed by the Superintendent of Banking for the State of Iowa on Thursday, August 7, 1986; (2) accepted the bid for the transaction submited by Swea City State Bank, Swea City, Iowa, an insurd State nonmember bank; (3) approved the application of Swea City State Bank, Swea City, Iowa, for consent to purchase certain assets of and assume the liability to pay deposits made in Graettinger State Bank, Graettinger, Iowa, and for consent to establish the sole office of Graettinger State Bank as a branch of Swea City State Bank; and (4) provided such financial assistance, pursuant to section 13(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(2)), as was necessry to facilitate the purchase and assumption transaction.

At that same meeting, the Board of Directors adopted a resolution making funds available for the payment of insured deposits made in Medicine Bow State Bank, Medicine Bow, Wyoming, which was closed by the State Examiner for the State of Wyoming on Friday, August 8, 1986.

In reconvenig the meeting, the Board determining, on motion of Chairman L. William Seidman, seconded by Director C.C. Hope, Jr. (Appointive), concurred in by Mr. Dean S. Marriott, actiing in the place and stead of Director Robert L. Clark (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 the matters could be considered in a closed meeting pursuant to subsections (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: August 11, 1986.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc 86-18443 Filed 8-12-86; 12:04 pm]

BILLING CODE 6714-01-M

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FEDERAL ELECTION COMMISSION

DATE AND TIME: Tuesday, August 19, 1986, 10:00 a.m.

PLACE: 999 E. Street, NW., Washington, DC

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED:

Compliance matters pursuant to 2 U.S.C. 437g
Audits conducted pursuant to 2 U.S.C. 437g, 438(b), and Title 26, U.S.C.
Matters concerning participation in civil actions or proceedings or arbitration
Internal personnel rules and procedures or matters affecting a particular employee

* * * * *

DATE AND TIME: Thursday, August 21, 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
Corection and approval of minutes
Draft AO 1986-27—Dianna Conyers on behalf of Teamsters Local 959 Alaska Labor Independent Voter Education
Draft AO 1986-30—Honorable David O'B. Martin
Proposed repayment schedule submitted by George McGovern and Friends of George McGovern

Explanation and justification of regulations governing contributions by persons and multicandidate committees (11 CFR 110.1 and 110.2)
Fiscal 1988 budget request
Routine administrative matters

PERSON TO CONTACT FOR INFORMATION:
Mr. Fred Eiland, Information Officer, 202–376–3155.

Marjorie W. Emmons,
Secretary of the Commission.

[FR Doc. 86–18470 Filed 8–12–86; 2:28 pm]
BILLING CODE 6715-01-M

3

SECURITIES AND EXCHANGE COMMISSION

Agency Meetings

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meeting during the week of August 11, 1986:

A closed meeting will be held on Tuesday, August 12, 1986, at 2:30 p.m.

The Commissioners, Counsel to the Commissioners, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552(c) (4), (8), (9)(A) and (10) and 17 CFR 200.402(a) (4), (8), (9)(i) and (10), permit consideration of the scheduled matters at a closed meeting.

Commissioner Fleischman, as duty officer, voted to consider the items listed for the closed meeting in closed session.

The subject matter of the closed meeting scheduled for Tuesday, August 12, 1986, at 2:30 p.m., will be:

Institution of administrative proceedings of an enforcement nature.
Settlement of administrative proceedings of an enforcement nature.
Institution of injunctive actions.
Settlement of injunctive actions.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Judith Axe at (202) 272–2092.

Jonathan G. Katz,
Secretary.

August 12, 1986.

[FR Doc. 86–18461 Filed 8–12–86; 1:44 pm]
BILLING CODE 8010-01-M

federal register

Thursday
August 14, 1986

Part II

Department of Defense
General Services Administration
National Aeronautics and Space Administration

Pension Costs; Notice

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Federal Acquisition Circular 84-20]

Pension Costs

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

ACTION: Notice.

SUMMARY: Federal Acquisition Circular (FAC) 84–20 advises contractors, who are required to discontinue using the spread gain actuarial cost method for Government Cost Accounting as a result of Statement of Financial Accounting Standards (FAS) No. 87, of the approach the Government will follow in negotiating contracts with them.

EFFECTIVE DATE: August 20, 1986.

FOR FURTHER INFORMATION CONTACT: Ms. Margaret A. Willis, FAR Secretariat, Telephone (202) 523–4755.

Item I—Pension Costs

1. Cost Accounting Standard (CAS) 412.50(b)(2)(i) provides that contractors may use the spread gain actuarial cost method to measure pension cost for cost accounting *only* if they are also using it for financial accounting. On December 26, 1985, the Financial Accounting Standards Board (FASB) issued FAS 87, which revises generally accepted accounting principles for pension costs. Under FAS 87, contractors are not permitted to use the spread gain method for financial accounting purposes, since the Statement requires companies to measure pension cost using only the projected unit credit method, or the unit credit method, depending on the type of plan. Therefore, contractors that have been using the spread gain method will no longer be able to use that method for financial accounting purposes and, because of the CAS 412.50(b)(2)(i) limitation previously indicated, will not be able to use that method for pricing and costing Government contracts either.

2. FAS 87 is applicable to contractor fiscal years beginning after December 15, 1986. It appears likely that some contractors will not be able to timely change to an actuarial cost method acceptable under CAS 412 and make the computations necessary for forward pricing purposes to cover periods after the applicability date of FAS 87. This condition could impede the negotiation process and cause the issuance of an inordinate number of noncompliance reports during the period contractors are transitioning to the new method. In such cases, the Government will proceed as follows:

a. When a contractor, which currently is using the spread gain actuarial cost method, can demonstrate to the satisfaction of the contracting officer that it is unable to change to another actuarial cost method acceptable under CAS 412 (as impacted by FAS 87) and is unable to make the computations necessary for forward pricing purposes to cover contractor fiscal years beginning after December 15, 1986, the following applies:

i. Contract negotiations will be conducted using the actuarial cost method currently employed by the contractor.

ii. A specific date will be established for the contractor to make the necessary changes to its estimating, accumulating, and reporting systems, to incorporate an acceptable actuarial cost method under CAS 412.

iii. An advance agreement or savings clauses will be used to provide for a price adjustment to reflect the cost impact of changing from the spread gain actuarial cost method to an acceptable method under CAS 412, retroactive to the applicability date of FAS 87 to the contractor's accounting system. The advance agreement or savings clauses will include a requirement for interest on overpayments assessed at the rate specified in Pub. L. 92–41 (85 Stat. 97).

b. When the above procedures are followed, the Government will not issue CAS noncompliance reports concerning CAS 412.50(b)(2)(i) unless the contractor fails to meet the specific date referred to in paragraph (a)(ii) above.

Administrative Contracting Officers, who have cognizance over contractors that are currently using the spread gain actuarial cost method and cannot timely change to another acceptable method under CAS 412, should negotiate with those contractors to implement procedures set out in paragraphs 2(a) and 2(b) of this Federal Acquisition Circular information notice.

Dated: August 8, 1986.

Lawrence J. Rizzi,

Director, Office of Federal Acquisition and Regulatory Policy.

Federal Acquisition Circular

Number 84–20

The information notice contained in FAC 84–20 is effective August 20, 1986.

Terence C. Golden,

Administrator, GSA.

Eleanor Spector,

Deputy Assistant Secretary of Defense for Procurement.

S. J. Evans,

Assistant Administrator for Procurement.

[FR Doc. 86–18279 Filed 8–13–86; 8:45 am]

BILLING CODE 6820-61-M

federal register

Thursday
August 14, 1986

Part III

Department of Education

34 CFR Part 796

Educational Research and Improvement; National Diffusion Network; Final Regulations

DEPARTMENT OF EDUCATION

34 CFR Part 796

Educational Research and Improvement; National Diffusion Network

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary issues final regulations for the National Diffusion Network (NDN). The Secretary takes this action to improve the operation of the National Diffusion Network. The intended effect of the regulations is to increase the pool of exemplary educational programs available to public and private schools in areas of national need.

EFFECTIVE DATE: These regulations take effect either 45 days after publication in the **Federal Register** or later if the Congress takes certain adjournments, with the exception of § 796.12. Section 796.12 will become effective after the information collection requirements contained in that section have been submitted by the Department of Education and approved by the Office of Management and Budget under the Paperwork Reduction Act of 1980. If you want to know the effective date of these regulations, call or write the Department of Education contact person.

FOR FURTHER INFORMATION CONTACT: Lois N. Weinberg, U.S. Department of Education, Programs for the Improvement of Practice, Recognition Division, 555 New Jersey Avenue, NW., Washington, DC 20208; Telephone number: (202) 357–6147.

SUPPLEMENTARY INFORMATION: The revised NDN regulations will expand the kinds of programs reviewed by the Joint Dissemination Review Panel (JDRP) to include "dissemination processes," in addition to the programs, products, and practices it has reviewed in the past. Public or nonprofit private organizations, such as professional associations and organizations with Federal charters, as well as local educational agencies, institutions of higher education, and State educational agencies that have developed effective systems for the dissemination of educational programs, products, information and materials, will be able to seek support for their activities. The JDRP review will focus on the applicant's ability to identify, review, select and deliver programs and products.

Once approved by the JDRP, dissemination processes will be eligible for funding as Developer Demonstrator projects. The description of activities carried out by Developer Demonstrator projects has been revised to show the specific activities required of projects which represent dissemination processes.

The definition of the JDRP has been revised to clarify that panel members need not be Federal employees. The definition of JDRP approval has been revised to broaden the kinds of evidence reviewed by the panel and to show the different review criteria for dissemination processes.

The listing of program priorities, from which the Secretary selects categories for funding new projects each year, has been revised to simplify several categories and to add priorities related to ethics, school discipline and studies of the Constitution.

A notice of proposed rulemaking was published in the **Federal Register** on May 13, 1986 (51 FR 17494). There are only minor differences between the notice of proposed rulemaking and these final regulations.

During the public comment period, six comments were received.

The following is a summary of the comments received and the Secretary's response to these comments.

Timing of Revised NDN Regulations

Comment. A question was asked about the timing of revisions to the NDN regulations in light of the House passage of amendments affecting the NDN in H.R. 2246. It was suggested that it might be advisable to delay revising the regulations until after the vote on the amendments so as to respond to any changes necessitated by the amendments.

Response. Further revisions to the NDN regulations are planned for fiscal year 1987. Any changes required by the enactment of new legislation would be made at that time.

Section 796.3 What definitions apply to the NDN?

Dissemination process

Comment. Several writers expressed concern that funding dissemination processes represented a significant departure from the purpose of the NDN. They questioned the rationale for including this new type of program, and the reason for not using the Educational Resources Information Center (ERIC) to disseminate the kinds of materials envisioned for this new program. Writers were also concerned that there would not be adequate review of materials that might be disseminated.

Response. No change has been made. The funding of dissemination processes does not alter the purposes of NDN as cited in § 796.1 of the current regulations: "The National Diffusion Network (NDN) funds activities designed to promote across the Nation the widespread use of exemplary educational programs. . . ." Rather, the inclusion of dissemination process programs will enable the NDN to disseminate a much larger number of carefully selected programs, products and practices to meet the diverse needs of local educators.

The JDRP will exercise its quality control function by determining whether each dissemination process has appropriately stringent criteria for selecting materials and information to be disseminated. The JDRP has never examined the specific materials associated with a given program. Review of materials has been a prescreening function of the Department of Education office presenting the program to the JDRP. That will continue to be the case for dissemination process programs.

The ERIC system is currently undergoing redesign. At the appropriate time in the future, the improved role ERIC can play in disseminating information and materials to educational service providers will be considered.

Joint Dissemination Review Panel

Comment. A writer was opposed to the inclusion of non-Federal panelists on the JDRP. Two other people asked about the criteria for JDRP membership.

Response. No change has been made. The operation of the JDRP will be improved through the addition of members who will provide a broader perspective and practical experience. A pool of panelists will be established, which will include practicing educators from all levels of public and private education, evaluation and dissemination experts, content specialists, and education consumers, such as parents and representatives of business and industry. The selection of members of the JDRP is at the discretion of the Secretary.

JDRP Approval

Comment. Several writers were concerned that the standards for JDRP approval of a dissemination process are less stringent than the standards for approval of other types of projects. Writers asked how the examination of a dissemination process would provide sufficient evidence upon which to judge the educational value of specific materials and their effectiveness in varied locations. Several writers asked

why language indicating consideration of "potential for educational harm" has been deleted.

Response. A change has been made. The JDRP will judge the potential educational value of a dissemination process by reviewing the criteria established by the applicant to develop, review, and select materials, as well as the qualifications of the individuals involved in choosing the materials to be disseminated. In response to comments, the criteria for JDRP approval of a dissemination process have been revised to include more specific standards. The JDRP will determine whether a dissemination process includes provisions for obtaining information about the effectiveness of the dissemination process from users of the process, clearly specified means of disseminating information, and a high quality evaluation design for the total dissemination system.

The phrase concerning "educational harm" was deleted because it was judged to be too vague and difficult to define. No program has ever been submitted to the JDRP in which the issue of educational harm has been raised. It seems unlikely that a progam which might harm children could provide convincing evidence of effectiveness.

Section 796.12 What activities must a Developer Demonstrator project conduct?

Comment. A commenter suggested that the use of technology for content delivery and dissemination efforts should be required for each new applicant.

Response. No change has been made. Although the use of technology might be an integral part of many programs, it would be overly intrusive for the Department of Education to require that it be a part of all programs.

Comment. Several commenters asked why applicants for NDN support for dissemination processes are required to conduct fewer kinds of activities under this type of grant than under other Developer Demonstrator projects, such as helping adopters use the materials and evaluating the impact of the program in new settings.

Response. No change has been made. The nature of this new type of Developer Demonstrator project suggests fewer required activities. It is anticipated that dissemination process projects will provide primarily self-contained materials and instructional packages which would not require the kind of intensive teacher training activities associated with traditional NDN projects. Therefore, several of the supporting activities would not be appropriate. However, it is not the intention of the NDN to support the mere mailing of school materials which might not be used. Dissemination process projects would be required to conduct follow-up activities to determine how materials were used in classrooms and how effective they were in accomplishing local objectives.

Section 796.15 Will priorities for funding Developer Demonstrator grants be established?

Comment. Several commenters asked why "character," "ethics," and "school discipline"—a departure from the current focus on academic subject areas in the school curriculum—were added as funding priorities. They expressed particular concern about how projects would be selected and implemented in the sensitive areas of character and ethics so as to ensure that these areas are treated in a "balanced and sensitive" way. A question was also asked about the addition of "the humanities" as a priority since it seemed to overlap with other priorities. Another commenter suggested that several of the priority areas were too broad and vague.

Response. A change has been made. Although projects in "character," "ethics," and "school discipline" can be funded without changes in the regulations, they were specifically named as priorities to encourage those who have developed school-based programs in these areas to become involved in national dissemination efforts. Many educators have expressed interest in such programs. Since it has been expected that character development would be presented as an integral part of a content area such as English or history, educational effectiveness would be in the context of those curriculum areas. To avoid confusion about the intent, the priority area of "character" has been deleted. Character is still of interest to the Department, but programs in character can be funded under other priorities. "Ethics" remains as a subject area.

Although programs in the humanities can be funded under several priorities, there are a number of interdisciplinary humanities programs, some reflecting a resurgence of interest in the classics, that would broaden and enrich the offerings of the NDN.

The other priorities have not been changed. The broad categories allow greater flexibility in responding to changing national needs, available funds, and other considerations each year. Accordingly, the Secretary has clarified that the Health priority at § 796.15(b)(7) includes drug abuse prevention programs.

The Secretary can also make a priority more specific through the use of invitational language, i.e., language encouraging but not requiring applicants to focus on more specific areas or topics.

Categories of Competition

Comment. Several writers asked why the requirement that applicants compete separately under each priority was eliminated.

Response. This requirement has not been eliminated. Because the Education Department General Administrative Regulations (EDGAR), at 34 CFR 75.105, set out the procedures for establishing and implementing priorities, it is redundant to include the requirement in the program regulations. However, the application notice published each year in the **Federal Register** will specify how a priority will be applied; *e.g.*, by setting aside funds for a separate competition in each priority area. (See 34 CFR 75.105(c).)

Executive Order 12291

These regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the critieria for major regulations established in the Order.

Paperwork Reduction Act of 1980

Section 796.12 contains an information collection requirement. As required by section 3504(h) of the Paperwork Reduction Act of 1980, the Department of Education will submit a copy of these regulations to the Office of Management and Budget (OMB) for its review. Organizations and individuals desiring to submit comments on the information collection requirements should direct them to the Office of Information and Regulatory Affairs, OMB, Room 3002, New Executive Office Building, Washington, DC 20503; Attention: Joseph F. Lackey, Jr.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR Part 79. The objective of the Executive Order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

In accordance with the Order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

Assessment of Educational Impact

In the notice of proposed rulemaking, the Secretary requested comments on whether the proposed regulations would require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

Based on the response to the proposed rules and on its own review, the Department has determined that the regulations in this document do not require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Part 796

Dissemination, Education, Educational research, Grant programs—education, Reporting and recordkeeping requirements.

Citation of Legal Authority

A citation of statutory or other legal authority is placed in parentheses on the line following each substantive provision of these final regulations.

(Catalog of Federal Domestic Assistance number 84.073—National Diffusion Network)

Dated: August 8, 1986.

William J. Bennett,

Secretary of Education.

The Secretary amends Title 34 of the Code of Federal Regulations by amending Part 796 as follows:

PART 796—NATIONAL DIFFUSION NETWORK

1. The authority citation for Part 796 is revised to read as follows:

Authority: 20 U.S.C. 3851, unless otherwise noted.

2. Section 796.3(b) is amended by adding a definition of "dissemination process" and revising the definitions of "exemplary educational program," "Joint Dissemination Review Panel," and "JDRP approval," to read as follows:

§ 796.3 What definitions apply to the NDN?

* * * * *

(b) * * *

"Dissemination process" means a system for reviewing, selecting and providing information and materials about a specific content area, field of professional development, or body of research, that will be of use to educational service providers.

* * * * * * *

"Exemplary educational program" or "program" means a program, product, practice or dissemination process approved by the Joint Dissemination Review Panel.

"Joint Dissemination Review Panel" or "JDRP" means a panel of Federal and non-Federal experts, appointed by the Secretary, that examines evidence of effectiveness and potential value of educators in attaining goals of educational programs, products, practices or dissemination processes.

"JDRP approval," with respect to a dissemination process, means that the JDRP has determined that—

(1) The dissemination process has significant potential value to educational service providers that has been demonstrated;

(2) The dissemination process is accurately described;

(3) The dissemination process includes—

(i) Appropriate criteria for selecting materials and information, such as academic merit and freedom from race and sex-role stereotyping;

(ii) Selection of materials and information by highly qualified personnel;

(iii) Clearly specified means of disseminating information to selected audiences; and

(iv) Provision for obtaining information about the effectiveness of the dissemination process for users of the process;

(4) The dissemination process has a high-quality evaluation design to ensure the continued efficacy of the process;

(5) The materials to be disseminated could be used effectivley in varied locations; and

(6) The cost would be reasonable.

"JDRP approval," with respect to a program, product or practice, means that the JDRP has determined that—

(1) A positive change has occurred that has been demonstrated to be directly attributable to the program, product or practice;

(2) The change was educationally significant, either as measured statistically or by other presuasive evidence;

(3) The evidence supporting these conclusions was gathered and interpreted correctly;

(4) The program product or practice is accurately described;

(5) The program, product or practice could be used effectively in other locations;

(6) The cost would be reasonable, considering the magnitude and the subject of change;

(7) The program, product or practice has a high quality evaluation design; and

(8) The program product or practice is free from race and sex-role stereotyping.

* * * * *

3. Section 796.12 is a revised to read as follows:

§ 796.12 What activities must a Developer Demonstrator project conduct?

(a) A Developer Demonstrator project that represents a program, product or practice that has JDRP approval must—

(1) Develop and provide material—

(i) For educational service providers throughout the Nation to use in deciding whether to adopt the program, product or practice; and

(ii) For training and instruction in the program, product or practice;

(2) Negotiate adoption agreements with State Facilitator grantees and educational service providers;

(3) Install the program, product or practice in new settings in other States by—

(i) Assisting potential adopters with preparatory steps;

(ii) Providing training to staff members of the adopting educational service provider; and

(iii) Providing technical assistance in the implementation and evaluation stages of an adoption;

(4) Evaluate the quality and effectiveness of the activities listed in paragraphs (a)(1), (2) and (3) of this section as specified in the evaluation plan for the project;

(5) Monitor and evaluate the quality and effectiveness of the adoptions by collecting and analyzing impact data from a representative sample of adoption sites, as specified in the evaluation plan for the project;

(6) Maintain records during the grant period concerning the use of the program, product or practice, including records of—

(i) Demographic data;

(ii) Evaluation data; and

(iii) Program retention rates;

(7) Develop and implement a system to identify and train certified trainers;

(8) Identify and certify demonstration sites throughout the Nation;

(9) Participate with other NDN grantees in workshops and meetings arranged by the Secretary; and

(10) Cooperate with State Facilitator grantees in carrying out the activities of this section.

(b) A Developer Demonstrator project that represents a dissemination process that has JDRP approval must—

(1) Develop and provide information and material about the content area, field of professional development or body of research for educational service providers throughout the Nation;

(2) Evaluate the quality and effectiveness of the dissemination

process as specified in the evaluation design for the project;

(3) Maintain records during the grant period concerning the use of the information and materials, including demographic records;

(4) Monitor and evaluate the extent of use and the education results of the information and materials selected by educational service providers;

(5) Participate with other NDN grantees in workshops and meetings arranged by the Secretary; and

(6) Cooperate with State Facilitator grantees in carrying out the activities in this section. (Authority: 20 U.S.C. 3851).

4. Section 796.15 is revised to read as follows:

§ 796.15 Will priorities for funding Developer Demonstrator grants be established?

(a)(1) Each year the Secretary may announce in a notice published in the **Federal Register** the program priorities for which applicants may apply for assistance.

(2) The Secretary selects priorities under this section after taking into consideration any unmet national needs.

(b) The Secretary may select priorities from the following subject areas or special needs:

(1) English, including literature.

(2) Science.

(3) History, geography, and civics, including special history programs in conjunction with the bicentennial of the Constitution of the United States.

(4) Mathematics or higher mathematics.

(5) Reading.

(6) Written or oral communications.

(7) Health, including drug abuse prevention programs.

(8) Ethics.

(9) The humanities.

(10) Programs that assist in improving school discipline and foster an atmosphere conducive to learning.

(11) Foreign languages.

(12) Computer science.

(13) Programs that advance students' educational and occupational goals, such as courses in the fine and performing arts, vocational education, and industrial arts.

(14) Programs that improve students' skills in comprehension, analysis, and problem solving, including programs in philosophy.

(15) Programs that improve teaching and the quality of instruction.

(16) Educational leadership.

(c) In addition to the priorities listed in paragraph (b) of this section, the Secretary may establish priorities as specified in one or both of the following paragraphs:

(1) The Secretary may establish priorities at specified instructional levels, such as preschool, elementary, secondary, postsecondary, or adult education.

(2) The Secretary may establish as a priority one or more of the following special populations:

(i) Gifted and talented students.

(ii) Socioeconomically disadvantaged students.

(iii) Limited English proficient students.

(iv) Handicapped students.

(v) Migrant students.

(vi) Functionally illiterate adults or adolescents.

(d) The Secretary may also limit a priority established under paragraph (b) of this section to—

(1) An instructional level;

(2) One or more of the special populations listed in paragraph (c)(2) of this section; or

(3) Both an instructional level and one or more of the special populations listed in paragraph (c)(2) of this section.

(e) The Secretary may limit a competition established under these regulations to a dissemination process. (Authority: 20 U.S.C. 3851)

4. Section 796.31(d) is redesignated as paragraph (e) and a new paragraph (d) is added as follows:

§ 796.31 How does the Secretary evaluate an application for a Developer Demonstrator or a State Facilitator grant?

* * * * *

(d) In applying the selection criteria in § 796.32 to an application, the Secretary considers the extent to which excellence, balance, and imagination are demonstrated by the proposed activities.

* * * * *

5. Section 796.34(a) is revised to read as follows:

§ 796.34 What additional criteria exist for new and continuation awards?

(a) In determining the order of selection under EDGAR § 75.217(d) for new Developer Demonstrator awards, the Secretary seeks diversity of projects funded under a particular competition or under this program.

* * * * *

[FR Doc. 86-18333 Filed 8-13-86; 8:45 am]
BILLING CODE 4000-01-M

Federal Register

Thursday
August 14, 1986

Part IV

Department of Education

34 CFR Part 624

Institutional Aid Programs—General Provisions; Final Regulations

DEPARTMENT OF EDUCATION

34 CFR Part 624

Institutional Aid Program—General Provisions

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary amends the Institutional Aid Programs General Provisions regulations. The amendment reflects a policy decision concerning the duration and expected costs of a project. This change allows greater flexibility in the Secretary's administration of the program.

EFFECTIVE DATE: These regulations take effect either 45 days after publication in the **Federal Register** or later if Congress takes certain adjournments. If you want to know the effective date of these regulations, call or write the Department of Education contact person.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas Keyes, U.S. Department of Education, Room 3045, ROB–3, 400 Maryland Avenue, SW., Washington, DC 20202. Telephone: (202) 732–3313.

SUPPLEMENTARY INFORMATION: The Institutional Aid Programs provide financial assistance to help eligible institutions of higher education solve problems that threaten their ability to survive and stabilize their management and fiscal operations so that they may achieve self-sufficiency. The programs are authorized by Title III of the Higher Eduation Act of 1965, as amended, and they include: the Strengthening Program, 34 CFR part 625; the Special Needs Program, 34 CFR Part 626; the Challenge Grant Program, 34 CFR Part 627; and the Endowment Grant Program, 34 CFR Part 628.

Over the past four years of administering development grants under the Strengthening, Special Needs, and Challenge Grant Programs, the Secretary has exercised his best judgment regarding the duration of a project and the amount of the grant necessary to complete the project. For example, at the time of the initial application, a request from an institution for $587,000 over a five-year period to develop a learning resources laboratory was reduced to $450,000 over three years. In the final year of the grant, the institution is unable to finish developing the laboratory because the Department's best judgment about the appropriate grant duration and funding level has proven to be inaccurate.

In situations where the Department's best judgment has proven inaccurate, the Secretary currently has no authority to extend the approved project period of the original grant and to obligate additional funds to allow the grantee to complete the project. The Secretary amends the Institutional Aid Programs regulations to establish provisions that will allow for extending a project period and obligating additional funds in certain limited situations. The Secretary wishes to make clear that he will not add resources in the event of cost overruns, revised plans, or material changes from the original application. These regulations will allow for a review of the documentation on the original reasons for a reduction for time period or funding. It will then permit the Secretary to extend time or add funds subject to the availability of appropriations only where other circumstances are unchanged and those original reasons for the Department's initial decision proved to be substantially incorrect. Since this program is being modified through the reauthorization of the Higher Education Act, this regulation will only apply for continuation grants awarded from Fiscal Year 1986 and/or Fiscal Year 1987 funds for nonrenewable development grants previously awarded. However, if the final regulation does not become effective in time for Fiscal Year 1986, it will only apply for Fiscal Year 1987.

On July 8, 1986, the Secretary published in the **Federal Register** (51 FR 24796) a notice of proposed rulemaking for the Institutional Aid Programs. Interested parties were provided 30 days to submit their comments to the Secretary. Several comments were received and they were in favor of the amendment. There were no comments wanting a change in the amendment. Thus, the Secretary's response to the comments is to publish the final regulations exactly as they were in the notice of proposed rulemaking.

Executive Order 12291

The regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations established in the Order.

Paperwork Reduction Act of 1980

The final regulations do not contain any information collection requirements and are therefore not subject to the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96–511) which govern such requirements.

Assessment of Educational Impact

In the notice of proposed rulemaking the Secretary requested comments on whether the proposed regulations would require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

Based on the response to the proposed rules and on its own review, the Department has determined that the regulations in this document do not require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Part 624

Colleges and universities, Education, Grant programs—education.

Citation of Legal Authority

A citation of statutory or other legal authority is placed in parentheses on the line following each substantive provision of these regulations.

Dated: August 8, 1986.

William J. Bennett,

Secretary of Education.

The Secretary amends Part 624 of Title 34 of the Code of Federal Regulations as follows:

PART 624—INSTITUTIONAL AID PROGRAMS—GENERAL PROVISIONS

1. The authority citation for Part 624 is revised to read as follows:

Authority: 20 U.S.C. 1051–1069c, unless otherwise noted.

2. In § 624.5, paragraph (a) is revised to read as follows:

§ 624.5 Regulations that apply to the Institutional Aid Programs.

* * * * *

(a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Part 75 (Direct Grant Programs) and 34 CFR Part 77 (Definitions) except for—

(1) 34 CFR 75.128(a)(2) and 75.129(a), in the case of applications under cooperative arrangements; and

(2) 34 CFR 75.261(e), in the case of a continuation grant awarded from Fiscal Year 1986 or 1987 funds for a non-renewable development grant previously awarded if—

(i) The conditions specified in 34 CFR 75.261 (a) through (d) and (f) are met;

(ii) The resulting cumulative obligation of Federal funds under the grant does not exceed the total amount requested by the grantee in the original application;

(iii) The extended grant period does not exceed either the statutory limit or the duration originally requested by the grantee; and

(iv) The original grant amount resulted from an initial judgment by the Department of Education concerning the grant amount needed for the project which subsequently proved to be incorrect.

* * * * *

[FR Doc. 86-18318 Filed 8-13-86; 8:45 am]
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federal register

Thursday
August 14, 1986

Part V

The President

Proclamation 5516—National Neighborhood Crime Watch Day

Federal Register
Vol 51, No. 157
Thursday, August 14, 1986

Presidential Documents

Title 3—

The President

Proclamation 5516 of August 12, 1986

National Neighborhood Crime Watch Day, 1986

By the President of the United States of America

A Proclamation

Crime continues to be of deep concern to the American people. The fight against crime requires voluntary citizen cooperation with law enforcement officials.

We recognize the growth and the proven effectiveness of local crime watch organizations throughout the country. They have played a major role in turning the tide against crime. People working together with their local law enforcement agencies have always been the best deterrent to crime.

Citizens all across America will soon take part in a "National Night Out" to demonstrate the importance and effectiveness of community participation in crime prevention efforts. Those who take part will spend the period from 8:00 p.m. to 9:00 p.m. on August 12, 1986, with their neighbors in front of their homes.

Americans should be aware of the significance of community crime prevention programs and the ways in which they can reduce crime in our towns and neighborhoods. This Administration has made crime prevention a top priority. We support efforts to repeat the highly visible "National Night Out" as a way of calling attention to the need for citizen-based crime prevention programs.

The Congress, by Senate Joint Resolution 256, has designated August 12, 1986, as "National Neighborhood Crime Watch Day" and authorized and requested the President to issue a proclamation in observance of this event.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim August 12, 1986, as National Neighborhood Crime Watch Day. I call upon the people of the United States to observe such day with appropriate programs, ceremonies, and activities.

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

Ronald Reagan

[FR Doc. 86-18558
Filed 8-13-86; 12:37 pm]
Billing code 3195-01-M

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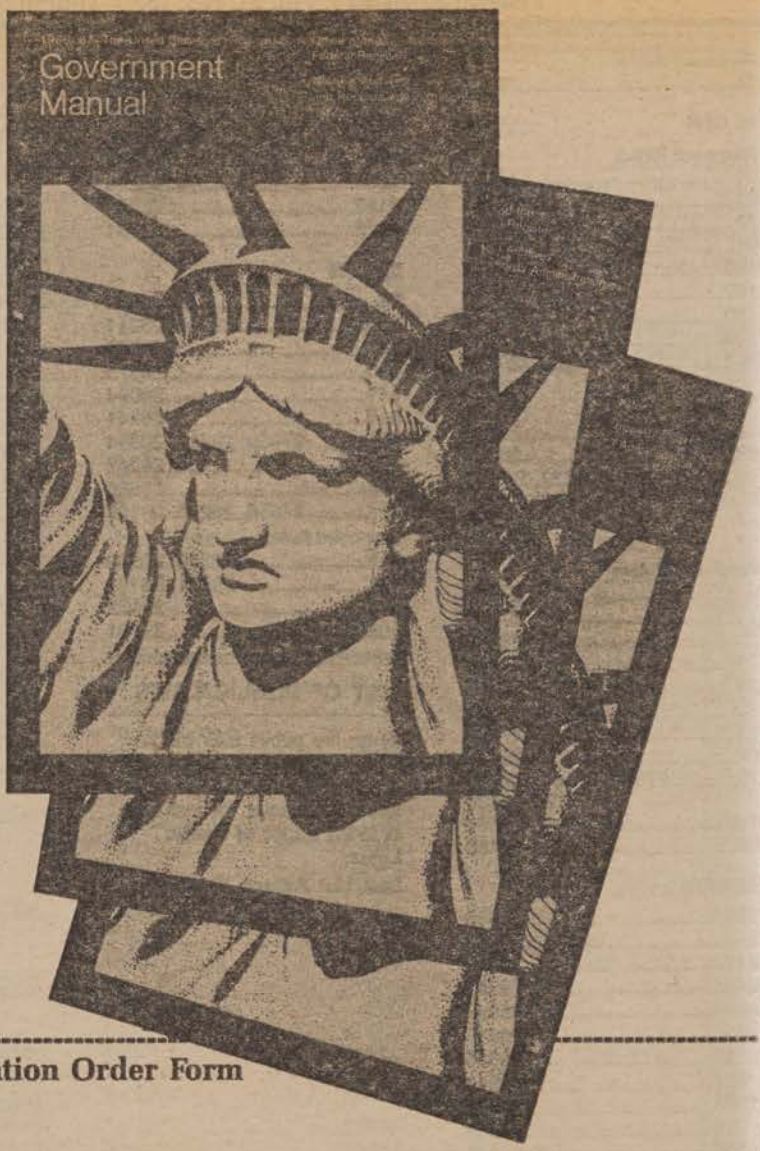

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