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Friday
October 31, 1986

Briefings on How To Use the Federal Register—
For information on briefings in Washington, DC, New York,
NY, and Pittsburgh, PA, 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:** November 18 at 9:30 a.m.
- WHERE:** National Archives Theater, 8th and Pennsylvania Avenue NW., Washington, DC
- RESERVATIONS:** Laurice Clark, 202-523-3419.

NEW YORK, NY

- WHEN:** December 5 at 10:00 a.m.
- WHERE:** Room 305A, 26 Federal Plaza, New York, NY
- RESERVATIONS:** Arlene Shapiro or Stephen Colon, New York Federal Information Center, 212-264-4810.

PITTSBURGH, PA

- WHEN:** December 8 at 1:30 p.m.
- WHERE:** Room 2212, William S. Moorehead Federal Building, 1000 Liberty Avenue, Pittsburgh, PA
- RESERVATIONS:** Kenneth Jones or Lydia Shaw
Pittsburgh: 412-644-INFO
Philadelphia: 215-597-1707, 1709

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in the Reader Aids section at the end of this issue.

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Rules and Regulations

Federal Register

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

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

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Part 225

Summer Food Service Program, Regulatory Revisions

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice, regarding continuing effect of regulations.

SUMMARY: Section 13(g) of the National School Lunch Act (42 U.S.C. 1761) requires that any proposed changes to the Summer Food Service Program (SFSP) regulations be published by November 1 of each fiscal year. Final regulations must be published by the following January 1. This notice informs the public that the Department does not intend to publish any revisions to the current SFSP regulations. Therefore, the program regulations in effect for the 1986 SFSP will remain in effect for 1987.

EFFECTIVE DATE: January 1, 1987.

FOR FURTHER INFORMATION CONTACT: Mr. Lou Pastura or Mr. James C. O'Donnell, Policy and Program Development Branch, Child Nutrition Division, Food and Nutrition Service, USDA, Alexandria, Virginia 22302, (703) 756-3620.

SUPPLEMENTARY INFORMATION:

Background

The Department believes that the current regulations governing the SFSP provide for orderly and proper implementation of the program. The Department has therefore determined that no changes will be made to the program regulations. The regulations currently governing the program will remain in effect.

Definitions

The terms used in this notice shall have the meanings ascribed to them in the regulations governing the SFSP (7 CFR Part 225).

(Catalog of Federal Domestic Assistance Program No. 10.559)

Authority: Secs. 803, 807, 809, 816, and 817, Pub. L. 97-35, Secs. 203 and 206, Pub. L. 98-499, Secs. 5, 7, 10, Pub. L. 95-627, 95 Stat. 3603 (42 U.S.C. 1771); Sec. 2, Pub. L. 95-166, 91 Stat. 1325 (42 U.S.C. 1761); Sec. 7, Pub. L. 91-248, 84 Stat. 211 (42 U.S.C. 1859a), unless otherwise noted.

Dated: October 24, 1986.

Sonia F. Crow,

Acting Administrator.

[FR Doc. 86-24607 Filed 10-30-86; 8:45 am]

BILLING CODE 3410-30-M

Agricultural Marketing Service

7 CFR Part 907

[Navel Orange Regulation 632]

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

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: Regulation 632 establishes the quantity of California-Arizona navel oranges that may be shipped to market during the period October 31 through November 6, 1986. Such action is needed to balance the supply of fresh navel oranges with the demand for such period, due to the marketing situation confronting the orange industry.

DATE: Regulation 632 (§ 907.932) is effective for the period October 31 through November 6, 1986.

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

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

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service has determined that

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

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

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

This action is consistent with the marketing policy for 1986-87 adopted by the Navel Orange Administrative Committee. The committee met publicly on October 28, 1986, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended by a vote of 8 to 2, a quantity of navel oranges deemed advisable to be handled during the specified week. The committee reports that demand is good for the short supply currently available.

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

List of Subjects in 7 CFR Part 907

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

PART 907—[AMENDED]

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

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

2. Section 907.932 Navel Orange Regulation 632 is hereby added to read:

§ 907.932 Navel Orange Regulation 632.

The quantities of navel oranges grown in California and Arizona which may be handled during the period October 31, 1986 through November 6, 1986, are established as follows:

- (a) District 1: 1,200,000 cartons;
- (b) District 2: Unlimited cartons;
- (c) District 3: Unlimited cartons;
- (d) District 4: Unlimited cartons.

Dated: October 29, 1986.

Joseph A. Gribbin,

Director, Fruit and Vegetable Division,
Agricultural Marketing Service.

[FR Doc. 86-24819 Filed 10-30-86; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 910

[Lemon Regulation 533]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: Regulation 533 establishes the quantity of fresh California-Arizona lemons that may be shipped to market at 300,000 cartons during the period November 2 through November 8, 1986. Such action is needed to balance the supply of fresh lemons with market demand for the period specified, due to the marketing situation confronting the lemon industry.

DATES: Regulation 533 (§ 910.833) is effective for the period November 2 through November 8, 1986.

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

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

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the

Administrator of the Agricultural Marketing Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

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

This regulation is issued under Marketing Order No. 910, as amended (7 CFR Part 910) regulating the handling of lemons grown in California and Arizona. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). This action is based upon the recommendation and information submitted by the Lemon Administrative Committee and upon other available information. It is found that this action will tend to effectuate the declared policy of the Act.

This regulation is consistent with the marketing policy for 1986-87. The committee met publicly on October 28, 1986, at Los Angeles California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports that lemon demand is good and the market remains active.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the *Federal Register* (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared purposes of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 910

Marketing agreements and orders,
California, Arizona, Lemons.

PART 910—[AMENDED]

1. The authority citation for 7 CFR Part 910 continues to read as follows:

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

2. Section 910.833 is added to read as follows:

§ 910.833 Lemon Regulation 533.

The quantity of lemons grown in California and Arizona which may be handled during the period November 2 through November 8, 1986, is established at 300,000 cartons.

Dated: October 29, 1986.

Joseph A. Gribbin

Director, Fruit and Vegetable Division,
Agricultural Marketing Service.

[FR Doc. 86-24824 Filed 10-30-86; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 1280

[Docket No. WR-1]

Wheat and Wheat Foods Research and Nutrition Education; Termination Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Termination order.

SUMMARY: This action terminates the Wheat and Wheat Foods Research and Nutrition Education Order effective November 1, 1986, because the Secretary of Agriculture has determined that the Order no longer will effectuate the declared policy of the Wheat and Wheat Foods Research and Nutrition Education Act. This action is based, in part, upon the unanimous vote of the Executive Committee of the Wheat Industry Council to request that the Department terminate the Order. It is apparent that members of the wheat foods industry in general no longer wish to fund the programs authorized under the Order.

EFFECTIVE DATE: November 1, 1986.

FOR FURTHER INFORMATION CONTACT: Lowry Mann, Livestock and Seed Division, AMS, USDA, Washington, DC 20250, Phone: 202/447-2650.

SUPPLEMENTARY INFORMATION: This action is governed by section 1712(a) of the Wheat and Wheat Foods Research and Nutrition Education Act of 1977 (7 U.S.C. 3401-17). The Act authorizes a research and nutrition education program for wheat and wheat foods. Formal rulemaking procedures, including a public hearing, were followed in developing the Wheat and Wheat Foods Research Nutrition Education Order (7 CFR 1280.101-

1280.172), which provides the framework for the program.

In a March 1980 referendum, wheat end product manufacturers approved the Order. The Order provides for a program of research and nutrition education for wheat and wheat-based foods to be administered by a 20-member Council composed equally of producers, processors, end product manufacturers, and consumers. The Order requires that all nonexempt wheat end product manufacturers be assessed up to 5 cents per hundredweight of processed wheat purchased or transferred to finance the program but limited the assessments to 1 cent per hundredweight during the first 2 years of the program. Assessments have to continued at this level.

All nonexempt end product manufacturers are required to pay assessments under the Order; however, those that do not wish to support the program are entitled to refunds. The overall refund rate for the fiscal year ended June 30, 1986, was 40 percent. Over the past 5 fiscal years, the refund rate has ranged from a low of 34 percent to a high of 41 percent. Assessments are paid by four principal groups of end product manufacturers: (1) Cereal, (2) biscuit and cracker manufacturers have not furnished substantial support and have had refund rates over the life of the program of approximately 80 percent or higher. These two groups provided approximately 1 percent and 6 percent, respectively, of the total net funding during the Council's 1986 fiscal year. Pasta manufacturers, through their trade association and in many individual cases, have supported the program; however, their overall refund rate exceeds 40 percent. Pasta manufacturers have contributed approximately 11 percent of the FY 1986 net funding. Bread manufacturers are the largest of the four principal groups assessed under the Order and have been the strongest supporters of the program. This segment of the industry provided approximately 73 percent of the FY 1986 net funding. The refund rate for this segment was only 22 percent during FY 1986.

The two national bread trade associations representing the majority of bread manufacturers—the Independent Bakers Association and the American Bakers Association—recommended termination of the Order. Given this recommendation reflecting withdrawal of support by the largest group of supporters, it is clear that the Order no longer has the support of a majority of those end product manufacturers subject to the Order. The loss of 50 percent of the funding from the bread

manufacturers would result in a refund rate of over 55 percent. The bread industry's recommendation to terminate the program would leave the Council with virtually no broad support. In view of this, it is concluded that the program will no longer be adequately financed to carry on an effective and continuous coordinated program of research and nutrition education. In addition, the Council's Executive Committee has voted unanimously to request that the Department terminate the program without a referendum.

Therefore, pursuant to section 1712(a) of the Act and 1280.166(a) of the Order, it is determined that the Order and all rules and regulations issued thereunder in 7 CFR Part 1280 will no longer effectuate the declared policy of the Act, and are terminated, effective November 1, 1986. Such date is intended to facilitate an orderly liquidation of the affairs of the Council.

In accordance with § 1280.167 of the Order and as recommended by the Council, four members of the Council's Executive Committee (Chairman, Vice Chairman, Secretary, and Member-at-Large) are designated as trustees for the purpose of liquidating the affairs of the Council.

List of Subjects in 7 CFR Part 1280

Marketing agreements and orders, Wheat.

PART 1280—[REMOVED]

Accordingly, 7 CFR Part 1280 is removed.

Dated: October 29, 1986.

Kenneth A. Gilles,

Assistant Secretary for Marketing and Inspection Services.

[FR Doc. 86-24746 Filed 10-30-86; 8:45 am]

BILLING CODE 3410-02-M

Rural Electrification Administration

7 CFR Part 1702

Organization and Functions

AGENCY: Rural Electrification Administration, Agriculture.

ACTION: Final rule.

SUMMARY: Due to a recent reorganization, Part 1702 is hereby revised to describe the organization and functions of the Rural Electrification Administration (REA).

EFFECTIVE DATE: Effective October 31, 1986.

FOR FURTHER INFORMATION CONTACT: Mr. Blaine D. Stockton, Jr., Assistant Administrator—Management, Rural

Electrification Administration, Room 4063, South Building, U.S. Department of Agriculture, Washington, DC 20250, telephone number 202-382-9552.

SUPPLEMENTARY INFORMATION:

Inasmuch as this part deals with the Agency's organization and functions, good cause exists for finding that the notice and comment procedures of the Administrative Procedure Act (U.S.C. 533) are unnecessary and for making the part effective upon publication.

Accordingly, pursuant to the authority contained in 7 U.S.C. 901-950b, Part 1702, consisting of §§ 1702.1 through 1702.9, is revised as follows:

PART 1702—ORGANIZATION AND FUNCTIONS

Sec.

- 1702.1 General.
- 1702.2 Office of the Administrator.
- 1702.3 Office of Deputy Administrator, Program Operations.
- 1702.4 Rural Electric Program.
- 1702.5 Rural Telephone Program.
- 1702.6 Borrower Accounting Division.
- 1702.7 Office of the Deputy Administrator, Policy and Program Support.
- 1702.8 Office of Assistant Administrator—Management.
- 1702.9 Information, Legislation, Program Support.

Authority: 7 U.S.C. 901-950b.

§ 1702.1 General.

The Rural Electrification Administration was established by Executive Order No. 7037, signed by the President on May 11, 1935. Statutory authority was provided by the Rural Electrification Act of 1936 (49 Stat. 1363; 7 U.S.C. 901). The Act established REA as a lending agency with responsibility for developing a program for rural electrification. An October 28, 1949, amendment to the Rural Electrification Act authorized REA to make loans to improve and extend telephone service in rural areas. The Rural Telephone Bank, an Agency of the United States, was established by another amendment to the Rural Electrification Act, approved May 7, 1971. The Administrator of REA serves as the Bank's chief executive with the title of Governor. On May 11, 1973, the Act was further amended to establish a revolving fund and to provide authority for REA to guarantee loans made by other lenders. The offices of the Rural Electrification Administration are located in the South Building of the United States Department of Agriculture at 14th and Independence Avenue SW., Washington, DC.

§ 1702.2 Office of the Administrator.

(a) *The Administrator* (who also serves as Governor of the Rural Telephone Bank) is appointed by the President, with the advice and consent of the Senate, for a term of 10 years. The Administrator functions as the chief administering official of the Agency under the general supervision and direction of the Under Secretary for Small Community and Rural Development. The Administrator is aided directly by two Deputy Administrators and Assistant Administrators for the Electric Program, for the Telephone Program and Management. The Civil Rights Staff and the Program Analysis Staff report directly to the Administrator. The work of the Agency is carried on through the offices and divisions described in this part.

(b) *Civil Rights Staff* formulates and coordinates plans, policies and procedures for a nationwide program of nondiscrimination on the part of REA borrowers in carrying out borrower programs which comply with provisions of Title VI of the Civil Rights Act of 1964 and Executive Order 11246, as amended by Executive Order 11375.

(c) *Program Analysis Staff* develops long-range programs and policies, analyzes and evaluates economic and statistical data, prepares studies and reports on matters relating to program planning and evaluation and on new developments that have an impact on the REA program.

§ 1702.3 Office of the Deputy Administrator, Program Operations.

The Deputy Administrator, Program Operations, directs all electric and telephone program and borrower accounting activities, reviews Agency policies in these areas and, as necessary, implements changes.

§ 1702.4 Rural Electric Program.

(a) *Assistant Administrator—Electric* directs and coordinates the rural electrification program of the Agency, participating with the Administrator and Deputy Administrator—Program Operations and others in planning and formulating the electric programs and activities of the Agency.

(b) *Area Offices*—Four area offices are the primary point of contact between REA and all electric system borrowers. The offices administer the rural electric program for an assigned geographical area with assistance of field specialists who are centrally located in areas assigned to them. The area offices:

(1) Provide guidance to borrowers on Agency's loan policies and procedures

and make recommendations to the Administrator on applications for REA loans and loan guarantees, and other financing.

(2) Maintain oversight of borrow rate actions and review proposed retail and wholesale rate schedules to assure consistency with REA policy.

(3) Assure that power plant, distribution, and transmission systems and facilities are designed and constructed in accordance with the terms of the loan proper engineering practices and specifications. Review, analyze and approve borrowers' engineering plans and specifications; engineering equipment and construction contracts; construction; and payments to engineers and contractors.

(4) Evaluate borrowers power supply plans and needs for additional facilities, advising and guiding them and their consultants in the preparation of technical power planning and annual cost studies and reviewing and analyzing borrower contracts and agreements relating to the sale or procurement of power.

(5) Provide guidance to borrowers on supplemental power resources and load and energy management.

(6) Advise and guide borrowers on the environmental aspects of the design, construction and operation of power plants, and transmission and distribution lines and systems. Review and analyze borrowers' environmental analyses and prepare necessary environmental findings.

(7) Maintain necessary oversight of borrowers' management and technical operations and practices to assure security of the government's loans.

(c) Geographic Areas of Area Offices—

Northeast Area (Illinois, Indiana, Michigan, Kentucky, Ohio, West Virginia, Virginia, Pennsylvania, North Carolina, South Carolina, Maryland, Delaware, New Jersey, New York, Connecticut, Massachusetts, Vermont, New Hampshire, Maine, Rhode Island);

Northwest Area (Alaska, Hawaii, Washington, Idaho, Montana, North Dakota, South Dakota, Minnesota, Iowa and Wisconsin);

Southeast Area (Missouri, Oklahoma, Arkansas, Louisiana, Tennessee, Mississippi, Alabama, Georgia, Florida, Virgin Islands, and Puerto Rico); and Southwest Area (Oregon, California, Nevada, Utah, Arizona, Wyoming, Colorado, New Mexico, Nebraska, Kansas, and Texas).

(d) *Electric Staff Division*—This division administers engineering and financial and operating activities relating to the rural electric program. The division.

(1) Is responsible for engineering staff activities related to the design,

construction, and technical operation and maintenance of power plant, distribution and transmission systems and facilities, including load management and communications.

(2) Develops Agency engineering practices, policies, and guidelines relating to electric borrowers systems; performs staff assignments and provides guidance on matters relating to fuels for electric generating stations; and analyzes environmental laws and regulations for their impact on REA-financed electric systems and develops related policies and procedures for the Agency.

(3) Is responsible for designated staff activities related to the operations, financial and borrower management responsibilities of the rural electrification program.

(4) Develop techniques for evaluating the financial and operating performance of electric borrowers; develops procedures, criteria and techniques for forecasting borrowers' future power requirements; develops and maintains financial expertise on the distribution and power supply loan program, including the financing needs and alternate financing arrangements; and develops and maintains expertise in matters relating to retail and wholesale rates.

§ 1702.5 Rural Telephone Program.

(a) *Assistant Administrator—Telephone* directs and coordinates the rural telephone program of the Agency, participating with the Administrator and Deputy Administrator—Program Operations and other officials in planning and formulating the programs and activities of the Agency.

(b) *Area Offices*—four area offices are the primary point of contact between REA and all telephone system borrowers. The offices administer the rural telephone program for an assigned geographical area with assistance of field specialists who are centrally located in areas assigned to them. The area offices:

(1) Provide guidance to applicants and borrowers on Agency and Rural Telephone Bank loan policies and procedures and make recommendations to the Administrator on applications for loans and guarantees.

(2) Review, analyze and take appropriate action on borrowers' toll revenue settlements and local service rates.

(3) Assure that telephone borrowers' systems and facilities are designed and constructed in accord with terms of the loan and proper engineering practices and specifications. They review, analyze

and approve borrowers' engineering plans and specifications; engineering, equipment and construction contracts; and borrowers' payments to engineers and contractors. They assure that completed construction meets acceptable standards for quality of service and loan security.

(4) Maintain necessary oversight of borrowers' management and technical operations and practices to assure the security of the government's loans.

(c) *Geographic Areas of Area Offices—*

Northeast Area (Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Delaware, Ohio, Indiana, Michigan, Illinois, Wisconsin);

Northwest Area (Washington, Alaska, Oregon, Idaho, Montana, Wyoming, North Dakota, South Dakota, Minnesota, Iowa);

Southeast Area (West Virginia, Virginia, North Carolina, South Carolina, Georgia, Florida, Puerto Rico, Virgin Islands, Kentucky, Tennessee, Alabama, Mississippi, Louisiana, Arkansas, Missouri), and

Southwest Area (California, Hawaii, Guam, Commonwealth of Micronesia, Nevada, Utah, Arizona, Colorado, New Mexico, Nebraska, Kansas, Oklahoma, and Texas).

(d) *Telecommunications Staff*

Division—This division administers engineering staff activities related to the design, construction, and technical operation and maintenance of rural telephone systems and facilities. The division:

(1) Develops Agency engineering practices, policies, guidelines and technical data relating to telephone borrowers' systems.

(2) Evaluates the application of new communications network technology to rural telephone systems.

(3) Is responsible for staff activities related to the operations, financial and borrower management activities of the rural telephone program. It develops standards, policies and procedures in connection with loan requirements and processing in the rural telephone program.

(4) Develops techniques and criteria for evaluating the financial and operating performance of rural telephone borrowers; develops proposed management, organization and operating practices for the use of borrowers; and develops operating practices and procedures with respect to rates and the valuation of telephone systems and facilities.

(5) Provides advice and assistance to the Area offices and, as requested, to borrowers.

(6) Maintains liaison with other Government agencies, utilities, industry

officials, and professional organizations on the above matters.

§ 1702.6 *Borrower Accounting Division.*

(a) The division develops, evaluates, improves upon and determines that accounting policies, systems and procedures with respect to borrowers accounting operations meet regulatory, Departmental, General Accounting Office, Office of Management and Budget and Treasury Department requirements. The division:

(1) Assists in solving or recommending solutions of special program and administrative problems involving accounting interpretations and analyses, including the development and presentation of data to agency staff, regulatory bodies, and other agencies.

(2) Examines borrowers' records and operations and reviews expenditures of loan and other funds deposited in the REA Construction Fund Account to determine that funds are expended in conformity with the RE Act.

(3) Approves CPA's to perform audits for borrowers. Reviews reports prepared by CPA's to determine conformance with acceptable accounting practices, procedures and standards. Reviews and approves plant accounting documentation of audits performed by CPA firms, and incorporates the results of this review into the overall Loan Fund Audit.

(4) Develops proposed standards and procedures for agency examination programs and evaluates adequacy and effectiveness of the review procedures.

(5) Evaluates borrowers' accounting systems and procedures and recommends changes as necessary to provide for more complete and accurate reporting of borrowers' operations. Provides advice and assistance to borrowers concerning the installation and operation of accounting systems.

(b) *Geographic Area of Area Offices—*

Northeast Area (Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, West Virginia, Ohio, Michigan, Indiana, Illinois, Wisconsin);

Northwest Area (Alaska, Washington, Oregon, Idaho, Montana, Wyoming, North Dakota, South Dakota, Minnesota, Iowa);

Southeast Area (North Carolina, South Carolina, Georgia, Florida, Puerto Rico, Virgin Islands, Kentucky, Tennessee, Alabama, Mississippi, Arkansas, Missouri); and

Southwest Area (Hawaii, Guam, Commonwealth of Micronesia, California, Nevada, Utah, Arizona, Colorado, New Mexico, Nebraska, Kansas, Oklahoma, Texas, and Louisiana).

§ 1702.7 *Office of the Deputy Administrator—Policy and Program Support.*

The Deputy Administrator—Policy and Program Support directs and coordinates the joint program and administrative activities of the agency, participating with the Administrator and other officials in planning and formulating the program and activities of the Agency. Activities are carried out by an Assistant Administrator—Management and three staff offices reporting directly to the Deputy Administrator. (See §§ 1702.8 and 1702.9.)

§ 1702.8 *Office of Assistant Administrator—Management.*

The Assistant Administrator—Management directs and coordinates the general administrative activities of the agency, participating with the Administrator and Deputy Administrator and other officials in planning and formulating the programs and activities of the agency and administers the provisions of the Freedom of Information Act. The Office of Budget and four divisions are directed and coordinated by the Assistant Administrator—Management.

(a) *Office of Budget* administers the budgetary and financial management program of the agency. It determines the annual funding needs for current and multi-year forecasts, participating with the Administrator in presenting and supporting the Agency's budget and program plans. The office administers budget execution, apportionment, allotment and use and control of all Agency funds.

(b) *Personnel Management Division* administers the personnel program of the Agency, covering both headquarters and field personnel throughout the nation. The division:

(1) Administers the provisions of the Classification Act, to achieve uniform application of position classification principles and standards to all REA positions. Conducts organization studies and develops recommendations for changes. Develops and administers the Agency's personnel management evaluation activities.

(2) Administers the employment program for Agency, including staffing, recruitment, placement and separation. Administers the Agency's merit promotion program. Maintains liaison with the NFC on personnel data processing activities including payroll.

(3) Administers Agency responsibilities for employee relations including: grievances and appeals, performance appraisals, performance

management recognition system, conflict of interest, awards, benefits, and leave.

(4) Directs, coordinates, and evaluates a program of employee training to achieve the maximum utilization of skills and abilities of personnel. Conducts training sessions; plans and directs conferences; prepares training budget; approves training requests; and coordinates the Foreign Visitors Program.

(5) Provides advice and assistance to Agency officials and employees to ensure sound and effective administration of the Agency's personnel program.

(6) Maintains working relations and liaison on personnel management matters with the staff and other Agencies of the Department, and other government agencies.

(7) Participates fully with the Administrator in the development and enforcement of USDA equal employment opportunity programs under Title VII (as amended) of the Civil Rights Act of 1964; section 504 of the Rehabilitation Act of 1974; Title IX of the Education Amendments of 1972; the Equal Employment Opportunity Act of 1972; and related rules, regulations and other equal employment nondiscrimination statutes.

(c) *Administrative Services Division* administers the Agency's management improvement program, including cost reduction and operations improvement, work and productivity measurement, the Agency issuance system and the forms and report program. The division:

(1) Administers general services involving contracting and procurement, space management, property and supplies management, records management and communications.

(2) Administers the Agency's rulemaking and regulatory review activities, coordinating with the Office of the Federal Register, the Office of the General Counsel, and the Office of Management and Budget.

(d) *Statistics and Data Processing Division* analyzes application of data processing the REA program activities, including feasibility studies on the cost and benefits of automatic data processing. The division:

(1) Establishes standards and procedures for developing, maintaining and using the Agency's major automated systems covering borrower information, loan accounting and special management programs. Performs necessary systems analyses, development, and programming, and insures data security.

(2) Operates the data processing equipment of the Agency, including the conversion of data from source

documents and the preparation of statements, reports, analyses, and other machine outputs. Provides necessary training and assistance to users.

(3) Collects and analyzes financial, operating, and other statistical data obtained from borrowers and other sources, and prepares reports on the progress and status of the programs of REA and the Rural Telephone Bank.

(e) *Fiscal Accounting Division* administers the fiscal accounting program of the agency and the Rural Telephone Bank. The division:

(1) Develops, recommends and installs accounting policies, systems, and procedures regarding the Agency's and Bank's operations.

(2) Maintains accounts to provide control over and accountability for all funds, assets, liabilities, income and expenses of the Agency and the Bank; and prepares reports required by REA management, the RTB, the Department, and other government agencies.

(3) Examines and certifies for payment, vouchers and invoices covering administrative expenses and loan fund advances of the Agency and the Bank.

(4) Reviews, examines and processes monthly billings and debt service payments for REA and RTB loans.

(5) Reviews, examines and processes loan fund advances, billings, debt service payments and all other accounting related activities connected with Federal Financing Bank loans to REA borrowers.

§ 1702.9 Information, Legislation, Program Support.

The Deputy Administrator—Policy and Program Support, directs three separate staffs of the agency dealing with public information, legislation and program support.

(a) *Public Information Office* manages the information activities of the Agency to provide borrowers and the public with timely information concerning the operations, status, progress and accomplishments of the rural electrification and rural telephone programs. The office:

(1) Evaluates acceptability of Agency activities and programs and advises the Administrator on actions that will improve their acceptability and understanding.

(2) Administers the provisions of the Public Information Section of the Administrative Procedure Act.

(b) *Program Support Staff* administers Agency responsibilities for assuring that electric and telephone borrowers are properly insured and provides advice and guidance on insurance; provides advice and guidance to electric and

telephone borrowers on labor-management issues, including interpreting labor laws and regulations that apply to them, and advice and assistance on energy conservation and load management.

(c) *Legislative Affairs Staff* analyzes the policy, program and procedural implications of Federal and State legislation affecting the REA program, prepares special reports for the administrator on legislative affairs and responds to inquiries from Congress and others concerning the REA programs. The staff maintains liaison with the Department's legislative staff and with Congressional offices, as appropriate.

Dated: October 24, 1986.

Harold V. Hunter,
Administrator.

[FR Doc. 86-24638 Filed 10-30-86; 8:45 am]

BILLING CODE 3410-15-M

Animal and Plant Health Inspection Service

[Docket No. 86-078]

9 CFR Part 97

Commuted Traveltime Periods; Georgia and North Carolina

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends the regulations in 9 CFR Part 97 which prescribe commuted traveltime allowances. The regulations are amended by adding commuted traveltime periods in Georgia and North Carolina. Commuted traveltime periods reflect, the time necessarily spent in reporting to and returning from the place at which an employee of Veterinary Services performs overtime or holiday duty when such travel is required solely on account of such overtime or holiday duty.

EFFECTIVE DATE: October 31, 1986.

FOR FURTHER INFORMATION CONTACT: Louise Rakestraw Lothery, Assistant Executive Officer, VS, APHIS, USDA, Room 857, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 436-8511.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR Part 97, entitled "Overtime Services Relating to Imports and Exports" (referred to below as the regulations), set forth provisions for obtaining, on a reimbursable basis, inspection, laboratory testing,

certification, or quarantine services pertaining to the importation and exportation of animals, animal byproducts, or other commodities, during Sundays, holidays, or at other times outside the regular tour of duty of Veterinary Services (VS) employees who perform such services. These services are provided upon request to any person, firm, or corporation having ownership, custody, or control of the animals or commodities requiring such services.

The regulations provide that under certain circumstances the charges for reimbursable services of a VS employee shall include charges for a commuted traveltime period. Section 97.2 of the regulations contains administrative instructions prescribing commuted traveltime periods. Traveltime periods reflect, as nearly as is practicable, the average time required for a VS employee to travel from the location from which an employee is dispatched and return from the location where they perform overtime or holiday duty.

This document amends § 97.2 of the regulations by adding commuted traveltime periods in Georgia and North Carolina to cover the time necessarily spent in reporting to and returning from the place at which an employee performs such services. (The amendments are set forth in the rule portion of this document). This action is necessary to inform the public that VS employees are available to perform overtime or holiday duty and to inform the public of the commuted traveltime periods for such travel.

Executive Order 12291 and Regulatory Flexibility Act

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

For this rulemaking action, the Office of Management and Budget has waived the review process required by Executive Order 12291.

The number of animals, animal byproducts, or other commodities requiring inspection and other services

of a VS employee on a Sunday, holiday, or overtime basis at the affected locations represent an insignificant portion of the total number of animals, animal byproducts, and other commodities that require such services at locations in the United States.

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

Effective Date

The commuted traveltime periods appropriate for employees performing services at ports of entry, and the features of the reimbursement plan for recovering the cost of furnishing port of entry services depend upon facts within the knowledge of the Department of Agriculture. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, pursuant to the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that prior notice and other public procedure with respect to this rule are impracticable and contrary to the public interest; and good cause is found for making this rule effective less than 30 days after publication of this document in the Federal Register.

Executive Order 12372

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

List of Subjects in 9 CFR Part 97

Exports, Government employees, Imports, Livestock and livestock products, Poultry and poultry products, Transportation.

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Under the circumstances described above, 9 CFR Part 97 is amended as follows:

1. The authority citation for Part 97 continues to read as follows:

Authority: 7 U.S.C. 2260, 49 U.S.C. 1741; 7 CFR 2.17, 2.51, and 371.2(d).

2. Section 97.2 is amended by adding in alphabetical order the information as shown below:

§ 97.2 Administrative instructions prescribing commuted traveltime.

COMMUTED TRAVELTIME ALLOWANCES

		[In hours]	
Location covered	Served from	Metropolitan area	
		Within	Outside
Add:			
Georgia:			
Atlanta International Airport	Acworth		3
Do	Carrollton		3
North Carolina:			
Iredell	Franklin		6
Do	Lumberton		6
Do	Raleigh		6

Done at Washington, DC, this 28th day of October, 1986.

J.K. Atwell,

Deputy Administrator, Veterinary Services.

[FR Doc. 86-24637 Filed 10-30-86; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF ENERGY

10 CFR Part 205

[Docket No. IE-86-24]

Reports of Major Electric Utility System Emergencies

AGENCY: Department of Energy.

ACTION: Final rule.

SUMMARY: The Office of International Affairs and Energy Emergencies (IE) of the Department of Energy (DOE) is amending its regulations, set forth at 10 CFR 205.350 *et seq.*, requiring reports of major electric utility system emergencies. The amendments modify the regulations to reflect current DOE organization and responsible officials, define more precisely the type of events which must be reported, and reduce the reporting burden on utilities and other entities subject to the reporting requirements.

EFFECTIVE DATE: The amended rules become effective December 1, 1986.

FOR FURTHER INFORMATION CONTACT:

James M. Brown, Jr., Office of Energy Emergency Operations (IE-242), Department of Energy, Forrestal Building, Mail Stop 8F-055, 1000 Independence Avenue, SW., Washington, DC 20585 (202) 252-5150; Lise Courtney M. Howe, Office of Assistant General Counsel for International Affairs (GC-41), Department of Energy, Forrestal Building, Mail Stop 6A-167, 1000

Independence Avenue, SW.,
Washington, DC 20585 (202) 252-2900.

SUPPLEMENTARY INFORMATION:

- I. Background and Purpose of Rulemaking
- II. Analysis of Comments
- III. Procedural Matters

I. Background and Purpose of Rulemaking

In 1981, the Department adopted rules, contained in 10 CFR 205.350-205.355, to implement its responsibilities under sections 202(a) and 311 of the Federal Power Act (FPA) (Pub. L. 66-280, 16 U.S.C. 824(a) and 825(j)) regarding reporting of major electric utility system emergencies. (See 46 FR 2956, January 12, 1981.) Section 202(a) of the FPA authorizes certain actions as are necessary to assure an abundant supply of electric energy throughout the country, and Section 311 provides for the collection of data for the purpose of reporting to Congress the problems and developments of the electric power industry. To satisfy these mandates of the FPA, DOE's regulations require the reporting of major electric utility system emergencies, customer load reductions, and significant service interruptions in bulk electric power supply and actions taken to minimize their impact. A number of technical changes were made to the regulations in 1983 (48 FR 31010, July 6, 1983).

On July 16, 1986, DOE issued a notice of proposed rulemaking (51 FR 26399, July 23, 1986) to modify the existing rules in order to reflect the current organization of DOE, to define more precisely the types of events which must be reported to DOE, and to reduce the reporting burden on electric utilities and other entities subject to the reporting requirements. The proposed substantive changes to the regulations are summarized below.

Section 205.351, Reporting Requirements, presently requires electric utilities or other covered entities to report to DOE certain types of emergencies, customer load reductions, and significant service interruptions. The proposed amendments would modify § 205.351 by consolidating paragraphs (a) through (f) of that section, each of which describes a different type of situation which must be reported, and § 205.353, Fuel Emergencies, which contains another type of reportable event, into four principal categories of events. The four principal new categories are: Loss of Firm System Loads, Voltage Reductions or Public Appeals, Vulnerabilities that could Impact System Reliability, and Fuel Supply Emergencies. As explained in the July notice, this consolidation of reportable events would clarify existing

reporting requirements by defining more precisely the types of conditions which must be reported to DOE. The proposed revision also would reduce in certain respects the reporting burden on electric utilities and other entities subject to the requirements, as discussed below.

Under the new "Loss of Firm System Loads" category (proposed § 205.352(a)(2)), the proposal raised the reporting threshold for loss of service to firm load for 15 minutes or more (contained in § 205.351(e) of the present regulations) from 200 MW to 300 MW to reduce the reporting burden on affected utilities. Specifically, utilities with a peak load of 3000 MW or more in the prior year would be required to report severe interruptions only if the firm load loss totals 300 MW or more. For utilities with a peak load of less than 3000 MW in the prior year, the proposal increased the reporting threshold from 100 MW to 200 MW, reducing the reporting burden on the small utilities.

The proposed "Fuel Supply Emergencies" category (proposed § 205.351(d)) set forth a new condition requiring a report when:

Unscheduled emergency generation is dispatched, causing an abnormal use of a particular fuel type, such that the future supply or stocks of that fuel could reach a level which threatens the reliability or adequacy of electric service.

The notice explained that a condition of this nature is expected to occur very infrequently and only in case of dire emergency, so that the reporting burden is small. However, DOE proposed to require reporting on this type of condition to better enable it to carry out its FPA responsibilities. Therefore, the benefit associated with the requirement is expected to outweigh the minor additional reporting burden.

Finally, in a subcategory under the new category entitled "Vulnerabilities that could Impact System Reliability" (proposed § 205.351(c)(1)), the proposal described more completely than in the current § 205.351(d)(3), acts of physical sabotage or terrorism directed at an electric power supply system which would be required to be reported to DOE. Proposed paragraph (c)(1) provided that:

(1) Reports are required for any actual or suspected act(s) or physical sabotage (not vandalism) or terrorism directed at an electric power supply system, local or regional, in an attempt to either:

- (i) Disrupt or degrade the service reliability of the local or regional bulk electric power supply system, or
- (ii) Disrupt, degrade, or deny electric power service to:

(A) A specific facility (industrial, military, governmental, private), or

- (B) A specific service (transportation, communication), or
- (C) A specific locality (town, city, county).

II. Analysis of Comments

Comments on the proposed rule were requested through September 8, 1986. Written comments were received from the New England Power Exchange (NEPEX), 174 Brush Hill Avenue, P.O. Box 2010, West Springfield, MA 01090 and the Edison Electric Institute (EEI) 1111 19th Street, N.W., Washington, D.C. 20036-3691. The Director of NEPEX and the Vice President of EEI generally support the proposed changes in the regulations. However, EEI suggested that additional clarification may be needed in proposed § 205.351(c)(2), which reflects a change in § 205.351(d) of the present regulations and which requires the report of "any abnormal emergency system operating condition(s) or other event(s) which could or would constitute a hazard to maintaining the continuity of the bulk electric power supply system." Although it is difficult to define this requirement more precisely, because the types of possible hazardous events are so numerous, we have modified the language in § 205.351(c)(2) by adding the words "in the judgment of the reporting entity", to give a measure of discretion to reporting entities. In addition, the following language has been added:

Examples will be provided in the DOE pamphlet on reporting procedures.

After consideration of the comments received, the final rule will be adopted essentially as published in draft form.

III. Procedural Matters

A. Environmental Analysis

DOE has determined that the amendments, which are essentially administrative in nature, are not a major Federal action with significant environmental impact. Consequently, the amendments do not require preparation of an Environmental Assessment or Environmental Impact Statement under the National Environmental Policy Act of 1969, as amended, (Pub. L. 91-190, 42 U.S.C. 4321, *et seq.*) No comments were received opposing our conclusions, which were set forth in the draft rule.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act (Pub. L. 96-354, 5 U.S.C. 601-612), requires Federal agencies to consider the impact of proposed regulations on small businesses, small governmental units, and other small entities; to consider the ability of small entities to comply with the proposed regulations; and to

consider less stringent alternative compliance standards for small entities. An agency is required to prepare a regulatory flexibility analysis to document its consideration of these factors except in the situation where the agency determines that a regulation will not have a significant economic impact on a substantial number of small entities. The amendments will not impose any additional burdens or impact on small entities, but rather they will reduce or clarify existing reporting obligations on certain entities. Therefore, DOE does not believe the obligations involved have a significant impact on small entities. Thus, a regulatory flexibility analysis will not be prepared. No comments were received opposing our conclusions.

C. Executive Order 12291

Section 3 of Executive Order (E.O.) 12291 (46 FR 13193, February 19, 1981) requires that agencies subject to it determine whether a proposed rule is a "major rule," as defined by Section 1(b) of E.O. 12291, and prepare a regulatory impact analysis for each major rule. Since the amendments principally either reduce or clarify present reporting requirements, or update the rules to reflect DOE's current organization, DOE determined that the proposed amendments did not meet the E.O. 12291 definition of a major rule as one likely to result in: (1) An annual effect on the economy of \$100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State and local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. No comments were received opposing these conclusions.

D. Paperwork Reduction Act

The reporting requirements contained in these regulations have been approved by the Office of Management and Budget (OMB), and assigned OMB Approval Number 1901-0288 on July 31, 1986, pursuant to Section 3504(h) of the Paperwork Reduction Act (Pub. L. 96-511, 44 U.S.C. 3504(h)).

E. Section 404 of the Department of Energy Organization Act

Section 404(a) of the Department of Energy Organization Act (DOE Act) (Pub. L. 95-91, 42 U.S.C. 7174(a)) requires that the Federal Energy Regulatory Commission (FERC) be notified whenever the Secretary proposes to

prescribe rules, regulations, and statements of general applicability in the exercise of functions transferred to him under sections 301 and 306 of the DOE Act. The FERC was notified of these regulations on September 18, 1986, and requested to make the necessary determination regarding impact on any function within its jurisdiction. The FERC notified DOE by letter dated October 14, 1986, that it would not take referral of these regulations.

List of Subjects in 10 CFR Part 205

Electric power, Electric utilities, Reporting and recordkeeping requirements.

(Department of Energy Organization Act, Pub. L. 95-91, 91 Stat. 565 (42 U.S.C. 7101).)

In consideration of the foregoing, Title 10 of the Code of Federal Regulations, Chapter II, is amended as set forth below.

Issued in Washington, D.C., on October 24, 1986.

David B. Waller,

Assistant Secretary for International Affairs and Energy Emergencies.

PART 205—[AMENDED]

1. The authority citation for §§ 205.350-205.353 is revised to read as follows:

Authority: Department of Energy Organization Act, Pub. L. 95-91 (42 U.S.C. 7101); Federal Power Act, Pub. L. 66-280 (16 U.S.C. 791 *et seq.*)

Subpart W—Electric Power System Permits and Reports; Applications; Administrative Procedures and Sanctions

* * * * *

Report of Major Electric Utility System Emergencies

2. Title 10, Part 205, Subpart W, §§ 205.350, 205.351, 205.352 and 205.353 are revised to read as follows, and § 205.354 is removed.

§ 205.350 General purpose.

The purpose of this rule is to establish a procedure for the Office of International Affairs and Energy Emergencies (IE) to obtain current information regarding emergency situations on the electric energy supply systems in the United States so that appropriate Federal emergency response measures can be implemented in a timely and effective manner. The data also may be utilized in developing legislative recommendations and reports to the Congress.

(Approved by the Office of Management and Budget under control number 1901-0288)

§ 205.351 Reporting requirements.

For the purpose of this section, a report or a part of a report may be made jointly by two or more entities. Every electric utility or other entity engaged in the generation, transmission or distribution of electric energy for delivery and/or sale to the public shall report promptly, through the DOE Emergency Operations Center, by telephone, the occurrence of any event such as described in paragraphs (a) through (d) of this section. These reporting procedures are mandatory. Entities that fail to comply within 24 hours will be contacted and reminded of their reporting obligation.

(a) *Loss of Firm System Loads*, caused by:

(1) Any load shedding actions resulting in the reduction of over 100 megawatts (MW) of firm customer load for reasons of maintaining the continuity of the bulk electric power supply system.

(2) Equipment failures/system operational actions attributable to the loss of firm system loads for a period in excess of 15 minutes, as described below:

(i) Reports from entities with a previous year recorded peak load of over 3000 MW are required for all such losses of firm loads which total over 300 MW.

(ii) Reports from all other entities are required for all such losses of firm loads which total over 200 MW or 50 percent of the system load being supplied immediately prior to the incident, whichever is less.

(3) Other events or occurrences which result in a continuous interruption for 3 hours or longer to over 50,000 customers, or more than 50 percent of the total customers being served immediately prior to the interruption, whichever is less.

(b) *Voltage Reductions or Public Appeals*:

(1) Reports are required for any anticipated or actual system voltage reductions of 3 percent or greater for purposes of maintaining the continuity of the bulk electric power supply system.

(2) Reports are required for any issuance of a public appeal to reduce the use of electricity for purposes of maintaining the continuity of the bulk electric power system.

(c) *Vulnerabilities that could Impact System Reliability*:

(1) Reports are required for any actual or suspected act(s) of physical sabotage (not vandalism) or terrorism directed at an electric power supply system, local or regional, in an attempt to either:

(i) Disrupt or degrade the service reliability of the local or regional bulk electric power supply system, or

(ii) Disrupt, degrade, or deny bulk electric power service to:

(A) A specific facility (industrial, military, governmental, private), or

(B) A specific service (transportation, communications), or

(C) A specific locality (town, city, county).

(2) Reports are required for any abnormal emergency system operating condition(s) or other event(s) which in the judgment of the reporting entity could or would constitute a hazard to maintaining the continuity of the bulk electric power supply system. Examples will be provided in the DOE pamphlet on reporting procedures.

(d) *Fuel Supply Emergencies:*

(1) Reports are required for any anticipated or existing fuel supply emergency situation which would threaten the continuity of the bulk electric power supply system, such as:

(i) Fuel stocks or hydro project water storage levels are at 50 percent (or less) of normal for that time of the year, and a continued downward trend is projected.

(ii) Unscheduled emergency generation is dispatched causing an abnormal use of a particular fuel type, such that the future supply or stocks of that fuel could reach a level which threatens the reliability or adequacy of electric service.

(Approved by the Office of Management and Budget under control number 1901-0288)

§ 205.352 Information to be reported.

The emergency situation data shall be supplied to the DOE Emergency Operations Center in accordance with the current DOE pamphlet on reporting procedures. The initial report shall include the utility name; the area affected; the time of occurrence of the initiating event; the duration or an estimate of the likely duration; an estimate of the number of customers and amount of load involved; and whether any known critical services such as hospitals, military installations, pumping stations or air traffic control systems, were or are interrupted. To the extent known or reasonably suspected, the report shall include a description of the events initiating the disturbance. The DOE may require further clarification during or after restoration of service.

(Approved by the Office of Management and Budget under control number 1901-0288)

§ 205.353 Special investigation and reports.

If directed by the Director, Office of Energy Emergency Operations in writing and noticed in the Federal Register, a

utility or other subject entity experiencing a condition described in § 205.351 above shall submit a full report of the technical circumstances surrounding a specific power system disturbance, including the restoration procedures utilized. The report shall be filed at such times as may be directed by the Director, Office of Energy Emergency Operations.

(Approved by the Office of Management and Budget under control number 1901-0288)

§ 205.354 [Removed]

[FR Doc. 86-24681 Filed 10-30-86; 8:45 am]

BILLING CODE 8450-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 111

[T.D. 86-195]

Annual User Fee for Customs Brokers' Permits

AGENCY: Customs Service, Treasury.

ACTION: Final rule; announcement of due date of broker's user fee.

SUMMARY: This document advises customs brokers that for 1987 the annual user fee of \$125 that is assessed for each permit held by an individual, partnership, association or corporate broker is due by January 1, 1987. This announcement is being published to comply with the Tax Reform Act of 1986. Further, to be consistent with this Act, the document amends the Customs Regulations concerning payment of the user fee for 1986.

EFFECTIVE DATE: October 31, 1986.

FOR FURTHER INFORMATION CONTACT: Fred Burns O'Brien, Entry Licensing and Restricted Merchandise Branch (202-566-5765).

SUPPLEMENTARY INFORMATION:

Background

Section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (Pub. L. 99-272, passed on April 7, 1986), established that an annual user fee of \$125 is to be assessed for each customs broker's permit held by an individual, partnership, association or corporate broker. The legislative history of this law provides that this fee will help to defray the costs of regulating the brokerage industry. Accordingly, by T.D. 86-109, published in the Federal Register on June 11, 1986 (51 FR 21152), a new § 111.96, Customs Regulations (19 CFR 111.96), was provided to set forth the fee. T.D. 86-161, which was published in the Federal Register on August 26, 1986

(51 FR 30336), and which extensively revised the Customs Regulations relating to brokers, again set forth the \$125 user fee for customs brokers in § 111.96.

Section 111.96, Customs Regulations, states that the \$125 user fee is payable for each calendar year in each district where a broker has a permit to do business. If a broker receives a permit at a time other than the beginning of a calendar year, the full \$125 must be paid immediately. If a broker fails to pay the fee by January 1 of each year or immediately at the time he receives his permit, the district director will notify the broker in writing of failure to pay and revoke the permit to operate. The notice will constitute revocation of the permit.

Section 111.96 also discusses payment of the user fee for the remainder of calendar year 1986. It states that full payment of \$125 was due by August 5, 1986, in each district where a broker has a permit to do business, and revocation will be effective August 5, 1986, if payment is not made.

On October 22, 1986, the Tax Reform Act of 1986 (Pub. L. 99-514) became law. This Act makes technical amendments to the Consolidated Omnibus Budget Reconciliation Act of 1985. Section 1893, Pub. L. 99-514, provides that notice of the date on which payment is due of the user fee for each broker permit shall be published by the Secretary of the Treasury in the Federal Register by no later than 60 days before such due date, and a broker permit may be revoked or suspended for nonpayment of the fee only if notice of the due date is published in the Federal Register at least 60 days before such due date. This document notifies brokers that payment for 1987 is due on January 1, 1987.

Section 1893, Pub. L. 99-514, also provides that the fee for 1986 with respect to each broker permit held by an individual, partnership, association or corporate broker is \$62.50 rather than \$125.00 as set forth in Pub. L. 99-272. The revised fee is in conflict with § 111.96(c)(2), Customs Regulations (19 CFR 111.96(c)(2)), which was based upon Pub. L. 99-272. Because of the legislative changes and since the fee for 1986 has already been paid, § 111.96, Customs Regulations, is being amended by removing paragraph (c)(2).

Pub. L. 99-514 also provides that if the broker permit fee paid for 1986 exceeded \$62.50, a refund shall be made of the excess or, if requested by the broker, credit may be given of the excess fee paid, towards the 1987 fee.

Executive Order 12291

This amendment does not constitute a "major rule" as defined by section 1(b) of E.O. 12291. Accordingly, a regulatory impact analysis is not required.

Regulatory Flexibility Act

It is certified that the provisions of the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*), are not applicable to this amendment because the rule will not have a significant economic impact on a substantial number of small entities. As the amendment reflects section 1893 of the Tax Reform Act of 1986 (Pub. L. 99-514), any economic impact would be attributable to the actions of Congress and not Customs.

Inapplicability of Public Notice and Delayed Effective Date Requirements

Because this amendment merely implements the above-mentioned statute and neither imposes any additional burden on, or takes away any existing rights or privileges from, the public, pursuant to 5 U.S.C. 553(b)(B), notice and public procedure are unnecessary, and pursuant to 5 U.S.C. 553(d)(2), a delayed effective date is not required.

Paperwork Reduction Act

The regulation is not subject to the Paperwork Reduction Act of 1980, Pub. L. 96-511. It is not expected to impose, or otherwise cause, a significant increase in the reporting, recordkeeping or other compliance burdens on a substantial number of small entities.

Drafting Information

The principal author of this document was Harold M. Singer, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other offices participated in its development.

List of Subjects in 19 CFR Part 111

Administrative practice and procedure, Brokers, Customs duties and inspection, Imports.

Amendment to the Regulations

Part 111, Customs Regulations (19 CFR Part 111), is amended as set forth below.

PART 111—CUSTOMS BROKERS

1. The authority citation for Part 111, Customs Regulations (19 CFR Part 111), continues to read as follows:

Authority: 19 U.S.C. 66, 1202 (Gen. Hdnote 11), 1624, 1641.

Section 111.3 also issued under 19 U.S.C. 1484; section 111.96 also issued under 19 U.S.C. 9701.

2. Section 111.96(c) is revised to read as follows:

§ 111.96 Fees.

(c) *User fee.* An annual user fee of \$125 will be assessed for each permit held by an individual, partnership, association or corporate broker. The fee is payable for each calendar year in each district where a broker has a permit to do business by the due date, which will be published in the **Federal Register** annually. If a broker receives a permit at a time other than the beginning of a calendar year, the full \$125 must be paid immediately. If a broker fails to pay the fee by the due date published in the **Federal Register**, or immediately at the time he receives his permit, the district director will notify the broker in writing of failure to pay and revoke the permit to operate. The notice will constitute revocation of the permit.

Dated: October 27, 1986.

John P. Simpson,

Acting Assistant Commissioner, Office of Commercial Operations.

[FR Doc. 86-24675 Filed 10-30-86; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Food and Drug Administration****21 CFR Part 178**

[Docket No. 80F-0498]

Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers; Correction

AGENCY: Food and Drug Administration.

ACTION: Final rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a document that amended the food additive regulations by providing for the safe use of *alpha-sulfo-omega*-(dodecyloxy)poly(oxyethylene) ammonium salt as an emulsifier in the manufacture of coatings for paper and paperboard intended for food-contact use. This document corrects a typographical error.

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

In FR Doc. 86-19998 appearing on page 31760 in the issue of Friday, September 5, 1986, the following correction is made on page 31762: In the second column, third paragraph, ninth line, "2×10⁻¹²" is corrected to read "2×10⁻¹⁰".

Dated: October 24, 1986.

John M. Taylor,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 86-24620 Filed 10-30-86; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF TRANSPORTATION**Federal Highway Administration****23 CFR Parts 476, 630, 655 and 771****Miscellaneous Technical Amendments**

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule.

SUMMARY: This document contains technical amendments to correct several citations in existing regulations in order to bring this material up-to-date.

EFFECTIVE DATE: October 31, 1986.

FOR FURTHER INFORMATION CONTACT: Mr. Michael J. Laska, Office of the Chief Counsel, (202) 366-1383, Federal Highway Administration 400 Seventh Street SW., Washington, DC 20509. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except legal holidays.

SUPPLEMENTARY INFORMATION: On June 24, 1983, at 48 FR 29274, Subpart C of Part 420 of title 23, Code of Federal Regulations, "Coordination of Federal and Federally Assisted Programs and Projects" was removed when the Department of Transportation regulation on intergovernmental review of transportation programs and activities was issued in 49 CFR Part 17. By this amendment, all references to 23 CFR Part 420, Subpart C are being deleted.

On June 30, 1983, at 48 FR 30332, the transportation improvement program (former Part 450, Subpart C) was redesignated as Part 450, Subpart B and the appendixes regarding transportation system management and simplified procedures in areas under 200,000 population were deleted since they were advisory in nature.

Due to changes in highway legislation, on July 23, 1986, at 51 FR 26378, Part 450, Subpart C, "Metropolitan Planning Funds," was removed from 23 CFR, Chapter I.

The FHWA has determined that this document contains neither a major rule under Executive Order 12291 nor a significant regulation under the regulatory policies and procedures of the Department of Transportation. Notice and opportunity for comment are not required because these amendments are technical in nature and make no

substantive changes in the regulations. It is not anticipated that request for comments would result in the receipt of useful information and due to the technical nature of these amendments, the FHWA finds good cause to make this document effective in less than 30 days.

No economic impacts are anticipated as a result of this action. Accordingly, a full regulatory evaluation is not required. For the above reasons and under the criteria of the Regulatory Flexibility Act, it is certified that this action will not have a significant impact on a substantial number of small entities.

In consideration of the foregoing, the Federal Highway Administration amends Chapter I, Parts 476, 630, 633, and 771 of title 23, Code of Federal Regulations, as set forth below. (Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning, and Construction. The regulations regarding intergovernmental consultation on Federal programs and activities apply to this program).

List of Subjects in 23 CFR Parts 476, 630, 655, and 771

Environmental impact statements, Grant programs—transportation, Highway and roads—planning, Mass transportation, Traffic regulations.

Issued on: October 27, 1986.

R.A. Barnhart,

Federal Highway Administrator, Federal Highway Administration.

The FHWA hereby amends Chapter I of Title 23, Code of Federal Regulations, as follows:

PART 476—INTERSTATE HIGHWAY SYSTEM

1. The authority citation for Part 476 continues to read as follows:

Authority: 23 U.S.C. 103(e)(2), 103(e)(4), 103(g), 103(h) and 315; 49 CFR 1.48(b) and 1.51(f).

§ 476.2 [Amended]

2. In § 476.2, amend paragraph (b)(9) by removing the words "23 CFR 450.306" and inserting in lieu thereof the words "23 CFR Part 450, Subpart B."

§ 476.310 [Amended]

3. In § 476.310, amend paragraph (b) by removing the words "23 CFR Part 450, Subpart C" and inserting in lieu thereof the words "23 CFR Part 450, Subpart B."

PART 630—PRECONSTRUCTION PROCEDURES

4. The authority citation for Part 630 continues to read as follows:

Authority: 23 U.S.C. 101(a), 104, 109, 110, 113, 115, 120(f), 121(c), 125, 315, and 320; 23 CFR 1.32; 49 CFR 1.48(b), unless otherwise noted.

5. Section 630.110 is amended by revising paragraph (g) to read as follows:

§ 630.110 General requirements.

(g) The FHWA Division Administrator shall ensure that the provisions of Executive Order 12372 (49 CFR Part 17) regarding the Intergovernmental Review of DOT Programs are complied with as soon as practicable in the development of a project.

§ 630.112 [Amended]

6. In § 630.112, paragraph (d) is removed and reserved.

7. In § 630.112, amend paragraph (f) by removing the citation "23 CFR 450.320(a)(1)(iii)" and inserting in lieu thereof the citation "23 CFR 450.212(a)(1)(iii)."

PART 655—TRAFFIC OPERATIONS

Subpart A—Traffic Operations Improvement Programs (Topics)

8. The authority citation for Part 655, Subpart A continues to read as follows:

Authority: 23 U.S.C. 101(e), 135, and 315; 49 CFR 1.48(b).

§ 655.107 [Amended]

9. In § 655.107, amend paragraph (a) by adding a period after the word "projects" and by removing the parenthetical text.

PART 771—ENVIRONMENTAL IMPACT AND RELATED PROCEDURES

10. The authority citation for Part 771 is revised to read as follows:

Authority: 42 U.S.C. 4321 *et seq.*; 23 U.S.C. 109, 128, 138 and 315; 49 U.S.C. 303(c), 1602(d), 1604(h), 1604(i), and 1610; 49 CFR 1500 *et seq.*; 49 CFR 1.48(b) and 1.51.

§ 771.111 [Amended]

11. In § 771.111, amend paragraph (b) by removing the words "23 CFR 450 Subpart C" and inserting in lieu thereof the words "23 CFR Part 450, Subpart B."

§ 771.115 [Amended]

12. In § 771.115, amend paragraph (b)(4) by removing the words "23 CFR Part 450 Subpart C" and inserting in lieu thereof the words "23 CFR Part 450, Subpart B."

[FR Doc. 86-24650 Filed 10-30-86; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Part 17

[Docket No. R-86-1244; FR 2092]

Administrative Claims; Implementing the Deficit Reduction Act

AGENCY: Office of the Secretary, HUD.
ACTION: Final rule.

SUMMARY: Section 2653 of the Deficit Reduction Act (the Act) authorizes the Secretary of the Treasury to offset the income tax refund due an individual taxpayer who has a delinquent debt obligation to the Federal Government when other collection efforts have failed to recover the amount due. This rule implements the provisions of the Act for reporting an individual debtor to the Internal Revenue Service (IRS) so that an offset against an income tax refund can be effectuated. The procedure contains safeguards for the debtor, while enhancing the Department's ability to collect delinquent debts.

EFFECTIVE DATE: Upon expiration of the first period of 30 calendar days of continuous session of Congress after publication, but not before, further notice of the effective date is published in the Federal Register.

FOR FURTHER INFORMATION CONTACT: Samuel B. Rothman, Office of General Counsel, Program Compliance and Enforcement Division, Room 10240, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410. Telephone (202) 755-7184. (This is not a toll-free number).

SUPPLEMENTARY INFORMATION:

Section 2653 of the Deficit Reduction Act (31 U.S.C. 3720A) authorizes the Secretary of the Treasury to offset the income tax refund due a taxpayer who has a delinquent debt obligation to the Federal government when other collection efforts have failed to recover the amount due. The purpose of the Act is to improve the ability of the government to collect money owed it while adding certain notice requirements and other protections applicable to the government's relationship to the debtor. This rule implements section 2653 of the Act.

The statute directs any Federal agency that is owed a past-due legally enforceable debt by a named person to notify the Secretary of the Treasury in accordance with regulations issued by the Department of Treasury (Treasury).

Before a Federal agency may give such notice, however, it must first: (1) Notify the debtor that the agency proposes to refer the debt for a tax refund deduction; (2) give the debtor at least 60 calendar days to present evidence that all of part of the debt is not past due or not legally enforceable; (3) consider all evidence the debtor presents before determining that a part or all of the debt is past due and legally enforceable; and (4) satisfy any other conditions that the Secretary of the Treasury may prescribe to assure that the agency's determination is valid and that the agency has made reasonable efforts to obtain payment of the debt.

This program for offsets against tax refunds in currently limited to individual taxpayers for a period beginning on January 1, 1986, and ending December 31, 1987.

The rule provides that before HUD will refer a debt to Treasury (through the Internal Revenue Service), notice of that intention will be sent to the debtor. This notice will inform the debtor of the nature and amount of the debt; that unless the debt is repaid within 65 days, HUD intends to collect the debt by requesting the IRS to offset any tax refund payable to the debtor; that the debtor has a right to a review by the HUD Board of Contract Appeals of HUD's determination of the debt; and that the debtor has a right to inspect and copy HUD's records related to the debt.

This rule establishes procedures for the debtor who seeks a review of HUD's determination or who wishes to review HUD's records. It also provides procedures for the application of funds recovered through the offset, and sets out HUD's intention to renew its request to the IRS the following year if a tax refund is insufficient in one tax year to satisfy the amount of the debt. A request for review will suspend HUD's request to the IRS pending the issuance of a decision by the HUD Board of Contract Appeals on the enforceability or past-due status of the debt.

HUD provides in 24 CFR 17.150(c) that it will not report debts to the IRS that are less than \$100, exclusive of interest and other charges. This provision is based on a determination by HUD that this type of offset mechanism is such that is of no economic benefit to collect amounts less than \$100 and therefore, not in furtherance of the objectives of the statute.

Other Matters

1. This rule describes procedures the Department is utilizing and intends to utilize in the future for administrative determination and reconsideration regarding the amount and enforceability

of debts owed to the Department before resorting to procedures authorized by statute and by regulations issued by the Secretary of the Treasury. Because this rule is entirely procedural in nature, it is not subject to the notice and public comment requirements of the Administrative Procedure Act. See 5 U.S.C. 553(b)(1)(A). These procedures are being codified in the Department's regulations for general information and pursuant to statutory requirements regarding publication of rules of procedure in the Federal Register. 5 U.S.C. 552(a)(1)(C). The procedures described in this rule are currently being utilized (before the effective date of this rule) with respect to persons who are provided actual notice through the notices required under these procedures. See 5 U.S.C. 552(a)(1).

2. A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implements section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332. The Finding of No Significant Impact is available for public inspection during regular business hours in the Office of General Counsel, Rules Docket Clerk, Room 10276, 451 Seventh Street, SW., Washington, DC 20410.

3. This rule does not constitute a major rule as that term is defined in section 1(b) of Executive Order 12291 on Federal Regulation issued on February 17, 1981. Analysis of the rule indicates that it does not (1) have an annual effect on the economy of \$100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

4. In accordance with the provisions of section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601), the Undersigned certifies that this rule does not have a significant economic impact on a substantial number of small entities such as would require the development of a regulatory impact analysis. The Department recognizes that there may be increased costs to individuals as a result of this rule. However, such increases are imposed *only if* an individual is late in making payments to the Department. In addition, these procedures are mandated by section 2653 of the Deficit Reduction Act.

5. Under section 3518 of the Paperwork Reduction Act of 1980 and 5

CFR 1320.3(c), the information collection provisions contained in these regulations are not subject to Office of Management and Budget review and approval.

6. This rule was not listed in the Department's Semiannual Agenda of Regulations published on April 21, 1986 (51 FR 14036) under Executive Order 12291 and the Regulatory Flexibility Act.

List of Subjects in 24 CFR Part 17

Claims, Government employees.

Accordingly, 24 CFR is amended as follows:

PART 17—ADMINISTRATIVE CLAIMS

1. By revising the authority citation for Part 17 to read as follows and removing the authority citation appearing under each Subpart heading.

Authority: Section 7(d) of the Housing and Urban Development Act (42 U.S.C. 3535(d)). In addition, the authority citation for Subpart A is: The Federal Tort Claims Act, 28 U.S.C. 2672. The authority citation for Subpart B is: Sec. 3, 78 Stat. 767 (31 U.S.C. 3721). The authority citation for Subpart C is: 31 U.S.C. 3711, 3716, 3718; 5 U.S.C. 5514; and Sec. 2653 of the Deficit Reduction Act (31 U.S.C. 3720A).

2. By amending the table of contents for Part 17 by adding at the end the following new center heading and sections:

IRS Tax Refund Offset Provisions

- | | |
|--------|---|
| Sec. | |
| 17.150 | Scope. |
| 17.151 | Notice requirements before offset. |
| 17.152 | Review within the Department of a determination that an amount is past-due and legally enforceable. |
| 17.153 | Determination of the Administrative Judge. |
| 17.154 | Postponements, withdrawals and extensions of time. |
| 17.155 | Review of departmental records related to the debt. |
| 17.156 | Stay of offset. |
| 17.157 | Application of offset funds: Single debt. |
| 17.158 | Application of offset funds: Multiple debts. |
| 17.159 | Application of offset funds: Tax refund insufficient to cover amount of debt. |
| 17.160 | Time limitation for notifying the IRS to request offset of tax refunds due. |
| 17.161 | Correspondence with the Department. |

3. By adding at the end of Part 17, under Subpart C, a new undesignated center heading entitled IRS TAX REFUND OFFSET PROVISIONS and new §§ 17.150 through 17.161, to read as follows:

IRS Tax Refund Offset Provisions**§ 17.150 Scope.**

(a) The standards set forth in §§ 17.150 through 17.161 are the Department's procedures for requesting the Internal Revenue Service (IRS) to offset tax refunds due taxpayers who have a past-due debt obligation to the Department. These procedures are authorized by the Deficit Reduction Act of 1984 (31 U.S.C. 3720A) and apply to the collection of debts as authorized by common law, by 31 U.S.C. 3716, or under other statutory authority.

(b) The Secretary will use the IRS tax refund offset to collect claims which are certain in amount, past due and legally enforceable, and which are eligible for tax refund offset under regulations issued by the Secretary of the Treasury.

(c) The Secretary will not report debts to the IRS except for the purpose of using the offset procedures described in §§ 17.150 through 17.161. Debts of less than \$100.00, exclusive of interest and other charges, will not be reported.

(d) If not legally enforceable because of lapse of statute of limitations but otherwise valid, the debt will be reported to the IRS as a forgiven debt on Form 1099G. (Form 1099G is an information return which Government agencies file with the IRS to report forgiven debt, and the forgiven amount is considered income to the taxpayer.) (See § 17.159.)

§ 17.151 Notice requirements before offset.

A request for deduction from an IRS tax refund will be made only after the Secretary makes a determination that an amount is owed and past due and provides the debtor with 65 calendar days written notice. This Notice of Intent to Collect by IRS Tax Refund Offset (Notice of Intent) will state:

(a) The nature and amount of the debt;
 (b) That unless the debt is repaid within 65 days from the date of the Notice, the Secretary intends to collect the debt by requesting the IRS to reduce any amounts payable to the debtor as refunds of Federal taxes paid by amount equal to the amount of the debt and all accumulated interest and other charges;

(c) That the debtor has a right to obtain review within the Department of the Secretary's initial determination that the debt is past due and legally enforceable (see § 17.152);

(d) That the debtor has a right to inspect and copy departmental records related to the debt as determined by the Secretary and will be informed as to where and when the inspection and copying can be done after the Department receives notice from the

debtor that inspection and copying are requested. (See § 17.155.)

§ 17.152 Review within the Department of a determination that an amount is past-due and legally enforceable.

(a) *Notification by debtor.* A debtor who receives a Notice of Intent has the right to present evidence that all or part of the debt is not past-due or not legally enforceable. The debtor should send a copy of the Notice of Intent with a letter notifying the HUD Board of Contract Appeals within 25 calendar days from the date of the Department's Notice of Intent that he or she intends to present evidence. (See § 17.161(a) for address of the Board.) Failure to give this advance notice will not jeopardize the debtor's right to present evidence within the 65 days provided for in paragraph (b) of this section. If the HUD Board of Contract Appeals has additional procedures governing the review process, a copy of the procedures will be mailed to the debtor after his request for review is received and docketed by the Board.

(b) *Submission of evidence.* The debtor may submit evidence showing that all or part of the debt is not past-due or not legally enforceable along with the notification requested by paragraph (a) of this section, but in any event the evidence must be submitted to the Board of Contract Appeals within 65 calendar days from the date of the Department's Notice of Intent. Failure to submit evidence within 65 calendar days will result in a dismissal of the request for review by the HUD Board of Contract Appeals.

(c) *Review of the record.* After a timely submission of evidence by the debtor, an Administrative Judge from the HUD Board of Contract Appeals will review the evidence submitted by the Department which shows that all or part of the debt is past-due and legally enforceable. (Administrative Judges are appointed in accordance with 41 U.S.C. 607(b)(1)). The Administrative Judge shall make a determination based upon a review of the written record, except that the Administrative Judge may order an oral hearing if he or she finds that:

(1) An applicable statute authorizes or requires the Secretary to consider waiver of the indebtedness and the waiver determination turns on credibility or veracity; or
 (2) The question of indebtedness cannot be resolved by review of the documentary evidence.

(d) *Previous Decision by Board of Contract Appeals.* The debtor is not entitled to a review of the Department's intent to offset it, in a previous year the HUD Board of Contract Appeals has

issued a decision on the merits that the debt is past-due and legally enforceable, *except* when the debt has become legally unenforceable since the issuance of that decision, or the debtor can submit newly discovered material evidence that the debt is presently not legally enforceable.

§ 17.153 Determination of the Administrative Judge.

(a) Following the hearing or the review of the record, the Administrative Judge shall issue a written decision which includes the supporting rationale for the decision. The decision of the Administrative Judge concerning whether a debt or part of a debt is past-due and legally enforceable is the final agency decision with respect to the past-due status and enforceability of the debt.

(b) Copies of the Administrative Judge's decision will be distributed to the General Counsel of the Department, the Department's Office of Finance and Accounting, the debtor, and the debtor's attorney or other representative, if any.

(c) If the Administrative Judge's decision affirms that all or part of the debt is past due and legally enforceable, the Secretary will notify the IRS after the Administrative Judge's determination has been issued under paragraph (a) of this section and a copy of the determination is received by the Department's Office of Finance and Accounting. No referral will be made to the IRS if review of the debt by the Administrative Judge reverses the initial decision that the debt is past due and legally enforceable.

§ 17.154 Postponements, withdrawals and extensions of time.

(a) *Postponements and withdrawals.* The Secretary may, for good cause, postpone or withdraw referral of the debt to the IRS. (For example, a delay in the mail between the debtor and the Secretary could normally warrant a postponement; a mathematical error or computer malfunction could be the reason for a withdrawal.)

(b) *Extensions of time.* At the discretion of the Administrative Judge, time limitations required in these procedures may be extended in appropriate circumstances for good cause shown.

§ 17.155 Review of departmental records related to the debt.

(a) *Notification by debtor.* A debtor who intends to inspect or copy departmental records related to the debt as determined by the Secretary must send a letter to the Title I Representative stating his or her

intention. The letter must be received by the Title I Representative within 25 calendar days from the date of the Department's Notice of Intent.

(b) *Department's response.* In response to timely notification by the debtor as described in paragraph (a) of this section, the Title I Representative will notify the debtor of the location and time when the debtor may inspect or copy departmental records related to the debt.

§ 17.156 Stay of offset.

If the debtor timely notifies the Secretary that he or she is exercising a right described in § 17.152(a) and timely submits evidence in accordance with § 17.152(b), any notice to the IRS will be stayed until the issuance of a written decision by the Administrative Judge which determines that a debt or part of a debt is past-due and legally enforceable.

§ 17.157 Application of offset funds: Single debt.

If the debtor does not timely notify the Secretary that he or she is exercising a right described in § 17.152, the Secretary will notify the IRS of the debt no earlier than 65 calendar days from the date of the Department's Notice of Intent, and will request that the amount of the debt be offset against any amount payable by the IRS as refund of Federal taxes paid. Normally, recovered funds will be applied first to costs of collection, then to any special charges provided for in HUD regulations or contracts, then to interest and finally, to the principal owed by the debtor.

§ 17.158 Application of offset funds: Multiple debts.

The Secretary will use the procedures set out in § 17.157 for the offset of multiple debts. However, when collecting on multiple debts the Secretary will apply the recovered amounts against the debts in the order in which the debts accrued.

§ 17.159 Application of offset funds: Tax refund insufficient to cover amount of debt.

If a tax refund is insufficient to satisfy a debt in a given tax year, the Secretary will recertify to the IRS the following year to collect further on the debt. If, in the following year, the debt has become legally unenforceable because of the lapse of the statute of limitations, the debt will be reported to the IRS as a forgiven debt in accordance with § 17.150(d).

§ 17.160 Time limitation for notifying the IRS to request offset of tax refunds due.

(a) The Secretary may not initiate offset of tax refunds due to collect a

debt for which authority to collect arises under 31 U.S.C. 3716 more than 10 years after the Secretary's right to collect the debt first accrued, unless facts material to the Secretary's right to collect the debt were not known and could not reasonably have been known by the officials of the Department who were responsible for discovering and collecting such debts.

(b) When the debt first accrued is determined according to existing law regarding the accrual of debts. (See, for example, 28 U.S.C. 2415.)

§ 17.161 Correspondence with the Department.

(a) All correspondence from the debtor to the Secretary concerning the right to review as described in § 17.152 shall be addressed to the HUD Board of Contract Appeals, Room 2158, 451 Seventh Street SW., Washington, DC 20410-0001, with a copy to the Offsets Docket Clerk, Room 10251, 451 Seventh Street SW., Washington, DC 20410-0500.

(b) The request for review of Departmental records should be addressed to the Title I Representative whose address appears in the Notice of Intent of Offset. All requests for review of departmental records must be marked: Attention: Records Inspection Request.

(c) All other correspondence shall be addressed to the Department Claims Officer, Office of Finance and Accounting, Department of Housing and Urban Development, Room 2202, Washington, DC 20410.

Dated: October 22, 1986.

Samuel R. Pierce, Jr.,

Secretary.

[FR Doc. 86-24648 Filed 10-30-86; 8:45 am]

BILLING CODE 4210-32-M

DEPARTMENT OF LABOR

Wage and Hour Division, Employment Standards Administration

29 CFR Part 697

Industries in American Samoa; Wage Order

AGENCY: Wage and Hour Division, Department of Labor.

ACTION: Final rule.

SUMMARY: On June 18, 1986, (published at 51 FR 22517, June 20, 1986) a final rule was issued by the Administrator of the Wage and Hour Division, establishing new minimum wage rates for industries in American Samoa as recommended by Industry Committee No. 17 (the Committee). The Committee had

recommended increases which, by April 4, 1988, would have brought all industries up to the current statutory minimum of \$3.35 an hour for the mainland United States specified in the Fair Labor Standards Act (FLSA).

On August 27, the Insular Areas Regulation Act (Pub. L. 99-396) was signed by the President. Section 11 of this Act provides that the final rule of June 18, 1986, shall have no effect. The Act also provides that the minimum wage rates shall be those in effect on July 1, 1986, until new rates are established by another industry committee.

EFFECTIVE DATE: This rule is effective as of August 27, 1986.

FOR FURTHER INFORMATION CONTACT: Herbert J. Cohen, Deputy Administrator, Wage and Hour Division, U.S. Department of Labor, 200 Constitution Avenue NW., Room S3502, Washington, DC 20210, Phone: 202-523-8305.

SUPPLEMENTARY INFORMATION: Pursuant to sections 5, 6, and 8 of FLSA of 1938 (52 Stat. 1062, 1064) as amended (29 U.S.C. 205, 206, 208) and Reorganization Plan No. 6 of 1950 (3 CFR 1949-1953 Comp., p. 1004), and by means of Administrative Order No. 658 (51 FR 6605), the Secretary of Labor appointed and convened Industry Committee No. 17 for Industries in American Samoa, referred to the Committee the question of the minimum rate or rates of wages to be paid under section 8 of FLSA to covered employees, and gave notice of a hearing to be held by the Committee (51 FR 6605).

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee filed a report containing its findings of fact and recommendations with respect to the matters referred to it with the Administrator of the Wage and Hour Division of the Department of Labor.

The Committee's recommendations were signed by the Administrator on June 18, 1986. A wage order was published on June 20, 1986 (51 FR 22517) and became effective on July 5, 1986. A correction was published on July 15, 1986 (51 FR 25525).

The wage order increased the minimum wage rates for three industries (fish canning and processing and can manufacturing, shipping and transportation classification A, and petroleum marketing) to \$3.35 an hour effective July 7, 1986. Increases were provided for the remaining industries that would, by April 4, 1988, require that all employees subject to FLSA be paid not less than \$3.35 an hour.

The Insular Areas Regulation Act denies effect to the wage order of June 18, 1986 and provides that the minimum wage rates to be paid employees in American Samoa shall be those in effect on July 1, 1986, until new rates are established by another industry committee.

The Department has begun to make the arrangements necessary to convene another industry committee to consider the wage rates in American Samoa. A notice will appear in the **Federal Register** announcing the date and location of the meeting of this committee.

Publication in Final

The agency finds good cause to dispense with separate notice and public comment on this action. Such public procedure is found to be unnecessary in that the agency's action today is mandated by a new statutory requirement. See 5 U.S.C. 553(b)(3)(B). For the same reason, the agency finds that good cause exists for waiving the customary requirement for delay in the effective date of a final rule for 30 days following its publication. See 5 U.S.C. 553(d).

Executive Order 12291

This rule is not a "major rule" under Executive Order 12291 because it is not likely to result in (1) an annual effect in the economy of \$100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign based enterprises in domestic or foreign markets. Accordingly, no regulatory impact analysis is required.

Regulatory Flexibility Act

Because no notice of proposed rulemaking is required for the rule under 5 U.S.C. 553(b), the requirements of the Regulatory Flexibility Act, Pub. L. 96-354, Stat. 1164, 5 U.S.C. 601, et. seq. pertaining to regulatory flexibility analysis do not apply to this rule. See 5 U.S.C. 601(2).

This document was prepared under the direction and control of Paula V. Smith, Administrator, Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor.

List of Subjects in 29 CFR Part 697

Minimum wages, American Samoa.

Accordingly, Part 697 of Chapter V of Title 29, Code of Federal Regulations is amended as set forth below.

PART 697—INDUSTRIES IN AMERICAN SAMOA

Part 697 of Title 29 CFR is amended as follows:

1. The authority citation for Part 697 is revised to read as follows:

Authority: Secs. 5, 6, 8, 52 Stat. 1062, 1064; 29 U.S.C. 205, 206, 208; Section 11 of the Insular Areas Regulation Act (Pub. L. 99-396).

2. Sections 697.1 (a)(1), (b)(1), (c)(1), (d)(1), (e)(1), (f)(1), (g)(1), (h)(1), (i)(1), (j)(1), (k)(1), (l)(1), (m), (n)(1), is revised to read as follows:

§ 697.1 Wage rates and industry definitions.

(a) *Fish canning and processing and can manufacturing industry.* (1) The minimum wage for this industry is \$2.82 an hour effective August 27, 1986.

(b) *Shipping and transportation industry.* (1) The minimum wage for classification A, stevedoring, lighterage and maritime shipping agency activities, is \$2.80 an hour effective August 27, 1986. The minimum wage for classification B, all other activities, is \$2.67 an hour effective August 27, 1986.

(c) *Tour and travel service industry.* (1) The minimum wage for this industry is \$2.35 an hour effective August 27, 1986.

(d) *Petroleum marketing industry.* (1) The minimum wage for this industry is \$2.80 an hour effective August 27, 1986.

(e) *Construction industry.* (1) The minimum wage for this industry is \$2.38 an hour effective August 27, 1986.

(f) *Hotel industry.* (1) The minimum wage for this industry is \$1.77 an hour effective August 27, 1986.

(g) *Retailing, wholesaling and warehousing industry.* (1) The minimum wage for this industry is \$2.05 an hour effective August 27, 1986.

(h) *Laundry and dry cleaning industry.* (1) The minimum wage for this industry is \$1.46 an hour effective August 27, 1986.

(i) *Bottling and dairy products industry.* (1) The minimum wage for this

industry is \$2.04 an hour effective August 27, 1986.

(j) *Printing and publishing industry.* (1) The minimum wage for this industry is \$2.31 an hour effective August 27, 1986.

(k) *Finance and insurance industry.* (1) The minimum wage for this industry is \$2.56 an hour effective August 27, 1986.

(l) *Private hospitals and educational institutions industry.* (1) The minimum wage for this industry is \$1.84 an hour effective August 27, 1986.

(m) *Government employees industry.* (1) The minimum wage for this industry is \$1.97 an hour effective August 27, 1986.

(2) This industry includes all activities of employees of the Government of American Samoa. This industry does not include any employee of the United States or its agencies.

(n) *Miscellaneous activities industry.* (1) The minimum wage for this industry is \$1.85 an hour effective August 27, 1986.

3. Section 697.3 is revised to read as follows:

§ 697.3 Effective dates.

The wage rates specified in § 697.1 shall be effective as follows:

(a) Paragraphs (a) through (n) of § 697.1 are effective on August 27, 1986.

Signed at Washington, D.C. this 27th day of October 1986.

Paula V. Smith,

Administrator, Wage and Hour Division, U.S. Department of Labor.

[FR Doc. 86-24684 Filed 10-30-86; 8:45 am]

BILLING CODE 4510-27-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL-3102-8]

Indiana: Final Determination of State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

ACTION: Final authorization.

SUMMARY: Indiana has applied for final authorization of a revision to its

hazardous waste program under the Resource Conservation and Recovery Act (RCRA), as amended. The United States Environmental Protection Agency (EPA) has reviewed Indiana's application and has made a decision, subject to public review and comment, that Indiana's hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Thus, EPA intends to approve Indiana's hazardous waste program revision. Indiana's application for program revision is available for public review and comment.

DATES: Final authorization for Indiana shall be effective on December 31, 1986, unless EPA publishes a prior Federal Register action providing otherwise. All comments on Indiana's program, revision application must be received by the close of business on November 24, 1986.

ADDRESSES: Copies of Indiana's program revision are available during the business hours of 8:30 A.M. to 4:30 P.M., at the following addresses for inspection and copying:

Indiana Department of Environmental Management, Office of Solid and Hazardous Waste Management, Hazardous Waste Management Branch, 105 South Meridian Street, Indianapolis, Indiana 46225, Contact: Mr. Michael Dalton (317) 232-8884
U.S. EPA, Region V, Waste Management Division, Solid Waste Branch, Program Management Section, 230 South Dearborn Street, 5HS-JCK-13, Chicago, Illinois 60604, Contact: Mr. Mike Ohm (312) 886-6134
U.S. EPA Headquarters Library, PM 211A 401 M. Street SW., Washington, DC, 20460 (202) 382-5926.

FOR FURTHER INFORMATION CONTACT: Mr. Mike Ohm, U.S. EPA, Region V, Hazardous Waste Division, Solid Waste Branch, Program Management Section, 230 South Dearborn Street, 5HS-JCK-13, Chicago, Illinois 60604, (312) 886-6134.

SUPPLEMENTARY INFORMATION:

A. Background

States with final authorization under section 3006(b) of the Resource Conservation and Recovery Act ("RCRA" or "the Act"), 42 U.S.C. 6929(b), have a continuing obligation to maintain a hazardous waste management program that is equivalent to, consistent with, and no less stringent than the Federal hazardous waste management program. In addition, as an interim measure, the Hazardous and Solid Waste Amendments of 1984 (Pub. L. 98-616, November 8, 1984, hereinafter referred to as "HSWA") allows States to

revise their programs to become substantially equivalent instead of equivalent to RCRA requirements promulgated under HSWA authority. States exercising the latter option receive "interim authorization" for the HSWA requirements under section 3006(g) of RCRA, 42 U.S.C. 6926(g), and later apply for final authorization for the HSWA requirements.

In accordance with 40 CFR 271.21(a)(2), revisions to State hazardous waste management programs are necessary when Federal or State statutory or regulatory authority is modified or when certain other changes to EPA's regulations in 40 CFR Parts 260 through 266, 124 and 270 are made.

B. Indiana

Indiana initially received final authorization on January 31, 1986. On May 2, 1986, Indiana submitted a program revision identifying a change in the State agency implementing the Federally approved hazardous waste management program. Today, EPA is approving of Indiana's program revision in accordance with 40 CFR 271.21(b).

On April 1, 1986 the Indiana Legislature enacted legislation (Indiana Pub. L. 143-1985), (Indiana Pub. L. 143-1985) reorganizing the Indiana agency responsible for administering the hazardous waste management program. Prior to April 1, 1986, the Indiana hazardous waste management program was the responsibility of the Indiana State Board of Health (ISBH); the program was implemented by ISBH's Division of Land Pollution Control. On April 1, 1986, Indiana Pub. L. 143-1985 created a new State agency entitled the Indiana Department of Environmental Management (IDEM). The Division of Land Pollution Control became an office within the IDEM entitled the Office of Solid and Hazardous Waste Management. The organizational structure, the staff composition, and most importantly, the State's regulatory and statutory equivalence to the Federal RCRA program were in no way altered by this statutory reorganization of the RCRA program to the new agency. Essentially this program revision is intended to reflect the changes in the name and organization of the lead agency.

Indiana Pub. L. 143-1985 contains an attendant savings provision [section 7(f)] regarding the reorganization of the Division of Land Pollution Control into the Office of Solid and Hazardous Waste Management. The clause states that "for purposes of succession to all functions, powers, and obligations

transferred under the Act, the entity to which a function, power, or obligation is transferred, constitutes a continuation of the entity from which the function, power, or obligation is transferred. Under this subsection, a matter involving or pending before the entity from which a function, power, or obligation is transferred may be considered to involve or to be pending before the transferee entity as of the date of transfer of function, power, or obligation."

Indiana Pub. L. 143-1985 effectively continues the hazardous waste management program on and after April 1, 1986. Section 6(a) conveys the authority, along with reorganizing the Division of Land Pollution Control to the newly created IDEM. Section 7(c) effectively continues the rules previously adopted by the Environmental Management Board and presently under the authority of the Solid Waste Management Board.

The revision of the Indiana hazardous waste management program made as a result of the reorganization essentially reflects the change in the name and organization of the lead agency. This program revision does not fall within the ambit of the requirement in 40 CFR 271.21(c) which provides that where there is a transfer of all or part of a program from an approved State agency to another State agency, the new agency is not authorized to administer the program until approved by EPA under 40 CFR 271.21(b). EPA does not view the reorganization, with the attendant savings clause of section 7(c) of Indiana Pub. L. 143-1985 as a transfer within the purview of 40 CFR 271.21(c). Thus, the authorized hazardous waste management program continues within the State of Indiana without interruption from the date of the reorganization with IDEM responsible for administering the program.

Approval of the Indiana program revision shall become effective in 60 days unless significant adverse comment pertaining to the State's revision discussed in this notice is received by the end of the comment period. If significant adverse comment is received EPA will publish either (1) a withdrawal of the immediate final decision or (2) a notice containing a response to comments which either affirms that the immediate final decision takes effect or reverses the decision.

Indiana is not being authorized to operate any portion of the hazardous waste program on Indian land nor any HSWA requirements.

C. Decision

I conclude that Indiana's application for program revision meets all of the statutory and regulatory requirements established by RCRA. Accordingly, Indiana maintains final authorization to operate its hazardous waste program as revised. The approved program revision consists of Indiana Pub. L. 143-1985, the revised program description, the Attorney General's Certification and the Memorandum of Agreement signed by the IDEM and the EPA on April 24, 1986, and July 18, 1986, respectively. IDEM now has responsibility for permitting treatment, storage, and disposal facilities within its borders and carrying out other aspects of the RCRA program, subject to the limitation of its revised program application and previously approved authorities. Indiana also has primary enforcement responsibilities, although EPA retains the right to conduct inspections under section 3007 of RCRA and to take enforcement actions under sections 3008, 3013 and 7003 of RCRA of the approved program revision.

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

Certification under the Regulatory Flexibility Act: Pursuant to the provisions of 4 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. This authorization merely acknowledges and approves the reorganization and conveyance of authority from the ISBH to the IDEM. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 271

Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

Authority: This notice is issued under the authority of secs. 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act as amended 42 U.S.C. 912(a), 6928, 6974(b).

Dated: September 25, 1986.

Valdas V. Adamkus,
Regional Administrator.

[FR Doc. 86-24559 Filed 10-30-86; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 22

[General Docket No. 86-164; FCC 86-421]

Simplification of Individual Licensing Procedures in the Domestic Public Air-Ground Radiotelephone Service

AGENCY: Federal Communications Commission (FCC).

ACTION: Final rule.

SUMMARY: This action finalizes a Notice for Proposed Rulemaking (Notice) which invited comment on the Commission's proposals to make certain changes in the licensing procedures for individual airborne mobile units (AMUs). This action implements the changes to permit more expeditious service to individual AMU users and more efficient use of the Commission's resources.

EFFECTIVE DATE: The effective date of this action will be announced upon OMB approval of the information collection requirements in §§ 22.9, 22.15, and 22.213 set forth below, except § 22.514 which is effective October 31, 1986.

FOR FURTHER INFORMATION CONTACT: David H. Siehl, tele: 202-632-6450.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Report and Order* in General Docket No. 86-164, FCC 86-421, Adopted October 6, 1986 and Released October 17, 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 contractor, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Summary of Report and Order

On April 30, 1986, the Commission adopted a Notice of Proposed Rulemaking (Notice) which solicited comments concerning changes in the rules for licensing individual airborne mobile units (AMUs) under the Common Carrier Bureau's Domestic Public Air-Ground Radiotelephone Service (DPAGRS). The Commission has reviewed fully the comments and adopted a First Report and Order which establishes simplified procedures for licensing AMUs. Under the new licensing scheme, the license of the AMU will become effective upon its properly completing and mailing a revised Form 409. The requirement for a

letter of intent from a local wireline carrier to accompany the form has now been eliminated. The modified rules require AMU users to comply with all applicable Commission rules regarding subscriber-furnished mobile units. In addition, the Commission will no longer assign individual AMU call signs. Instead, the FAA registration number of each aircraft, preceded by a prefix will serve as the call sign for the individual AMU unit.

Final Regulatory Flexibility Analysis. Pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. section 605(b), it is certified that the final rule will affect air-ground licensees, air-ground radiotelephone equipment manufacturers and members of the public receiving air-ground service. These may be small entities. This action is expected to provide more expeditious service to licensees and members of the public.

Ordering Clauses

Authority for this rulemaking is contained in sections 1, 4 (i) and (j), 301, 303 and 309 of the Communications Act of 1934, as amended, and section 553 of the Administrative Procedure Act.

Accordingly, it is ordered, that Part 22 of the Rules is amended as specified in the attached Rules Section. These amendments and other policies adopted in this Order will become effective after the publication of a future public notice in the Federal Register.

Federal Communications Commission.
William J. Tricarico,
Secretary.

Part 22 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 22—PUBLIC MOBILE SERVICE

1. The authority citation for Part 22 continues to read:

Authority: Sections 4, 303, 48 Stat. 1066, 1082, as amended (47 U.S.C. 154, 303).

§ 22.9 [Amended]

2. Section 22.9(c)(2) is amended by removing the words "and (3)."
3. Section 22.15(i)(3) is revised to read as follows:

§ 22.15 Technical content of applications.

* * * * *
(i) * * *
(3) An application for one or more airborne units shall include an affirmative representation that the applicant has made definite arrangements with a wireline common carrier for service and billing.
* * * * *

4. Section 22.213(b)(5) is revised to read as follows:

§ 22.213 Station identification.

(b) * * *

(5) An airborne station in the Public Mobile Service shall identify itself by the official FAA registration number of the aircraft preceded by a prefix.

5. Section 22.514 is amended by revising the introductory text of paragraph (a) to read as follows:

§ 22.514 Responsibility for operational control and maintenance of mobile units.

(a) The licensee of a base station in this service shall be responsible for exercising effective operational control over all mobile units with which it communicates. The proper installation and maintenance of such mobile units shall be the responsibility of the respective licensees thereof, *except that* subscribers who elect to provide their own land and air mobile units shall be responsible for the proper installation and maintenance of such mobile units. These subscribers are required to do the following:

[FR Doc. 86-24582 Filed 10-30-86; 8:45 am]
BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 655

[Docket No. 60107-6045]

Atlantic Mackerel, Squid, and Butterfish Fisheries

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

ACTION: Notice of *Illex* squid specification increase.

SUMMARY: NOAA issues this notice, as required by the regulations, to increase the optimum yield (OY) specification for *Illex* squid by 2,000 metric tons (mt). This increase is assigned to the total allowable level of foreign fishing (TALFF), based on recommendations of the New England and Mid-Atlantic Fishery Management Councils. The action is intended to foster the objective of the Fishery Management Plan for the Atlantic Mackerel, Squid, and Butterfish Fisheries (FMP) of creating benefits for the U.S. fishing industry.

DATES: This notice is effective October 28, 1986. Comments are invited until November 12, 1986.

ADDRESS: Send comments to Salvatore A. Testaverde, Northeast Regional Office, NMFS, 2 State Fish Pier, Gloucester, MA 01930-3097. Mark on the outside of the envelope "Comments on *Illex* Increase".

FOR FURTHER INFORMATION CONTACT: Salvatore A. Testaverde, 617-281-3600, ext. 273.

SUPPLEMENTARY INFORMATION: Under 50 CFR 655.22, final initial annual specifications for squid were published on May 9, 1986 (51 FR 17189) for the fishing year April 1, 1986, to March 31, 1987. Amendment 2 to the FMP (51 FR 10547, March 27, 1986) changed the fishing year for squid to begin on January 1. On July 9, 1986, proposed adjustments to the final initial annual specifications were published (51 FR 24880) for the transitional squid fishing year ending December 31, 1986.

The regulations at § 655.21(b)(1)(v) provide that the annual initial optimum yield (IOY) for squids may be adjusted by the Director, Northeast Region, NMFS (Regional Director) after consultation with the Mid-Atlantic Fishery Management Council.

In accordance with § 655.22(f), notice is hereby given that the current IOY for *Illex* squid of 17,840 mt (51 FR 31774, September 5, 1986) is increased by 2,000 mt to 19,840 mt. This increase is assigned to the *Illex* TALFF, which is increased from 1,878 mt (51 FR 39377, October 28, 1986) to 3,378 mt. The final specifications OY and TALFF for *Illex* for the transitional fishing year are likewise increased by 2,000 mt each. Bycatch TALFF specifications for Atlantic mackerel and butterfish are also increased, in accordance with formulas stated in the FMP, as follows: Atlantic mackerel from 30,029 to 30,031 mt and butterfish from 181 mt to 191 mt. The *Loligo* squid TALFF remains at 3,000 mt; no further allocation can occur because the current OY equals the allowable biological catch (ABC) for that species.

The *Illex* TALFF amount considers prior purchases of U.S.-processed or harvested squid by foreign joint venture partners. It also considers possible future development of the U.S. fishing industry resulting from the availability of additional TALFF. This issue was debated before both Councils. An opportunity for further public comment is not possible before making this adjustment of TALFF, because delaying the release of the additional 2,000 mt of *Illex* squid to TALFF potentially disadvantages U.S. harvesters, who are also selling squid to foreign vessels, without benefiting other interested members of the industry. Most of these

members have participated fully in this decisionmaking process. However, public comments are invited for 15 days after the effective date of this notice.

Other Matters

This action is taken under the authority of 50 CFR Part 655 and is in compliance with Executive Order 12291.

In view of the need to avoid unnecessary disruption of domestic and foreign fisheries, NOAA has determined that delaying the effective date of this notice is impracticable, unnecessary, and contrary to the public interest.

List of Subjects in 50 CFR Part 655

Fisheries, Reporting and recordkeeping requirements.

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

Dated: October 28, 1986.

Carmen J. Blondin,

Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

[FR Doc. 86-24721 Filed 10-28-86; 4:24 pm]

BILLING CODE 3510-22-M

50 CFR Part 655

[Docket No. 60107-6045]

Atlantic Mackerel, Squid, and Butterfish Fisheries; Final Specifications

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

ACTION: Final annual specifications for fishing year 1986, and corrections.

SUMMARY: NOAA issues this notice to provide final specifications for the Atlantic mackerel, squid, and butterfish fisheries for fishing year 1986, to make corrections, and to bring the specifications table up to date following several adjustments since the proposed specifications were published. This action is intended to satisfy the requirements of the regulations governing these fisheries.

EFFECTIVE DATE: These specifications are effective October 30, 1986.

ADDRESS: Copies of the regulatory flexibility analysis prepared for these fisheries are available from John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 South New Street, Dover, DE 19901.

FOR FURTHER INFORMATION CONTACT: Salvatore A. Testaverde, 617-281-3600 ext. 273.

SUPPLEMENTARY INFORMATION: Amendment 2 to the Fishery Management Plan for Atlantic Mackerel,

Squid, and Butterfish Fisheries (FMP) (March 7, 1986, 51 FR 10547) changed the fishing year to coincide with the calendar year. Proposed specifications for these species were published July 9, 1986 (51 FR 24880) to establish specifications for the transitional 1986 fishing year. Public comments were requested until August 8, 1986. No comments were received.

Two errors were published within the proposed final specifications for the 1986 transitional year. First, the proposed Initial Optimum Yield (IOY) for *Loligo* squid of 23,155 mt should have been 23,057 mt. Second, the proposed joint venture processing (JVP) amount for *Illex* squid of 2,500 mt should have been 2,250 mt, thus the 5,000 published September 5, 1986 (51 FR 31774) should have been 4,750 mt. These corrections are reflected in the table below.

Since the proposed specifications were published, NOAA has increased the IOY for *Loligo* and *Illex* squids several times.

The first action increased the IOY for *Loligo* squid by 500 mt, which was added to JVP. This increase in the JVP amount was necessary to avoid disruption of the domestic and foreign joint ventures for *Loligo*. The *Loligo* increase was effective August 5, 1986 (51 FR 28241, August 6, 1986), with a 15-day public comment period after the effective date. One comment was received from the U.S. company involved with that joint venture. It supported increasing the JVP which would allow U.S. fishermen to continue harvesting *Loligo* for over-the-side sale to foreign processing vessels.

A second action increased the IOY for *Loligo* squid by another 500 mt, which also was added to JVP. This JVP amount was necessary to avoid disruption of the domestic and foreign joint venture for *Loligo*. The second *Loligo* increase was effective August 14, 1986 (51 FR 29555, August 19, 1986), with a 15-day public comment period after the effective date. No comments were received.

A third action increased the IOY for *Loligo* squid by 800 mt, which was added to JVP. This JVP amount was necessary to avoid disruption of the domestic and foreign *Loligo* joint ventures. The increase was effective September 2, 1986 (51 FR 31775,

September 5, 1986), with a 15-day public comment period after the effective date. No comments were received.

A fourth action increased the IOY for *Illex* squid by 3,500 mt, of which 2,500 mt was added to JVP amount and 1,000 mt was added to the Total Allowable Level of Foreign Fishing (TALFF). The JVP amount allowed foreign fishing vessels of Italy and Spain to continue purchasing *Illex* squid from U.S. harvesters. The release of *Illex* TALFF followed the recommendation of the Mid-Atlantic and New England Fishery Management Councils to provide TALFF amounts related to purchased over-the-side or U.S.-processed squid. The increases were effective September 2, 1986, with a 15-day public comment period after the effective date. No comments were received.

A fifth action increased the IOY for *Loligo* squid by 1,442 mt, of which was added to the TALFF. It also announced the Regional Director's decision to increase TALFF based on purchase ratios of 1:1 and 1:2 for TALFF/U.S.-processed and TALFF/U.S.-harvested joint venture squid, respectively. The increase in IOY was effective September 25, 1986 (51 FR 34644, September 30, 1986), with a 15-day public comment period after the effective date. Two comments were received on the *Loligo* squid increase; the commenters wanted a greater allocation to TALFF. Comments were received on the establishment of squid ratios for fishing year 1986. Those comments and NOAA's response will be addressed in a future Federal Register notice specifically dealing with the ratios.

A sixth action increased the IOY for *Loligo* squid by 1,441 mt, which also was added to TALFF. The increase was effective October 23, 1986 (51 FR 39377, October 28, 1986) with a 15-day comment period after the effective date. This increase made the IOY equal to the allowable biological catch, so no further adjustments can be made during 1986.

A seventh action increased the IOY for *Illex* squid by 2,000 mt, which was added to TALFF. The increase was effective October 1986 (see notice published elsewhere in this issue) with a 15-day comment period after the effective date.

Specifications

The following table lists the final annual specifications for the Maximum Optimum Yield (Max OY), Allowable Biological Catch (ABC), IOY, Domestic Annual Harvest (DAH), Domestic Annual Processing (DAP), JVP, and TALFF for Atlantic mackerel, squid, and butterfish. These annual specifications are the amounts that the Regional Director, Northeast Region, NMFS, has determined to be the appropriate adjusted levels of harvest for the transitional 1986 fishing year. These levels include the most recent adjustments cited within this notice, and include the additional amounts in TALFF of 288 mt of *Illex* squid, 31 mt of mackerel, and 101 mt of butterfish needed to support bycatch in other fisheries as provided by formulas in the FMP.

TABLE.—FINAL ANNUAL SPECIFICATIONS FOR ATLANTIC MACKEREL, SQUID, AND BUTTERFISH FOR THE 1986 FISHING YEAR ENDING DECEMBER 31, 1986 (IN METRIC TONS)

Specifications	Atlantic Mackerel	Squid		
		Loligo	Illex	Butterfish
MAX OY ¹	213,750	33,000	30,000	12,000
ABC ²	196,500	27,750	22,500	12,000
IOY	74,606	27,750	20,128	9,941
DAH	44,575	24,750	16,750	9,750
DAP	10,500	22,125	12,000	9,750
JVP	25,000	2,625	4,750	
TALFF	30,031	3,000	3,378	191

¹ These are the maximum OYs as stated in the FMP.

² IOY can be increased to this amount.

³ This amount includes 9,075 mt projected recreational catch.

Classification

This action is authorized by 50 CFR Part 655 and complies with Executive Order 12291.

(16 U.S.C. 1891 *et seq.*)

List of Subjects in 50 CFR Part 655

Fisheries, Reporting and recordkeeping requirements.

Dated: October 28, 1986.

Carmen J. Blondin,
Deputy Assistant Administrator For Fisheries Resource Management, National Marine Fisheries Service.

[FR Doc. 86-24759 Filed 10-30-86; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register

Vol. 51, No. 211

Friday, October 31, 1986

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

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 199

[DoD 6010.8-R]

Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Implementation of Section 504 of Pub. L. 93-112, the Rehabilitation Act of 1973

AGENCY: Office of the Secretary, DoD.

ACTION: Proposed amendment of rule.

SUMMARY: The purpose of this rule is to revise the DoD Regulation 6010.8-R (32 CFR 199) to meet the intent of section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794 (1982) which states, "No otherwise qualified handicapped individual in the United States, as defined in section 706(7) of this title (29), shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance or under any program or activity conducted by any Executive agency or by the United States Postal Service. The head of each such agency shall promulgate such regulations as may be necessary to carry out the amendments to this section made by the Rehabilitation, Comprehensive Services, and Developmental Disabilities Act of 1978. . . ." This rule also advises the public of measures being taken by CHAMPUS to assure that the handicapped are not subjected to discrimination under any program conducted or funded by the Department of Defense. This revision will prohibit payment made for inpatient or outpatient care rendered by an authorized provider found to practice discrimination in the admission of patients to services on the basis of handicapping conditions.

DATE: Written public comments must be received on or before December 1, 1986.

ADDRESS: Office of the Civilian Health and Medical Program of the Uniformed Services, (OCHAMPUS), Policy Branch, Aurora, Colorado 80045.

FOR FURTHER INFORMATION CONTACT:

David E. Bennett, Policy Branch, OCHAMPUS, Aurora, Colorado 80045, telephone (303)-361-8608.

SUPPLEMENTARY INFORMATION: In FR Doc. 77-7834, appearing in the Federal Register on April 4, 1977 (42 FR 17972) the Office of the Secretary of Defense published its regulation, DoD 6010.8-R, "Implementation of the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS)," as Part 199 of this title. DoD Regulation 6010.8-R was reissued in the Federal Register on July 1, 1986, (51 FR 24008).

Section 199.6 of this part sets forth a discrimination policy for institutional providers prohibiting payment for inpatient or outpatient care provided and billed by institutional providers found to practice discrimination in admission of patients to its services on the basis of race, color or national origin. Since there is no comparable regulation provision prohibiting discrimination on the basis of handicapping condition, this amendment to DoD Regulation 6010.8-R is designed to implement section 504 of Pub. L. 93-112, the Rehabilitation Act of 1973 (hereinafter referred to as the Act), as amended, 29 U.S.C. 794 (1982). This amendment changes the current discrimination provision for institutional providers and adds a discrimination provision for individual professional providers prohibiting the payment for inpatient or outpatient care provided and billed by CHAMPUS authorized providers found to practice discrimination in the provision of health services to patients on the basis of race, color, national origin or handicapping condition.

OCHAMPUS will issue instructions that will prescribe implementation procedures and will establish standards for determining discrimination based on handicap under the Act.

For purposes of CHAMPUS, the provisions of the Act apply to all CHAMPUS authorized providers. Some examples of discrimination under the Act are: (1) A physician who refuses to

treat physically handicapped patients because his or her facilities are inaccessible to or not usable by handicapped persons, except when it is demonstrated that the accommodation would impose an undue hardship on the operation of the physician's practice; (2) an institution which requires certain forms to be filled out before services can be rendered and provides no assistance to visually impaired patients such as forms with extra large print or assistance in reading and completing the forms; and (3) a physician who makes no provision for communicating with hearing impaired patients either when arranging for services or when rendering the services.

CHAMPUS beneficiaries are notified that complaints alleging acts of discrimination under the Act occurring on or after the date of publication of this amendment may be filed within 180 days of the alleged discrimination. Any person, individually or as a member of a class or on behalf of others, may file a written complaint with CHAMPUS alleging discrimination prohibited by the Act. Address complaints concerning CHAMPUS beneficiaries to: Benefit Services Branch, OCHAMPUS, Aurora, Colorado 80045. The complaint must include the complainant's name (last name, first name, and middle initial) and address (street address, city, state, and zip code), the name (last name, first name, and middle initial) and address (street address, city, state, and zip code) of the person who was discriminated against if other than the complainant, and the nature of the complaint.

OCHAMPUS will make every effort to give written notification of the disposition of the complaint within 180 days of its receipt. A complaint is considered to have been filed on the date it was received by OCHAMPUS.

This amendment is being published in the Federal Register for proposed rulemaking at the same time it is being coordinated within the Department of Defense, and with other interested agencies so that consideration of both internal and external comments and publication of the final rule can be expedited.

List of Subjects in 32 CFR Part 199

Health insurance, Military personnel, Handicapped.

PART 199—[AMENDED]

Accordingly, 32 CFR, Part 199, is proposed to be amended as follows:

1. The authority citation for Part 199 continues to read as follows:

Authority: 10 U.S.C. 1079, 1086, 5 U.S.C. 301, 29 U.S.C. 794.

§ 199.6 [Amended]

2. In Part 199, § 199.6 is amended by revising the introductory text paragraph (b)(2) and adding a new paragraph (c)(4) to read as follows:

* * * * *

(b) * * *

(2) *Nondiscrimination Policy.* Except as provided below, payment cannot be made for inpatient or outpatient care provided and billed by an institutional provider found by the Federal Government to practice discrimination in the admission of patients to its services on the basis of race, color, national origin or handicapping condition. Further, reimbursement cannot be made to a beneficiary who pays for care provided by such a facility and submits a claim for reimbursement. In the following circumstances, the Secretary of Defense (or a designee) may authorize payment for care obtained in an ineligible facility:

* * * * *

(c) * * *

(4) *Nondiscrimination Policy.* Except as provided below, payment cannot be made for inpatient or outpatient care provided and billed by an individual professional provider found by the Federal Government to practice discrimination in the provision of health services to patients on the basis of race, color, national origin or handicapping condition. Further, reimbursement cannot be made to a beneficiary who pays for care provided by such a provider and submits a claim for reimbursement. In the following circumstances, the Secretary of Defense, or a designee, may authorize payment for care obtained from an unauthorized individual provider:

(i) *Emergency care.* Emergency inpatient or outpatient care.

(ii) *Care Rendered Prior to Finding of Violation.* Care initiated prior to a finding of violation and which continues after such violation when it is determined that a change in the treatment would be detrimental to the health of the patient.

(iii) *Other Individual Provider Not Available.* Care provided by an ineligible provider because of the

absence of an eligible provider within a reasonable distance.

* * * * *

Patricia H. Means,
OSD Federal Register Liaison Officer,
Department of Defense.
[FR Doc. 86-24545 Filed 10-30-86; 8:45 am]
BILLING CODE 3810-01-M

DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service****50 CFR Part 17****Endangered and Threatened Wildlife and Plants; Extension of Proposed Rule to List the Flattened Musk Turtle as Threatened**

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule: extension of deadline and reopening of the comment period.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces that the deadline for taking final action on a proposal to list the flattened musk turtle (*Sternotherus depressus*) as threatened is extended for a period not to exceed 6 months in order to examine questions regarding the status of this species. During the extended period the Service will establish a scientific panel to review the information now available regarding the turtle. The public comment period on this proposal is reopened until further notice.

DATES: The deadline for final action on the proposal is now May 1, 1987. The public comment period is reopened until further notice.

ADDRESSES: Comments and other materials concerning the status of the flattened musk turtle should be sent to: Director, U.S. Fish and Wildlife Service (Attention: Mr. Ken Stansell), Main Interior Building, 18th and C Street, NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Mr. Ken Stansell at the above address (202/343-6351 or FTS/343-6351).

SUPPLEMENTARY INFORMATION:**Background**

On November 1, 1985 (50 FR 45638), the Service published a proposed rule to list the flattened musk turtle as a threatened species. The original comment period for this proposal closed on December 31, 1985. This period was extended on January 16, 1986 (51 FR 2410), until February 16, 1986, to allow for a public hearing that was held in Birmingham, Alabama, on February 6, 1986. The comment period was again

extended on February 13, 1986 (51 FR 5384), to March 18, 1986, to allow for the review of a recently completed report on the species. Comments submitted on the proposed rule indicated the existence of disagreements concerning the interpretation of biological data on the turtle. As a result of this information, the Service now finds that there is a substantial scientific disagreement regarding the sufficiency and accuracy of the available data relevant to a decision on whether to list the turtle. When such a scientific disagreement exists, the 1-year period within which the Service must ordinarily take final action on a proposal to list a species may be extended for not more than 6 months in accordance with section 4(b)(6)(B)(i) of the Endangered Species Act (Act). Final action on the proposal must now be taken by May 1, 1987.

In the near future, the Service will establish a panel, composed of scientists knowledgeable in herpetology (study of amphibians and reptiles), conservation biology, aquatic ecology, and/or population biology, to analyze biological data on the status of the flattened musk turtle. Following its review, the panel will report its findings to the Director of the Service. So that the public may comment on the findings of the review panel and on the sufficiency and accuracy of the available biological data that pertains to the eligibility of the flattened musk turtle for listing, the public comment period on the proposal is reopened until further notice. Upon receipt of the review panel's report, the Service will publish in the *Federal Register* a notice of its availability and of the date on which the comment period will close.

The Service will consider the findings of the panel and any further information submitted during the comment period in determining whether the flattened musk turtle should be listed or whether the proposal should be withdrawn in accordance with section 4(b)(6)(B)(ii) of the Act.

Author

The primary author of this notice is Mr. Ken Stansell, U.S. Fish and Wildlife Service, Washington, DC 20240 (202-343-6351 or FTS 343-6351).

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

List of Subjects in 50 CFR Part 17

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

Dated: October 28, 1986.

Susan Recce,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 86-24670 Filed 10-30-86; 8:45 am]

BILLING CODE 4310-55-M

50 CFR Part 33

Refuge-Specific Fishing Regulations

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Fish and Wildlife Service (Service) would amend certain regulations in 50 CFR Part 33 that pertain to fishing on individual national wildlife refuges (NWR). Refuge fishing programs are reviewed annually to determine whether the regulations governing fishing on individual refuges should be modified. Changing environmental conditions, State and Federal regulations and other factors affecting fish populations and habitats may warrant such amendments. The modifications would ensure the continued compatibility of fishing with the purposes for which the individual refuges involved were established, and to the extent practical, make refuge fishing programs consistent with State regulations.

DATE: Comments must be received on or before December 1, 1986.

ADDRESS: Send comments to: Assistant Director, Refuges and Wildlife, Fish and Wildlife Service, 18th and C Streets NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Nancy A. Marx, Division of Refuges, Fish and Wildlife Service, 18th and C Streets NW., Washington, DC 20240; Telephone 202-343-3922.

SUPPLEMENTARY INFORMATION: 50 CFR Part 33 contains the provisions that govern fishing on NWRs. Fishing is regulated on refuges to (1) ensure compatibility with refuge purposes, (2) properly manage the fishery resource and (3) protect other refuge values. On many refuges, the Service policy of adopting State fishing regulations is an adequate way of meeting these objectives. On other refuges it is necessary to supplement State regulations with refuge-specific fishing regulations which will ensure that the Service meets its management responsibilities, as outlined under the section entitled "Conformance with Statutory and Regulatory Authorities." Refuge-specific fishing regulations are issued only after the final publication of the opening of a wildlife refuge to

fishing. These regulations may list the seasons, methods of taking fish, descriptions of open areas and other provisions. The Service previously issued refuge-specific fishing regulations in 50 CFR Part 33.

This proposed rule would amend and supplement certain refuge-specific regulations in 50 CFR Part 33, §§ 33.5 through 33.55, which pertain to fishing on individual refuges in their respective alphabetically listed State.

It is also the intent of this rulemaking to update in § 33.2, Office of Management and Budget information collection approval numbers which have become obsolete.

The policy of the Department of the Interior (Department) is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. It is, therefore, the purpose of this proposed rulemaking to seek public input regarding the proposed amendments to refuge-specific fishing regulations. Accordingly, interested persons may submit written comments, suggestions or objections concerning this proposal to the Assistant Director, Refuges and Wildlife (address above), by the end of the comment period. All substantive comments will be considered by the Department prior to issuance of a final rule.

Conformance with Statutory Authorities

The National Wildlife Refuge System Administration Act of 1966, as amended (16 U.S.C. 668dd), and the Refuge Recreation Act of 1962 (16 U.S.C. 460k) govern the administration and the public use of NWRs. Specifically, section 4(d)(1)(A) of the Refuge System Administration Act authorizes the Secretary of the Interior (Secretary) under such regulations as he may prescribe, to permit the use of any area within the System for any purpose, including but not limited to hunting, fishing, public recreation and accommodations and access when he determines that such uses are compatible with the major purposes for which areas were established.

The Refuge Recreation Act authorizes the Secretary to administer the refuge areas within the National Wildlife Refuge System for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the area was established. The Refuge Recreation Act also authorizes the Secretary to issue regulations to carry out the purposes of the Act.

Fishing plans are developed for each fishing program on a refuge prior to the opening of the refuge to fishing. In some

cases refuge-specific fishing regulations are included as a part of the fishing plans to ensure the compatibility of the fishing programs with the purposes for which the refuge was established. Compliance with the Refuge Administration and Refuge Recreation Acts is ensured when the fishing plans are developed and the determinations required by these Acts are made prior to the addition of the refuge to the list of areas open to fishing in 50 CFR. Continued compliance is ensured by annual review of fishing programs and regulations.

Economic Effect

Executive Order 12291, "Federal Regulation," of February 17, 1981, requires the preparation of regulatory impact analyses for major rules. A major rule is one likely to result in an annual effect on the economy of \$100 million or more; a major increase in cost of prices for consumers, individual industries, government agencies or geographic regions; or significant adverse effects on the ability of United States-based enterprises to compete with foreign-based enterprises. The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) further requires the preparation of flexibility analyses for rules that will have a significant effect on a substantial number of small entities, which include small businesses, organizations or governmental jurisdictions.

The proposed amendments to the codified refuge-specific fishing regulations would make relatively minor adjustments to existing fishing programs. The regulations are not expected to have any gross economic effect and will not cause an increase in costs or prices for consumers, individual industries, Federal, State or local governments, agencies or geographic regions. The benefits accruing to the public are expected to exceed the costs of administering this rule. Accordingly, the Department has determined that this rule is not a "major rule" within the meaning of Executive Order 12291 and will not have a significant economic effect on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

Paperwork Reduction Act

The Service has received approval from the Office of Management and Budget (OMB) for the information collection requirements of these regulations pursuant to the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). These requirements are presently approved by OMB as cited below:

Type of information collection	OMB approval No.
Economic and Public Use Permits	1018-0014

These regulations impose no new reporting or recordkeeping requirements that must be cleared by OMB.

Environmental Considerations

The "Final Environmental Statement for the Operation of the National Wildlife Refuge System" (FES 76-59) was filed with the Council on Environmental Quality on November 12, 1976; a notice of availability was published in the *Federal Register* on November 19, 1977 (41 FR 51131). Compliance with section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4332(C)) and the Endangered Species Act of 1973 (16 U.S.C. 1531-1543) is ensured when fishing plans are developed and the determinations required by these Acts are made prior to the addition of refuges to the list of areas open to sport fishing in 50 CFR. Refuge-specific fishing regulations are subject to a categorical exclusion from the NEPA process if they do not significantly alter the existing use of a NWR. The changes proposed in this rulemaking would not significantly alter the existing uses of the refuges involved.

Information regarding the conditions that apply to individual refuge fishing programs, any restrictions related to public use on the refuge and a map of the refuge are available at refuge headquarters. This information can also be obtained from the regional offices of the Service at the addresses listed below.

Region 1—California, Hawaii, Idaho, Nevada, Oregon and Washington:
Assistant Regional Director—Refuges and Wildlife, U.S. Fish and Wildlife Service, Lloyd 500 Building, Suite 1692, 500 Multnomah Street, Portland, Oregon 97232; Telephone (503) 231-6214.

Region 2—Arizona, New Mexico, Oklahoma and Texas:
Assistant Regional Director—Refuges and Wildlife, U.S. Fish and Wildlife Service, Box 1306 Albuquerque, New Mexico 87103; Telephone (505) 766-2324.

Region 3—Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio and Wisconsin:
Assistant Regional Director—Refuges and Wildlife, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111; Telephone (612) 725-3507.

Region 4—Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana,

Mississippi, North Carolina, South Carolina, Puerto Rico, Tennessee and the Virgin Islands:

Assistant Regional Director—Refuges and Wildlife, U.S. Fish and Wildlife Service, Richard B. Russell Federal Building, 75 Spring Street SW, Atlanta, Georgia 30303; Telephone (404) 221-3538.

Region 5—Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia and West Virginia:

Assistant Regional Director—Refuges and Wildlife, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Massachusetts 02158; Telephone (617) 965-9222.

Region 6—Colorado, Kansas, Montana, Nebraska, North Dakota, South Dakota, Utah and Wyoming:

Assistant Regional Director—Refuges and Wildlife, U.S. Fish and Wildlife Service, Box 25486, Denver Federal Center, Denver, Colorado 80255; Telephone (303) 236-4608.

Region 7—Alaska:

Assistant Regional Director—Refuges and Wildlife, U.S. Fish and Wildlife Service, 1011 E. Tudor Rd., Anchorage, Alaska 99503; Telephone (907) 786-3542.

Nancy A. Marx, Division of Refuges, Fish and Wildlife Service, Washington, D.C., is primary author of this proposed rulemaking document.

List of Subjects in 50 CFR Part 33

Fishing, National Wildlife Refuge System, Wildlife refuges.

PART 33—[AMENDED]

Accordingly, it is proposed to amend Part 33 of Chapter I of Title 50 of the *Code of Federal Regulations* as set forth below:

1. The authority citation for Part 33 continues to read as follows:

Authority: 5 U.S.C. 301; 16 U.S.C. 460k, 664, 668dd, 690d, 715i, 718d, 725; 44 U.S.C. 3501 *et seq.*

§ 33.2 [Amended]

2. Section 33.2(e) would be amended by changing the number "33.54" to "33.55."

3. Section 33.2 would be amended by revising the table to read as follows:

§ 33.2 General regulations and information collection requirements.

* * * * *

Type of information collection	OMB approval No.
Economic and Public Use Permit	1018-0014

§ 33.3 [Amended]

4. Section 33.3(e) would be amended by changing the number "33.54" to "33.55."

§ 33.4 [Amended]

5. Section 33.4 would be amended by changing the number "33.54" to "33.55" in the introductory text.

6. Section 33.5 would be amended by revising paragraph (d) to read as follows:

§ 33.5 Alabama.

* * * * *

(d) *Wheeler National Wildlife Refuge.* Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Bank fishing is not permitted around the shoreline of the refuge headquarters.

(2) All other refuge waters are open to fishing year-round unless otherwise posted.

7. Section 33.8 would be amended by adding paragraphs (a) (4) and (5) to read as follows:

§ 33.8 Arkansas.

(a) *Big Lake National Wildlife Refuge.*
* * *

(4) Boats may be launched only in designated areas.

(5) ATVs and airboats are prohibited.
* * * * *

8. Section 33.9 would be amended by revising paragraph (g) as follows:

§ 33.9 California.

* * * * *

(g) *Modoc National Wildlife Refuge.* Fishing is permitted only on Dorris Reservoir subject to the following conditions:

(1) Fishing is not permitted during the migratory waterfowl hunting season.

(2) Fishing is permitted during daylight hours only.
* * * * *

9. Section 33.12 would be amended by adding text to read as follows:

§ 33.12 Delaware.

(a) *Prime Hook National Wildlife Refuge.* Fishing and crabbing are permitted on designated areas of the refuge subject to the following conditions:

(1) Boats used on Fleetwood or Turkle ponds must be propelled manually or by electric motors.

(2) Those portions of Fleetwood and Turkle ponds having wood duck nesting boxes are closed to public entry from March 1 through June 30.

(3) Boats may be launched from designated access points or public roads.

(4) Bank fishing and crabbing is permitted only at designated access points and public right-of-ways.

10. Section 33.13 would be amended by revising paragraphs (f) and (h)(2); and adding (h) (4) and (5) to read as follows:

§ 33.13 Florida.

(f) *Lower Suwannee National Wildlife Refuge*. Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Bank fishing is permitted in interior refuge creeks, borrow pits and canals from March 15 to September 30 during daylight hours only.

(2) Fishing from a boat is permitted in all navigable tidal and freshwater creeks year-round.

(h) *Merritt Island National Wildlife Refuge*.

(2) The daily limit is 20 fish for the Kennedy Athletic Recreational Site (K.A.R.S.) Marina in the Banana River, the Eddy Creek "trout hole" in Mosquito Lagoon and the Patillo Creek in the Indian River during the period from November 15 through March 31.

(4) Vehicle access north of Haulover Canal is limited to designated and/or posted access points and launch areas.

(5) Boat launching or mooring between sunset and sunrise is permitted only at Beacon 42 Fish Camp and Bairs Cove.

11. Section 33.14 would be amended by redesignating paragraphs (a) through (h) as (b) through (i); adding new paragraph (a); and revising newly redesignated paragraph (g)(1) to read as follows:

§ 33.14 Georgia.

(a) *Banks Lake National Wildlife Refuge*. Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted year-round during daylight hours.

(2) Night fishing is permitted from March 1 through October 31.

(3) Only the use of pole and line or rod and reel is permitted.

(g) *Savannah National Wildlife Refuge*.

(1) Fishing is permitted on refuge impoundments from March 15 through October 25.

12. Section 33.17 would be amended by revising paragraphs (b) (1) through (3) to read as follows:

§ 33.17 Illinois.

(b) *Crab Orchard National Wildlife Refuge*.

(1) Crab Orchard Lake—1) west of Wolf Creek Road—fishing from boats is permitted all year. Trotlines/jugs must be removed from sunrise until sunset, from Memorial Day through Labor Day; 2) east of Wolf Creek Road—fishing from boats is permitted March 15 through September 30. Fishing from the bank is permitted all year only at the Wolf Creek and Route 148 causeways; 3) on the entire lake—trotlines/jugs must be checked daily and must be removed on the last day they are used. It is illegal to use stakes to anchor any trotlines; they must be anchored only with portable weights and must be removed on the last day they are used. All noncommercial fishing methods are permitted, except underwater apparatus is prohibited.

(2) A-41, Bluegill, Blue Heron, Managers, Honkers and Visitors Ponds. Fishing is permitted only from sunrise to sunset March 15 through September 30. No boats or flotation devices are allowed.

(3) Little Grassy and Devils Kitchen Lakes. Fishing is permitted all year from a boat or the bank. Trotlines/jugs are prohibited. Use of boat motors of more than 10 horsepower is prohibited.

13. Section 33.22 would be amended by revising paragraphs (b)(2), (e)(2), (f)(1) through (f)(5); and adding paragraphs (b)(6), and (f)(6) through (f)(9) to read as follows:

§ 33.22 Louisiana.

(b) *Catahoula National Wildlife Refuge*.

(2) Fishing is permitted in the Duck Lake Impoundment and discharge waters from March 1 through October 31 during daylight hours only.

(6) Boats may not be left on the refuge overnight.

(e) *Lacassine National Wildlife Refuge*.

(2) Fishing is permitted from one hour before sunrise until one hour after

sunset during the period of March 1 through October 15.

(f) *Sabine National Wildlife Refuge*.

(1) Fishing, crabbing, crayfishing and shrimping are permitted from one hour before sunrise to one hour after sunset.

(2) Fishing, crabbing, crayfishing and shrimping are permitted from the State Highway 27 Canal Road and Weir sites year-round.

(3) Fishing, crabbing, crayfishing and shrimping are permitted year-round on the East Cove Unit except during the State duck hunting season.

(4) All other refuge waters are open to fishing, crabbing, crayfishing and shrimping from March 1 through October 15 only.

(5) Boats with 25 horsepower or less are permitted in refuge impoundments. The use of boat motors is prohibited in open marsh or marsh ponds. Boat access to refuge marshes, ponds and impoundments is restricted to designated routes.

(6) Shrimp may be taken by cast nets only; crabs and crayfish may be taken by hand lines and/or ring nets of 30 inches in diameter or less.

(7) Daily shrimp (heads on) take and/or possession limit is 25 pounds or 24 quarts per vehicle during the State inside water shrimp season; and 10 pounds take and/or possession limit per vehicle during the rest of the year.

(8) Daily crab and/or crayfish take and/or possession limit is 100 pounds or 96 quarts per vehicle.

(9) The use or possession of commercial fishing equipment as prescribed by State law is prohibited on the refuge, except during the open inside water shrimp season and within legal hours. Commercial shrimpers may use the parking area and ramps at Hay Island Gulley, Headquarters and West Cove as access points directly to and from Calcasieu Lake and be in possession of commercial fishing equipment and/or catches.

14. Section 33.23 would be amended by adding paragraph (b) to read as follows:

§ 33.23 Maine.

(b) *Pond Island National Wildlife Refuge*. Fishing is permitted on designated areas of the refuge subject to the following condition: Fishing is permitted from August 16 through the last day of February.

16. Section 33.25 would be amended by redesignating paragraph (c) as (d)

and adding a new paragraph (c) to read as follows:

§ 33.25 Massachusetts.

(c) *Nantucket National Wildlife Refuge*. Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is permitted on the ocean beach only.

(2) A permit is required for the use of over-the-sand surf fishing vehicles.

15. Section 33.32 would be amended by revising paragraph (b)(2) to read as follows:

§ 33.32 Nevada.

(b) *Ruby Lake National Wildlife Refuge*.

(2) Only dike fishing is permitted in the areas north of Brown Dike and east of the Collection Ditch with the exception that fishing by wading and from personal flotation devices is permitted in Unit 21 and portions of Unit 10.

16. Section 33.34 would be amended by revising paragraph (a)(3) to read as follows:

§ 33.34 New Jersey.

(a) *Edwin B. Forsythe National Wildlife Refuge*.

(3) South Dike anglers may park at the headquarters and South Tower parking areas only.

17. Section 33.37 would be amended by revising paragraph (b)(4) to read as follows:

§ 33.37 North Carolina.

(b) *Mattamuskeet National Wildlife Refuge*.

(4) All fish lines and crabbing equipment must be attended

18. Section 33.39 would be amended by adding paragraphs (a) and (b) as follows:

§ 33.39 Ohio.

(a) *Cedar Point National Wildlife Refuge*. Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is allowed from June 1 through August 31 during daylight hours only.

(2) Boats or flotation devices are not permitted.

(b) *Ottawa National Wildlife Refuge*. Fishing is permitted on designated areas of the refuge subject to the following conditions:

(1) Fishing is allowed from June 1 through August 31 during daylight hours only.

(2) Boats or flotation devices are not permitted.

(3) Fishing is restricted to persons 16 years or younger or 65 years or older.

19. Section 33.41 would be amended by revising paragraph (a)(2) to read as follows:

§ 33.41 Oregon.

(e) *Malheur National Wildlife Refuge*.

(2) Boats are not permitted, except nonmotorized boats and boats with electric motors are permitted on Krumbo Reservoir.

20. Section 33.44 would be amended by revising paragraph (b)(2) to read as follows:

§ 33.44 South Carolina.

(b) *Carolina Sandhills National Wildlife Refuge*.

(2) Fishing is permitted from one-half hour before sunrise to one-half hour after sunset.

21. Section 33.46 would be amended by adding paragraph (a)(6) to read as follows:

§ 33.46 Tennessee.

(a) *Cross Creeks National Wildlife Refuge*.

(6) North Creek, Lee Creek and Commissary Creek area and boat ramps to these areas are closed to fishing during the refuge waterfowl hunt.

22. Section 33.51 would be amended by revising paragraphs (a) (1) and (2), and (b)(1) and (2) to read as follows:

§ 33.51 Washington.

(a) *Columbia National Wildlife Refuge*.

(1) Only nonmotorized boats are permitted on the chain of lakes extending from Soda Lake through Upper Hampton and on Crab Creek and its impoundments below Marsh Unit I.

(2) Motorized boats are permitted on all other refuge waters open to fishing except in Marsh Unit I.

(b) *McNary National Wildlife Refuge*.

(1) Fishing is permitted on the Hanford Islands and Strawberry Island Divisions from July 1 through September 30.

(2) Fishing is permitted on the McNary Division from March 1 through September 30.

23. A new Section 33.55 would be added to read as follows:

§ 33.55 Pacific Islands Territory.

(a) *Johnston Atoll National Wildlife Refuge*. Fishing, lobstering and shell and coral collecting are permitted on designated areas of the refuge subject to the following conditions:

(1) Lobsters of one pound or more may be taken from the Lagoon area from September 1 through May 31, but not by spearing; no female lobsters bearing eggs may be taken any time.

(2) The use of nets, except throw-nets of one and one-half inch diagonal measure minimum, is prohibited in the lagoon.

Dated: October 4, 1986.

P. Daniel Smith,

Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 86-24671 Filed 10-30-86; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 228

[Docket No. 60974-6174]

Small Incidental Takes of Marine Mammals

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

ACTION: Proposed rule.

SUMMARY: The NMFS proposes to amend the regulations governing and allowing the taking of ringed seals incidental to seismic activities on the ice in the Beaufort Sea, which otherwise would expire December 31, 1986, to allow such taking for an additional five years. Section 101(a)(5)(A) of the Marine Mammal Protection Act of 1972 (MMPA) directs the Secretary of Commerce or Interior, depending on the species involved, to allow the incidental take of small numbers of marine mammals if the Secretary makes certain findings and prescribes regulations relating to permissible methods and requirements for monitoring and reporting. The allowance of an additional 5-year period without any change to the regulations is being proposed by NMFS in response to a request for rulemaking received from the National Ocean Industries Association (NOIA).

DATE: Comments on the proposed rule must be received on or before December 1, 1986.

ADDRESS: Submit comments to the Assistant Administrator for Fisheries, National Marine Fisheries Service,

National Oceanic and Atmospheric Administration, Washington, DC 20235. Copies of NOIA's request for a rulemaking, an Environmental Assessment, and current regulations are available from the Office of Protected Species and Habitat Conservation, National Marine Fisheries Service, Washington, DC 20235.

FOR FURTHER INFORMATION CONTACT: Margaret Lorenz, NMFS, 202/673-5349.

SUPPLEMENTARY INFORMATION:

Background

Section 101(a)(5)(A) of the MMPA [16 U.S.C. 1371(a)(5)(A)] directs the Secretary to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in specified activity (other than commercial fishing) within a specified geographical region. This permission may be granted for periods of not more than five consecutive years. Such taking may be allowed only if the species involved is not depleted and if the Secretary, after notice and opportunity for public comment (a) finds that the total taking will have a negligible impact on the species, its habitat, and the availability of the species for subsistence uses; (b) prescribes regulations setting forth permissible methods of taking and other means of effecting the least practicable adverse impact on the species and its habitat, paying particular attention to rookeries, mating grounds, and other areas of similar significance; and (c) prescribes regulations pertaining to the monitoring and reporting of such taking. Section 3(12) of the MMPA (16 U.S.C. 1362(12)) defines the term "take" as meaning to harass, hunt, capture or kill any marine mammal or to attempt any of these.

NMFS published regulations on May 18, 1982 (47 FR 21248), to implement section 101(a)(5)(A) by establishing a mechanism for the submission and evaluation of requests and establishing requirements for specific regulations and Letters of Authorization to conduct allowed activities (50 CFR Part 228, Subpart A). At that time, NMFS also published regulations allowing and governing the taking of ringed seals incidental to on-ice seismic activities (50 CFR Part 228, Subpart B). These regulations, which expire at the end of 1986, cover the specified activity and specified geographical region, permissible time for taking, permissible methods, and requirements for monitoring and reporting.

On March 31, 1986, NMFS received a request from NOIA for the initiation of a rulemaking that would authorize, for an

additional five years (1987-1991), the take of ringed seals incidental to on-ice seismic exploratory operations and associated activities in the Beaufort Sea. The request was made on behalf of the memberships of NOIA and the International Association of Geophysical Contractors (IAGC). The specific activity involves collecting seismic reflection data on ice from portable camp facilities and, using primarily, vibrator-type energy source equipment. NOIA anticipates that the maximum amount of area covered over the Outer Continental Shelf areas off the North Slope in Alaska in any given year would be 1,800 square miles. Generally, the dates that include safe ice conditions for exploration are from January 1 through May 31. The area in the Beaufort Sea ranges from Pt. Barrow east to Demarcation Point. Since the ringed seal (*Phoca hispida*) stays beneath the ice during winter months and pups are born there from late March through May, there is concern that female seals may react to the acoustic stimulus and abandon their pups before they are able to survive on their own.

NOIA has complied with the information requirements of 50 CFR 228.4. Copies of the request from NOIA and the current regulations are available on request (see ADDRESS section above).

On April 21, 1986, NMFS published a notice announcing receipt of NOIA's request for rulemaking and invited interested persons to submit comments concerning the request (51 FR 13539). Comments were received from the Marine Mammal Commission.

Summary of Proposed Rule

The proposed rule would amend, for an additional five years, the expiring regulations to allow the small incidental take of ringed seals as sanctioned by the MMPA. Only the effective date provision of the existing regulations would be changed. The regulations apply only to the incidental taking of ringed seals (*Phoca hispida*) by U.S. citizens engaged in on-ice seismic exploratory and associated activities over the Outer Continental Shelf of the Beaufort Sea of Alaska from the shore outward to 45 miles and from Point Barrow east to Demarcation Point, from January 1 through May 31 of any calendar year.

The incidental, but not intentional, taking of ringed seals from January 1 through May 31 by U.S. citizens holding a Letter of Authorization would be permitted during the following activities:

(1) On-ice geophysical seismic activities involving vibrator-type, airgun, or other energy source equipment shown to have similar or lesser effects; and

(2) Operation of transportation and camp facilities associated with seismic activities.

All activities would have to be conducted in a manner which minimizes adverse effects on ringed seals and their habitat. These activities would have to be conducted as far as practicable from any observed ringed seal or ringed seal lair. No energy source could be placed over an observed ringed seal lair.

The requirements for monitoring and reporting include designating an individual to observe and record to presence of ringed seals and ringed seal lairs along short lines and around camps and submitting an annual report to NMFS within 90 days of completion of the year's activities.

Description of Seismic Activities

Hardwater marine geophysical exploration involves seismic-reflection data collection on ice using portable camp facilities and, primarily, vibrator-type energy source equipment. Vehicles are usually track-mounted and clutch operated and camp trailers are usually mounted on wide pad sleighs. Four feet of saltwater ice is the minimum thickness required for the seismic vehicles and camp facilities. Survey crew vehicles that are lighter may travel over two to three feet of ice but cannot conduct survey operations.

Airguns are used on a limited basis as an alternative energy source to the vibrator. This technology involves drilling a hole through the ice and lowering an airgun through the hole which instantly releases high pressured air. Vibrator vehicles and airgun vehicles require thick (at least three feet, preferably four) ice of support.

In addition, a modification of the vibrator-type operation may be used. This operation involves a machine which cuts slots in the ice as a means for controlling spurious acoustic signals caused by induced standing-acoustic-waves that interfere with data quality. This operation would be used to cover a small fraction of the survey area.

Airguns and vibrator-type energy sources are activated at various frequencies along a "shot" line depending on the type of survey and requirements based on the complexity or type of subsurface characteristics of the earth.

Ringed Seals in Alaska

Ringed seals are widely distributed throughout the Northern Hemisphere in the Arctic, North Pacific, and North Atlantic Oceans including Hudson and James Bays, the Chukchi, Bering, and Beaufort Seas, the Sea of Okhotsk and

the Baltic Sea. This species is associated with seasonal and permanent ice-covered regions with greatest concentrations on stable inshore ice.

Estimates of abundance of ringed seals generally are derived from aerial surveys of selected areas. Abundance estimates are difficult to determine since the relationship between counts of animals on the ice to total population size is unknown. Variations in density are often great even in nearby areas due to strong habitat preference by breeding animals and a tendency for non-breeders to congregate near leads. Also, data presented by Frost *et al.* (1985) provide evidence of year-to-year changes in abundance within the same geographical area. Stirling (1979) estimates the world population of all subspecies of ringed seals to be 6 to 7 million. Bychkov (1971) gives 2.5 million as the minimum worldwide population estimate for *Phoca hispida hispida*, the subspecies common to the Beaufort Sea area. In 1976, the Alaska Department of Fish and Game estimated the Bering, Beaufort, and Chukchi Seas population to be between 1 to 1.5 million. Further, Frost and Lowry (1981) estimated 80,000 ringed seals during the summer and 40,000 during the winter in the Beaufort Sea.

The ringed seal is the only seal that occupies the land-fast or shore ice of the Bering, Chukchi, and Beaufort Seas during the winter months. During the rest of the year, it migrates with the annual advance and retreat of pack ice. Ringed seals live in and under the ice using their clawed flippers to construct and maintain breathing holes. They also excavate lairs in accumulated snow (subnival lairs) in which to rest or give birth and nurse their pups. Pupping lairs must be continuously occupied for several weeks and are most common in areas of thick, stable ice.

In these lairs beneath the snow, female ringed seals give birth to a single pup between late March and mid-April and nurse it for 4 to 6 weeks. Mating occurs during late April and May within one month of birthing. Fast ice is the best habitat for breeding ringed seals, and the highest densities of this species occur in these areas.

The arctic fox, polar bear, and man are this seal's most significant predators. The arctic fox preys heavily on pups in their birth lairs, and is reported to be the major cause of natural mortality of these seals in their early life. Predation by foxes in specific areas has been reported in excess of forty-five percent of the newborns, and the mortality is known to vary greatly in relation to the marked "cyclic" abundance of the arctic fox.

Polar bears also prey extensively on ringed seals throughout the year. Although the polar bear feeds on other items, the relationship between this bear and the ringed seal is probably such that the polar bear would not exist as a species if the ringed seal did not exist. Although the impact of this predation is not known, it is certainly significant (Burns 1978).

Ringed seals are the most important of all seal species used for subsistence by native Alaskans living in regions north of Kuskukwim Bay. In 1973, estimates of annual subsistence harvest in Alaska ranged from 9,000 to 13,000 ringed seals. More recently, 4,000 to 5,000 per year is the estimated subsistence take of ringed seals in Alaska. Subsistence hunting of this species has steadily declined in recent years, but could increase if other traditional native foods such as moose, caribou, whales, and walrus become less available (Burns 1978).

Discussion of Potential Impacts of Seismic Activities on Ringed Seals, Their Habitat and Their Availability for Subsistence

Data on the effects of geophysical explorations on ringed seals in the Beaufort Sea, based on 1970, 1975, 1977, and 1981 field seasons, is summarized in J. Burns *et al.* (1981). Following is a summary of this research which was conducted by scientists of the Alaska Department of Fish and Game.

The first indications that exploratory activity on the ice may affect the distribution of ringed seals occurred near Nome in Norton Sound during the middle 1960's. During two consecutive years, an intensive shallow-core drilling program to locate marine deposits of placer gold was undertaken from fast ice between Sledge Island and Cape Nome. Subsistence hunting for ringed seals by native individuals of Nome was still important to the local economy. Many Nome hunters consistently reported declines in the availability of ringed seals in the area subject to exploration, both during and continuing after the activities ceased, until the ice began to deteriorate and migrating seals moved in. No studies of this potential disturbance were undertaken at the time.

Extensive surveys of ringed seals in fast-ice areas of the northern Chukchi and Beaufort seas were made between June 8 and 15, 1970 to obtain baseline information about geographical variation in the relative abundance of seals in six sectors of the coast extending from Point Lay to Barter Island.

Extensive surveys were undertaken again in June 1975 to 1977 to investigate

the annual variation in ringed seal abundance along the north coast. Canadian investigators had documented a significant decline in abundance during 1974 and 1975 in the eastern Beaufort Sea and Amundsen Gulf, and it was not known if a decline had also occurred in fast-ice regions north of Alaska.

A comparison of ringed seal densities was made between areas of seismic exploration and areas where no human activities on the ice occurred. Even through the surveys were not specifically designed to test differences between areas, results of the extensive surveys were the best available data to use. These comparisons consistently showed a lower density of seals in areas where seismic exploratory activity had occurred. Magnitude of the differences ranged from 22 to 88 per cent less in the seismic areas with a combined average difference for 3 years of 51 percent. Therefore, the only available data indicated that seismic exploratory activity did result in the displacement of seals.

Although displacement of ringed seals was a probable consequence of such exploration, it was generally considered that displacement, if it occurred prior to the pupping period of ringed seals, would be of little consequence to the local population of seals. Conversely, displacement of adult seals caring for new born pups would probably result in abandonment and subsequent deaths of pups, and a cut-off date of March 20 was imposed on seismic operations conducted on ice. Such a restriction, through certainly advantageous to ringed seals, severely curtailed the seismic companies by restricting the duration of their potential operations and eliminating the optimum period of operation from the standpoint of weather, ice, and daylight conditions.

Because the scientific data supporting such restrictions have continuously been in question, the Bureau of Land Management (BLM/OCSEAP) funded a program in 1981 to initiate more rigorous studies to clarify and quantify the perceived impacts of seismic exploration on ice. The program included aerial surveys of ringed seals in fast ice in regions of the Beaufort Sea from June 2 to 9, 1981. The density of basking seals and the relative trends in abundance were similar to findings from 1975 to 1977 and, in 1981, ranged from 1.1 to 1.4 seals per nm² (nautical square miles). A definite correlation of higher seal density in regions of less deformed ice was evident. Marine geophysical exploratory activity on the ice also is conducted on fast ice where there is less

deformed ice. Therefore, seismic exploration crews tend to operate in areas where ringed seal abundance is highest.

J. Burns *et al.* (1981) conclude "If displacement is real, based on data from 1975 to 1977 and June 3, 1981, it accounts for approximately 0.6 ringed seals per nm^2 of area in the central Beaufort Sea subjected to seismic exploration, or something on the order of 240 ringed seals if 400 linear miles of shot lines areas explored. Such an impact would probably not be significant to the ringed seal population as a whole."

J. Burns *et al.* (1982) conclude that the results of investigation of subnivean structures, radio-tagged seals, and aerial surveys show that—

(1) Based on the differential rate of abandonment and alteration of structures within and beyond 150 m of seismic lines, displacement of seals in close proximity to seismic lines does occur;

(2) There is a high degree of fidelity in continued use of single lairs by individual female seals in the central Beaufort Sea region of Alaska, if they are not disturbed;

(3) Seals in lairs depart when approached as distantly as 3 km by a landing helicopter and as closely as 100 m by men on foot; and

(4) Based on the results of aerial surveys, there is no large-scale displacement of seals away from on-ice seismic operations as presently conducted. Overall mean density of basking seals on the fast ice in 1982 was slightly higher but comparable to results obtained in previous years. The difference between years was not statistically significant.

Frost *et al.* (1985) presents results of aerial surveys of ringed seals on the shorefast ice of the eastern Chukchi Sea and Beaufort Sea in May-June 1985. Their report compares these results with those from previous surveys conducted in 1970-1984. The 1985 data base included 3,479 nm of trackline which resulted in 1,807 nm^2 of area surveyed. This represents coverage of 19 percent of the shorefast ice in the Chukchi Sea and 11 percent in the Beaufort Sea.

In the Beaufort Sea, highest seal densities were found in the area of greatest industrial activity (Oliktok Point to Flaxman Island). Comparisons of seal densities in a block designated as "industrial" and adjacent control blocks showed a significantly higher density in the industrial block, mostly attributable to seals at cracks. An analysis of the density of seals in relation to distance from artificial islands suggested that some displacement of seals at holes may

occur within 2 nm of the islands. Seals at cracks did not occur near artificial islands because the islands were nearshore where there were no cracks.

A comparison of the 1985 data with that collected in previous years indicates that the distribution of ringed seals on the shorefast ice off Alaska is quite dynamic. In Kotzebue Sound, density was low in 1976 (0.93 seals per nm^2) but high in 1985 (3.08 seals per nm^2), while the reverse was true in some northern Chukchi Sea sectors. An analysis of all available data strongly suggests a long-term decline in abundance of ringed seals in the Chukchi Sea north of Point Lay. In the Beaufort Sea, it appears that ringed seal density was comparatively high in 1970 and 1975 (2.09 and 2.50 seals per nm^2 , dropped to low levels in 1976-1977 (1.37 and 1.13 seals per nm^2) and returned to higher density in 1985 (2.83 seals nm^2). The 1985 overall density was 45 per cent higher than the long-term combined mean density.

Based on NOAA's and IAGC's estimate of 1,800 sq miles (1,357 nm^2) as the maximum area covered by seismic operations and the highest observed density cited by Burns *et al.* (1981) (2.8 seals per nm^2) and by Frost *et al.* (1985) (2.83 seals per nm^2), there could be a maximum of 3,800 to 3,840 seals in the area of seismic activity. Based on this estimate of percentage displacement of ringed seals (.6 seal per nm^2), less than 1,000 seals may be displaced within the area covered by marine geophysical activities. If any of these are nursing females who abandon their young, pup mortality also may occur.

Over the past five years, 21 Letters of Authorization have been issued to companies conducting seismic activities on the ice in the Beaufort Sea. In the annual reports required by the regulations governing a small take of ringed seals, only one ringed seal was reported seen by an exploration crew. Other crews observed a ringed seal lair, a polar bear and polar bear tracks. In the report submitted in 1983 by the crew that observed the ringed seal, it stated that several seismic crew members observed the repeated use of one of the augered shot holes. The seal poked its head out of the hole several times while the watergun truck was parked over the hole to test the waterguns. Ice thickness at that point was 1.1 m. Also, polar bear kills of ringed seals were observed on the sea ice at two locations. Arctic foxes were commonly associated with the seismic operations, testifying to the presence of ringed seals in the area.

Although seismic activities on the ice may result in the taking of small numbers of ringed seals, NMFS believes

that based on a review of the available data, the taking would have negligible impact on the subspecies worldwide or on the Bering, Beaufort, and Chukchi Seas populations.

In addition, the small take of ringed seals due to marine geophysical exploration offshore Alaska from Point Barrow east to Demarcation Point is expected to have negligible impact on the availability of this species for subsistence use.

NMFS will require that all marine geophysical activities be done in a manner which minimizes adverse effects on ringed seals and their habitat including conducting activities as far as practicable from any observed ringed seals or their lairs. Also, no energy source can be placed over a ringed seal lair whether or not any seal is present.

Holders of Letters of Authorization must designate a person to observe and record the presence of ringed seals and lairs, and an annual report must be submitted to NMFS at the end of the survey year. The report must include information on locations of activities and numbers of ringed seals and lairs observed.

As provided in the MMPA, suspension of the exemption can be made at any time based on new information which indicates that seismic activities are having a significant adverse impact on the ringed seal, its habitat, or its availability for subsistence use.

Applicability to Other Laws, Regulations and Requirements

The proposed amendment to the expiring regulations would authorize the taking of small numbers of ringed seals incidental to seismic activities on the ice in the Beaufort Sea from 1987 through 1991.

The NMFS has prepared an Environmental Assessment that determines that allowing the taking of ringed seals for an additional five years will have an insignificant impact on the human environment and, therefore, does not constitute a major action under the National Environmental Policy Act. The Environmental Assessment is available on request (see ADDRESS section above).

The proposed amendment is not likely to result in (1) an annual effect on the economy of \$100 million or more; (2) a major increase in costs or prices for consumers, individual industries, or government agencies; or (3) significant adverse effect on competition, employment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. NMFS has determined,

therefore, that these regulations do not constitute a major rule and require no regulatory impact analysis under Executive Order 12291.

The General Counsel of the Department of Commerce has certified to the Small Business Administration that the proposed action will not have a significant impact on a substantial number of small entities.

This proposed rule contains collection of information requirements subject to the Paperwork Reduction Act. These requirements for collection of information have been approved by the Office of Management and Budget (OMB) under section 3504(b) of the Paperwork Reduction Act issued under OMB Control Number 0648-0151.

List of Subjects in 50 CFR Part 228

Marine mammals, Reporting and recordkeeping requirements.

Dated: October 28, 1986.

Carmen J. Blondin,

Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

PART 228—[AMENDED]

For the reasons set forth above, it is proposed that 50 CFR Part 228 be amended as follows:

1. The authority citation for Part 228 continues to read as follows:

Authority: 16 U.S.C. 1371(a)(5).

§ 228.12 [Amended]

2. Section 228.12 is amended by replacing the phrase "1982 through 1986" with the phrase "1987 through 1991".

[FR Doc. 86-24676 Filed 10-30-86; 8:45 am]

BILLING CODE 3510-22-M

50 CFR Part 663

Pacific Coast Groundfish Fishery; Management Plan

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

ACTION: Notice of availability of an amendment to a fishery management plan and request for comments.

SUMMARY: NOAA issues this notice that the Pacific Fishery Management Council has submitted for Secretarial review an amendment to the fishery management plan for the Pacific coast groundfish fishery and is requesting comments from the public. Copies of the amendment may be obtained from the address below.

DATE: Comments on the plan should be submitted on or before January 9, 1987.

ADDRESSES: All comments should be sent to Rolland A. Schmitt, Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way NE, BIN C15700, Seattle, WA 98115; or E. Charles Fullerton, Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, CA 90731.

Copies of the amendment are available upon request from the Pacific Fishery Management Council, Metro Center, Suite 420, 2000 SW. First Avenue, Portland, OR 97201.

FOR FURTHER INFORMATION CONTACT: Rolland A. Schmitt at 206-526-6150, E. Charles Fullerton at 213-514-6196, or the Pacific Fishery Management Council at 503-221-6352.

SUPPLEMENTARY INFORMATION: The Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) requires that each regional fishery

management council submit any fishery management plan or plan amendment it prepares to the Secretary of Commerce (Secretary) for review and approval or disapproval. This act also requires that the Secretary, upon receiving the plan or amendment, must immediately publish a notice that the plan or amendment is available for public review and comment. The Secretary will consider the public comments in determining whether to approve the plan or plan amendment.

The second amendment to the Pacific Coast Groundfish Fishery Management Plan proposes measures for managing the foreign and domestic fisheries for groundfish in ocean waters off Washington, Oregon, and California. An environmental assessment (required under the National Environmental Policy Act) and a regulatory impact review/initial regulatory flexibility analysis (required under Executive Order 12291 and the Regulatory Flexibility Act) are incorporated in the amendment.

Regulations proposed by the Council and based on this amendment are scheduled to be published within 30 days.

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

Dated: October 28, 1986.

Carmen J. Blondin,

Deputy Assistant Administrator For Fisheries Resource Management, National Marine Fisheries Service.

[FR Doc. 86-24627 Filed 10-28-86; 10:43 am]

BILLING CODE 3510-22-M

Notices

Federal Register

Vol. 51, No. 211

Friday, October 31, 1986

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

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Committee on Adjudication; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Committee on Adjudication of the Administrative Conference of the United States, to be held at 11:00 a.m., Thursday, November 13, 1986, at the Administrative Conference of the U.S., 2120 L Street, NW., Suite 500, Washington, DC. The committee will meet to take action on a draft recommendation on medicare appeals, based on a study by Professor Eleanor Kinney of the Indiana University School of Law. For further information, call Jeffrey S. Lubbers, 202-254-7065.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify Mr. Lubbers at least one day in advance. The committee chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the committee before, during or after the meeting. Minutes of the meeting will be available on request.

Jeffrey S. Lubbers,
Research Director.

October 28, 1986.

[FR Doc. 86-24656 Filed 10-30-86; 8:45 am]

BILLING CODE 6110-01-M

Committee on Governmental Processes; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Committee on Governmental Processes of the Administrative Conference of the United States, to be held at 9:30 a.m. on Wednesday, November 12, 1986 at the

office of Covington and Burling, 1201 Pennsylvania Avenue, NW., Room 1214, Washington, DC.

The Committee will meet to take action on a proposed recommendation concerning federal agencies hiring of private attorneys. This subject has been studied for the Conference by the firm of Wolf, Block, Schorr and Solis-Cohen of Philadelphia, Pennsylvania, and by Professor Ronald D. Rotunda of the University of Illinois College of Law. For further information, call David Pritzker, 202-254-7065.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify Mr. Pritzker at least one day in advance. The committee chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting. Any member of the public may file a written statement with the committee before, during, or after the meeting. Minutes of the meeting will be available on request.

Jeffrey S. Lubbers,
Research Director.

October 28, 1986.

[FR Doc. 86-24657 Filed 10-30-86; 8:45 am]

BILLING CODE 6110-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

Pork Promotion, Research, and Consumer Information

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice.

SUMMARY: This document provides the address of the National Pork Board, established pursuant to the Pork Promotion, Research, and Consumer Information Act, and addressed for State pork producer associations.

FOR FURTHER INFORMATION CONTACT: Ralph Tapp, Chief, Marketing Programs and Procurement Branch, (202) 447-2650.

SUPPLEMENTARY INFORMATION: Pursuant to the Pork Promotion, Research, and Consumer Information Act (7 U.S.C. 4801 *et seq.*), a Pork Promotion, Research, and Consumer Information Order (Order) was published in the September 5, 1986, *Federal Register* (51 FR 31898).

The order provides that, beginning November 1, 1986, porcine animals (swine) sold in the United States are subject to an assessment of 0.25 per cent of their market value. Persons who collect assessments from producers under the order are required to remit them to the National Pork Board (Board). Imported porcine animals, pork and pork products are also subject to assessments, which will be collected through the U.S. Customs Service.

Producers and importers are entitled to refunds of assessments from the Board upon request. Producers can obtain refund forms from their State pork producer association or the Board, and importers can request the forms directly from the Board.

This Notice provides the addresses of the Board and State pork producer associations. The address of the Board is National Pork Board, P.O. Box 9114, Des Moines, Iowa 50306.

The Addresses For The State Pork Producer Associations Are:

1. Alabama Pork Producers Association, P.O. Box 11000, Montgomery, AL 36198
2. Arizona Pork Producers Association, Rt. 1, Box 269, Maricopa, AZ 85239
3. Arkansas Pork Producers Association, P.O. Box 306, Atkins, AR 72823
4. California Pork Producers Association, P.O. Box 2138, Los Banos, CA 93635
5. Colorado Pork Producers Association, 9525 West 71st Avenue, Arvada, CO 80004
6. Connecticut Swine Growers Assn., Green Acres Farm, Spencer Road, Torrington, CT 06790
7. Delaware Pork Producers Association, Rd. 3, Box 590, Milford, DE 19963
8. Florida Pork Improvement Group, P.O. Box 730, Gainesville, FL 32602
9. Georgia Pork Producers Association, 2966 Riverside Drive, Suite 104, Macon, GA 31204
10. Hawaii Pork Industry Assn., 87-1550 Kanahale Road, Waianae, HI 96792
11. Idaho Pork Producers Association, SW ID R/E Center, Rt. 8, Box 6478, Caldwell, ID 83605
12. Illinois Pork Producers Association, 6411 S. 6th Street, Frontage Road East, Springfield, IL 62707
13. Indiana Pork Producers Association, 8645 Guion Road, Suite 1, Indianapolis, IN 46268
14. Iowa Pork Producers Association, P.O. Box 7, Clive, IA 50053
15. Kansas Pork Producers Council, 2601 Farm Bureau Road, Manhattan, KS 66502
16. Kentucky Pork Producers Association, R. 2, Box 163-A, Shelbyville, KY 40065
17. Louisiana Pork Producers Association, Extension Service, LSU-Knapp Hall, Rm. 235, Baton Rouge, LA 70803

18. Maine Hog Growers Assn., RD 1, Box 364, Bradford, ME 04410
19. Maryland Pork Producers Association, Rt. 1 Box 131, Cambridge, MD 21613
20. Michigan Pork Producers Association, 3775 Forest Road, Ste. 2, Lansing, MI 48910
21. Minnesota Pork Producers Association, 216 E. Main, Albert Lea, MN 56007
22. Mississippi Pork producers Association, Room 316, Box 5425, Bost Extension Center, Mississippi State, MS 39762
23. Missouri Pork Producers Association, Rt. 11, 6235 Cunningham Road, Columbia, MO 65202
24. Montana Pork Producers Council, Montana State University, Linfield Hall, 409A, Bozeman, MT 59717
25. Nebraska Pork Producers Association, Inc., University of Nebraska—East Campus, 112 Mussehl Hall, Lincoln, NE 68583-0834
26. Nevada Pork Producers Association, 111 Sheckler Road, Fallon, NV 89406
27. New Hampshire Pork Producers Council, Cooperative Extension Service, 217 Kendall Hall, UNH, Durham, NH 03824
28. New York Pork Producers Cooperative, Inc., 2436 Highland Road, Lyons, NY 14489
29. North Carolina Pork Producers Association, Inc., P.O. Box 25727, Raleigh NC 27611
30. North Dakota Pork Producers Council, Rt. 1, Box 135, Leith, ND 58551
31. Ohio Pork Producers Council, 135 Allview Road, Westerville, OH 43081
32. Oklahoma Pork Commission, Rt. 1, Box 254, Depew, OK 74028
33. Oregon Pork Producers Council, 13404 Carl Road, N.E., Hubbard, OR 97032
34. Pennsylvania Pork Producers Council, R.D. 2, Box 219, Kutztown, PA 19530
35. South Carolina Pork Board, P.O. Box 11280, Columbia, SC 29211
36. South Dakota Pork Producers Council, Box 326, Madison, SD 57042
37. Tennessee Pork Producers Assn., P.O. Box 140436, Nashville, TN 37214
38. Texas Pork Producers Association, Box 10168, Austin, TX 78766
39. Utah Pork Producers Association, U.S.U.—Ani. Sci., UMC 48, Logan, UT 84322-4815
40. Virginia Pork Industry Association, 801 Washington Building, 1100 Bank Street, Richmond, VA 23219
41. Washington Pork Producers, Rt. 1, Box 48a, Valleyford, WA 99036
42. West Virginia Pork Producers Council, Univ. of WV, Agri. Sciences Building, Box 6108, Morgantown, WV 26506-6108
43. Wisconsin Pork Producers Association, Box 327, Lancaster, WI 53813
44. Wyoming Pork Producers Council, Box 25, Manderson, WY 82432.

Done at Washington, DC., on: October 27, 1986.

William T. Manley,
Deputy Administrator, Marketing Programs.
[FR. Doc. 86-24616 Filed 10-30-86; 8:45 am]

BILLING CODE 3410-02-M

Agricultural Stabilization and Conservation Service

Commodity Credit Corporation

1987 National Marketing Quota and 1987 Price Support Level for Flue-Cured Tobacco

AGENCY: Agricultural Stabilization and Conservation Service (ASCS) and Commodity Credit Corporation (CCC), USDA.

ACTIN: Notice of proposed determinations.

SUMMARY: The Secretary of Agriculture is required to determine and announce by December 15, 1986, the amount of the national marketing quota and related matters for flue-cured tobacco for the 1987-88 marketing year. The quota must be based on domestic manufacturers' purchase intentions, and three-year average of exports, an adjustment to maintain inventories of producer-owned cooperative marketing association inventories (reserve stock level) at the prescribed level, and, if determined necessary by the Secretary, an additional adjustment in the total of these three components. In addition, the Secretary must, insofar as practicable, announce the level of price support for the 1987-88 marketing year in advance of the planting season. These determinations are to be made in accordance with the Agricultural Adjustment Act of 1938, as amended (the "1938 Act") and the Agricultural Act of 1949, as amended (the "1949 Act") respectively.

DATE: Comments must be received on or before December 1, 1986 in order to be assured of consideration.

ADDRESS: Send comments to Dr. Howard C. Williams, Director, Commodity Analysis Division, ASCS, U.S. Department of Agriculture, P.O. Box 2415, Washington, DC 20013, (202) 447-3391. All written submissions will be made available for public inspection from 8:15 a.m. to 4:45 p.m. Monday through Friday, in Room 3741-South Building, 14th and Independence Avenue SW., Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: Robert Tarczy, Agricultural Economist, Commodity Analysis Division, ASCS, USDA, Room 3741-South Building, P.O. Box 2415, Washington, DC 20013, (202) 447-5187. A Preliminary Regulatory Impact Analysis is available from Mr. Tarczy.

SUPPLEMENTARY INFORMATION: This notice has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Departmental Regulation 1512-1 and has

been classified "not major." The provisions of this proposed notice will not result in: (1) An annual effect on the economy of \$100 million or more, (2) a major increase in costs or prices for consumers, individual industries, Federal, State or local Governments, or geographical regions, or significant adverse effects on competition, employment, investment, productivity, innovations, and environment or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal Assistance Program to which this proposed notice applies are: Title—Commodity Loans and Purchases; Number—10.051, as set forth in the Catalog of Federal Domestic Assistance.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice since neither the Agricultural Stabilization and Conservation Service nor the Commodity Credit Corporation are required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this notice.

Section 1108(a) Consolidated Omnibus Budget Reconciliation Act of 1985 (the "1985 Act") provides that the subject matter of this notice is not subject to the provision requiring notice and other procedures for public participation in rulemaking contained in section 553 of Title 5, United States Code, or in any directive of the Secretary. However, numerous comments were received by the Department with respect to the manner in which the determination was made of the quantity of tobacco that was exported in the previous three years for purposes of establishing the national marketing quotas for the 1986 crops of flue-cured and burley tobacco. Therefore, comments are requested with regard to the method used in determining this quantity in establishing the national marketing quota for the 1987 crop of flue-cured tobacco. In order to provide an accurate basis for interested persons to submit comments on this issue, this notice sets forth the Department's most current information to be used in establishing the 1987 national marketing quota for flue-cured tobacco.

Marketing Quotas

The 1938 Act requires the Secretary to announce by December 15, 1986, the amount of the national marketing quota, the national average yield goal, and the national acreage allotment for the 1987-

88 marketing year. The 1987-88 marketing year is the second year of the three consecutive years for which marketing quotas approved by producers in a national referendum will be in effect for flue-cured tobacco.

Section 317(a)(1) of the 1938 Act (7 U.S.C. 1314c(a)(1)) provides, in part, that the national marketing quota for a marketing year for flue-cured tobacco is the quantity of such tobacco that is not more than 103 percent nor less than 97 percent of the total of: (1) The amount of flue-cured tobacco that domestic manufacturers of cigarettes estimate they intend to purchase on U.S. auction markets or from producers, (2) the average quantity exported annually from the U.S. during the three marketing years immediately preceding the marketing year for which the determination is being made, and (3) the quantity, if any, necessary to adjust loan stocks to the reserve stock level. Section 317(a)(1)(c) further provides that, with respect to the 1986 through 1989 marketing years, any reduction in the national marketing quota being determined shall not exceed six percent of the previous year's national marketing quota. The "reserve stock level" is defined in section 301(b)(14)(C) of the 1938 Act as the greater of 100 million pounds or 15 percent of the national marketing quota for flue-cured tobacco for the marketing year immediately preceding the marketing year for which the level is being determined.

Section 320A of the 1938 Act provides that all domestic manufacturers of cigarettes with more than 1 percent of U.S. cigarette production and sales shall submit to the Secretary a statement of purchase intentions for the 1987 crop of flue-cured by December 1, 1986. Six such manufacturers were required to submit such a statement for the 1986 crop and the total of their intended purchases for the 1986 crop was 360.7 million pounds.

Flue-cured tobacco exports, as recorded by the Bureau of Census, were 480.5 million pounds for the 1984-85 marketing year (July-June) and 435.0 million pounds for the 1985-86 year. Economic Research Service (ERS), USDA, estimates that Census-recorded exports will total 470.0 million pounds for the 1986-87 marketing year, making the projected 3-year average 461.8 million pounds.

However, domestic cigarette manufacturers export a certain amount of processed tobacco (blends) declared as unmanufactured tobacco exports, but which are included in the domestic manufacturers' purchase intentions. Also, some leaf exporters may declare as flue-cured tobacco certain blends

containing foreign-grown tobaccos. Because of these conditions, the Secretary made a downward adjustment in flue-cured tobacco exports of 137.1 million pounds in calculating the 1986 marketing quota. This adjustment was based on the difference between Census-recorded exports of flue-cured tobacco and indicated exports (total trade purchases less manufacturers' purchases) for the 1982-84 marketing years. Based on historical data for the 1983-85 marketing years, the downward adjustment in exports proposed to be used in establishing the 1987 marketing quota is 101.6 million pounds. The computation of the adjustment is shown in the Appendix Table to this notice.

In accordance with section 301(b)(14)(C) of the 1938 Act, the reserve stock level is the greater of 100 million pounds or 15 percent of the 1986 marketing quota for flue-cured tobacco. The national marketing quota for the 1986 crop year was 728.5 million pounds (51 F.R. 28850). Accordingly, the reserve stock level for use in determining the 1987 marketing quota for flue-cured tobacco will be 109 million pounds.

The decrease in the inventory of the cooperative marketing association to reach the reserve stock level for the 1986 marketing year was 11.3 million pounds. The adjustment for the 1987 marketing year is projected to be a decrease of 50 million pounds.

The projection of the three marketing quota components for the 1987-88 marketing year, based upon the previous year's submissions by manufacturers of their intended purchases of 360.7 million pounds (manufacturers' intentions), exports of 383.2 million pounds (exports), and a reduction in association inventories of 50.0 million pounds (stocks), is 693.9 million pounds.

Section 317(a)(2) of the 1938 Act defines "national average yield goal" for any kind of tobacco as the yield per acre which on a national average basis the Secretary determines will improve or insure the usability of the tobacco and increase the net return to the growers. For the 1986 crop of flue-cured tobacco, the national average yield goal was determined to be 1,989 pounds per acre (See 51 FR 28850).

Section 317(a)(3) of the 1938 Act defines the "national acreage allotment" as the acreage determined by dividing the national marketing quota by the national average yield goal. The national acreage allotment for the 1986-87 marketing year was determined to be 366,264.25 acres (See FR 28850).

A national acreage factor for apportioning the national acreage allotment to old farms will be determined by dividing the national

acreage allotment, less the reserve for new farms and old farm corrections and adjustments, by the sum of the preliminary 1987 allotments for old farms prior to any adjustments for overmarketings, undermarketings, or reductions which are required to be made because of marketing quota violations. The national acreage factor for the 1986-87 marketing year was .94 (51 FR 28850).

A national yield factor will be obtained by dividing the national average yield goal by the national average yield. The national average yield is computed by multiplying the preliminary farm yield for each farm by the acreage allotment determined for the farm prior to any adjustments for overmarketings, undermarketings, or reductions which are required to be made because of marketing quota violations, adding the products, and dividing the sum of the products by the national average allotments. The national yield factor for the 1986-87 marketing year was .8955 (51 FR 28850).

Section 317(e) of the 1938 Act provides that a reserve may be established from the national acreage allotment in an amount equivalent to not more than three percent of the national acreage allotment to be available for making corrections of errors in farm acreage allotments, adjusting inequities, and for establishing acreage allotments for new farms, which are farms on which no tobacco was produced or considered produced during the immediately preceding five years. A reserve of 1,356 acres was established for the 1986-87 marketing year (51 FR 28850). The establishment of a reserve is also proposed for the 1987-88 marketing year.

Section 317(g)(1) of the 1938 Act provides that if the Secretary determines it is desirable to encourage the marketing of grade N2 tobacco, or any other grade of tobacco which is not eligible for price support, to meet the normal demands of export and domestic markets, the Secretary may authorize the marketing of such tobacco without the payment of penalty or deduction from subsequent quotas to the extent of 5 percent of the marketing quota for the farm on which the tobacco was produced. The marketing of any such tobacco in this manner has never been authorized under the acreage-poundage program and is not proposed for the 1987-88 marketing year.

The 1985 Act amended the 1938 Act to require the Secretary to announce the 1986 marketing quota within 21 days of enactment of the 1985 Act. This effectively precluded the opportunity to

publish a notice in the **Federal Register** to request public comments on this issue.

Due to the number of comments received by the Department it has been determined that additional consideration and public comments are warranted concerning the calculation with respect to the manner in which the quantity of tobacco exports is determined in 1987 and subsequent crop years. All comments are welcome and will be considered. Most desired, however, are comments which address the following issues:

1. The 1986 national marketing quota for flue-cured tobacco was established using an export calculation based upon manufacturers' data to obtain the net producer requirements for domestic use and exports. Accordingly, the Department requests comments with respect to whether the same or another method should be used to calculate flue-cured tobacco exports and whether the Department should require exporters to report the end use of domestic purchases.

2. The quantities of flue-cured tobacco that is exported as reported by the Bureau of Census consist of "merchandise grown, produced, or manufactured (including imported merchandise which has been enhanced in value) in the United States." Comments are requested as to whether, for the purpose of reporting exports, tobacco blends of various kinds of tobacco, including domestic and foreign grown tobaccos should be identified and classified in this or another manner.

3. With respect to the 1986 crops of flue-cured tobacco, the relationship of actual exports and adjusted exports for the past 3 marketing years was used to establish the estimate for the current marketing year (the immediately preceding year for which the national marketing quota is established). Comments are requested as to whether this procedure should be continued or another procedure should be adopted.

Comments received concerning these issues will be reviewed and used in establishing 1987 marketing quotas for flue-cured tobacco as well as any new information that may be forthcoming concerning the levels of tobacco exports and imports in the 1986-87 marketing year.

Consideration of the comments will be aided by a presentation of the reasons the commenter believes either current or recommended export calculations are appropriate. Consideration of the comments will also be aided by the inclusion of any available data supporting or relevant to other

calculations used in establishing these marketing quotas.

Price Support

Price support is required to be made available for each crop of a kind of tobacco for which quotas are in effect, or for which marketing quotas have not been disapproved by producers, at a level which is determined in accordance with a formula prescribed in section 106 of the 1949 Act. With respect to the 1987 crop of flue-cured tobacco, the level of support is determined in accordance with sections 106 (d) and (f) of the 1949 Act.

Section 106(f)(4) of the 1949 Act provides that the level of support for the 1987 crop of flue-cured tobacco, if marketing quotas are in effect or are not disapproved by producers, shall be: (1) The level in cents per pound at which the 1986 crop of flue-cured tobacco was supported, plus or minus, respectively, (2) an adjustment of not less than 65 percent nor more than 100 percent of the total, as determined by the Secretary after taking into consideration the supply of the kind of tobacco involved in relation to demand, of:

(A) 66.7 percent of the amount by which:

(I) The average price received by producers for flue-cured tobacco on the United States auction markets, as determined by the Secretary, during the 5 marketing years immediately preceding the marketing year for which the determination is being made, excluding the year in which the average price was the highest and the year in which the average price was the lowest in such period, is greater or less than

(II) The average price received by producers for flue-cured tobacco on the United States auction markets, as determined by the Secretary, during the 5 marketing years immediately preceding the marketing year prior to the marketing year for which the determination is being made, excluding the year in which the average price was the highest and the year in which the average price was the lowest in such period; and

(B) 33.3 Percent of the change, expressed as a cost per pound of tobacco, in the index of prices paid by tobacco producers from January 1 to December 31 of the calendar year immediately preceding the year in which the determination is made.

For the purpose of calculating the market-price component of the support level, the 1985 Act amended the 1949 Act to require that the average market price be reduced 25 cents per pound for the 1985 marketing year and 30 cents per pound for prior marketing years.

The 1987-crop support level for flue-cured tobacco will be based on prices received by producers during the 1981 through 1986 crops and an index of prices paid. These prices and indexes are:

Crop year	Auction price		Adjusted 5-year average	Cost index
	Actual	Adjusted		
Cents per pound				
1981	166.4	136.4		
1982	178.5	148.5		
1983	177.9	147.9		
1984	181.1	151.1		
1985	171.9	146.9	147.8	89.5
1986 (proj.)	152.8	152.8	149.2	85.9

Omitting the high and low years, the 1981-85 price average is 147.8 cents per pound and the 1982-86 average is 149.2 cents. The cost data, as provided by ERS, is on an amount-per-acre basis. Because the 1985 Act requires that the index be on an amount-per-pound basis, per-acre data must be converted to a per-pound basis. To minimize the impact of weather, USDA proposes to use a trend yield to convert the per-acre data to a cost-per-pound basis.

The trend yield of 2,189 pounds (1985) and 2,220 pounds (1986) calculated by the ASCS is based on a linear regression for 1976-85 with time as the independent variable. Assuming a trend yield, cost of production is estimated to decrease 3.6 cents per pound. Comments are requested on whether to use the actual cost per pound or the cost per pound adjusted by trend yield in calculating the 1986 crop support level. Details of the cost of production estimates are shown in the following table.

TABLE.—FLUE-CURED TOBACCO: PRODUCTION COSTS PER ACRE, BY COST ITEM, 1985 AND 1986

Cost item	Cost per acre	
	1985 (dollars)	1986 (dollars)
Variable:		
Labor ¹	607.11	622.07
Plant bed materials ²	50.13	49.04
Fertilizer and lime	83.29	83.36
Chemicals ³	134.99	133.68
Fuel and lubrication ⁴	62.40	50.25
Curing fuel and electricity ⁵	299.25	268.43
Repairs	65.72	65.21
Marketing fee	115.57	92.57
Inspection and grading fee	12.33	11.17
Other	64.67	63.77
Interest	13.03	13.10
Total Variable	1,508.49	1,452.65
Machinery and barn ownership:	451.05	453.30
Replacement	222.69	224.11
Interest	187.35	188.05
Taxes and insurance	41.01	41.14
Total, variable and ownership	1,959.54	1,905.95
Yield per acre (lbs.)	2,241	2,030
Trend yield per acre (lbs.)	2,189	2,220
Cost per lb. with trend yield (cents)	89.5	85.9

¹ Includes operator, family, exchange, and hired labor value at prevailing wage rates.

² Includes plant bed seed, fertilizer, pesticides, and custom fumigation.

³ Includes insecticides, herbicides, fungicides, and sucker control chemicals.

⁴ Includes tractor and machinery fuel and lubrication.

⁵ Includes cost of LP gas, fuel oil, or diesel and electricity used to cure tobacco.

⁶ Includes machinery, equipment, and barn repairs.

⁷ Includes sticks, twine, sheets, cover crop seed, and tobacco crop insurance.

Averaging the auction price change of 1.4 cents per pound (two-thirds weight) with the cost index change of -3.6 cents per pound (one-third weight), the maximum decrease in price support for the 1987 crop of flue-cured tobacco would be 0.3 cents per pound. Accordingly, the projected level of price support for 1987 crop is approximately 143.5 cents per pound, 0.3 cents lower than the 1986 level of support of 143.8 cents per pound.

Proposed Determinations

Accordingly, the Secretary of Agriculture proposes to determine and announce with respect to the 1987-88 marketing year for flue-cured tobacco.

1. An adjustment for double counting of the exports of foreign tobacco in Census-reported exports used to calculate the national marketing quota.

2. An adjustment in the reserve stock level to ensure that the cooperative marketing association does not accumulate excess stocks.

3. The amount of any discretionary adjustment, up to three percent plus or minus, that should be applied to the marketing quota determination.

4. A national average yield goal of 1,989 pounds.

5. A reserve from the national acreage allotment in an amount within a range of 100 acres to 2,000 acres.

6. The marketing of N2 or other grades of tobacco which are not eligible for price support, without payment of penalty or deduction from subsequent quotas, will not be authorized.

7. A cost-of-production index which uses trend yields.

The national acreage allotment, the national acreage factor, and the national yield factor will be computed using the final components which will be made in the final national quota determination.

(Secs. 301, 313, 317, 375, 52 Stat. 38, as amended, 47, as amended, 79 Stat. 66, as amended, 52 Stat. 66, as amended (7 U.S.C. 1301, 1313, 1314c, 1375); Secs. 106, 406, 74 Stat. 6, as amended, 63 Stat. 1055 (7 U.S.C. 1445, 1426))

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

Milton J. Hertz,

Administrator, Agricultural Stabilization and Conservation Service and Acting Executive Vice President, Commodity Credit Corporation.

APPENDIX TABLE 1.—FLUE-CURED TOBACCO (TYPES 11-14)

(Marketing year beginning July)

Item	1982	1983	1984	1982-84 average	1985	1983-85 average	1986
Million pounds, farm sales weight							
Producer Sales.....	993.8	854.8	849.6		791.8		
Flue-cured Stabilization Inventory: ¹							
Beginning (+).....	518.7	688.4	797.5		833.1		
Ending (-).....	688.4	797.5	833.1		790.5		
Trade Purchases.....	824.1	745.7	814.0		834.5		
Manufacturers Purchases ² (-).....	529.5	448.7	442.0		456.4		
Exporters Purchases (Residual).....	294.6	297.0	372.0		378.1		
Dealers Inventory: ³							
Beginning (+).....	93.0	97.0	112.0		79.0		
Ending (-).....	97.0	112.0	79.0		81.0		
Exports (Adjusted).....	290.6	282.0	405.0	325.9	376.1	354.4	368.4
Exports (Reported) ⁴	455.9	452.5	480.5	* 463.0	435.0	* 456.0	470.0
Amount Reported Exports Exceed Adjusted:							
Exports.....	165.3	170.5	* 75.5	137.1	58.9	101.6	101.6

¹ Tobacco Stocks, Agricultural Marketing Service.

² Special reports to ASCS, April 1986 and September 1986.

³ Standard conversion factors applied to exports reported by Bureau of Census.

⁴ March 1986 estimate by Economic Research Service was 480 mil. lbs.

* Estimated by Economic Research Service.

* Subtracted from 1985 reported exports (estimate) to obtain adjusted exports of 343 mil. lbs.

[FR Doc. 86-24707 Filed 10-30-86; 8:45 am]

BILLING CODE 3410-OS-M

Soil Conservation Service

Pioneer School RC&D Measure, California; Environmental Impact Statement

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Pioneer School RC&D Measures, El Dorado County, California.

FOR FURTHER INFORMATION CONTACT: Mr. Eugene E. Andreuccetti, State Conservationist, Soil Conservation Service 2121-C 2nd Street, Davis, California 95616-5474, telephone (916) 449-2848.

SUPPLEMENTARY INFORMATION: The environmental assessment of this Federal action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Eugene E. Andreuccetti, State Conservationist, has determined that the preparation and review of an environmental impact statement is not needed for the project.

This measure concerns a plant for critical area treatment. The planned works of improvement include erosion control practices such as drop inlet pipe structures, diversion trenches, minor grading and shaping, and revegetation of exposed and critically eroding areas.

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. The basic data developed during the environmental assessment are on file and may be reviewed by contracting Mr. Eugene E. Andreuccetti.

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

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, 16 U.S.C. 590 a-f, q)

Dated: October 20, 1986.

Paul H. Calverley,

Deputy State Conservationist.

[FR Doc. 86-24614 Filed 10-30-86; 8:45 am]

BILLING CODE 3410-16-M

Upper Shoal River Watershed, Florida; Environmental Impact Statement

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

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

FOR FURTHER INFORMATION CONTACT:

James W. Mitchell, State Conservationist, Soil Conservation Service, 401 S.E. First Avenue, Room 248, Gainesville, Florida 32601, telephone (904) 377-0946.

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

The project concerns a plan for watershed protection. The planned works of improvement include accelerated technical assistance and Federal cost sharing for the installation of land treatment measures.

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 James W. Mitchell.

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: October 24, 1986.

James W. Mitchell,
State Conservationist

[FR Doc. 86-24615 Filed 10-30-86; 8:45 am]

BILLING CODE 3410-18-M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket No. 32-86]

Proposed Foreign-Trade Zones—Burns Harbor, IN, With Subzone for Caterpillar Engine Plant in Lafayette; Application and Public Hearing

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Indiana Port Commission (IPC), an Indiana public corporation, requesting authority to establish a general-purpose foreign-trade zone in Burns Harbor, Indiana, adjacent to the Chicago Customs port of entry, and a special-purpose subzone for the engine manufacturing plant of Caterpillar Tractor Company in Lafayette, Indiana. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on October 17, 1986. The applicant is authorized to make this proposal under section 8-10-3-2 of the Indiana Code.

The proposed foreign-trade zone would cover 441 acres within the 500-acre Port of Indiana/Burns International Harbor (Burns Harbor), on the south shore of Lake Michigan, 30 miles southeast of Chicago, in Porter County, Indiana. A warehouse for which IPC plans to select a private operator will be available for initial zone activity.

The application contains evidence of the need for zone services in the Burns Harbor area. Several firms have indicated an interest in using zone procedures for storage/distribution of vehicles, auto parts, prestressed strands for concrete, plastic products, paint, textiles and apparel. No manufacturing approvals are being sought at this time for the general-purpose zone. Such requests would be made to the Board on a case-by-case basis.

The proposed subzone would be located at Caterpillar's Lafayette Engine Plant at 3701 State Road 266 in Lafayette, some 80 miles south of Burns Harbor. The 440-acre facility is used to produce large diesel engines for marine and industrial uses, employing 445 persons. Some 7 percent of the parts used at the plant are sourced abroad, including pistons, bearings, turbochargers, water pumps, forgings, radiators, valves, bolts, filters and contactors. Some of the engines are exported.

Zone procedures would allow Caterpillar to avoid duty payments on the foreign parts used in its exports. On its domestic sales, the company would

be able to take advantage of the same duty rate available to importers of engines. The duty rate for engines is 3.9 percent, whereas the rates for the imported parts range from 3.5 to 9.5 percent. Zone savings will help the company improve its international competitiveness.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and report to the Board. The committee consists of: Dennis Puccinelli (Chairman), Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, DC 20230; Larry K. Shirk, Assistant District Director, U.S. Customs Service, North Central Region, 610 S. Canal St., Chicago, IL 60607; and Lt. Colonel Frank R. Finch, District Engineer, U.S. Army Engineer District Chicago, 219 S. Dearborn St., Chicago, IL 60604.

As part of its investigation, the examiners committee will hold a public hearing on December 2, 1986, beginning at 9:00 a.m., in the City Council Chambers, Portage City Hall, Portage, Indiana.

Interested parties are invited to present their views at the hearing. Persons wishing to testify should notify the Board's Executive Secretary in writing at the address below or by phone (202/377-2862) by November 25. Instead of an oral presentation, written statements may be submitted in accordance with the Board's regulations to the examiners committee, care of the Executive Secretary, at any time from the date of this notice through January 9, 1987.

A copy of the application and accompanying exhibits will be available during the time of public inspection at each of the following locations:

Port Administration Bldg., Burns International Harbor, 6600 U.S. Highway 12, Portage, IN 46368
Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Rm 1529, 14th and Pennsylvania Avenue NW., Washington, D.C. 20230.

Dated: October 28, 1986.

John J. Da Ponte, Jr.,
Executive Secretary.

[FR Doc. 86-24714 Filed 10-30-86; 8:45 am]
BILLING CODE 3510-DS-M

International Trade Administration

Biotechnology Technical Advisory Committee; Partially Closed Meeting

A meeting of the Biotechnology Technical Advisory Committee will be

held December 3, 1986, 9:30 a.m. in the Herbert C. Hoover Building, Room 6802, 14th Street and Constitution Avenue, NW., Washington, DC. The Committee advises the Office of Technology and Policy Analysis, Export Administration, with respect to technical questions that affect the level of export controls applicable to biotechnology and related equipment or technology.

Agenda

1. Welcoming remarks by the Chairperson.
2. Introduction of members and guests.
3. Presentation of papers or comments by the public.
4. Discussion of revised controls for export of micro-organisms.
5. Discussion of controls applicable to biotechnology.
6. Action items and plans for next meeting.

Executive Session:

7. Discussions of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control and strategic criteria related thereto.

The General Session will be open to the public and a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on February 19, 1985, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by section 5(c) of the Government in the Sunshine Act, Pub. L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12356.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, telephone: (202) 377-4217. For further information or copies of the minutes, contact Betty Anne Ferrell, (202) 377-2583.

Dated: October 24, 1986.

Margaret A. Cornejo,

Director, Technical Support Staff, Office of Technology and Policy Analysis.

[FR Doc. 86-24716 Filed 10-30-86; 8:45 am]

BILLING CODE 3510-DT-M

Importers and Retailers' Textile Advisory Committee; Partially Closed Meeting

A meeting of the Importers and Retailers' Textile Advisory Committee will be held on November 13, 1986, 10:30 a.m., Herbert C. Hoover Building, Room 6802, 14th Street and Constitution Avenue, NW., Washington, DC 20230. (The Committee was established by the Secretary of Commerce on August 13, 1963 to advise Department officials of the effects on import markets of cotton, wool, and man-made fiber textile and apparel agreements.)

General Session: 10:30 a.m. Review of import trends, international activities, report on conditions in the market, and other business.

Executive Session: 11:00 a.m.

Discussion of matters properly classified under Executive Order 12356 (3 CFR Page 166 (1982) and listed in 5 U.S.C. 552b(c)(1).

The general session will be open to the public with the limited of seats available. A notice of determination to close meetings or portions of meetings to the public on the basis of 5 U.S.C. 552b(c)(1) and (c)(9) has been approved in accordance with the Federal Advisory Committee Act. A copy of the notice is available for public inspection and copying in the Central Facility Room 6628, U.S. Department of Commerce, (202) 377-3031.

For further information or copies of the minutes contact Helen L. LeGrande (202) 377-3737.

Dated: October 28, 1986.

William H. Houston III,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 86-24717 Filed 10-30-86; 8:45 am]

BILLING CODE 3510-DR-M

Management-Labor Textile Advisory Committee; Partially Closed Meeting

A meeting of the Management-Labor Textile Advisory Committee will be held on December 9, 1986, at 1:30 p.m., Herbert C. Hoover Building, Room 4830, 14th Street and Constitution Avenue, NW., Washington, DC. (The Committee was established by the Secretary of Commerce on October 18, 1961 to advise Department officials on problems and

conditions in the textile and apparel industry.)

General Session: 1:30 p.m. Review of import trends, implementation of textile agreements, report on conditions in the domestic market, and other business.

Executive Session: 2:00 p.m.

Discussion of matters properly classified under Executive Order 12356 (3 CFR page 166 (1982) and listed in 5 U.S.C. 552b(c) (1) and (9).

The general session will be open to the public with the limited number of seats available. A notice of determination to close meetings or portions of meetings to the public on the basis of 5 U.S.C. 552b(c)(1) has been approved in accordance with the Federal Advisory Committee Act. A copy of the notice is available for public inspection and copying in the Central Facility Room 6628, U.S. Department of Commerce, (202) 377-3031.

For further information or copies of the minutes contact Helen L. LeGrande (202) 377-3737.

Dated: October 28, 1986.

William H. Houston III,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 86-24718 Filed 10-30-86; 8:45 am]

BILLING CODE 3510-DR-M

Switching Subcommittee of the Telecommunications Equipment Technical Advisory Committee; Partially Closed Meeting

A meeting of the Switching Subcommittee of the Telecommunications Equipment Technical Advisory Committee will be held November 20, 1986, 9:30 a.m. Customs Service Headquarters Building, Room 3408, 1301 Constitution Avenue, NW., Washington, DC. The Switching Subcommittee was formed to study computer controlled switching equipment with the goal of making recommendations to the Office of Technology & Policy Analysis relating to the appropriate parameters for controlling exports for reasons of national security.

Agenda

1. Opening remarks by the Chairperson.
2. Presentation of papers or comments by the public.
3. Continued work on recommendations for revisions to ECCN 1567. The objective of these revisions is to provide more precise definition of terms, more precise wording to eliminate ambiguities as to the

commodities described, and to eliminate overlaps with other ECCN's.

Specific additional recommendations on these issues and on the procedure for revision are requested.

Executive Session

4. Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The general session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 10, 1986, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by section 5(c) of the Government in the Sunshine Act, Pub. L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12356.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, Telephone: (202) 377-4217. For further information or copies of the minutes, call Betty Ferrell at (202) 377-4959.

Dated: October 27, 1986.

Margaret A. Cornejo,
Director, Technical Support Staff, Office of
Technology & Policy Analysis.

[FR Doc. 86-24719 Filed 10-30-86; 8:45 am]

BILLING CODE 3510-DT-M

[C-351-021]

Certain Carbon Steel Products From Brazil; Preliminary Results of Countervailing Duty Administrative Review

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

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

SUMMARY: The Department of Commerce has conducted an administrative review of the countervailing duty order on certain carbon steel products from Brazil. The review covers the period February 10, 1984 through September 30, 1984 and 22 programs.

As a result of the review, the Department has preliminarily determined the net subsidy for the period of review to be 9.14 percent *ad valorem* for COSIPA, 39.98 percent *ad valorem* for CSN, zero for USIMINAS, 38.45 percent *ad valorem* for Maxitrade, and 21.13 percent *ad valorem* for all other firms. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: October 31, 1986.

FOR FURTHER INFORMATION CONTACT: Richard C. Henderson or Lorenza Olivas, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On June 23, 1984, the Department of Commerce ("the Department") published in the *Federal Register* a countervailing duty order on certain carbon steel products from Brazil (49 FR 25655, June 22, 1984). On September 30, 1985, the Government of Brazil and three U.S. importers, Hansa World Cargo, Isacson Steel Company and Voest-Alpine, requested in accordance with § 355.10 of the Commerce Regulations an administrative review of the order. We published the initiation of the administrative review on 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").

On September 6, 1985, we revoked the order effective October 1, 1984.

Scope of Review

Imports covered by the review are shipments of Brazilian certain carbon steel products. Such merchandise is currently classifiable under items 607.6610, 607.6710, 607.6720, 607.6730, 607.6740, 607.6742, 607.8320, 607.8342, 607.8350, 607.8355, 607.8355, and 607.8360 of the Tariff Schedules of the United States Annotated.

The review covers the period February 10, 1984 through September 30, 1984 and 22 programs: (1) CACEX export financing; (2) an income tax exemption for export earnings; (3) the export credit premium for the IPI; (4) CIC-CREGE 14-11 financing; (5) incentives for trading companies (Resolution 643); (6) duty-free treatment and tax exemptions on

imported equipment ("CDI"); (7) FINEX (Resolutions 68 and 509); (8) government provision of equity; (9) funding for expansion through IPI tax rebates; (10) FINEP; (11) accelerated depreciation for Brazilian-made capital goods; (12) BEFIEX; (13) CIEF; (14) financing for the storage of merchandise destined for export (Resolution 330); (15) FUNPAR; (16) PROSIM; (17) loan guarantees; (18) loan assumptions; (19) labor subsidies for employees of state enterprises; (20) subsidized electricity used in steel production; (21) subsidized port facilities; and (22) PROEX.

The review covers seven firms, made up of three producers and four trading companies. The three producers, Companhia Siderurgica Paulista ("COSIPA"), Companhia Siderurgica Nacional ("CSN"), and Usinas Siderurgicas de Minas Gerais, S.A. ("USIMINAS"), as well as one trading company, Maxitrade, received benefits that are significantly different, as provided for in section 706(a)(2) of the Tariff Act of 1930, from the weighted average benefit for all firms. We have therefore set company-specific rates for those four firms.

Analysis of Programs

(1) CACEX Export Financing

Under this program, the Department of Foreign Commerce ("CACEX") of the Banco do Brasil provides short-term working capital financing to exporters at preferential rates. The loans have a duration of up to one year. During the period of review, producers of certain carbon steel products could obtain CACEX financing for up to 20 percent of the value of their previous year's exports.

Resolution 674, which became effective on June 11, 1983, set a maximum interest rate of 60 percent and required two interest payments, one 180 days after the loan was granted and the other at maturity. Resolution 882, which became effective on January 2, 1984, required the full interest payment at maturity. It also set the maximum interest rate at full monetary correction (calculated by the change in the value of readjustable treasury bonds, "ORTN") plus 3 percentage points. During the period of review, the three producers as well as one of the three firms receiving the country-wide rate used this program.

To find the interest differential, we compared two effective rates. We made the nominal Resolution 674 rate effective by adjusting for the one interest payment required before maturity. The nominal Resolution 882 rate is the same as the effective rate because the full

amount of interest is paid at maturity. For our benchmark, we took the national average rate for 30-day discounts of accounts receivable, as reported in *Analyze/Business Trends*. This rate includes the 1.5 percent tax on financial transactions ("IOF"), from which preferential loans are exempt. We then compounded this rate to find the effective annual commercial benchmark.

We consider the benefit, or the cash flow effect, from loans to occur when the borrower makes the interest payments. For Resolution 674 and 882 loans on which interest was paid during the period of review, we compared the preferential rates with the benchmark rates and multiplied the interest differential by the loan principal. We allocated the benefit over each firm's total exports. On this basis, we preliminarily determine the benefit from this program to be 1.28 percent *ad valorem* for COSIPA, 1.21 percent *ad valorem* for CSN, 0.55 percent *ad valorem* for USIMINAS, zero for Maxitrade, and 0.04 percent *ad valorem* for all other firms.

(2) Income Tax Exemption for Export Earnings

Under this program, exporters of certain carbon steel products are eligible for an exemption from income tax on the portion of profit attributable to exports. The Brazilian government calculates the tax-exempt fraction of profit based on the ratio of export revenue to total revenue. The three firms receiving the country-wide rate used this program in 1983. We calculated the benefit by multiplying the amount of tax-exempt profit by the corporate tax rate and allocating the result over total exports.

The nominal corporate tax rate in Brazil is 35 percent. However, Brazilian tax law permits companies to reduce their income taxes by investing up to 26 percent of their tax liability in specified companies and funds. This tax credit effectively reduces the nominal 35 percent corporate tax rate.

At verification, the three firms did not provide proof that they had made any investments in the specified companies and funds. Therefore, we calculated the benefit using the nominal 35 percent corporate tax rate. On this basis, we preliminarily determine the benefit from this program to be zero for COSIPA, CSN, USIMINAS, and Maxitrade, and 0.20 percent *ad valorem* for all other firms.

(3) The Export Credit Premium for the IPI

Exporters of certain carbon steel products are eligible for the maximum IPI export credit premium. The Brazilian

government pays exporters in cash a percentage of the f.o.b. price of their exported merchandise. The payment is made through the bank involved in the export transaction. During the period of review, the IPI credit premium was 11 percent. All firms received the premium during the period of review.

We calculated the benefit by dividing the amount of IPI credit premium earned on shipments of this merchandise to the United States by exports of this merchandise to the United States. We preliminarily determine the benefit to be 10.95 percent *ad valorem* for COSIPA, 10.58 percent *ad valorem* for CSN, 11.0 percent *ad valorem* for USIMINAS, 10.78 percent *ad valorem* for Maxitrade, and 11.00 percent *ad valorem* for all other firms.

(4) CIC-CREGE 14-11 Financing

Under its CIC-CREGE 14-11 circular, the Banco do Brasil provides short-term preferential financing to exporters on the condition that they maintain on deposit a minimum level of foreign exchange. CSN and one of the three firms comprising the country-wide rate participated in this program during the period of review.

There is no maximum interest rate for this program. Interest payments are normally made quarterly or semiannually, with the full principal to be repaid at maturity. We calculated the benefit based on the interest payment date in a manner similar to that used for CACEX export financing, using the same benchmark rate. We preliminarily determine the benefit from this program to be 0.08 percent *ad valorem* for CSN, zero for COSIPA, USIMINAS, and Maxitrade, and 0.06 percent *ad valorem* for all others.

(5) Incentives for Trading Companies (Resolution 643)

Under this program, CACEX declares trading companies eligible to receive loans at preferential rates. Eligible firms have access to a line of credit that can be drawn down to purchase goods for export. These loans are subject to the same interest rates as Resolution 674 loans. Normally, the term of the loan does not exceed 180 days, but the actual length varies, running from the date of receipt of the loan to the date of shipment of the goods. The interest is paid at maturity.

During the period of review, Maxitrade received benefits under this program for the purchase of certain carbon steel products for export. We calculated the benefit in a manner similar to that for CACEX export financing, based on the interest payment date. On this basis, we preliminarily

determine the benefit from this program to be 14.18 percent *ad valorem* for Maxitrade and zero for all other firms.

(6) Duty-Free Treatment and Tax Exemption on Imported Equipment

Under Decree Law 1428, the Industrial Development Council ("CDI") provides for the exemption of up to 100 percent of the customs duties and up to 10 percent of the IPI tax, a value added tax on domestic sales, on certain imported machinery for specific projects in 14 industries approved by the Brazilian government. The recipient must demonstrate that this machinery or equipment is not available from a Brazilian manufacturer.

Decree Law 1726 repealed this program in 1979. However, companies whose projects were approved prior to the repeal continue to receive benefits from this program pending completion of the project. COSIPA, CSN, and USIMINAS received benefits under this program during the review period. To calculate the benefit, we divided the total amount of exemptions in 1984 by total 1984 sales. We preliminarily determine the benefit to be 0.28 percent *ad valorem* for COSIPA and CSN, 0.15 percent *ad valorem* for USIMINAS, and zero for Maxitrade and all other firms.

(7) FINEX (Resolutions 68 and 509)

Resolutions 68 and 509 provide that CACEX may draw upon the resources of the Fundo de Financiamento a Exportacao ("FINEX") to subsidize short- and long-term loans for both Brazilian exporters and foreign importers of Brazilian goods. The loans are extended to the importer by a bank in the importer's country or to the exporter by the exporter's bank. The loans carry maximum term of 180 days and an annual interest rate of 8 percent.

CACEX provides the lending bank with an "equalization fee," which compensates the bank for the differences between the subsidized interest rate and a commercial rate, calculated as the London Interbank Offer Rate ("LIBOR") plus a spread. In order to encourage bank participation in the program, CACEX also pays the lending bank a commission equal to two percent of the loan principal. Exporters and importers were not able to demonstrate the portion of this commission that was retained by the intermediary bank. Therefore, we have assumed that the full commission was passed through to the firm, thereby effectively decreasing the preferential interest rate. USIMINAS, Maxitrade, and two other firms (or their U.S. importers) used Resolution 509 short-

term loans to finance shipments of certain carbon steel products during the review period. Neither importers nor exporters used Resolution 68 loans during the period of review. We treated benefits to U.S. importers as benefits to their corresponding Brazilian exporters.

Resolution 509 short-term loans to importers are given in U.S. dollars. We therefore chose as a benchmark interest rate for comparable loans in the United States the average interest rate for commercial and industrial short-term loans as published by the United States Federal Reserve Board. Resolution 509 financing to exporters are also denominated in U.S. dollars but disbursed in Brazilian cruzeiros. Brazilian firms generally do not have access to direct lending from U.S. banks. Since there is no equivalent commercial dollar-denominated financing in Brazil, we chose as a benchmark the interest rate on U.S. dollar-denominated Resolution 63 loans, which is LIBOR plus a spread, as reported in *Analise/Business Trends*.

Since the documentation available at the firm on each Resolution 509 loan does not enable us to determine when the interest on those loans is paid, we have assumed that it is pre-paid. Therefore, the benefit occurs on the date of receipt. To measure the benefit, we multiplied the value of the loan received during the review period by the differential between the benchmark rate and the preferential interest rate, minus bank commissions. We divided the result by total exports of the merchandise to the United States during the review period. We preliminarily determine the benefit to be zero for COSIPA and CSN, 4.12 percent *ad valorem* for USIMINAS, 3.18 percent *ad valorem* for Maxitrade, and 0.18 percent *ad valorem* for all other firms.

(8) Government Provision of Equity

Siderurgia Brasileira S.A. ("SIDERBRAS") is a government-controlled corporation under the jurisdiction of the Ministry of Industry and Commerce. Pursuant to Decree Law No. 6159 of December 6, 1974, SIDERBRAS became the holding company for federally-owned steel corporations. SIDERBRAS is a majority shareholder of nine Brazilian steel producers and a minority shareholder of one Brazilian steel producer. From 1977 through 1984, SIDERBRAS made equity infusions in COSIPA, CSN and USIMINAS.

In the final determination in this case (49 FR 17988, April 26, 1984), we found government investments in COSIPA and CSN from 1977 through 1982 and in USIMINAS from 1980 through 1982 not

to be commercially reasonable. In the final determination on agricultural tillage tools from Brazil (50 FR 34525, August 26, 1985), we found government investments in USIMINAS not to be commercially reasonable in 1983. To determine whether COSIPA and CSN represented sound investments in 1983 and 1984, and whether USIMINAS represented a sound investment in 1984, we considered their financial statistics and an analysis of the worldwide steel industry.

We have consistently held that government provision of, or assistance in obtaining, capital does not *per se* confer a subsidy. Government equity infusions confer countervailable benefits only when provided on terms inconsistent with commercial considerations. When there is no market-determined price for equity, it is necessary for us to determine whether the company is a reasonable investment. Since COSIPA's CSN's and USIMINAS' shares are not publicly traded, and there is no market-determined price for their shares, we must determine whether they are a reasonable investment.

A company is a reasonable commercial investment if it shows the ability to generate a reasonable rate of return within a reasonable period of time, as outlined in the Subsidies Appendix to the notice of "final Affirmative Countervailing Duty Determination and Order" on certain cold-rolled carbon steel flat-rolled products from Argentina (49 FR 18006, April 26, 1984) ("the Subsidies Appendix"). We conclude that COSIPA, CSN and USIMINAS did not have the ability to generate reasonable rates of return within a reasonable period of time. We analyzed their capital structure and long-term solvency ratios and return on investment ratios. Our analysis showed that USIMINAS had just returned to profitability in 1984 and that COSIPA and CSN suffered significant and continuing losses in the review period.

The trade journals and market studies that we examined in the preliminary results of countervailing duty administrative review of stainless steel plate from the United Kingdom (51 FR 34112, September 25, 1986) offered a pessimistic outlook for the steel industry for the same period. These reports point to several unpromising trends in 1982 that were expected to continue through 1985. Among those trends were a decline in world steel consumption, a low capacity utilization rate in major industrialized countries, and declining prices due to over-capacity and competition from other nations. In addition, the reports warned of

worldwide stagnation in demand due to high interest rates. Based on these factors, we find COSIPA and CSN to be unequityworthy in 1983 and 1984 and USIMINAS to be unequityworthy in 1984. Consequently, we preliminarily determine that government investment in these companies in 1983 and 1984 was inconsistent with commercial considerations.

To calculate the benefit, we compared the companies' rates of return on equity with the average rate of return on equity in Brazil for 1984, as reported in *Business Latin America*. We found that the rates of return for these producers were lower than the national average rates in 1984. We multiplied this "rate of return shortfall," which is described in the Subsidies Appendix, by all purchases of equity (back to 1977) that we have found to be inconsistent with commercial considerations. On this basis, we preliminarily determine the benefit to be 14.49 percent *ad valorem* for COSIPA, 27.70 percent *ad valorem* for CSN, 2.63 percent *ad valorem* for USIMINAS, and zero for all other firms.

(9) Funding for Expansion through IPI Tax Rebates

Decree Law 1547, enacted in April 1977, provides funding for approved expansion projects in the Brazilian steel industry in the form of a rebate of the IPI tax, a value-added tax. Originally, the IPI tax applied to all industries. In 1979, the IPI tax was eliminated except for producers in 14 industries, including steel. For steel products, the IPI tax was 5 percent during the period of review. The rebate, which is not in any way connected to exports, is calculated as 95 percent of the 5 percent tax rebate.

Instead of paying the IPI tax directly to the government, a Brazilian steel company until 1981 was able to deposit 95 percent of the net IPI tax in a special tax-free account with the Banco Do Brasil. When rebated, the firms had to apply the deposits to steel expansion projects. COSIPA, CSN and USIMINAS received direct rebates under this program from 1977 to 1981.

As a result of Decree Law 1843 of December 1980, these three companies must now pay the full IPI tax to the Brazilian government, which then rebates 95 percent to SIDERBRAS in the form of equity infusions. COSIPA, CSN and USIMINAS did not receive direct rebates under this program after 1981. We treated the rebates received between 1977 and 1981 as grants. Using the grant methodology from the Subsidies Appendix, we allocated the rebates received over 15 years, which is the average useful life of capital assets

in the steel industry according to the U.S. Internal Revenue Service Class Life Asset Depreciation Range System. For a discount rate, we used the average of the maximum real cost of 30-day discounts of accounts receivable in 1984, as reported in *Analise/Business Trends*, plus a risk premium.

We include a risk premium because we consider the companies to be uncreditworthy. We analyzed cash flow and other measures of each company's ability to meet its long-term debt obligations and conclude that all three companies were uncreditworthy in 1984. On this basis, we preliminarily determine the benefit to be 0.12 percent *ad valorem* for COSIPA, 0.11 percent *ad valorem* for CSN, 0.11 percent *ad valorem* for USIMINAS, and zero for all other firms.

(10) FINEP Long-term Loans

Financiadora de Estudos e Projetos ("FINEP"), an agency of the government, is charged with promoting scientific and technological development in Brazil. FINEP generally makes loans available to manufacturing firms and universities through state-owned development banks. Borrowers negotiate the terms of each loan with regional development banks. FINEP maintains project oversight throughout the life of the loan.

The interest rates on FINEP loans are equivalent to rates charged on long-term loans made by the Banco Nacional de Desenvolvimento Economico e Social ("BNDES"). FINEP loans are either not indexed or partially indexed to inflation, as measured by the variation in ORTN, whereas equivalent BNDES loans are fully indexed to ORTN. Both FINEP and BNDES loans bear variable interest rates. We treat variable-rate loans as a series of short-term loans.

COSIPA, CSN and USIMINAS received long-term FINEP loans between 1976 and 1983. Using equivalent fully indexed BNDES loans as benchmarks, we compared principal and interest payments due on FINEP loans in 1984 with hypothetical principal and interest payments due on BNDES benchmark loans in 1984. We consider the differential between the total 1984 payments to be the benefit, which we allocated over each firm's total sales. On this basis, we preliminarily determine the benefit to be 0.006 percent *ad valorem* for COSIPA, 0.015 percent *ad valorem* for CSN, and 0.04 percent *ad valorem* for USIMINAS, and zero for all other firms.

(11) Other Programs

We also examined the following programs and preliminarily find that

exporters of carbon steel products did not use them during the review period:

- a. Accelerated depreciation for Brazilian-made capital goods;
- b. Fiscal Benefits for Special Export Programs ("BEFIEEX");
- c. Tax Reductions on Equipment used in Export Production ("CIEEX");
- d. Financing for the storage of merchandise destined for export ("Resolution 330");
- e. Export Financing under the Fundo Nacional de Participacoes ("FUNPAR");
- f. Benefits from Import Substitution ("PROSIM");
- g. Loan guarantees;
- h. Loan assumptions;
- i. Labor subsidies for employees of state enterprise;
- j. Subsidized Electricity used in steel production;
- k. Subsidized port facilities; and
- l. Export Promotion Financing ("PROEX").

Calculation of Net Subsidy

During the review period, trading companies and producers exported this merchandise to the United States. Even though trading companies may have purchased the manufactured merchandise from the producers at arms length, certain subsidies to producers also benefit the merchandise exported by trading companies. See, "Final Affirmative Countervailing Duty Determination" on live swine and fresh chilled and frozen pork products from Canada (June 17, 1985, 50 FR 25097). We added the producers' benefits from all domestic subsidies and from the following export subsidies: CACEX export financing, income tax exemptions for export earnings, and CIC-CREGE 14-11 financing, because producers received benefits from these programs on the basis of total export sales, i.e., those made directly by the producer plus those made by trading companies. The total was 19.34 percent *ad valorem*, which we added to each trading company's *ad valorem* subsidy rate.

On March 13, 1984, the Government of Brazil imposed a 27.42 percent tax to offset the subsidies on exports of certain carbon steel products to the United States. During verification, we found that, except for one trading company, which paid offset taxes on only part of the shipments of certain carbon steel products, all firms paid the offset taxes either in a timely manner or, if late, with appropriate monetary correction, penalties, and interest. We allocated the total offset taxes paid by each firm during the review period over that firm's exports of this merchandise to the United States during the review period. We preliminarily determine the *ad*

valorem amount of offset to be 17.99 percent for COSIPA, 21.25 percent for USIMINAS, 9.03 percent for Maxitrade, and 9.69 percent for all other firms. We subtracted each firm's *ad valorem* amount of the offset from its *ad valorem* subsidy rate.

Preliminary Results of Review

As a result of our review, we preliminarily determine the net subsidy to be 9.14 percent *ad valorem* for COSIPA, 39.98 percent *ad valorem* for CSN, zero percent *ad valorem* for USIMINAS, 8.45 percent *ad valorem* for Maxitrade, and 21.13 percent *ad valorem* for all other firms. We consider these rates to be significantly different, as provided for in section 706(a)(2) of the Tariff Act of 1930. The Department intends to instruct the Customs Service to assess countervailing duties of 9.14 percent for COSIPA, 39.98 percent for CSN, zero, for USIMINAS, 38.45 percent for Maxitrade and 21.13 percent for all other firms of the f.o.b. invoice price on all shipments of this merchandise entered, or withdrawn from warehouse, for consumption on or after February 10, 1984 and on or before September 30, 1984. Because the Department revoked this order effective October 1, 1984, we do not intend to instruct the Customs Service to collect deposits of estimated countervailing duties on this merchandise.

Interested parties may submit written comments on these preliminary results by November 10, 1986 and my request disclosure and/or a hearing within 10 days after the date of publication. Any hearing, if requested, will be held on November 10, 1986. Any request for an administrative protective order must be made no later than five days after the date of publication. The Department will publish the final results of this administrative review including the results of its analysis of issues raised in any such written comments or at a hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675 (a)(1)) and § 355.10 of the Commerce Regulations (50 FR 32556, August 13, 1985).

Dated: October 28, 1986.

Joseph A. Spetrini,
Acting Deputy Assistant Secretary, Import
Administration.

[FR Doc. 86-24715 Filed 10-30-86; 8:45 am]

BILLING CODE 3510-DS-M

National Oceanic and Atmospheric Administration

Coastal Zone Management; Federal Consistency Appeal by Exxon From an Objection by the California Coastal Commission

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Public comments solicited.

On September 5, 1986, Exxon Company U.S.A. (Exxon) requested that the Secretary of Commerce resume processing of its appeal filed in January, 1983 under sections 307(c)(3)(A) and (B) of the Coastal Zone Management Act of 1972 (CZMA), 16 U.S.C. 1456(c)(3) (A) and (B), and regulations at 15 CFR Part 930 Subpart H. The appeal was taken from an objection by the California Coastal Commission to "Option A" of Exxon's proposed Development and Production Plan (DPP) to increase production from the Santa Ynez Unit (SYU), 19 contiguous oil and gas lease tracts on the Outer Continental Shelf in the Western Santa Barbara Channel. The SYU is estimated to contain 300-400 million barrels of crude oil and 600-700 standard cubic feet of natural gas. Option A involves the treatment and storage of SYU oil on an existing Offshore Storage and Treatment vessel (OS&T) anchored 3.2 miles offshore Southern California. Tankers load from the OS&T and transport the oil to refineries in Texas. Option A would double the existing capacity of the OS&T to 80 million barrels of oil/day.

The Exxon DPP also contained Option B, under which oil and gas would be transported via subsea pipeline to onshore treatment and storage facilities to be constructed in Las Flores Canyon. The oil would then be piped to a marine terminal. The Commission initially concurred in the consistency of the offshore portion of Option B, but objected to Option A on the grounds of increased risk of oil spills and harm to air quality from the expanded OS&T.

In February, 1984, the Secretary issued a partial decision, finding that: (1) The activity furthered one or more of the competing objectives or purposes of the CZMA; (2) that the production of oil and gas from the SYU was in the national interest; (3) that the project as proposed would not violate any of the requirements of the Clean Air Act and the Clean Water Act; and (4) that the production of oil and gas from the SYU would directly support national defense objectives. The Secretary delayed determining: (1) Whether the adverse effects of Option A outweighed its

contribution to the national interest (15 CFR 930.121(b)); (2) whether a reasonable alternative existed which would permit the development of the SYU to be conducted in a manner consistent with the California Coastal Management Program (15 CFR 930.121(d)); and (2) whether national defense and security interests would be significantly impaired if Exxon was not permitted to develop the SYU under Option A (15 CFR 930.122). The Secretary delayed making these findings until additional information on the environmental effects of Option A would be available and to allow Exxon time to obtain the state and local permits necessary to implement Option B.

Following the partial decision, the Commission concurred in the remaining portion of Option B and the County of Santa Barbara issued a permit for a marine terminal. On September 3, 1986, the County of Santa Barbara voted to grant Exxon an authority to construct permit for the onshore processing facility. Exxon found some of the permit conditions, particularly those for mitigating the air quality impacts of the project, to be unreasonable. Exxon then requested the Secretary to resume processing of this administrative appeal, which was last stayed in July 1986. On October 8, 1986, the Secretary of Commerce granted Exxon's request.

Public comments are requested on the remaining issues to be decided in this appeal, outlined above. The deadline for submissions will be December 9, 1986, two weeks after the public hearing scheduled in Santa Barbara. Copies of any comments should also be sent to the parties, Michael Wornum, California Coastal Commission, 631 Howard Street, San Francisco, CA 94105; and Shelby Moore, Jr., Exxon Company U.S.A., P.O. Box 5025, Thousand Oaks, CA 91359.

Exxon's reply brief and supporting information (available no later than November 9, 1986), the views of Santa Barbara County and other nonconfidential information submitted in this appeal will be available for public inspection during business hours at the California Coastal Commission's office; Exxon Company, 225 W. Hillcrest Drive, Thousand Oaks, California; NOAA Office of General Counsel, 1825 Connecticut Avenue NW., Suite 603, Washington, DC; and The Minerals Management Service, 1340 West 6th Street, Los Angeles, California.

For additional information contact: L. Pittman, Attorney/Advisor, Office of the Assistant General Counsel for Ocean Services, 1825 Connecticut Avenue NW.,

Suite 603, Washington, DC 20235, (202) 673-5200.

(Federal Domestic Assistance Catalog No. 11.419 Coastal Zone Management Program Administration)

Dated: October 27, 1986.

Daniel W. McGovern,

General Counsel, National Oceanic and Atmospheric Administration.

[FR Doc. 86-24612 Filed 10-30-86; 8:45 am]

BILLING CODE 3510-08-M

International Whaling Commission; Meetings

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

ACTION: Notice of Meetings.

SUMMARY: NOAA makes use of an Interagency Committee to assist in preparing for meetings of the International Whaling Commission (IWC). This notice sets forth guidelines for participating on the Committee and a tentative schedule of meetings and other important dates.

FOR FURTHER INFORMATION CONTACT: Becky Rootes, Office of International Fisheries, National Marine Fisheries Service, Department of Commerce, Washington, DC 20235. Phone: (202) 673-5281.

SUPPLEMENTARY INFORMATION: The Secretary of Commerce is charged with the responsibility of discharging to obligations of the United States under the International Convention for the Regulation of Whaling, 1946. This authority has been delegated to the Administrator of NOAA who also serves as the United States Commissioner to the IWC. The U.S. Commissioner to the IWC has primary responsibility with the Secretary of State for the preparation and negotiation of U.S. positions on international issues concerning whaling and for all matters involving the IWC. He is assisted by the Department of the Interior, the Marine Mammal Commission, and other interested agencies.

Each year NOAA conducts a series of meetings and other actions to prepare for the annual meeting of the IWC which is held in the summer. The major purpose of the preparatory meetings is to provide for participation in the development of policy by members of the public and non-governmental organizations interested in whale conservation. NOAA believes that this participation is important for the effective development and implementation of U.S. policy concerning whaling, and such participation is and shall continue to be

a prerequisite to the establishment of U.S. negotiating positions for IWC meetings.

Because the meetings discuss U.S. negotiating positions, the substance of the meetings must be kept confidential. For example, proposed positions papers that may be circulated at a meeting for discussion cannot be removed from the meeting site and must be collected at the close of each meeting.

Any U.S. citizen with an identifiable interest in United States whale conservation policy may participate, but NOAA reserves the authority to inquire about the interests of any person who appears at a meeting and to determine the appropriateness of that person's participation. Persons who represent foreign interests may not attend. These stringent measures are necessary to protect the confidentiality of U.S. negotiating positions and are a necessary basis for the relatively open process of preparing for IWC meetings that characterizes current practice.

The tentative schedule of meetings and deadlines, including those of the IWC and deadlines for the preparation of positions papers during 1985 is as follows:

November 12, 1986—Interagency Committee Meeting to initiate preparations for the June IWC meetings. Any subcommittees that may be required to address specific issues will be constituted. Interested persons who are unable to attend are welcome to submit comments. Recommendations to the U.S. Commissioner should be sent to: The United States Commissioner to the International Whaling Commission, c/o NOAA, Room 5804, Herbert C. Hoover Building, 14th and Constitution Avenue, Washington, DC 20230, with a copy to Becky Rootes at the address above.

December 15, 1986—Publish Federal Register notice of the following information: (1) IWC catch level for U.S. aboriginal/subsistence bowhead whale harvest, (2) summary of available science information including current population level and annual estimated recruitment rates, (3) summary of information on nature and extent of aboriginal/subsistence need, (4) range of aboriginal/subsistence harvest limits which could be implemented domestically and (5) a list of documents reviewed by NOAA and relied on by the Administrator in making the above findings.

February 28, 1987—Nominations for the U.S. Delegation to the June IWC meetings are due to the U.S. Commissioner, with a copy to Becky Rootes at the address above. All persons wishing to be considered

pursuant to the U.S. Commissioner's recommendation to the Department of State concerning the composition of the Delegation should ensure that nominations are received by this date. Prospective Congressional advisors to the Delegation should contact the Department of State directly.

April 3, 1987—(approximate date) Anticipated Interagency Committee meeting following receipt of the preliminary agenda for the June IWC meetings which is due to be circulated by the IWC Secretariat on or before March 15. The meeting will review the preliminary agenda and proposed additions to this agenda, all of which will be available at the meeting. The date and location for this meeting will be confirmed as soon as the preliminary agenda is received.

April 7, 1987—Forward United States agenda changes to the IWC Secretariat.

April 10, 1987—Draft position papers due to the U.S. Commissioner.

April 3-June 20, 1987—Prenegotiations.

April 14—Publish in the Federal Register the Agency views on (1) the current population levels and annual net recruitment rate of bowhead whales, (2) the nature and extent of the aboriginal/subsistence need for bowhead whales, (3) the level of take of bowhead whales that is consistent with the provisions of the IWC aboriginal/subsistence whaling management scheme and (4) a list of documents reviewed by NOAA and used by the Administrator in formulating these views.

April 22—Due date for circulation of the provisional agenda by the IWC Secretariat. This "second draft" of the agenda reflects any additions submitted by member countries and stands until considered by the Commission at the opening session of its Annual Meeting.

May 8, 1987—Revised position papers due to the U.S. Commissioner.

May 22, 1987—Final Interagency Committee Meeting to consider U.S. position papers and discuss arrangements for the Delegation's work.

June 1-13, 1987—Annual Meeting of the Scientific Committee, Bournemouth, U.K.

June 15-20, 1987—Technical Committee subcommittee and working group meetings (on aboriginal/subsistence need for whaling, format of statistics, infractions, humane killing, comprehensive assessment, and such other meetings as may be scheduled), and preliminary meetings of the Finance and Administration Committee.

June 21, 1987—Meeting of the U.S. Delegation, site to be determined, Bournemouth, U.K.

June 22-26—39th Annual Meeting of the IWC, Bournemouth, U.K.

Persons who would like to be included in IWC Interagency Committee meetings may contact Becky Rootes at the address or telephone number provided above to obtain meeting times and locations.

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

Carmen J. Blondin,

Deputy Assistant Administrator for Fisheries Resource Management.

[FR Doc. 86-24619 Filed 10-30-86; 8:45 am]

BILLING CODE 3510-22-M

Permits; Foreign Fishing

This document publishes for public review a summary of applications received by the Secretary of State requesting permits for foreign vessels to fish in the fishery conservation zone under the Magnuson Fishery Conservation and Management Act (Magnuson Act, 16 U.S.C. 1801 et seq.)

Send comments on applications to:

Fees, Permits and Regulations Division (F/M12), National Marine Fisheries Service, Department of Commerce, Washington, DC 20235

or, send comments to the Fishery Management Council(s) which review the application(s), as specified below:

Douglas G. Marshall, Executive Director, New England Fishery Management Council, 5 Broadway (Route 1), Saugus, MA 01906, 617/231-0422

John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, Federal Building Room 2115, 320 South New Street, Dover, DE 19901, 302/674-2331

Robert K. Mahood, Executive Director, South Atlantic Fishery Management Council, Southpark Building, Suite 306, 1 Southpark Circle, Charleston, SC 29407, 803/571-4366

Omar Munoz-Roure, Executive Director, Caribbean Fishery Management Council, Banco De Ponce Building, Suite 1108, Hato Rey, PR 00918, 809/753-4926

Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Blvd., Tampa, FL 33609, 813/228-2815

Joseph C. Greenley, Executive Director, Pacific Fishery Management Council, Metro Building, Suite 420, 2000 S.W. First Avenue, Portland, OR 97201, 503/221-6352

Jim H. Branson, Executive Director, North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, AK 99510, 907/274-4563

Kitty M. Simonds, Executive Director, Western Pacific Fishery Management Council, 1164 Bishop Street, Room 1405, Honolulu, HI 96813, 808/523-1368

For further information contact John D. Kelly or Shirley Whitted (Fees, Permits, and Regulations Division, 202-673-5319).

The Magnuson Act requires the Secretary of State to publish a notice of receipt of all applications for such permits summarizing the contents of the applications in the **Federal Register**. The National Marine Fisheries Service, under the authority granted in a memorandum of understanding with the Department of State effective November 29, 1983, issues the notice on behalf of the Secretary of State.

Individual vessel applications for fishing in 1986 have been received from the Governments shown below.

Dated: October 28, 1986.

Carmen J. Blondin,

Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

Fishery codes and designation of Regional Fishery Management Councils which review applications for individual fisheries are as follows:

Code Fishery	Regional Fishery Management Councils
ABS—Atlantic Billfishes and Sharks.	New England, Mid Atlantic, South Atlantic, Gulf of Mexico, Caribbean, North Pacific.
BSA—Bering Sea and Aleutian Islands Groundfish.	Do.
GOA—Gulf of Alaska.	New England, Mid Atlantic.
NWA—Northwest Atlantic Ocean.	North Pacific.
SNA—Snails (Bering Sea).	North Pacific.
WOC—Pacific Groundfish (Washington, Oregon and California).	Western Pacific.
PBS—Pacific Billfishes and Sharks.	Western Pacific.

Note: Activity codes which specify categories of fishing operations applied for are as follows:

Activity Code	Fishing operations
1.....	Catching, processing and other support.
2.....	Processing and other support only.
3.....	Other support only.
*.....	Vessel(s) in support of U.S. vessels (Joint Venture).

Joint Venture; Italy

The Government of Italy has submitted an amendment to the squid joint venture permit application published on December 6, 1985, 50 FR 50140. The amendment requests that Italian vessels receive transshipments of 1,000 mt silver hake, 50 mt red hake, and 1,000 mt mackerel from U.S. fishermen.

[FR Doc. 86-24634 Filed 10-30-86; 8:45 am]

BILLING CODE 3510-22-M

Western Pacific Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Western Pacific Fishery Management Council will convene its 55th public meeting, November 10-12, 1986, as follows:

Commonwealth of the Northern Mariana Islands (CNMI)—On November 10, at the Surf Hotel, P.O. Box 2370, Saipan, CNMI (telephone: (670) 234-7976)), the session will cover routine fisheries reports from island and Federal Government Council representatives, as well as from private sector Council members. High-ranking government officials from the CNMI also will address the Council on fisheries matters. A special report on tuna also will be presented.

Guam—On November 11-12, at the Fujita Hotel, 153 Fujita Road, Tumon, Guam (telephone: (671) 646-1811)), the Council will be presented with a limited entry proposal for the bottom fish fisheries of the Northwestern Hawaiian Islands (NWHI), and a status report on a native Hawaiian fishing rights project. The Council also will be briefed on the lobster fishery of the NWHI regarding the dynamics of fleet composition and vessel fishing patterns; the status of lobster stocks; progress on escape vent research; the emergency rule for slipper lobster refugia, and planned amendments to the Lobster Fishery Management Plan (FMP). A decision regarding the approvability of the FMP for pelagic fisheries is also expected to be announced and discussed. Administrative matters at this session include the reauthorization of the Magnuson Fishery Conservation and Management Act; the status of the NOAA Fishery Management Study; financial reports and budgets, as well as election of officers.

Closed sessions (not open to the public) will concern discussion of employment matters. For further information contact Kitty Simonds, Executive Director, Western Pacific Fishery Management Council, 1164 Bishop Street, Room 1405, Honolulu, HI 96813; telephone: (808) 523-1368.

Dated: October 28, 1986.

Carmen J. Blondin,

Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

[FR Doc. 86-24677 Filed 10-30-86; 8:45 am]

BILLING CODE 3510-22-M

National Technical Information Service

Government-Owned Inventions; Availability for Licensing

The inventions listed below are owned by agencies of the U.S.

Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally funded research and development. Foreign patents are filed on selected inventions to extend market coverage for U.S. companies and may also be available for licensing.

Technical and licensing information on specific inventions may be obtained by writing to: Office of Federal Patent Licensing, U.S. Department of Commerce, P.O. Box 1423, Springfield, Virginia 22151.

Please cite the number and title of inventions of interest.

Douglas J. Campion,

Patent Licensing Specialist, Office of Federal Patent Licensing, National Technical Information Service, U.S. Department of Commerce.

Department of Agriculture

SN 6-889,069

Inhibition of Trichothecene Toxins by Ancymidol

SN 6-891,939

Enhancement of Nitrogen-Fixation with Rhizobial Tan Variants

SN 6-894,140

Production of 3-Hydroxypropionaldehyde from Glycerol by *Klebsiella Pneumoniae*

Department of Commerce

SN 6-896,262

New Chemotherapeutic Mustard Analogs

Department of Health and Human Services

SN 6-528,258 (4,561,231)

Inactivation of Viruses Containing Essential Lipids

SN 6-806,320

Anti-Human Ovarian Cancer Immunotoxins and Methods of Use Thereof

Department of Interior

SN 6-573,775 (4,604,699)

General Earthquake Observation System

Department of Air Force

SN 6-512,435 (4,599,616)

Radar Fuze System

SN 6-629,926 (4,599,622)

Phase Only Adaptive Nulling in a Monopulse Antenna

SN 6-662,204

Magnetostatic Delay Line with Improved Delay Linearity

SN 6-696,680 (4,594,430)

Synthesis of Geminal Dinitro Compounds

SN 6-698,962

An Optically Phased Laser Transmitter

SN 6-724,720 (5,594,851)

Flameholder with Removable Flameholder Attachments

SN 6-729,390 (4,606,127)

Large Pattern Transposing

SN 6-731,744 (4,602,979)

Technique for the Growth of Compositionally Ungraded Single Crystals of Solid Solutions

SN 6-765,428

Micro-Optical Lens Holder
SN 6-849,989
A Composite Aluminum Conductor for
Pulsed Power Applications at Cryogenic
Temperatures and Method of its
Manufacture
SN 6-875,808
Expandable Pulse Power Spacecraft
Radiator
SN 6-877,926
Switching Network for Monitoring Stations
SN 6-880,242
ECM Preprocessor or Tracker Using Multi-
Processor Modules
SN 6-880,245
Universal Pressure Transducer
SN 6-880,246
Method and Apparatus for Die Forming
Metal Sheets and Extrusions
SN 6-881,145
Resonance Damper
SN 6-881,741
Anti-Rotation Guide Vane Bushing
SN 6-882,059
Interferometric Load Sensor and Strain
Gage
SN 6-882,101
Unitized High Temperature Probes
SN 6-883,222
High Intensity Selectable Poly or
Monochromatic Slit Light Source
Apparatus for Optical Instruments
SN 6-885,103
Metal Film Light Modulator
SN 6-885,116
Direct Cable Attach Method
SN 6-891,821
High-Voltage Milberger Slip Slide Power
Conditioner
Department of Army
SN 6-891,808
Electrical Receptacle
SN 6-897,692
Free Electron Diode Oscillator
SN 6-900,128
Dual Channel High Electron Mobility Field
Effect Transistor
SN 6-903,127
A Log—Periodic HF Antenna System.
[FR Doc. 86-24649 Filed 10-30-86; 8:45 am]
BILLING CODE 3510-04-M

Intent To Grant Exclusive Patent License

The National Technical Information Service (NTIS), U.S. Department of Commerce, intends to grant to Cetus Corporation having a place of business in Emeryville, CA 94608 an exclusive right to the U.S. Government's interest to practice the invention embodied in U.S. Patent Application No. 6-806, 302, "Anti-Ovarian Cancer Immuno-toxins and Methods of Use Thereof." The patent rights in this invention have been assigned to the United States of America, as represented by the Secretary of Commerce.

The proposed exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209

and 37 CFR Part 404. The proposed license may be granted unless, within sixty days from the date of this published Notice, NTIS receives written evidence and argument which establishes that the grant of the proposed license would not serve the public interest.

Inquiries, comments and other materials relating to the proposed license must be submitted to Robert P. Auber, Office of Federal Patent Licensing, NTIS, Box 1423, Springfield, VA 22151.

Douglas J. Campion,

Patent Licensing Specialist, Office of Federal Patent Licensing, U.S. Department of Commerce, National Technical Information Service.

[FR Doc. 86-24730 Filed 10-30-86; 8:45 am]

BILLING CODE 3510-04-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Amending the Export Visa Requirement To Include Certain Man-Made Fiber Textile Products From Mexico

October 28, 1986.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on November 7, 1986. For further information contact Janet Heinzen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212.

Background

On May 20, 1981 a notice was published in the *Federal Register* (46 FR 27516) announcing the establishment of an export visa and exempt certification mechanism for certain cotton, wool and man-made fiber textile and apparel products produced or manufactured in Mexico and exported on and after July 1, 1981. Under the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of February 26, 1979, as amended and extended, between the Governments of the United States and Mexico, agreement has been reached to amend the existing export visa requirements to require visas for man-made fiber luggage, handbags and flatgoods in Category 670.

A description of the cotton, wool and man-made fiber textile categories in terms of T.S.U.S.A. numbers was published in the *Federal Register* on

December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28574), 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.

October 28, 1986.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive of May 15, 1981 which directed you to prohibit, effective on July 1, 1981 and until further notice, entry into the United States for consumption, or withdrawal from warehouse for consumption, of cotton, wool and man-made fiber textile products in certain specified categories, produced or manufactured in Mexico and exported on and after July 1, 1981, which were not visaed or certified for exemption by the Government of Mexico.

Effective on November 7, 1986, the directive of May 15, 1981 is hereby amended to require an export visa for man-made fiber textile products in Category 670 produced or manufactured in Mexico.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs 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. 86-24713 Filed 10-30-86; 8:45 am]

BILLING CODE 3510-DR-M

Adjusting Import Limits for Certain Cotton, Wool and Man-Made Fiber Textile Products Produced or Manufactured in Thailand

October 28, 1986.

Correction

On July 23, 1986 a notice was published in the *Federal Register* (51 FR 26460) which announced adjustments in the import restraint limits for certain categories of cotton, wool and man-made fiber textile products, including Categories 410-429 and 431-459, as a group, produced or manufactured in Thailand and exported during the thirteen-month period which began on December 1, 1985 and extends through December 31, 1986. The group limit in the letter to the Commissioner of

Customs which followed that notice should have been 1,820,000 square yards equivalent, instead of 1,800,000 square yards equivalent.

William H. Houston III,
Chairman, Committee for the Implementation
of Textile Agreements.

October 28, 1986.

[FR Doc. 86-24712 Filed 10-30-86; 8:45 am]

BILLING CODE 3510-DR-M

Import Limit for Certain Cotton, Wool and Man-Made Fiber Sweaters Assembled in Guam From Imported Parts

October 28, 1986.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on November 1, 1986. For further information contact Pamela Smith, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212.

Background

On October 22, 1985, a notice was published in the *Federal Register* (50 FR 42747) announcing that, effective on April 15, 1985, cotton, wool and man-made fiber sweaters in Categories 345, 445, 446, 645 and 646, determined by the U.S. Customs Service to be products of foreign countries or foreign territories and exported from the U.S. insular possession of Guam and certified to have been assembled in Guam, may be entered into the United States for consumption, or withdrawn from warehouse for consumption, in an amount not to exceed 161,600 dozen. This limit exception was to be effective for sweaters exported from Guam during the period which began on November 1, 1985 and extends through October 31, 1986.

The purpose of this notice is to advise the public that this exception is being continued for goods exported on and after November 1, 1986 and extending through October 31, 1987. The amount is being increased to 163,216 dozen.

A certification will continue to be required and will be issued by the authorities in Guam prior to exportation as verification of assembly in Guam. A facsimile of the certification stamp was published in the *Federal Register* on March 4, 1985 (50 FR 8649).

For those sweaters properly certified, no export visa or license will be required from the country of origin of the

merchandise, and imports entered under this procedure will not be charged to limits established for exports from the country of origin. Exports of sweaters in Categories 345, 445, 446, 645 and 646, which are not accompanied by a certification and those in excess of 163,216 dozen, will require the appropriate visa or export license from the country of origin and will be subject to any other applicable restriction.

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

William H. Houston III,
Chairman, Committee for the Implementation
of Textile Agreements.

October 28, 1986.

October 28, 1986.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, DC
20229

Dear Mr. Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, effective on November 1, 1986, you are directed to permit entry or withdrawal from warehouse for consumption in the United States of 163,216 dozen cotton, wool and man-made fiber textile products in Categories 345, 445, 446, 645 and 646, the product of any foreign country or foreign territory, as determined under Customs Regulation Part 12, Section 12.130 and which have been certified as assembled in Guam and exported to the United States during the twelve-month period beginning on November 1, 1986 and extending through October 31, 1987. You are directed not to require any otherwise applicable export visa or license and not to charge against any otherwise applicable import restriction sweaters subject to this provision. A certification will be issued by the authorities in Guam prior to exportation as verification of assembly in Guam. A facsimile of the certification stamp has been provided.

Imports of cotton, wool and man-made fiber textile products in Categories 345, 445, 446, 645 and 646, assembled in Guam, but not of Guam origin which are not accompanied by a certification and those in excess of 163,216 dozen exported during the twelve-month period beginning on November 1, 1986 and extending through October 31, 1987 will require the appropriate visa or export license from the country of origin and will be charged to any applicable quota.

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

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553 (a)(1).

Sincerely,

William H. Houston III,
Chairman, Committee for the Implementation
of Textile Agreements.

[FR Doc. 86-24710 Filed 10-30-86; 8:45 am]

BILLING CODE 3510-DR-M

Adjustment of Import Restraint Limits for Certain Man-Made Fiber Textile Products Produced or Manufactured in the Philippines

October 28, 1986.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on October 31, 1986. For further information contact Eve Anderson, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce (202) 377-4212.

Background

A CITA directive dated December 20, 1985 (50 FR 52830) established limits for certain cotton, wool and man-made fiber textile products, including Categories 645/646-NT (non-traditional man-made fiber sweaters) and 646-T (women's girls' and infants' traditional man-made fiber sweaters), produced or manufactured in the Philippines and exported during the agreement year which began on January 1, 1986 and extends through December 31, 1986. The limit for Category 645/646-NT has been filled.

At the request of the Government of the Philippines, the Committee for the Implementation of Textile Agreements has decided to apply special swing to the restraint limit previously established for man-made fiber textile products in Category 645/646-NT, increasing it from 107,806 dozen to 118,465 dozen for the current agreement year. The limit for Category 646-T is being reduced from

304,199 dozen to 293,540 dozen to account for the amount of special swing applied to Category 645/646-NT, an administrative arrangement under the terms of the agreement under the terms of the agreement between the Governments of the United States and the Philippines of November 24, 1982, as amended.

Accordingly, in the letter published below, the Chairman of CITA directs the Commissioner of Customs to adjust the restraint limits previously established for Categories 645/646-NT and 646-T.

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

Dated: October 28, 1986.

William H. Houston III,

Chairman, Committee for the Implementation of Textile Agreements.

Committee For The Implementation of Textile Agreements

October 28, 1986.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive issued to you on December 20, 1985 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool, and man-made textile products, produced or manufactured in the Philippines and exported during the twelve-month period which began on January 1, 1986 and extends through December 31, 1986.

Effective on October 31, 1986, the directive of December 20, 1985 is hereby further amended to include the following adjusted restraint limits:¹

Category	Adjusted twelve-month limit ¹
645/646-NT.....	118,465 dozen
646-T.....	293,540 dozen

¹ The limits have not been adjusted to account for any imports exported after December 31, 1985.

¹ The agreement provides, in part, that: (1) Specific limits may be exceeded during the agreement year by designated percentages; (2) specific limits may be adjusted for swing, carryover and carryforward; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

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

Sincerely,

William H. Houston III,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 86-24711 Filed 10-30-86; 8:45 am]

BILLING CODE 3510-DR-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Intelligence College Board of Visitors; Closed Meeting

AGENCY: Defense Intelligence Agency
Defense Intelligence College, DoD.

ACTION: Notice of closed meeting.

SUMMARY: Pursuant to the provisions of subsection (d) of section 10 of Pub. L. 92-463, as amended by section 5 of Pub. L. 94-409, notice is hereby given that a closed meeting of the DIA Defense Intelligence College Board of Visitors has been scheduled as follows:

DATES: Tuesday-Thursday, 18-20 November 1986; 9:00 a.m. to 4:00 p.m. on 19-20 November, 9:00 to 11:30 a.m. on 21 November.

ADDRESS: The DIAC, Washington, DC.

FOR FURTHER INFORMATION CONTACT:
Dr. Robert L. De Gross, Provost, DIA
Defense Intelligence College,
Washington, DC 20340-5485. (202/373-3344).

SUPPLEMENTARY INFORMATION: The entire meeting is devoted to the discussion of classified information as defined in section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. The Committee will receive briefings on and discuss several current critical intelligence issues and advise the Director, DIA, as to the successful accomplishment of the mission assigned to the Defense Intelligence College.

Linda M. Lawson,
Alternate OSD Federal Register Liaison Officer, Department of Defense.
October 24, 1986.

[FR Doc. 86-24643 Filed 10-30-86; 8:45 am]
BILLING CODE 3810-01-M

Public Information Collection Requirement Submitted to OMB for Review

SUMMARY: The Department of Defense has submitted to OMB for review the

following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of Submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; and (8) The point of contact from whom a copy of the information proposal may be obtained.

Revision of a Currently Approved Collection

Report of DoD and Defense Related Employment DD Form 1787

Report of DoD and Defense Related Employment DD Form 1787 is completed by former military members 0-4 and above, and civilian employees paid as GS-14 and above, who are released by DoD and employed by a Defense contractor awarded a negotiated contract of \$10 million or more. Civilians employed by DoD from a Defense contractor (negotiated contract of \$10 million or more).

Individuals
Responses, 10,000
Burden Hours, 10,000

ADDRESSES: Comments are to be forwarded to Mr. Edward Springer, Office of Management and Budget, Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503, and Mr. Daniel Vitiello, DoD Clearance Officer, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302, telephone (202) 746-0933.

FOR FURTHER INFORMATION CONTACT:

A copy of the information collection proposal may be obtained from Mr. Robert L. Newhart, OASD (FM&P), Room 3C800, Pentagon, Washington, DC 20301-4000, telephone (202) 694-8989. This is not for contract.

Linda M. Lawson,
Alternate OSD Federal Register Liaison Officer, Department of Defense.
October 24, 1986.

[FR Doc. 86-24642 Filed 10-30-86; 8:45 am]
BILLING CODE 3810-01-M

Department of the Air Force**Public Information Collection
Requirement Submitted to OMB for
Review**

SUMMARY: The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of submission; (2) Title of Information Collection and Form Number, if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; and (8) The point of contact from whom a copy of the information proposal may be obtained.

**Revision of a Currently Approved
Collection**

Nonprior Service and Prior Service Accessions Forms (ATC Forms 1319, 1325, 1343, 1359 and 1419)

These forms are used by Air Force recruiters in the processing of civilian applicants for entry into Air Force enlistment programs. Recruiters use the form to collect or record information pertinent to the applicant's qualifications for appointment, classification, and future assignment.

Individuals

Responses, 64,000

Burden hours, 32,000

ADDRESSES: Comments are to be forwarded to Mr. Edward Springer, Office of Management and Budget, Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503 and Mr. Daniel J. Vitiello, DoD Clearance Officer, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, Virginia 22202-4302, telephone number (202) 746-0933.

SUPPLEMENTARY INFORMATION: A copy of the information collection proposal may be obtained from MSGT Thomas H. Minton, HQ ATC/RSOPA, Randolph AFB, TX 78150-5421, telephone number (512) 652-6188.

Linda M. Lawson,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

October 24, 1986.

[FR Doc. 86-24644 Filed 10-30-86; 8:45 am]

BILLING CODE 3810-01-M

**Public Information Collection
Requirement Submitted to OMB for
Review**

SUMMARY: The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of submission; (2) Title of Information Collection and Form Number, if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; and (8) The point of contact from whom a copy of the information proposal may be obtained.

**Extension of a Currently Approved
Collection****Proposal for a Proprietary Tracking
Study of Air Force Advertising**

The purpose of the information collection is to gather proprietary data with which to develop the most effective Air Force recruitment advertising and marketing program. The study will track the prospective recruits' perception of current Air Force advertising and will provide input for subsequent advertising programs and theme campaigns. The data will be gathered from a nationally representative sample of young men and women, ages 17-26 years.

Individuals

Responses, 1,000

Burden hours, 418.

ADDRESSES: Comments are to be forwarded to Mr. Edward Springer, Office of Management and Budget, Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503 and Mr. Daniel J. Vitiello, DoD Clearance Officer, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, Virginia 22202-4302, telephone number (202) 746-0933.

SUPPLEMENTARY INFORMATION: A copy of the information collection proposal may be obtained from Mr. O.F. Stumbaugh, HQ USAFRS/RSAAAR, Randolph AFB TX 78150-5421, telephone (512) 652-4916.

Linda M. Lawson,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

October 24, 1986.

[FR Doc. 86-24641 Filed 10-30-86; 8:45 am]

BILLING CODE 3810-01-M

**Corps of Engineers; Department of
the Army****Intent To Prepare a Draft
Environmental Impact Statement
(DEIS) for a Proposed Aquatic Plant
Control Program in the State of
Oregon**

AGENCY: U.S. Army Corps of Engineers, Department of Defense.

ACTION: Notice of Intent to prepare a DEIS.

The Corps of Engineers, Portland District, is investigating the need to initiate an Aquatic Plant Control Program within the State of Oregon, under the authority of section 104 of the River and Harbors Act of 1958. The program is designed to deal primarily with weed infestations of major economic significance, or that have potential for reaching such economic significance, in navigable waters, tributary streams, connecting channels, and allied waters. It would provide for control and progressive eradication of Eurasian watermilfoil and other obnoxious aquatic plant growths, but is not intended to control common native aquatic plant growths. The program would be implemented in cooperation with the State of Oregon.

The DEIS would be a programmatic EIS, and would address alternative methods for aquatic plant control which could be used at problem areas as they are identified within the state. Consideration will be given to physical, chemical, and biological methods of control, but priority will be given to biological systems where feasible, as directed by Department of the Army Regulation ER 1130-2-412. Physical methods would include mechanical harvesting, rotovating, suction dredging, hand removal, bottom shading, and water level fluctuation. Chemical methods would include herbicides which are acceptable for use in aquatic ecosystems and effectively control the target species. Biological methods include the introduction of herbivorous fish, such as the white amur (grass carp), or use of insects or other pathogens.

The scoping process will formally commence in November 1986, with the issuance of a scoping letter and preliminary listing of potential effects which will be discussed in the DEIS. Federal, State and local agencies, Indian tribes, and interested organizations and individuals will be asked to comment and to identify significant issues relating to the potential effects of the alternatives. The DEIS is scheduled for

agency and public review in the fall of 1987. The final EIS is scheduled for publication in early 1988.

ADDRESS: If you have any questions or need additional information, please contact Mr. Eric Braun, telephone (503) 221-6096 (ETS 423-6096), US Army Corps of Engineers, Portland District, Natural Resources Branch, PO Box 2946, Portland, Oregon 97208-2946.

Dated: October 28, 1986.

Brenda K. Hagstram,
Department of the Army, Alternate Liaison
Officer With the Federal Register.

[FR Doc. 86-24539 Filed 10-30-86; 8:45 am]

BILLING CODE 3710-92-M

DEPARTMENT OF ENERGY

Intent To Prepare an Environmental Impact Statement for the Proposed Special Isotope Separation Plant

AGENCY: U.S. Department of Energy.

ACTION: Notice of intent (NOI) to prepare an Environmental Impact Statement (EIS) for siting, constructing, and operating a proposed special isotope separation (SIS) plant based on the atomic vapor laser isotope separation (AVLIS) process technology.

SUMMARY: The Department of Energy (DOE) announces its intent to prepare an EIS in accordance with section 102(2)(C) of the National Environmental Policy Act (NEPA). The EIS is to provide environmental information for consideration in decisionmaking related to the proposed construction and operation of a plutonium AVLIS/SIS plant. The purpose of the AVLIS/SIS plant is to segregate the isotopes of DOE's Defense Programs' plutonium into specific isotopic concentrations required for various national defense materials and research activities. This capability is required to increase utilization of existing DOE's Defense Programs' plutonium resources. The AVLIS/SIS project was authorized by Congress based on recommendations from the Senate and House Armed Services Committees.

The purpose of this NOI is to present pertinent background information on the proposed scope and content of the EIS and to solicit comments and suggestions for consideration in its preparation. Agencies, organizations, and the general public desiring to submit comments or suggestions for consideration in the preparation of this EIS are invited to do so. No public scoping meetings are scheduled; should DOE determine, after it reviews public comments in response to the NOI, that a scoping meeting is

appropriate, a public scoping meeting will be scheduled at any one or more of the communities close to the DOE sites under consideration. Upon completion of the draft EIS, the document will be made available to the public for review. Comments received will be used in preparing the final EIS. Written comments or suggestion on the scope of the EIS may be submitted to: Mr. Carl P. Gertz, SIS Project Manager, Idaho Operations Office, U.S. Department of Energy, 785 Doe Place, Idaho Falls, ID 83402, 208/526-0306.

Those seeking further information of DOE's EIS process may contact: Mr. Robert J. Stern, EH-23, Director, Office of Environmental Guidance, Office of Assistant Secretary for Environment, Safety and Health, U.S. Department of Energy, Washington, DC 20585, 202/252-4600.

DATE: Written comments should be postmarked within 30 days of publication of this NOI to assure consideration in the preparation of the EIS.

Background Information

DOE nuclear reactors produce plutonium for various national programs. The production process results in a product containing several isotopes of plutonium, with the relative amount of each isotopes depending primarily on fuel irradiation history. Some of DOE's Defense Programs' existing plutonium does not meet isotopic requirements for particular defense and research and development activities. Construction and operation of the proposed AVLIS/SIS plant would provide for the separation of a number of undesirable isotopes from DOE's Defense Programs' plutonium to produce material meeting the requirements of nuclear weapons or research programs.

Conventional chemical processes (such as the Plutonium Uranium Extraction Process) are not capable of separating plutonium isotopes. However, technologies based on physical effects have been demonstrated to be capable of isotopic separation. DOE considered a number of separation technologies including AVLIS, Molecular Laser Isotope Separation (MLIS), gaseous centrifuge, plasma separation process, calutron, gaseous diffusion, and chemical exchange. Conceptually, all of these technologies could be developed for the proposed application. However, because of fundamental technical considerations, cost, or the need to carry out extensive research and development programs, most are not now viable. The two most promising for application to the SIS

project were recently evaluated for their technical readiness.

These two technologies were the AVLIS and MLIS processes. Based on a technology readiness review performed in response to a congressional request, the technology preferred by DOE for the SIS project is AVLIS. The AVLIS process uses laser energy to selectively photoionize and electrostatically separate plutonium isotopes from an atomic vapor stream.

As part of the DOE technology readiness review, an Environmental Assessment (EA), DOE/EA-0298, March 1986, was prepared to evaluate the differences in potential environmental impacts of constructing and operating an SIS plant based on either of the two technologies. The EA showed that there were no significant differences, and DOE issued a Finding of No Significant Impact dated April 17, 1986, concerning the SIS technology selection. This EIS will be prepared to analyze the potential environmental impacts of siting, constructing, and operating an SIS plant using the AVLIS concept.

Proposed Action

The proposed action is to select a site and decide whether to construct and operate an AVLIS/SIS plant by the early 1990's. The plutonium for this plant would come from DOE's defense programs. The weapon-grade product and byproduct materials resulting from the separation process would be stored in a vault for future disposition, while process wastes would be accommodated by DOE waste management facilities. The EIS will include discussions of transportation of feed, product, and byproduct materials; feed receipt and interim storage; isotope separation; product treatment; interim storage of product and byproduct material; and waste handling and off-gas treatment.

Identification of Environmental Issues

Items to be addressed for the proposed action and its alternatives during the preparation of the EIS include:

1. Potential impacts on the general population from radiological and nonradiological releases caused by normal operations.
2. Potential impacts on site operation, including changes in support operations (e.g., radiological and nonradiological waste management).
3. Potential environmental impacts, including air and water quality caused by construction and normal operations.

4. Potential transportation impacts onsite and offsite caused by material shipment.

5. Potential offsite impacts caused by postulated accidents.

6. Potential socioeconomic impacts to surrounding communities.

7. Short-term versus long-term land use impacts.

8. Irretrievable and irreversible commitment of resources.

9. Applicable regulations and guidelines.

10. Decontamination and decommissioning.

This list is intended neither to be all inclusive nor a predetermination of the relative magnitude of the impacts.

Alternatives

The alternatives to be considered include:

1. Siting, constructing, and operating an AVLIS/SIS plant at the Idaho National Engineering Laboratory (INEL) located near Idaho Falls, Idaho. This is DOE's preferred alternative.

2. Siting, constructing, and operating an AVLIS/SIS Plant at the Hanford site located near Richland, Washington.

3. Siting, constructing, and operating an AVLIS/SIS Plant at the Savannah River Plant located near Aiken, South Carolina.

4. No action. This alternative involves no change from present practice regarding DOE's defense programs nonweapon-grade plutonium. No SIS plant would be constructed.

Comments and Scoping

All interested parties are invited to submit written comments or suggestions to be considered by DOE in preparing this EIS.

Written comments or suggestions on the scope of the EIS may be submitted to Mr. Carl P. Gertz (address given above). Written comments should be postmarked within 30 days of the publication of this NOI to assure consideration in the preparation of this EIS. Those who wish to receive a copy of the draft EIS for review and comment when it is issued should also notify Mr. Gertz. The draft EIS is scheduled to be completed by August 1987 at which time its availability will be announced in the *Federal Register* and in local news media, and public comments will again be solicited. Those seeking further information on the EIS process also may contact Mr. Robert Stern (address given above).

Dated at Washington, D.C., the 22nd of October 1986, for the U.S. Department of Energy.

Mary L. Walker,

Assistant Secretary Environment, Safety and Health.

[FR Doc. 86-24628 Filed 10-30-86; 8:45 am]

BILLING CODE 6450-01-M

National Petroleum Council Coordinating Subcommittee on U.S. Oil and Gas Outlook; Meeting

Notice is hereby given that the Coordinating Subcommittee on U.S. Oil and Gas Outlook will meet in November 1986. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Coordinating Subcommittee on U.S. Oil and Gas Outlook will be addressing the current activities of all task groups and providing guidance for future studies. Its analysis and findings will be based on information and data to be gathered by the various task groups.

The Coordinating Subcommittee on U.S. Oil and Gas Outlook will hold its seventh meeting on Thursday and Friday, November 13 and 14, 1986, starting at 9:00 a.m., in the 29th Floor Conference Room of Tenneco Inc., the Tenneco Building, 1010 Milam Street, Houston, Texas.

The tentative agenda for the Coordinating Subcommittee on U.S. Oil and Gas Outlook meeting follows:

1. Opening remarks by the Chairman and Government cochairman.
2. Discuss study assignments.
3. Review task group assignments.
4. Discuss any other matters pertinent to the overall assignment from the Secretary of Energy.

The meeting is open to the public. The Chairman of the Coordinating Subcommittee on U.S. Oil and Gas Outlook is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Coordinating Subcommittee on U.S. Oil and Gas Outlook will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Ms. Pat Dickinson, Advanced Fuels, Technology, Extraction and Environmental Controls, Fossil Energy, 301/353-2430, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the

Freedom of Information Public Reading Room, Room 1E-190, DOE Forrestal Building, 1000 Independence Avenue SW., Washington, DC., between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on October 22, 1986.

J. Allen Wampler,

Assistant Secretary Fossil Energy.

[FR Doc. 86-24629 Filed 10-30-86; 8:45 am]

BILLING CODE 6450-01-M

National Petroleum Council Historical Factors Task Group; Meeting

Notice is hereby given that the Historical Factors Task Group will meet in November 1986. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Historical Factors Task Group is responsible for the identification and analysis of events, governmental policies, and actions (federal, state, and local) and the reactions of the oil and gas industries to such events, policies and actions (i.e., the "factors") that affect the supply of and demand for oil and gas in the U.S. since the end of World War II.

The Historical Factors Task Group will hold its ninth meeting on Thursday, November 6, 1986, starting at 10:00 a.m., in the Conference Room of the National Petroleum Council, 1625 K Street, NW., Washington, DC.

The tentative agenda for the Historical Factors Task Group meeting follows:

1. Opening remarks by the Chairman and Government Cochairman.
2. Discussion of the factors affecting petroleum supply and demand.
3. Discussion of any other matters pertinent to the overall assignment from the Secretary of Energy.

The meeting is open to the public. The Chairman of the Historical Factors Task Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Historical Factors Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Ms. Pat Dickinson, Advanced Fuels, Technology, Extraction and Environmental Controls, Fossil Energy, 301/353-2430, prior to the meeting and reasonable provision will

be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 1E-190, DOE Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC, on October 22, 1986.

J. Allen Wampler,

Assistant Secretary Fossil Energy.

[FR Doc. 86-24630 Filed 10-30-86; 8:45 am]

BILLING CODE 6450-01-M

Study of Crude Oil Production and Refining Capacity in the United States; Solicitation of Comments

AGENCY: Office of Policy, Planning, and Analysis, DOE.

ACTION: Notice of request for comments on the conduct of the subject study.

SUMMARY: This notice solicits written comments on the conduct of a study of crude oil production and refining capacity in the United States and the effects of imports thereon. The comments will be considered in the preparation of this study prior to its submission to the Congress and the President. Comments are welcomed from all individuals who are interested in, and are knowledgeable of, the issues contained in such a study. All written comments received will be available for public inspection at the Department of Energy (DOE) Freedom of Information Office.

DATE: Comments concerning this notice should be submitted by November 28, 1986.

ADDRESSES: Comments should be submitted in writing to: Ms. Margaret Sibley, Office of Policy, Planning and Analysis, DOE, Room 7B-098, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585.

SUPPLEMENTARY INFORMATION: The Consolidated Omnibus Reconciliation Act of 1986 (Pub. L. No. 99-509) requires the Secretary of Energy, acting with the Energy Information Administration, to "conduct a study of domestic crude oil production and petroleum refining capacity and the effects of imports thereon in order to assist the Congress and the President in determining whether such production and capacity are adequate to protect the national security."

Comments on any factors which may bear upon this analysis are requested.

Issued in Washington, DC, October 28, 1986.

William F. Martin,

Deputy Secretary.

[FR Doc. 86-24667 Filed 10-30-86; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[Docket No. ERA C&E-86-56; OFP Case No. 6541-9328-20-24]

Acceptance of Petition for Exemption and Availability of Certification by the O'Brien Energy Systems, Inc.

AGENCY: Economic Regulatory Administration, Department of Energy.
ACTION: Notice of acceptance.

SUMMARY: On September 25, 1986, O'Brien Energy Systems, Inc. (O'Brien) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) requesting a permanent cogeneration exemption for a proposed cogeneration facility of approximately 30.4 MWs which will be constructed, owned and operated by O'Brien and located in Artesia, California, from the prohibitions of Title II of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8301 *et seq.*) ("FUA" or "the Act"). Title II of FUA prohibits both the use of petroleum and natural gas as a primary energy source in any new powerplant and the construction of any such facility without the capability to use an alternate fuel as a primary energy source. Final rules setting forth criteria and procedures for petitioning for exemptions from the prohibitions of Title II of FUA are found in 10 CFR Parts 500, 501, and 503. Final rules governing the cogeneration exemption were revised on June 25, 1982 (47 FR 29209, July 6, 1982), and are found at 10 CFR 503.37.

The facility for which O'Brien is requesting a permanent exemption is to be comprised of one combustion generator having the capability of burning natural gas or #2 oil. The facility will also contain one waste heat recovery boiler and extraction/condensing steam turbine. The steam turbine will accept high pressure steam from the boiler and deliver low pressure steam and/or generate additional electricity.

The California Milk Producers (CMP) will purchase all the steam output of the facility, which will be utilized for milk evaporating and drying. The electrical production of the facility will be purchased by Southern California Edison (SCE).

The gas and oil required to operate the system will be less than the sum of

the gas and oil needed to operate the existing boiler which produces the steam required by CMP plus the gas and oil used by SCE to generate the electricity which will be replaced by the facility's electric output.

The facility's average output will be 26,650 kw, an equivalent of 222.47 MM BTU/hr. The facility is expected to operate its combustion turbine generator at base load for approximately 8,322 hours per year. The facility's capacity factor is expected to be 95% and its utilization factor will be 95%.

ERA has determined that the petition appears to include sufficient evidence to support an ERA determination on the exemption request and it is therefore accepted pursuant to 10 CFR 501.3. A review of the petition is provided in the **SUPPLEMENTARY INFORMATION** section below.

As provided for in sections 701(c) and (d) of FUA and 10 CFR 501.31 and 501.33, interested persons are invited to submit written comments in regard to this petition and any interested person may submit a written request that ERA convene a public hearing.

The public file containing a copy of this Notice of Acceptance and Availability of Certification as well as other documents and supporting materials on this proceeding is available upon request through DOE, Freedom of Information Reading Room, 1000 Independence Avenue SW., Room 1E-190, Washington, DC 20585, from 9:00 a.m. to 4:00 p.m., Monday through Friday, except Federal holidays.

ERA will issue a final order granting or denying the petition for exemption from the prohibitions of the Act within six months after the end of the period for public comment and hearing, unless ERA extends such period. Notice of any such extension, together with a statement of reasons therefor, would be published in the **Federal Register**.

DATES: Written comments are due on or before December 15, 1986. A request for a public hearing must be made within this same 45-day period.

ADDRESSES: Fifteen copies of written comments or a request for a public hearing shall be submitted to: Case Control Unit, Office of Fuels Programs, Room GA-093, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585.

Docket No. ERA C&E-86-56 should be printed on the outside of the envelope and the document contained therein.

FOR FURTHER INFORMATION CONTACT: George Blackmore, Coal & Electricity Division, Office of Fuels Programs, Economic Regulatory Administration,

1000 Independence Avenue SW.,
Room GA-093, Washington, DC 20585,
Telephone (202) 252-1774

Steven E. Ferguson, Esq., Office of
General Counsel, Department of
Energy, Forrestal Building, Room 6A-
113, 1000 Independence Avenue SW.,
Washington, DC 20585, Telephone
(202) 252-6947.

SUPPLEMENTARY INFORMATION: Section 212(c) of the Act and 10 CFR 503.37 provide for a permanent cogeneration exemption from the prohibitions of Title II of FUA. In accordance with the requirements of § 503.37(a)(1), O'Brien has certified to ERA that:

1. The oil or gas to be consumed by the cogeneration facility will be less than that which would otherwise be consumed in the absence of the proposed powerplant, where the calculation of savings is in accordance with 10 CFR 503.37(b); and

2. The use of a mixture of petroleum or natural gas and an alternate fuel in the cogeneration facility, for which an exemption under 10 CFR 503.38 would be available, would not be economically or technically feasible.

On May 22, 1986, DOE published in the *Federal Register* (51 FR 18866) a notice of the amendment to its guidelines for compliance with the National Environmental Policy Act of 1969 (NEPA). Pursuant to the amended guidelines, the grant or denial of a cogeneration FUA permanent exemption, is among the classes of actions that DOE has categorically excluded from the requirement to prepare an Environmental Impact Statement or an Environmental Assessment pursuant to NEPA (categorical exclusion).

This classification raises a rebuttable presumption that the grant or denial of the exemption will not significantly affect the quality of the human environment. O'Brien has certified that it will secure all applicable permits and approvals prior to commencement of operation of the new unit under exemption.

DOE's Office of Environment, in consultation with the Office of General Counsel, will review the completed environmental checklist submitted by O'Brien pursuant to 10 CFR 503.13, together with other relevant information. Unless it appears during the proceeding on O'Brien's petition that the grant or denial of exemption will significantly affect the quality of the human environment, it is expected that no additional environmental review will be required.

The acceptance of the petition by ERA does not constitute a determination that

O'Brien is entitled to the exemption requested. That determination will be based on the entire record of this proceeding, including any comments received during the public comment period provided for in this notice.

Issued in Washington, DC, on October 17, 1986.

Robert L. Davies,

Director, Office of Fuels Programs, Economic
Regulatory Administration.

[FR Doc. 86-24633 Filed 10-30-86; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-C&E-86-32; OFP Case No. 61059-9312-20-24]

Industrial Fuel Use Act of 1978; Order Granting Exemptions; Champlin Energy Co. and South Coast Energy Co.

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Order granting exemption.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice that it has granted a permanent cogeneration exemption from the prohibitions of Title II of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* ("FUA" or "the Act"), to Champlin Energy Company and South Coast Energy Company (Champlin-South Coast or CSC), of Englewood, Colorado and Rosemead, California respectively.

The permanent cogeneration exemption permits the use of natural gas as the primary energy source for its planned Harbor Cogeneration Project located in Wilmington, California. The final exemption order and detailed information on the proceeding are provided in the **SUPPLEMENTARY INFORMATION** section, below.

DATES: The order shall take effect on December 30, 1986.

The public file containing a copy of the order, other documents, and supporting materials on this proceeding is available upon request through DOE, Freedom of Information Reading Room, 1000 Independence Avenue SW., Room 1E-190, Washington, DC 20585, Monday through Friday, 9:00 a.m. to 4:00 p.m., except Federal holiday.

FOR FURTHER INFORMATION:

Frank Duchaine, Coal & Electricity Division, Office of Fuels Programs, Economic Regulatory Administration, 1000 Independence Avenue SW., Room GA-093, Washington, DC 20585, Telephone (202) 252-8233

Steven E. Ferguson, Esq., Office of General Counsel, Department of

Energy, Forrestal Building, Room 6A-113, 1000 Independence Avenue SW., Washington, DC 20585, Telephone (202) 252-6947.

SUPPLEMENTARY INFORMATION: In accordance with the procedural requirements of section 701(c) of FUA and 10 CFR 501.3(b), ERA published its Notice of Acceptance of Petition and Availability of Certification in the *Federal Register* on February 26, 1986 (51 FR 6783), commencing a 45-day public comment period.

A copy of the petition was provided to the Environmental Protection Agency for comments as required by section 701(f) of the Act. During the comment period, interested persons were afforded an opportunity to request a public hearing. The comment period closed on April 14, 1986; no comments were received and no hearing was requested.

Order Granting Permanent Cogeneration Exemption

Based upon the entire record of this proceeding, ERA has determined that CSC has satisfied the eligibility requirements for the requested permanent cogeneration exemption, as set forth in 10 CFR 503.37. Therefore, pursuant to section 212(c) of FUA, ERA hereby grants a permanent cogeneration exemption to CSC to permit the use of natural gas as the primary energy source for its cogeneration facility in Wilmington, California.

Pursuant to section 702(c) of the Act and 10 CFR 501.69, any person aggrieved by this order may petition for judicial review thereof at any time before the 60th day following the publication of this order in the *Federal Register*.

Issued in Washington, DC, on October 20, 1986.

Robert L. Davies,

Director, Office of Fuels Programs, Economic
Regulatory Administration.

[FR Doc. 86-24631 Filed 10-30-86; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-C&E-86-51; OFP Case No. 52692-3285-21-22-22]

Industrial Fuel Use Act of 1978; Order Granting Exemption; South Carolina Electric & Gas Co.

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Order granting exemption.

SUMMARY: On July 17, 1986, South Carolina Electric & Gas Company (SCE&G) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy

(DOE) for an order permanently exempting its proposed peakload units near the city of Charleston, South Carolina from the provisions of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act) (42 U.S.C. 8301 *et seq.*) which (1) prohibit the use of petroleum and natural gas as a primary energy source in new electric powerplants and (2) prohibit the construction of a new powerplant without the capability to use an alternate fuel as a primary energy source. The final rule containing the criteria and procedures for petitioning for exemptions from the prohibitions of FUA was published in the *Federal Register* at 46 FR 59872 (December 7, 1981).

SCE&G requested a permanent peakload exemption under 10 CFR 503.41. The proposed combustion turbine generating units will be installed at SCE&G's existing Hagood Station to provide repowering of the existing Units 1 and 2 through the use of combining the existing steam turbine generators with a new gas turbine generator and heat recovery steam generator for each unit. The units are being installed to provide at least 208 MW of peaking capacity to the SCE&G.

Pursuant to section 212(g) of the Act and 10 CFR 503.41, ERA hereby issues this order granting to SCE&G a permanent peakload powerplant exemption from the prohibitions of FUA for the proposed peaking gas turbine at the aforementioned installation.

The basis for ERA's order is provided in the **SUPPLEMENTARY INFORMATION** section below.

DATES: In accordance with section 702(a) of FUA, this order and its provisions shall take effect on December 30, 1986.

FOR FURTHER INFORMATION CONTACT:

Frank Duchaine, Coal and Electricity Division, Office of Fuels Programs, Economic Regulatory Administration, 1000 Independence Avenue SW., Room GA-093, Washington, DC 20585, Telephone (202) 252-8233

Steven E. Ferguson, Esq., Office of General Counsel, Department of Energy, 1000 Independence Avenue SW., Room 6A-113, Washington, DC 20585, Telephone (202) 252-6967.

The public file containing a copy of this order and other documents and supporting materials on this proceeding is available upon request from DOE, Freedom of Information Reading Room, 1000 Independence Avenue SW., Room 1E-190, Washington, DC 20585, Monday through Friday, 9:00 a.m. to 4:00 p.m., except Federal holidays.

SUPPLEMENTARY INFORMATION: In accordance with the procedural requirements of FUA and 10 CFR 501.3(d), ERA published its Notice of Acceptance of Petition for Exemption and Availability of Certification relating to this petition in the *Federal Register* on August 27, 1986, (51 FR 4424), commencing a 45-day public comment period pursuant to section 701(c) of FUA. As required by section 701(f) of the Act, ERA provided a copy of the SCE&G petition to the Environmental Protection Agency for its comments. During that period, interested persons were also afforded an opportunity to request a public hearing. The period for submitting comments and for requesting a public hearing closed October 14, 1986. No comments were received. SCE&G certified in its Petition for Exemption that the proposed unit will be operated solely as a peakload powerplant.

As ERA has determined that no alternate fuels are presently available for use in the proposed units, ERA has waived the requirement of 10 CFR 503.41(a)(2)(ii) for submission of a certification by the Administrator of the Environmental Protection Agency or the director of the appropriate state air pollution control agency that the use by the powerplant of any available alternate fuels as a primary energy source will cause or contribute to a concentration in an air quality control region or any area within the region, of a pollutant for which any national air quality standards is, or would be, exceeded.

Order Granting Permanent Peakload Exemption

Based upon the entire record of this proceeding, ERA has determined that SCE&G has satisfied all of the eligibility requirements for the requested exemption as set forth in 10 CFR 503.41, and pursuant to section 212(g) of FUA, ERA hereby grants SCE&G a permanent exemption for a peakload powerplant to be installed at its facility near the city of Charleston, South Carolina, permitting the use of natural gas or oil as a primary energy source in the unit.

Pursuant to section 702(c) of the Act and 10 CFR 501.69 any person aggrieved by this order may petition for judicial review at any time before the 60th day following the publication of this order in the *Federal Register*.

Issued in Washington, DC on October 20, 1986.

Robert L. Davies,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 85-24632 Filed 10-30-86; 8:45 am]

BILLING CODE 6450-01-M

Energy Information Administration

Agency Collections Under Review by the Office of Management and Budget

AGENCY: Energy Information Administration, DOE.

ACTION: Notice of submission of request for clearance to the Office of Management and Budget.

SUMMARY: The Department of Energy (DOE) has submitted the energy information collections listed at the end of this notice to the Office of Management and Budget (OMB) for approval under provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The listing does not contain information collection requirements contained in regulations which are to be submitted under 3504(h) of the Paperwork Reduction Act, nor management and procurement assistance requirements collected by DOE.

Each entry contains the following information and is listed by the DOE sponsoring office: (1) The collection number(s); (2) Collection title; (3) Type of request, e.g., new, revision, or extension; (4) Frequency of collection; (5) Response obligation, i.e., mandatory, voluntary or required to obtain or retain benefit; (6) Affected public; (7) An estimate of the number of respondents annually; (8) Annual respondent burden, i.e., an estimate of the total number of hours needed to respond to the collection; and (9) A brief abstract describing the proposed collection and, briefly, the respondents.

DATES: Comments must be filed within 30 days of publication of this notice. Last notice published Wednesday, October 15, 1986, (51 FR 36742).

ADDRESS: Address comments to Mr. Vartkes Broussalian, Department of Energy Desk Officer, Office of Management and Budget, 726 Jackson Place, NW., Washington, DC 20503. (Comments may also be addressed to, and copies of the submissions obtained from, Mr. Gross at the address below.)

FOR FURTHER INFORMATION CONTACT: John Gross, Director, Data Collection Services Division (EI-73), Energy Information Administration, M.S. 1H-023, Forrestal Building, 1000 Independence Ave., SW, Washington, DC 20585 (202) 252-2308.

SUPPLEMENTARY INFORMATION: If you anticipate commenting on a collection, but find that time to prepare these

comments will prevent you from submitting comments promptly, you should advise Mr. Broussalian of your intent as early as possible.

Authority: Sec. 13(b), 5(b), 5(a), and 52, Pub. L. 93-275, Federal Energy Administration Act of 1974, (15 U.S.C. 772(b), 764(b), 764(a), and 790a).

Issued in Washington, DC, October 28, 1986.

Yvonne M. Bishop,
Director, Statistical Standards, Energy
Information Administration.

DOE COLLECTIONS UNDER REVIEW BY OMB

Collection No.	Collection title	Type of Request	Response frequency	Response obligation	Affected public	No. of respondents annually	Re-spondent burden hrs annually	Abstract
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
EIA EIA-213, 412, 759, 825, 860, 861	Electric Power Surveys.....	Revision	Monthly, annually	Mandatory	State or local governments, Businesses or other for profit, Federal agencies or employees.	6,911	82,681	The Electric Power surveys collect information on capacity, generation, fuel consumption, receipts and stocks, prices, electric rates, typical electric bills, construction costs, operating income and revenue of electric utility companies. Data are published in various EIA reports. Respondents are primarily electric utilities.
EIA-800, 801, 802, 803, 804, 806, 810, 811, 812, 813, 814, 816, 817, 818, 820, 825	Petroleum supply reporting system.	Revision ¹	Weekly monthly annually triennially	Mandatory	Businesses or other for profit.	53,678	62,850	The Petroleum Supply Reporting System collects information needed for determining the supply and disposition of crude petroleum, petroleum products, and natural gas liquids. These data are published by the EIA. Respondents are operators of petroleum refining facilities, blending plants, bulk terminals, crude oil and product pipelines, natural gas plant facilities, and tankers and barges.
EIA-767	Steam-Electric Plant Operations and Design Report.	Revision	Annually	Mandatory	Businesses or other for-profit (Steam-electric plants).	936	60,653	Form EIA-767 collects data on steam-electric generating plants and related environmental data. Data are used by FERC, EPA, BEA, and DOE in models and to evaluate compliance with the Clean Air Act.

¹ Note: Revision to EIA-810 and EIA-820 only.

[FR Doc. 86-24682 Filed 10-30-86; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. RP86-161-001]

MIGC, Inc.; Compliance Filing

October 24, 1986.

Take notice that on October 20, 1986, MIGC, Inc. (MIGC) tendered for filing the following revised tariff sheets to its FERC Gas Tariff, Original Volume No. 1: First Revised Sheet Nos. 267-270; First Revised Sheet Nos. 274-277; First Revised Sheet Nos. 299-311.

MIGC states that these revised sheets correct errors and otherwise conform with the Commission's Order of October 10, 1986 in Docket No. RP86-161-000. These include renumbering of pages and modifications specifically required by the Commission, i.e., addition of language requiring the FTS-1 rate to be no lower than the minimum rate and the correction of typographical errors. In addition, MIGC has refiled revised sheets containing the FTS-1 and ITS-1 Rate Schedules, to conform the filed pages to those filed as Exhibit P in Docket No. CP86-596, as was described in MIGC's original filing in Docket No. RP86-161-000.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before October 31, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-24699 Filed 10-30-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP86-156-001]

El Paso Natural Gas Co.; Compliance Tariff Filing

October 28, 1986.

Take notice that on October 22, 1986, El Paso Natural Gas Company ("El Paso") filed, pursuant to Part 154 of the Federal Energy Regulatory Commission

("Commission") Regulations Under the Natural Gas Act, Substitute Original Sheet Nos. 362-A and 362-B to its FERC Gas Tariff, First Revised Volume No. 1.

El Paso states that the tendered tariff sheets, submitted in compliance with ordering paragraph (D)(3) of the Commission's September 29, 1986 order conditionally accepting certain tariff sheets, effective October 1, 1986, filed by El Paso on August 29, 1986 at Docket No. RP86-156-000, serve to specify that (i) besides El Paso's affected customers, state commissions and the Commission, any interested party is permitted to raise issues concerning El Paso's interim adjustments; (ii) El Paso will give a full twenty-four (24) hours notice before implementing any rate change; and (iii) to the extent El Paso is unable to demonstrate that the adjustments filed were based on known and measurable changes in its cost of gas, El Paso shall (rather than could) be required to justify the under-recovered balance accumulated during the period El Paso elected to adjust its jurisdictional rates.

El Paso requests that the tendered tariff sheets be accepted by the Commission and permitted to become effective October 1, 1986, as provided for in the Commission's September 29, 1986 order.

El Paso states that copies of the filing have been served upon all parties of

record at Docket No. RP86-156-000, and, otherwise, upon all interstate pipeline system customers of El Paso and all interested state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC, 20426, in accordance with §§ 385.214 and 385.211 of this Chapter. All such motions or protests should be filed on or before November 4, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 86-24698 Filed 10-30-86; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. TA87-1-45-002]

Inter-City Minnesota Pipelines Ltd., Inc.; Corrected Purchased Gas Adjustment Filing

October 28, 1986.

Take notice that on October 22, 1986, Inter-City Minnesota Pipelines Ltd., Inc. (Inter-City) filed a correction to its annual PGA filing initially made on October 15, 1986. Inter-City requests that it be permitted to withdraw its Twenty-Ninth Revised Sheet No. 4 to its FERC Gas Tariff, Original Volume No. 1 and supersede it with Substitute Twenty-Ninth Revised Sheet No. 4. Inter-City states that the substitution is made to correct an input error in its original calculation that led to a corresponding error in its originally submitted Eastern Zone rates. Inter-City indicates that the Western Zone rate is unchanged by the correction. Inter-City further states that the corrected sheet represents a substantial rate reduction for both Eastern and Western Zone.

Inter-City requests any Commission waivers deemed necessary to permit this tariff sheet to become effective November 1, 1986. Inter-City has served this filing on all its customers and the Minnesota Public Service Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR §§ 385.214, 385.211). All such motions or

protests should be filed on or before November 4, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 86-24697 Filed 10-30-86; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. RP87-11-000]

Pacific Offshore Pipeline Co; Revised Tariff Filing

October 24, 1986.

Take notice that on October 17, 1986, Pacific Offshore Pipeline Company (POPCO) tendered for filing the following tariff sheets to its FERC Gas Tariff, Original Volume No. 1:

First Revised Sheet No. 1
Seventh Revised Sheet No. 4
Second Revised Sheet No. 5
Second Revised Sheet No. 6
First Revised Sheet No. 7
First Revised Sheet No. 20
First Revised Sheet No. 21
First Revised Sheet No. 34
Third Revised Sheet No. 35
First Revised Sheet No. 38
First Revised Sheet No. 39
Original Sheet No. 39(a)
First Revised Sheet No. 40
Second Revised Sheet No. 41
First Revised Sheet No. 42

POPCO states that this revised tariff filing is being made to: (1) Amend its FERC Gas Tariff to provide the flexibility to reflect contract amendments reducing gas costs; (2) eliminate POPCO's Purchased Gas Cost Adjustment Provision (PGA); and (3) amortize over a twenty-four month period the unamortized balance, including carrying costs, of Account 191 remaining at the point the PGA is eliminated. POPCO further states that this filing will (1) make its tariff consistent with similar companies; (2) reflect its current cost of gas to its sole customer; and (3) eliminate seasonal swings in its commodity rate due to the effect of the liquid by-product revenue crediting mechanism in its PGA.

POPCO requests any waivers of the Commission's regulations deemed necessary so that these revised sheets may become effective October 1, 1986.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825

North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before October 31, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 86-24696 Filed 10-30-86; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. C186-524-001 et al.]

FMP Operating Co. et al.; Notice of Application for Abandonment and Blanket Limited-Term Certificate

October 24, 1986.

Take notice that the applicants listed herein have filed applications pursuant to section 7 of the Natural Gas Act for authorization to abandon service or for a blanket limited-term certificate to sell natural gas in interstate commerce, as described herein.

The circumstances presented in the applications meet the criteria for consideration on an expedited basis, pursuant to § 2.77 of the Commission's rules as promulgated by Order No. 436 and 436-A, issued October 9, and December 12, 1985, in Docket No. RM85-1-000, all as more fully described in the applications which are on file with the Commission and open to public inspection.

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

Kenneth F. Plumb,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft. ³	Pressure base
C186-524-001, B, Sept. 25, 1986 ¹	FMP Operating Company, et al., ² P.O. Box 60004, New Orleans, LA 70160-0004.	Columbia Gas Transmission Corp., Eugene Island Block 308, Offshore Louisiana.	(³)	
C186-748-000, A, Sept. 25, 1986 ¹	do	Various Purchasers, Eugene Island Block 308, Offshore Louisiana.	(⁴)	
C186-735-000, A, Sept. 19, 1986 ³	Diamond Shamrock Offshore, Partners Limited, Partnership, LTV Center, Suite 1400, 2001 Ross Avenue, Dallas, TX 75201.	Various Purchasers, Various Locations, Offshore Louisiana and Texas.	(⁶)	
C186-741-000, B, Sept. 19, 1986 ³	do	Trunkline Gas Co., Various Locations, Offshore Louisiana and Texas.	(⁷)	
C186-753-000, A, Sept. 29, 1986 ³	Amoco Production Co., P.O. Box 50879, New Orleans, LA 70150.	Various Purchasers, Bastian Bay Field, Southwest Flank, Plaquemines Parish, Louisiana.	(⁸)	
C186-754-000, B, Sept. 29, 1986 ³	do	United Gas Pipe Line Co., Bastian Bay Field, Southwest Flank, Plaquemines Parish, Louisiana.	(¹⁰)	

¹ Additional information received October 2 and 16, 1986.

² The et al. parties are Tesoro Petroleum Corporation and TXP Operating Company.

³ Applicant requests a two-year limited-term abandonment of excess gas sales to Columbia, subject to a "recall" on the gas by Columbia on 30-days' notice. Applicant states that initially Columbia will require only approximately 25% of Applicant's anticipated daily deliverability. This, Applicant states, would cause Columbia to incur substantial take-or-pay liabilities and Applicant to experience a severely curtailed cash flow. As such, Applicant states it is subject to substantially reduced takes without payment. Applicant states that sales to Columbia are to be made under its FERC Gas Rate Schedule No. 31. Applicant states that the gas qualifies as NGPA section 102(d) gas and that the deliverability for all joint interest owners is estimated to be 56.6 MMcf/d. Applicant states that under a June 2, 1986, contract amendment Applicant can demand release from its obligations. Applicant further states that upon release of the gas Columbia will receive take-or-pay relief.

⁴ Applicant requests a two-year blanket limited-term certificate with pre-granted abandonment to make sales for resale in interstate commerce of gas which is subject to the limited-term abandonment in Docket No. C186-524-001. Applicant requests that the filing requirements of §§ 154.92(b), 154.94(h) and (k) and Part 271 of the Commission's Regulations be waived. Applicant states it is willing to accept reporting requirements in lieu of compliance with the foregoing.

⁶ Supplemental information received October 7, 1986.

⁷ Applicant requests in Docket No. C186-735-000 a limited-term certificate with pre-granted abandonment to make sales for resale in interstate commerce of gas which is released and is subject to the limited-term abandonment in Docket No. C186-741-000.

⁸ Applicant requests limited-term partial abandonment of certain sales of gas released by Trunkline pursuant to an August 21, 1986, agreement. Applicant states that pursuant to such agreement Trunkline, at Applicant's request, will release for sale to third parties gas-well gas which Trunkline cannot purchase in exchange for take-or-pay relief. Applicant states that these releases will be for varying periods based upon Trunkline's takes and deliverability surplus. Applicant therefore requests a term for its authorization equal to the period or periods of release by Trunkline, but not to exceed a period ending September 1, 1989. Applicant further states that Trunkline's average takes over the past three years from the following described locations have been 35 percent of deliverability and over the past 8 months have averaged 20 percent of deliverability.

Docket	Rate schedule No.	Field
C175-12	1	E. Cameron Blk. 338, Offshore Louisiana.
C175-14	2	Vermilion Blk. 320, Offshore Louisiana.
C175-13	3	W. Cameron Blk. 639, Offshore Louisiana.
C177-447	4	Eugene Island Blk. 380-A, Offshore Louisiana.
C178-744	6	High Island Blks. A-369 and A-370, Offshore Texas.
C179-187	7	High Island Blks. A-327 and A-332, Offshore Texas.
C179-420	9	High Island Blk. A-511, Offshore Texas.
C180-251	12	E. Cameron Blk. 353, Offshore Louisiana.
C181-448-000	14	Eugene Island Blks. 377 and 380-B, Offshore Louisiana.
C182-284-000	17	High Island A-542, Offshore Texas.
C182-243-000	18	High Island A-365, Offshore Texas.

Applicant further states that Trunkline currently has a potential take-or-pay liability of approximately \$10,000,000 under the above contracts. As such, Applicant states it has experienced substantial reduction in takes by Trunkline without payment. Applicant states that production under several of the contracts faces potential loss due to water encroachment or involves other interest owners that have been maintaining their production. Applicant states it thus currently runs the risk of becoming severely out of balance with other working interest owners. Applicant states that the subject gas qualifies under NGPA sections 102(d), 104 (special relief), 104 (post-1974) and 104 (73-74 biennium) and its share of the average daily deliverability is 38,160 Mcf/d. Applicant also requests waiver of Commission Regulations under Parts 154, 157 and 271 pertaining to the establishment and maintenance of rate schedules, and states that it agrees to file quarterly reports.

⁹ Supplemental information received by letter dated October 9, 1986.

¹⁰ Applicant requests in Docket No. C186-753-000 a certificate with pre-granted abandonment to make sales for resale in interstate commerce of gas which is subject to the permanent abandonment in Docket No. C186-754-000. Applicant states that although it requires a permanent abandonment, it is willing to accept a blanket certificate for a limited term of two years.

¹¹ Applicant requests permanent abandonment stating that the subject contract expired by its own terms on October 1, 1986. United notified Applicant by letter dated October 7, 1986, that effective on the expiration date of such contract, United would temporarily cease taking all gas subject to the NGA covered by such contract and that United anticipates being able to resume purchases of gas subject to the NGA in the Winter of 1986. Applicant states that this would cause a significant loss of cash flow and potential permanent loss of certain of its reserves through drainage or as a result of engineering problems (for example, the loss of reserves through "trapping" of gas in partial water-drive reservoirs). Applicant states that absent the requested authorization, the wells will become uneconomic and the protection of correlative rights and efficient reserve recovery will be threatened. Applicant states that any supplies released and abandoned hereunder will be transported to new markets under whatever transportation authorizations are available from time to time under the Commission's regulations. However, Applicant states that, if the Commission issues certificates to other natural gas companies authorizing blanket interstate transportation of gas abandoned under programs similar to that requested herein, Applicant requests the same type of authorization. Applicant states that the subject gas is NGPA section 104 flowing gas, and that its current working interest deliverability is 9,868 Mcf/d. Finally, Applicant requests waiver of the Commission's Regulations under Parts 154 and 271 relating to the establishment and maintenance of rate schedules.

Filing Code: A—Initial Service; B—Abandonment; C—Amendment to add acreage; D—Amendment to delete acreage; E—Total Succession; F—Partial Succession.

[FR Doc. 86-24689 Filed 10-30-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. SA87-4-000]

Mobil Oil Exploration and Producing Southeast Inc. and Mobil Exploration and Producing North America, Inc.; Petition for Adjustment

October 27, 1986.

On October 10, 1986, Mobil Oil Exploration and Producing Southeast Inc. and Mobil Exploration and Producing North America Inc. (petitioners) filed with the Federal Energy Regulatory Commission a petition for waiver pursuant to

Commission Order No. 399-A,¹ section 502(c) of the Natural Gas Policy Act of 1978 (NGPA),² and Subpart K of the Commission's Rules of Practice and Procedure.³ Petitioners seek a waiver of that portion of their Btu refund obligation attributable to royalties paid to the State of Louisiana for sales of gas from state-owned leases. Under Order No. 399, these refunds are due by November 5, 1986.⁴

¹ Refunds Resulting from Btu Measurement Adjustments, 49 FR 46 353 (Nov. 26, 1984), FERC Stats. and Regs. [Regulations Preambles 1982-1985] ¶ 30 612.

² 15 U.S.C. 3412(c) (1982).

³ 18 CFR 385.1101-1117 (1986).

⁴ 49 FR 37 735 at 37 740 (September 26, 1984), FERC Stats. and Regs. [Regulations Preambles 1982-

Petitioners base their request for waiver on the grounds that the Louisiana State Mineral Board has adopted a resolution prohibiting producers from recovering Btu refund amounts attributable to state royalty payments by deductions from current royalty payments. In the alternative, petitioners request an extension of the

1985) ¶ 30 597 at 31 150. In Order No. 399, the Commission established refund procedures for charges for natural gas above NGPA ceilings as a result of Btu measurements based on an "as delivered" water vapor content of the gas, rather than a calculated water saturated basis. In so doing, the Commission was implementing the decision in *Interstate Natural Gas Association of America v. Federal Energy Regulatory Commission*, 716 F.2d 1 (D.C. Cir. 1983), cert. denied, 465 U.S. 1108 (1984).

November 5, 1986 deadline until the controversy concerning Louisiana's liability for such refunds is finally resolved.

The procedures applicable to the conduct of this adjustment proceeding are found in Subpart K of the Commission's Rules of Practice and Procedure. Any person desiring to participate in this adjustment proceeding must file a motion to intervene in accordance with the provisions of such Subpart K. All motions to intervene must be filed within 15 days after publication of this notice in the *Federal Register*.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-24692 Filed 10-30-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP86-162-001 and CP86-582-000]

Natural Gas Pipeline Company of America; Change in FERC Gas Tariff

October 24, 1986.

Take notice that on October 20, 1986, Natural Gas Pipeline Company of America (Natural) submitted Substitute Original Sheet Nos. 11, 14, 21, 23, and 25 and to be a part of its FERC Gas Tariff, Original Volume No. 1A, to be effective October 1, 1986.

Natural states that the filing is submitted in compliance with Ordering paragraph (D) of FERC order issued October 15, 1986, at Docket Nos. RP86-162-000 and CP86-582-000.

A copy of this filing was mailed to Natural's jurisdictional customers, interested state regulatory agencies, and all parties set forth on the official service list at Docket No. RP86-162-000.

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 §§ 385.214 and 385.211. All such motions or protests must be filed on or before October 31, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-24695 Filed 10-30-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF86-1079-000]

Union Carbide Corp., Application for Commission Certification of Qualifying Status of a Cogeneration Facility

October 20, 1986.

On September 22, 1986, Union Carbide Corporation (Applicant), of 39 Old Ridgebury Road, Danbury, Connecticut 06817, 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 2300 East Pacific Coast Highway, Wilmington, California. The facility consists of a combustion turbine generator, a heat recovery steam generator, and an extraction/condensing steam turbine generator. The primary energy source will be natural gas. The net electric power production capacity of the facility will be 26.79 MW. Thermal energy recovered from the facility will be used in the processing units of Applicant's plant adjacent to the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of

this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-24694 Filed 10-30-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP74-41-040 et al.]

Texas Eastern Transmission Corp. et al.; Filing of Pipeline Refund Reports

October 27, 1986.

Take notice that the pipelines listed in the appendix hereto have submitted to the Commission for filing proposed refund reports. The date of filing and docket number are also shown on the appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports. All such comments should be filed with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, on or before November 7, 1986. Copies of the respective filings are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

APPENDIX

Filing date	Company	Docket No.
July 28, 1986	Texas Eastern Transmission Corp.	RP74-41-040
Oct. 8, 1986	Alabama-Tennessee Natural Gas Co.	RP73-77-030
Oct. 12, 1986	East Tennessee Natural Gas Co.	RP71-15-022
Oct. 18, 1986	Western Transmission Corp.	RP86-34-003

[FR Doc. 86-24693 Filed 10-30-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. QF86-1045-000 et al.]

Small Power Production and Cogeneration Facilities; Qualifying Status; Certificate Applications, etc.; Riegel Products Corp. et al.

October 27, 1986.

Comment date: Thirty days from publication in the *Federal Register*, in accordance with Standard Paragraph E at the end of this notice.

Take notice that the following filings have been made with the Commission.

1. Riegel Products Corporation

[Docket No. QF86-1045-000]

On September 5, 1986, Riegel Products Corporation (Applicant), of Frenchtown Road, P.O. Box R, Milford, New Jersey 08848, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located in Milford, New Jersey. The facility will consist of a combustion turbine-generator with a heat recovery steam generator (HRSG) equipped for supplementary firing. Thermal energy recovered from the HRSG will be used in the Riegel Plant manufacturing processes to dry paper stock and provide building space heating. The primary energy source for the facility will be natural gas. The net electric power production capacity of the facility will be 23,810 KW. Installation of the facility is expected to begin in June 1987.

2. Hubbard Sand and Gravel Corporation

[Docket No. QF87-7-000]

On October 6, 1986, Hubbard Sand and Gravel Corporation (Applicant), of 1612 Fifth Avenue, Bay Shore, New York 11706, 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 Bay Shore, New York. The facility will consist of two (2) waste wood-fired steam generators and one (1) condensing steam turbine-generator. The net electric power production capacity will be approximately 2.75 megawatts. The primary energy source will be biomass in the form of wood waste. Paper waste may be used in the future as a back up fuel. There is no planned usage of natural gas, oil, or coal in the facility. Installation date will be on or after September 1987.

3. Island Creek Corporation, Pocahontas No. 3 Mine, Buchanan County, VA

[Docket No. QF87-10-000]

On October 7, 1986, Island Creek Corporation (Applicant), of 2355 Harrodsburg Road, P.O. Box 11430, Lexington, Kentucky 40575, 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 at the Applicant's Pocahontas No. 3 mine near the Town of Vansant, in Buchanan County, Virginia. The facility will consist of six 3.5 MW mobile combustion turbine generator units. Applicant states that the primary energy source of the facility will be "waste" in the form of methane gas produced from the Pocahontas No. 3

coal seam. The methane gas will be produced from wells drilled into the coal seam before mining and from seepage into active mining areas which is removed through ventilation air circulation. The net electric power production capacity of the facility will be 19.8 megawatts.

4. New Jersey Energy Recovery Company, Linden Facility

[Docket No. QF87-11-000]

On October 9, 1986, New Jersey Energy Recovery Company (Applicant), c/o KTI Holdings, Inc., 411 Hackensack Avenue, Hackensack, New Jersey 07601, 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 Linden, New Jersey. The facility will consist of a single waterwall steam generator and one condensing turbine-generator. The net electric power production capacity will be 19 megawatts. The primary energy source will be biomass consisting of approximately 65% municipal solid waste, 20% sewage sludge and 15% wood waste. The use of oil, natural gas, or coal will not, in the aggregate, exceed twenty-five (25%) percent of the total energy input of the facility during any calendar year and will be used for ignition, start-up, testing, flame stabilization, control uses and other uses permitted under section (3)(17)(B) of the Federal Power Act. Construction of the facility is expected to begin by July 1, 1987.

Standard Paragraphs

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. 86-24691 Filed 10-30-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA87-1-23-000, 001]

Eastern Shore Natural Gas Co.; Tariff Filing

October 24, 1986.

Take notice that Eastern Shore Natural Gas Company (Eastern Shore) on October 20, 1986 tendered for filing the following proposed tariff sheets to Original Volume No. 1 of its FERC Gas Tariff:

Proposed To Be Effective November 1, 1986

Thirty-Second Revised Sheet No. 5
Thirty-Second Revised Sheet No. 6
Fifteenth Revised Sheet No. 7
Thirty-Second Revised Sheet No. 10
Thirty-Second Revised Sheet No. 11
Thirty-Second Revised Sheet No. 12
Ninth Revised Sheet No. 13
Third Revised Sheet No. 14
Third Revised Sheet No. 245
Fourth Revised Sheet No. 246
Fourth Revised Sheet No. 247
Original Sheet No. 247A
Original Sheet No. 247B
Original Sheet No. 247C
Fourth Revised Sheet No. 248
Third Revised Sheet No. 249
Second Revised Sheet No. 250
Second Revised Sheet No. 251
Original Sheet No. 251A.

Alternate To Be Effective November 1, 1986

Alternate Thirty-Second Revised Sheet No. 5
Alternate Thirty-Second Revised Sheet No. 6
Alternate Thirty-Second Revised Sheet No. 10
Alternate Thirty-Second Revised Sheet No. 11
Alternate Thirty-Second Revised Sheet No. 12
Alternate Ninth Revised Sheet No. 13.

Eastern Shore states that the purpose of the proposed tariff sheets is to (1) revise Eastern Shore's PGA clause to address certain issues raised in the technical conference and subsequent discussions held with staff as a result of the Commission's Order in Docket No. TA86-2-23-000 and, (2) to reflect various adjustments to Eastern Shore's rates pursuant to the provisions contained in the revised PGA clause and the Stipulation and Agreement in Docket

No. RP84-72. Such adjustments include the Current Purchased Gas Cost Rate Adjustment, the Deferred Gas Cost Adjustment and the report on the Projected Incremental Pricing Surcharges.

The impact of the proposed tariff sheets is to increase the commodity charge of Eastern Shore's CD and PS Rate Schedules by 73.4 cents. The alternate tariff sheets increase the commodity charge of said rate schedules by 123.4 cents.

Eastern Shore states that copies of the filing have been mailed to each of its jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211). All such motions or protests should be filed on or before October 31, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 86-24690 Filed 10-30-86; 8:45 am]
BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OW-FRL-3103-8]

National Drinking Water Advisory Council; Open Meeting

Under section (10)(a)(2) of Pub. L. 92-423, "The Federal Advisory Committee Act," notice is hereby given that a meeting of the National Drinking Water Advisory Council established under the Safe Drinking Water Act, as amended, will be held at 9:00 a.m. on November 19, 1986, and 8:30 a.m. on November 20, 1986, at the Bellevue Hotel, Lexington Room, 15 E Street NW., Washington, DC 20001. Council Subcommittees will be meeting at EPA Headquarters on November 17 and 18, 1986.

The main purpose of the meeting will be to consult the Council on the implementation of the Safe Drinking Water Act Amendments. Presentations will also be made on the problems facing small community water systems,

the well-head protection program and problem sites relative to Class I hazardous waste injection wells.

This meeting will be open to the public. The Council encourages the hearing of outside statements and will allocate a portion of its meeting time for public participation. Oral statements will be limited to ten minutes. It is preferred that there be one presenter for each statement. Any outside parties interested in presenting an oral statement should petition the Council by telephone (202) 382-5533. The petition should include the topic of the proposed statement, the petitioner's telephone number and should be received by the Council before November 14, 1986.

Any person who wishes to file a written statement can do so before or after a Council meeting. Accepted written statements will be recognized at the Council meeting and will be part of the permanent meeting record.

Any member of the public wishing to attend the Council meeting, present an oral statement, or submit a written statement, should contact Charlene Shaw, Executive Secretary, National Drinking Water Advisory Council, Office of Drinking Water, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

The telephone number is: (202) 382-5533.

Dated: October 23, 1986.

Lawrence J. Jensen,

Assistant Administrator for Water.

[FR Doc. 86-24662 Filed 10-30-86; 8:45 am]

BILLING CODE 6580-50-M

[OPTS-51647; FRL-3104-5]

Certain Chemicals Premanufacture Notices

AGENCY: Office of Pesticides and Toxic Substances, Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of the final rule published in the *Federal Register* of May 13, 1983 (48 FR 21722). This notice announces receipt of twenty-nine such PMNs and provides a summary of each.

DATES: Close of Review Period: P 87-77 and 87-78, January 14, 1987. P 87-79, 87-80, and 87-81, January 17, 1987. P 87-82, 87-83, and 87-84, 87-85, 87-86, 87-87, 87-

88, 87-89, 87-90, and 87-91, January 18, 1987. P 87-92, 87-93, and 87-94, January 19, 1986. 87-95, 87-96, and 87-97 P 87-98, 87-99, and 87-100, 87-101, 87-102, 87-103, 87-104, and 87-105, January 20, 1987.

Written comments by: P 87-77 and 87-78, December 15, 1986. P 87-79, 87-80, and 87-81, December 18, 1986. P 87-82, 87-83, and 87-84, 87-85, 87-86, 87-87, 87-88, 87-89, 87-90, and 87-91, December 19, 1986. P 87-92, 87-93, and 87-94, December 20, 1986. 87-95, 87-96, and 87-97, P 87-98, 87-99, and 87-100, 87-101, 87-102, 87-103, 87-104 and 87-105, December 21, 1986.

ADDRESS: Written comments, identified by the document control number "[OPTS-51647]" and the specific PMN number should be sent to: Document Control Officer (TS-790), Confidential Data Branch, Information Management Division, Office of Toxic Substances, Environmental Protection Agency, Rm. E-201, 401 M Street SW., Washington, DC 20460, (202) 382-3532.

FOR FURTHER INFORMATION CONTACT:

Wendy Cleland-Hamnett, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-611, 401 M Street SW., Washington, DC 20460, (202) 382-3725.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete non-confidential document is available in the Public Reading Room NE-G004 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

P 87-77

Importer: Confidential.

Chemical: (G) Blocked polyurethane prepolymer.

Use/Import: (S) Industrial blocked polyisocyanate prepolymer for use as a co-reactant for textile coatings. Import range: Confidential.

Toxicity Data: Acute oral: > 5.0 mg/kg; Irritation: Skin—Non-irritant, Eye—Non-irritant.

Exposure: Processing: A total of 3 workers.

Environmental Release/Disposal: No release.

P 87-78

Importer: Confidential.

Chemical: (G) Substituted ethene polymer, with substituted acrylates, aliphatic acid and substituted oxirane.

Use/Import. (S) Industrial auxiliary for paper. Import range: Confidential.

Toxicity Data. Acute oral: > 5.0 mg/kg; Irritation: Skin—Non-irritant, Eye—Non-irritant.

Exposure. Processing: dermal.

Environmental Release/Disposal. No data submitted.

P 87-79

Manufacturer. The Dow Chemical Company.

Chemical. (G) Brominated alkylphenol.

Use/Production. (G) Industrial reactive flame retardant. Prod. range: Confidential.

Toxicity Data. Acute oral: > 2,000 mg/kg; Irritation: Skin—Non-irritant; Eye—Non-irritant.

Exposure. Manufacturing: dermal.

Environmental Release/Disposal. Release to air and water. Disposal by incineration and navigable waterway.

P 87-80

Manufacturer. American Cyanamid Company.

Chemical. (G) Cumene derivative.

Use/Production. (G) Site limited intermediate. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacturer: a total of 18 workers, up to 8 hrs/day, up to 210 days/yr.

Environmental Release/Disposal. 0.5 kg/day released. Disposal by navigable waterway.

P 87-81

Manufacturer. The Dow Chemical Company.

Chemical. (G) Brominated alkylphenol.

Use/Production. (S) Site limited intermediate. Prod. range: Confidential.

Toxicity Data. Acute oral: > 2,000 mg/kg; Irritation: Skin—Non-irritant, Eye—Non-irritant.

Exposure. Manufacture and Use: Dermal.

Environmental Release/Disposal. Release to air, land and water. Disposal by incineration and navigable waterway.

P 87-82

Importer. Confidential.

Chemical. (G) Polymer from reactants including phenol and diethylenetriamine.

Use/Import. (S) Curing agent for epoxy resin coating systems; adhesives, putties, sealants, and jointing compounds; and binding, forming agent for functional and decorative components. Import range: Confidential.

Toxicity Data. No data on PMN substance submitted.

Exposure. Processing: A total of 60 workers, up to 8 hrs/day, up to 24 days/yr.

Environmental Release/Disposal. 5 kg/year released to air and water.

P 87-83

Manufacturer. Confidential.

Chemical. (G) Modified acrylate methacrylate resin.

Use/Production. (S) Binder for latex coatings. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacturing and processing: Dermal, a total of 36 workers, up to 8 hrs/day, up to 260 days/yr.

Environmental Release/Disposal. 4 to 85 kg/batch released to land. Disposal by incineration and approved landfill.

P 87-84

Manufacturer. Confidential.

Chemical. (G) Polyurethane.

Use/Production. (G) Industrial and commercial oligomer. Prod. range: 1,000 to 3,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture: Dermal, a total of 1 worker, up to 8 hrs/day, up to 4 days/yr.

Environmental Release/Disposal. Minimal release to land.

P 87-85

Manufacturer. Confidential.

Chemical. (G) Aliphatic polyaminoacid, salt.

Use/Production. (G) Open, non-dispersive use. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

P 87-86

Manufacturer. Confidential.

Chemical. (S) Polymer of adiprene LW-520; polytetramethylene ether glycol; and hydroxy ethyl acrylate.

Use/Production. (S) Industrial, a radiation cure coating. Prod. range: 10,000 to 150,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture: Dermal, a total of 6 workers, up to 2 hrs/day, up to 100 days/yr.

Environmental Release/Disposal. Minimal release to air.

P 87-87

Manufacturer. NL Industries, Incorporated.

Chemical. (G) Polyamide resin.

Use/Production. (G) Polyamide resin to be used in an open, non-dispersive manner. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. No data submitted.

P 87-88

Importer. Virginia Chemicals, Incorporated.

Chemical. (G) Starch grafted sodium polyacrylate.

Use/Import. (S) Industrial absorbent polymer for use in non-woven products and soil conditioner. Import range: Confidential.

Toxicity Data. No data on PMN substance submitted.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

P 87-89

Manufacturer. Dresser Industries, Incorporated.

Chemical. (G) Potassium salt of anionic sulfonated copolymer.

Use/Production. (G) Oil well drilling fluid additive. Prod. range: 3,000 to 6,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture: Dermal, a total of 4 workers, up to 6 hrs/day, up to 5 days/yr.

Environmental Release/Disposal. 0 to 100 lbs/yr released to water. Disposal by Company Owned Waste Treatment Facility.

P 87-90

Importer. Lonza, Incorporated.

Chemical. (G) Methylene-bis-trisubstituted aniline derivative.

Use/Import. (G) Polymer curative. Import range: Confidential.

Toxicity Data. No data submitted.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

P 87-91

Manufacturer. Confidential.

Chemical. (G) Alkoxy polyol polymer.

Use/Import. (S) Load bearing improvement additive for polyurethane foam. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

P 87-92

Importer. E.I. du Pont de Nemours and Company, Incorporated.

Chemical. (S) Benzenesulfonothioic acid, 4-methyl-, potassium salt.

Use/Import. (G) Photographic emulsion additive. Import range: 180 to 200 kg/yr.

Toxicity Data. No data submitted.

Exposure. Processing: Dermal, a total of 82 workers, up to 12 hrs/day, up to 15 days/yr.

Environmental Release/Disposal. .003 to .005 kg/batch released to water. Disposal by Publicly Owned Treatment Work (POTW) and Silver Recovery Operation.

P 87-93

Importer. Confidential.

Chemical. (G) Alkylene diol alkyl ether.

Use/Import. (G) Coatings and inks ingredient. Import range: Confidential.

Toxicity Data. Acute oral: 2 mg/kg; Irritation: Eye—Irritant, Skin—Slight; Inhalation: 10 g/m.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

P 87-94

Importer. Confidential.

Chemical. (G) Alkylene diol alkyl ether ester.

Use/Import. (G) Coatings and inks ingredient. Import range: Confidential.

Toxicity Data. Acute oral: 5.0 mg/kg; Irritation: Skin—Slight, Eye—Irritant, Ames test: Non-mutagenic.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

P 87-95

Importer. Marubeni America Corporation.

Chemical. (G) Acrylonitrile copolymer.

Use/Import. (G) Open, non-dispersive use, destructive use. Import range: 3,000 to 20,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. No data submitted.

Environmental Release/Disposal. Disposal by incineration.

P 87-96

Importer. Hitachi Chemical Company, America, Ltd.

Chemical. (G) Blocked isocyanate polymer B.

Use/Import. (S) Insulation of magnet wire. Import range: Confidential.

Toxicity Data. No data submitted.

Exposure. Processing: Dermal and inhalation, a total of 10 workers, up to 8 hrs/day.

Environmental Release/Disposal. No data submitted.

P 87-97

Importer. Hitachi Chemical Company, America, Ltd.

Chemical. (G) Blocked isocyanate polymer A.

Use/Import. (S) Insulation of magnet wire. Import range: Confidential.

Toxicity Data. No data submitted.

Exposure. Processing: Dermal and inhalation, a total of 10 workers, up to 8 hrs/day.

Environmental Release/Disposal. Disposal by incineration.

P 87-98

Manufacturer. Amoco Chemicals Company.

Chemical. (S) 1,1,3,5-Tetramethyl-3-(p-tolyl) indan.

Use/Production. (S) Industrial oxidation feedstock for manufacturing PIDA. Prod. range: Confidential.

Toxicity Data. Acute oral: > 15.4 g/kg; Irritation: Skin—Non-irritant; Inhalation: > 0.161 mg/l.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

P 87-99

Manufacturer. Amoco Chemicals Company.

Chemical. (S) IH-Indene-5-carboxylic acid, 3-(4-carboxyphenyl)-2,3-dihydro-1,1,3-trimethyl-.

Use/Production. (S) Industrial intermediate for production of polyalkyl resins and linear polyesters. Prod. range: Confidential.

Toxicity Data. Acute oral: > 15.4 g/kg; Acute dermal: 10.2 g/kg; Inhalation: > 1.1 mg/l.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

P 87-100

Importer. Confidential.

Chemical. (G) Siloxanes and silicones, dimethyl, methyl vinyl polymers with methyl and phenyl silsesquioxanes.

Use/Import. (S) Industrial impregnating resin for electrical use. Import range: Confidential.

Toxicity Data. No data submitted.

Exposure. Processing: Dermal, a total of 3 workers, up to 2 hrs/day.

Environmental Release/Disposal. 1.0 kg released. Disposal by Resource Conservation and Recovery Act (RCRA).

P 87-101

Importer. Confidential.

Chemical. (G) Silicones and siloxanes, methylhydrogen, methylvinyl, polymer with silsesquioxanes.

Use/Import. (S) Industrial impregnating resin for electrical use. Import range: Confidential.

Toxicity Data. No data submitted.

Exposure. Processing: Dermal, a total of 3 workers, up to 2 hrs/day.

Environmental Release/Disposal. 1.0 kg released. Disposal by RCRA.

P 87-102

Manufacturer. The Dow Chemical Company.

Chemical. (G) Olefin-grafted styrene acrylonitrile copolymer.

Use/Production. (S) Industrial extrusion and injection molding. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: Dermal.

Environmental Release/Disposal. Release to air and land. Disposal by incineration and approved landfill.

P 86-103

Manufacturer. Bedoukian Research, Incorporated.

Chemical. (S) Bicyclo[2.2.1]hept-5-ene-2-methanol, 5-6-dimethyl-(1-methylethenyl).

Use/Production. (S) Industrial fragrance, soap and detergent component. Prod. range: 1,000 to 1,500 kg/yr.

Toxicity Data. No data on PMN substance submitted.

Exposure. Manufacture: Dermal, a total of 10 workers, up to .5 hr/day, up to 45 days/yr.

Environmental Release/Disposal. Minimal release to air.

P 87-104

Importer. Confidential.

Chemical. (S) 2-n-Butoxyethyl 4-(dimethylamino) benzoate.

Use/Import. (S) Industrial photoactivator for the photocuring of U.V. curing compositions. Import range: Confidential.

Toxicity Data. Acute oral: 1 kg/g; Acute dermal: 500 mg/kg. Ames test: Non-mutagenic.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

P 87-105

Importer. Berol Chemicals, Incorporated.

Chemical. (S) N-2-Hydroxy-3-substituted-propyl-N,M-dimethyl-2-hydroxy-3-substituted-propanaminium chloride.

Use/Production. (G) Paper and pulps additive. Prod. range: Confidential.

Toxicity Data. Irritation: Skin—Irritant; Eye—Irritant; Ames test: Non-mutagenic.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

Dated: October 27, 1986.

Denise Devoe,

Acting Division Director, Information
Management Division.

[FR Doc. 86-24664 Filed 10-30-86; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-59791; FRL-3104-4]

Certain Chemicals Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of the final rule published in the Federal Register of May 13, 1983 (48 FR 21722). In the Federal Register of November 11, 1984, (49 FR 46066) (40 CFR 723.250), EPA published a rule which granted a limited exemption from certain PMN requirements for certain types of polymers. PMNs for such polymers are reviewed by EPA within 21 days of receipt. This notice announces receipt of four such PMNs and provides a summary of each.

DATES: Close of Review Period: Y 87-10, 87-11, 87-12, and 87-13, November 11, 1986.

FOR FURTHER INFORMATION CONTACT:

Wendy Cleland-Hamnett,
Premanufacture Notice Management
Branch, Chemical Control Division (TS-794), Office of Toxic Substances,
Environmental Protection Agency, Rm.
E-611, 401 M Street SW., Washington,
DC 20460, (202) 382-3725.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission by the manufacturer on the exemption received by EPA. The complete non-confidential document is available in the Public Reading Room NE-G004 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

Y-87-10

Importer. Confidential.

Chemical. (C) Rosin modified alkyd resin.

Use/Import. (S) Printing ink. Import range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. No data submitted.

Y-87-11

Importer. Confidential.

Chemical. (G) Linseed alkyd resin.

Use/Import. (S) Printing ink. Import range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. No data submitted.

Y-87-12

Manufacturer. Confidential.

Chemical. (G) Polyester.

Use/Production. (G) Coating. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

Y-87-13

Importer. Confidential.

Chemical. (G) Dicarboxylated aromatic alkyl polyester.

Use/Import. (S) For use in coating formulations. Import range: Confidential.

Toxicity Data. No data submitted.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

Dated: October 27, 1986.

Denise Devoe,

Acting Division Director, Information
Management Division.

[FR Doc. 86-24665 Filed 10-30-86; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-59779; FRL-3104-3]

Certain Chemicals Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of the final rule published in the Federal Register of May 13, 1983 (48 FR 21722). In the Federal Register of November 11, 1984, (49 FR 46066) (40 CFR 723.250), EPA published a rule which granted a limited

exemption from certain PMN requirements for certain types of polymers. PMNs for such polymers are reviewed by EPA within 21 days of receipt. This notice announces receipt of eight such PMNs and provides a summary of each.

DATES: Close of Review Period: Y 86-206, 86-207, 86-208, and 86-209, August 18, 1986. Y 86-210, 86-211, 86-212, and 86-213, August 19, 1986.

FOR FURTHER INFORMATION CONTACT:

Wendy Cleland-Hamnett,
Premanufacture Notice Management
Branch, Chemical Control Division (TS-794), Office of Toxic Substances,
Environmental Protection Agency, Rm.
E-611, 401 M Street SW., Washington,
DC 20460, (202) 382-3725.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission by the manufacturer on the exemption received by EPA. The complete non-confidential document is available in the Public Reading Room NE-G004 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

Y 86-206

Manufacturer. Confidential.

Chemical. (G) Sulfonated polyacrylate, sodium salt.

Use/Production. (G) Antiprecipitant, dispersant. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

Y 86-207

Manufacturer. Confidential.

Chemical. (G) Sulfonated polyacrylate, potassium sodium salt.

Use/Production. (G) Antiprecipitant, dispersant. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

Y 86-208

Manufacturer. Confidential.

Chemical. (G) Acrylic polymer.

Use/Production. (G) Surface active agent. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

Y 86-209

Importer. Minnesota Mining and Manufacturing Company.

Chemical. (G) Coconut oil polyester.
Use/Import. (C) Binder resin. Import range: Confidential.

Toxicity Data. No data submitted.
Exposure. No data submitted.
Environmental Release/Disposal. No data submitted.

Y 86-210

Manufacturer. Confidential.

Chemical. (G) Unsaturated polyester polymer.

Use/Production. (S) Marine products (boats) glass reinforced plastic parts, general purpose resin. Prod. range: Confidential.

Toxicity Data. No data submitted.
Exposure. No data submitted.
Environmental Release/Disposal. No data submitted.

Y 86-211

Manufacturer. Confidential.

Chemical. (S) 4,4 isopropylidene epichlorohydrin dicyclohexanol bisphenol A linseed fatty acids conjugated tall oil fatty acids glacial acrylic acid methyl methacrylate styrene.

Use/Production. (S) Industrial polymer for industrial metal coatings. Prod. range: 45,000 to 115,000 kg/yr.

Toxicity Data. No data submitted.
Exposure. Manufacture: Dermal, a total of 4 workers, up to 3 hrs/day, up to 5 days/yr.

Environmental Release/Disposal. 24 kg/batch released to air and land. Disposal by Publicly Owned Treatment Work (POTW) and incineration.

Y 86-212

Importer. Confidential.

Chemical. (G) Acrylic polymer.

Use/Import. (G) Protective and decorating coatings. Import range: Confidential.

Toxicity Data. No data submitted.
Exposure. Minimal exposure.
Environmental Release/Disposal. No release.

Y 86-213

Manufacturer. Lawter International Incorporated.

Chemical. (S) Isophthalic acid, nonanoic acid, isophorondiamine, trimethylol propane ester-amide polymer.

Use/Production. (S) Industrial fluorescent pigment (resin carrier for daylight fluorescent dyes). Prod. Range: 227.00 to 363.000 kg/yr.

Toxicity Data. No data submitted.
Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

Dated: October 27, 1986.

Denise Devoe,

Acting Division Director, Information Management Division.

[FR Doc. 86-24666 Filed 10-30-86; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-44017; (FR-3104-2)]

TSCA Chemical Testing; Receipt of Test Data

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces test data submissions received by EPA during July-September, 1986 from voluntary industry testing programs on certain chemical substances or groups of chemicals considered by EPA under section 4 of the Toxic Substances Control (TSCA).

FOR FURTHER INFORMATION CONTACT:

Edward A. Klein, Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-543, 401 M St.,

SW., Washington, DC 20460, Telephone: (202) 554-1404.

SUPPLEMENTARY INFORMATION: Section 4(d) of TSCA requires the EPA to issue a notice in the Federal Register of reporting the receipt of test data submitted pursuant to test rules promulgated under section 4(a). In the Federal Register of June 30, 1986 (51 FR 23706), EPA issued procedures for entering into Enforceable Consent Agreements (ECAs) under section 4 of TSCA. Those procedures provide that EPA will follow the procedures specified in section 4(d) in providing notice of test data received pursuant to ECAs. In addition, EPA from time to time receives industry submissions of test data developed voluntarily (i.e., not under test rules or ECAs) on chemicals EPA has considered for testing under section 4. Although not required by section 4(d), EPA periodically issues notices of receipt of such test data.

I. Test Data Submissions

This notice announces test data submissions received during July-September, 1986 from such industry testing programs.

The following table lists the chemicals by CAS No., date received, submitter, and type of study.

TABLE 1.—VOLUNTARY TEST DATA SUBMISSIONS UNDER TSCA SECTION 4, 4TH QUARTER

[July-September, FY 86]

Chemical	CAS No.	Date Received	Submitter	Study
Acrylamide monomer.	79-06-1	July 15, 1986.....	Acrylamide Assn./SOCMA ¹ .	Chronic Toxicity (Mysid shrimp).
Di-isononyl phthalate.	28553-12-0	July 24, 1986.....	Chemical Manufacturers Assn. (CMA).	Mutagenicity (mouse lymphoma assay).
Di-(heptyl, nonyl, undecyl) phthalate.	39393-37-8	do.....	do.....	Mutagenicity (mouse lymphoma assay).
Di-isodecyl phthalate.	26-761-40-0	do.....	do.....	Mutagenicity (mouse lymphoma assay).
Di-undecyl phthalate.	3648-20-2	do.....	do.....	Mutagenicity (mouse lymphoma assay).
2-Mercaptoben-zothiazole.	149-30-4	Aug. 5, 1986.....	CMA.....	Absorption and Disposition (Fischer 344 male and female rats).
2-Mercaptoben-zothiazole-disulfide.	120-78-5	do.....	CMA.....	Absorption and Disposition (Fischer 344 male and female rats).
Butylbenzyl phthalate.	85-68-7	Aug. 7, 1986.....	Monsanto Co.....	Acute Toxicity (Freshwater crayfish) (96-hour flow-through).
2-Chlorotoluene	95-49-8	Sept. 15, 1986.....	Occidental Chemical Corp.	Chronic Toxicity (<i>Daphnia magna</i>) (flow-through).

¹ Synthetic Organic Chemical Manufacturers Assn., Inc. (SOCMA).

II. Public Record

EPA has established a public record for this quarterly receipt of data notice (docket number OPTS-44017). This record includes copies of all studies reported in this notice. The record is available for inspection from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays, in the OPTS Reading

Room, NE-G-004, 401 M St., SW., Washington, DC 20460.

Dated: October 24, 1986.

Joseph J. Merenda,

Director, Existing Chemical Assessment Division.

[FR Doc. 86-24663 Filed 10-30-86; 8:45 am]

BILLING CODE 6560-50-M

[OAR-FRL-3101-9]

**Fuels and Fuel Additives;
Reconsideration of Waiver Granted
Under Section 211(f) of the Clean Air
Act**

AGENCY: Environmental Protection Agency.

ACTION: Reconsideration of DuPont waiver.

SUMMARY: The Environmental Protection Agency (EPA) has reconsidered a conditional waiver granted under section 211(f) of the Clean Air Act to E. I. DuPont de Nemours and Company, Inc. (DuPont) on January 10, 1985. This reconsideration was based on EPA's analysis of relevant data and information in light of a petition for reconsideration by the Oxygenated Fuels Association (OFA) received on March 18, 1985. EPA has decided to rescind one condition on the waiver and to modify certain other conditions.

ADDRESS: Copies of the information relative to this waiver application and subsequent submissions are available for inspection in public docket EN-84-06 at the Central Docket Section (LE-131) of EPA, Gallery 1-West Tower, 401 M Street SW, Washington, DC 20460, (202) 382-7548 between the hours of 8:00 a.m. and 4:00 p.m. As provided in 40 CFR Part 2, a reasonable fee may be charged for copying materials in the docket.

FOR FURTHER INFORMATION CONTACT: Sylvia I. Correa, Attorney/Advisor, Field Operations and Support Division (EN-397F), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, (202) 382-2635.

SUPPLEMENTARY INFORMATION:

I. Background

Section 211(f)(1) of the Clean Air Act (Act), 42 U.S.C. 7545(f)(1), states that effective upon March 31, 1977, it shall be unlawful for any manufacturer of any fuel or fuel additive to first introduce into commerce or to increase the concentration in use of any fuel or fuel additive for general use in light-duty motor vehicles manufactured after model year 1974, which is not substantially similar to any fuel or fuel additive utilized in the certification of any model year 1975, or subsequent model year, vehicle or engine under section 206 of the Act. Section 211(f)(4) of the Act, 42 U.S.C. 7545(f)(4), provides that the Administrator of EPA, upon application of any manufacturer of any fuel or fuel additive, may waive the prohibitions established under section 211(f)(1), if the Administrator determines that the applicant has established that such fuel or fuel additive or a specified

concentration thereof, or the emission products of such fuel or additive or specified concentration thereof, will not cause or contribute to a failure of any emission control device or system (over the useful life of any vehicle in which such device or system is used) to achieve compliance by the vehicle with the emission standards with respect to which it has been certified pursuant to section 206 of the Act. If the Administrator does not act to grant or deny an application within 180 days of receipt of the application, the waiver authorized by section 211(f)(4) shall be treated as granted.

DuPont submitted a waiver application for a gasoline-alcohol blend on July 16, 1984. A Federal Register notice was published August 9, 1984, (49 FR 31947) acknowledging receipt of the application and soliciting comments. On January 10, 1985, the Administrator granted the waiver, subject to certain conditions. A Federal Register notice of this decision was published on January 17, 1985, (50 FR 2615).

On March 18, 1985, OFA on behalf of its member companies filed petitions for reconsideration and for judicial review of the conditional waiver grant with the EPA and with the U.S. Court of Appeals for the District of Columbia Circuit, respectively. On January 22, 1986, however, EPA and OFA filed a joint motion to defer further proceedings in the Court of Appeals.

On April 22, 1986 (51 FR 15064) EPA granted OFA's petition for reconsideration. The Agency requested comments on, among other things, the removal of the Evaporative Index (EI) condition, imposing strict volatility limits on the blend, the equivalency of corrosion inhibitors other than DuPont's DGOI-100, and the relaxation of the specifications for methanol purity. Subsequently, judicial review of the original waiver decision was stayed pending the conduct of the reconsideration proceeding.

II. EPA's January 10, 1985 Decision

DuPont originally submitted an application to EPA requesting a waiver for the introduction into commerce of a gasoline-alcohol fuel consisting of a maximum of 3.7 weight percent fuel oxygen with a maximum of 5.0 percent by volume methanol and a minimum of 2.5 percent by volume cosolvent(s), with a proprietary corrosion inhibitor (DGOI-100), or its equivalent, to be used in unleaded gasoline. The application specified that the blend would have to conform to American Society for Testing and Materials (ASTM) standard D439 for automotive gasoline volatility,

including the June 1984 proposed revision of that standard.¹

At the time of the DuPont application, EPA had relatively recent information concerning the relationship between evaporative emissions and fuel volatility. In evaluating DuPont's application in light of this information, the Agency concluded that control of volatility only to ASTM specifications appeared to provide insufficient control to assure that a methanol blend would not cause or contribute to excessive evaporative emissions. Moreover, evidence gathered in connection with the proposed revocation of the Petrocoal waiver (another methanol blend) tended to cast doubt on DuPont's proposition that controlling volatility to ASTM specifications only would hold evaporative emissions to the levels obtained with conventional gasoline. See Proposed Revocation of Petrocoal waiver, March 28, 1984, (49 FR 11879).

The Agency therefore believed that producing the blend in accordance with only the requirements specified by DuPont (ASTM specifications) would require a denial of the application since it was thought, at that time, that those specifications alone would not provide sufficient control of the volatility of the final fuel to warrant a finding that the fuel would not cause or contribute to failures of the evaporative emission standard.

However, in its application, DuPont had developed a tool to correlate the fuel volatility characteristics and the evaporative emissions of gasoline-alcohol fuels, the Evaporative Index,² which DuPont indirectly claimed would control the volatility of the blend so that its evaporative emissions levels would not be significantly different from those of commercial gasoline. Since the Agency then believed that ASTM D439 would not adequately control evaporative emissions of the DuPont blend, the Administrator decided to grant the waiver on the condition that the finished fuel be blended to meet volatility specifications for the EI to ensure that the fuel would be no more volatile than the commercial gasoline it would displace from the market. The

¹ Each year, in a document referred to as D439, ASTM publishes recommended limits for several gasoline volatility parameters, including Reid Vapor Pressure (RVP), distillation characteristics, and the temperature corresponding to a given gasoline vapor-to-liquid ratio (V/L).

² The Evaporative Index is defined by DuPont in Section X of its waiver application as: $EI = 0.85 \text{ RVP} + 0.14$ (percent evaporated at 200° F) - 0.32 (percent evaporated at 100° F); where RVP = Reid Vapor Pressure as measured by Annex A3 of ASTM's "Proposed Specification for Automotive Spark-Ignition Fuel" (Dry Method).

Administrator placed limits on the maximum EI levels according to the ASTM schedule of seasonal and geographic volatility classes. 50 FR 2615; "Conditional Grant of Application for a Fuel Waiver Submitted by E. I. DuPont de Nemours & Company—Decision of the Administrator" (Decision Document) at pp. 22-23.

Two other conditions placed on the DuPont waiver were challenged by OFA. The first was the limitation that only DuPont's DGOI-100 corrosion inhibitor be used in the final fuel, with no allowance for an equivalent corrosion inhibitor. The second was the requirement that the methanol used in the blend meet a 99.85 percent purity level. 50 FR 2615.

As to the corrosion inhibitor formulation, although DuPont had requested the use of DGOI-100 or its equivalent in the waiver application, no information was provided to EPA by DuPont or any commenter on a procedure for determining equivalency. Given this lack of information in the original record, the Agency considered it appropriate to limit the corrosion inhibitor to that which had been tested by the applicant. Decision Document at pp. 25-26.

As to the specification for methanol purity, DuPont had stated in section XV of its application that the properties of the alcohols used could have important effects on the properties of the finished fuel. In response to queries from the Agency regarding the necessity to control the alcohols used in the blend, DuPont submitted the alcohol purity specifications referred to in the decision. Since alcohols meeting these specifications were used in the test fuel, the Agency believed it would be inappropriate, based on the original record, to adopt less restrictive alcohol specifications, and thus adopted the specifications recommended by DuPont. Decision Document at page 30.

III. Discussion

A. Evaporative Index (EI)

1. Background of Request for Reconsideration

At the time of the original waiver grant (January 10, 1985), EPA had some doubts as to whether at a given Reid Vapor Pressure (RVP), a methanol blend fuel would behave similarly to a hydrocarbon fuel with regard to evaporative emissions.

In its application, DuPont had developed the concept of the EI to correlate more closely the fuel volatility characteristics and the evaporative emissions of vehicles using gasoline-alcohol fuels. The EI, DuPont claimed,

would control the volatility of the blend so that its evaporative emission levels would not be significantly different from those of commercial gasoline.

Thus, EPA decided to grant the waiver on the condition that the finished fuel was blended to meet the volatility specifications determined by the EI, with the EI levels chosen to match those of the average gasoline to be displaced from the market. By matching the average volatility of fuels sold under the waiver to the average volatility of the fuels they displaced, EPA intended that, relative to the gasoline it displaced, the DuPont blend would not cause or contribute to violations of evaporative standards. Decision Document at pp. 15, 17. Moreover, EPA intended the EI to be a workable manufacturing parameter.

In its March 1985 petition for administrative reconsideration of the DuPont waiver, OFA sought removal of the EI condition, arguing that the EI was unusable, its reproducibility was poor and it could not be reliably measured or controlled. Thus, OFA claimed, the practical result of placing the EI condition on the DuPont waiver was a virtual denial of the application.

OFA also argued that ASTM specifications were sufficient to control the volatility of the blend, reasoning that since ASTM included the basic control parameter for volatility, the Reid Vapor Pressure (RVP), the EI was unnecessary to control the vehicle's evaporative emissions.

OFA asserted that there is a limited "window of opportunity" for marketing DuPont blends as a result of EPA's lead phasedown regulations. OFA claimed that refiners were examining alternative octane enhancers (including alcohols) to use in place of lead and that refiners were, in general, already making decisions about how to replace the octane capability lost as a result of the lowered lead standard.

Moreover, OFA claimed that the EI was unfair and discriminatory, since no other automotive fuel had to meet this stringent volatility control. This discriminatory treatment of the DuPont blend, OFA argued, would discourage the use of methanol as a blending component in gasoline and would thus prevent the large-scale commercialization of methanol as a neat fuel.

In addition, OFA claimed that the DuPont blend would reduce hydrocarbon (HC) tailpipe emissions by 10 to 20 percent and reduce carbon monoxide (CO) emissions by 25 to 40 percent compared to commercial gasoline. Thus, OFA argued that some weight should be given to the claimed substantial reduction in tailpipe

emissions (particularly for open-loop, carbureted vehicles). OFA also argued that HC emissions for alcohol blends were less reactive than those from gasoline and, thus, less likely to contribute to ozone formation; and that, in any event, the environmental impact of the DuPont fuel would be very small given a projected three percent share of the gasoline market for the DuPont blends.

2. Reconsideration of Need for EI

At the time EPA granted the DuPont waiver, the average volatility of summer grade gasoline was about 0.8 psi RVP less than the ASTM volatility specifications for Class C cities according to the various in-use fuel surveys (such as the Motor Vehicle Manufacturers Association (MVMA) and the National Institute for Petroleum and Energy Research surveys). ASTM volatility specifications are divided into five Classes (A, B, C, D, and E) with the first three generally being used for summer type fuels and the latter two for winter type fuels. For summer fuels, Class A specifications apply to the warmest areas of the country and call for fuels of the lowest volatility (i.e., 9 psi RVP maximum). Class B and C specifications (10.0 and 11.5 psi RVP, respectively) apply to the rest of the country. Class C applies to the largest fraction of fuel sold in the United States in the summer.

Since the DuPont decision, EPA has obtained data showing that the average RVP of gasoline has increased so that the summer 1985 MVMA survey showed that the average was about the level of the ASTM standards. For example, the average level was about 11.3 psi RVP for Class C areas with an ASTM limit of 11.5 psi. For Class A and B areas, the average levels were 9.2 and 9.9 psi RVP with the ASTM limits being 9.0 and 10.0 psi, respectively. More specifically, about 40 percent of the samples taken in the Class C area were above the maximum ASTM specification. For Class A and B areas, about 50 percent of the samples were above the maximum ASTM specification. By contrast, when the DuPont waiver was granted, information available at that time indicated that only about 10 percent of the in-use gasoline in Class C cities was above the ASTM limit even though these numbers were higher (somewhat over 25 percent) for Class A and B cities. Thus, the RVP of a gasoline/alcohol blend produced under this waiver, were the ASTM limits to be mandatory, would now be no greater than the average RVP of current in-use gasoline. EPA's own "Study of Gasoline Volatility and

Hydrocarbon Emissions from Motor Vehicles," (volatility study) published in November 1985, as well as some additional experimental work done by EPA (see Document No. V-B-16, Docket No. EN-84-06), found that the volatility of commercial gasoline has been steadily increasing and concluded that RVP is the aspect of volatility which most affects evaporative emissions. Moreover, as can be seen from the EI formula given earlier, RVP is the single most important and the largest factor in the overall EI.

In its January 10, 1985 decision, the Agency concluded that in order for DuPont to establish that its fuel blend would not cause or contribute to a failure of any emission control device or system to achieve compliance by the vehicle with the certification emission standards, the average volatility of the waiver blend would have to be equal to the average volatility of the gasoline it displaced from the market for those volatility parameters which determine vapor generation and evaporative emissions. See DuPont Decision Document, pp. 14, 15. EPA remains convinced that this conclusion is valid. However, it now appears, in light of the data currently available (and discussed above) that compliance with ASTM volatility limits would be enough to provide such assurance; that is, the ASTM standards would place sufficient limitation on the DuPont blend so that the evaporative emissions of vehicles using this blend would remain approximately the same as those of vehicles using gasoline.

For these reasons, the EI restriction is rescinded and no other specific limit for mid-range volatility is being set for the DuPont waiver blend other than the ASTM specification. EPA notes that of the other gasoline-alcohol blends granted by the Agency, all (except Gasohol) have ASTM limitations. Thus, today's decision will only place the DuPont blend on the same level vis-a-vis volatility controls as the other blends.

The Agency is presently involved in preliminary proceedings under section 211(c) which may result in promulgation of more uniform volatility limitations for all fuel types, including ones which have been granted waivers under section 211(f)(4). These preliminary proceedings include an evaluation of what volatility controls would be needed for gasolines and gasoline/alcohol blends. Both controls on RVP and mid-range volatility are being studied. EPA expects to reach a decision on what fuel volatility specifications should be proposed in the near future. Of course, EPA will review the DuPont blend, as

well as all other previously waived fuels during its generic volatility rulemaking.

3. Response to Comments

About 35 written comments were submitted to the Agency during the comment period. All comments were considered in the development of today's final action. Comments were received from environmental groups, the auto industry, large and small refineries, the chemical industry, members of Congress and other government entities. The overwhelming majority of the commenters (about 32) urged EPA to remove the EI restrictions on the DuPont blend. For example, the Environmental Defense Fund, although commenting in favor of volatility controls in general, stated that the movement to alcohol fuels was an important goal and that the existing volatility restriction on the DuPont blend would impair the movement to methanol as a neat fuel. Mohawk Oil, a Canadian oil company, stated that alcohols were an effective method of boosting the octane of gasoline. The severe restrictions on the DuPont blend, Mohawk argued, would cause refineries to use more severe reforming, which in turn would cause greater benzene emissions. Union Carbide commented that it wanted to develop new alcohol blends, and the EI condition placed on DuPont would remove the economic incentive for such development.

Of all the comments reviewed, only Chrysler, Toyota and American Motors Corporation (AM) suggested that the Agency retain the EI condition. However, no specific engineering data was submitted to support their position. For example, while urging the EPA to retain the EI, Toyota nevertheless admitted that "we have no effective data pertaining to the relationship between evaporative emissions and EI." See comments from Toyota, Docket No. EN-84-06, No. VI-D-26 at page 2.

In its comments (Docket No. EN-84-06, No. VI-DP-24), American Motors stated that voluntary adherence to ASTM specifications would not be effective. However, adherence to ASTM specifications by producers of the DuPont fuel under today's decision would not be voluntary; it would be a necessary parameter to be met by the fuel manufacturer. Production of such fuel without meeting the ASTM standard would be a violation of the waiver.

Finally, Chrysler argued that EI was a basically sound method for deciding the volatility characteristics of alcohol blends and opposed any relaxation of that control. (Docket No. EN-84-06, No. VI-D-6, pg 2.) However, Chrysler did

not submit any new data or analysis on the predictive power of EI, or on the emissions impact of relying only on the ASTM volatility limits. EPA is therefore not persuaded by the comments that retention of the EI is necessary.

4. Conclusion

Hence, based on the 1985 volatility study, the information submitted in response to the April 22, 1986 Federal Register notice (51 FR 15064) and information provided to the Agency by OFA and others since the grant of the DuPont waiver, the Agency is today removing the EI condition previously placed on that waiver and maintaining the condition that the fuel meet the ASTM volatility standards for the geographic area and season in which it is sold.

B. Corrosion Inhibitor Formulation

As already discussed, a second condition placed on the DuPont waiver, was the limitation that only DuPont's DGOI-100 corrosion inhibitor formulation be used in the final fuel, with no allowance for an equivalent corrosion inhibitor. That condition was imposed because DuPont claimed that such an inhibitor, or its equivalent, was a necessary component of the fuel and without such an inhibitor, EPA could not be sure that the fuel would not cause materials compatibility problems potentially leading to an emissions failure. In the April 22, 1986 reconsideration notice, the EPA requested comments on whether an allowance should be provided for the demonstration of equivalency of other corrosion inhibitor formulations; and, if so, whether material testing alone (without vehicle mileage accumulation tests) would be sufficient.

Although the overwhelming majority of commenters supported the use of alternative corrosion inhibitors, several problems still exist regarding equivalency testing for other formulations. For example, in its comments, Petrolite stated that an appropriate method for determining equivalency would be the National Association of Corrosion Engineers (NACE) TM-01-72 test. This test measures the corrosive effect of a fuel at a given temperature on a polished mild metal specimen (spindle) placed in the fuel in the presence of water and air for a specific period. The degree of corrosion of the "spindle" is measured and a performance comparison between the fuel without the additive and the fuel with the additive at various concentrations is made. One possible difficulty with this method is that

automotive fuel systems use various metals, rather than just polished mild specimens. Thus, this corrosion test may not apply in all situations. On the other hand, DuPont commented that lacking a standard laboratory method, an appropriate qualification for an equivalent corrosion inhibitor formulation should involve vehicle Program Chassis Dynamometer (PCD) tests for 50,000 miles utilizing the American Manufacturer's Association cycle, with subsequent examination of carburetor and other metal parts.

In general, the commenters seem to envision a system in which additive manufacturers could self-certify new additives by simply following a prescribed test procedure with no EPA approval for the additive itself. However, EPA is concerned about more than just whether the additive in fact works as a corrosion inhibitor. The Agency also is concerned about whether the additive would have some adverse impact on emissions. Since EPA is not aware of any single test which would assure the environmental compatibility of an inhibitor, the Agency would prefer to examine the emissions impact of any specific future corrosion inhibitor formulation.

Nevertheless, the Agency is today allowing the use of an additional corrosion inhibitor, TOLAD MFA-10. This corrosion inhibitor formulation was tested by Celanese, and the resulting data supplied to the Agency. Bench tests performed by Celanese using Petrolite's TOLAD MFA-10 had very similar results to that of DuPont's DGOI-100. See Celanese comments, Docket No. EN-84-06, No. VI-D-7. Based on the data submitted, EPA is convinced that Petrolite's TOLAD MFA-10 is comparable to DGOI-100, and is modifying the waiver to allow its use. This should provide considerably more flexibility to manufacturers wishing to produce the DuPont blend. Other corrosion inhibitor manufacturers are invited to submit test data to the Agency to establish, on a case-by-case basis, whether their formulations are environmentally acceptable.

C. Methanol Purity Level

In the original waiver decision, EPA imposed certain conditions on the purity of the ingredients used in making the DuPont blend, including a requirement of 99.85 percent purity for methanol. This was done because DuPont itself observed these limits in performing its tests and had stated in its application that the properties of the alcohol used could have important effects on the properties of the finished fuel.

In its request for reconsideration, OFA argued that the methanol specifications for alcohol purity should be modified, stating that a 90 to 95 percent purity for methanol was the normal methanol specification for use as an automotive fuel. OFA further argued that the alcohol purity condition was unprecedented in prior waivers and that it had not received adequate notice or opportunity to comment in the course of the waiver proceedings.

EPA requested comments on the alcohol purity issue in its April 22, 1986 Federal Register notice. Of the commenters that discussed the issue of alcohol purity, most raised the question of the nature of the impurities. For example, Chrysler stated that a lower purity level was adequate if the impurities were limited to higher molecular weight alcohols with minimal water. Toyota expressed concerns about the possibility of phase separation with a less pure methanol.

In general, the comments mirror Chrysler's and Toyota's concerns regarding water content of the methanol and the related phase-separation problem. Celanese, on the other hand, argued that a lower methanol purity level was necessary if methanol blends were to become a viable fuel alternative. According to Celanese, methanol blends must be transportable through pipelines and ships in order for such blends to be cost effective.

The fuel grade methanol specifications proposed by OFA contained a maximum concentration (by weight percent) of ketones, esters and aldehydes, with a minimum 90 weight percent methanol. OFA did not place a limit on the water or acidity content.

The 99.85 percent pure methanol used by DuPont is typical of conventional chemical grade methanol. Since methanol is used as a feedstock for the production of other chemical compounds, the specifications for methanol purity have always been severe. However, comments received by the Agency demonstrate that chemical grade methanol is clearly not necessary for blending with gasoline. See comments from Chemical Fuels Corporation, Celanese, OFA, Department of Energy.

The presence of other alcohols in the quantities listed in the OFA petition would probably not cause any additional adverse effects since they are already allowed in the cosolvents. In addition, hydrocarbons picked up in pipeline transport would be considered part of the gasoline portion of a DuPont blend under long-standing EPA practice,

not as impurities in the methanol or cosolvent.

Nevertheless, the concerns discussed by commenters such as Chrysler and Toyota are certainly real problems historically associated with alcohol blends. EPA is convinced that such problems (e.g., phase separation) can be adequately controlled by retaining the restrictions on water content and acidity. Therefore, EPA will allow OFA's proposed fuel grade methanol specifications but will retain the limitation on methanol water content (0.05 maximum by weight percent), as well as the limitation on acidity (0.002 maximum by weight percent). Further, the required test method for water tolerance (Appendix C of the January 10 1985 Decision Document) will remain in effect.³ Since these changes will make pipeline transport more feasible, they should make the DuPont blend a more viable alternative fuel, without causing the phase separation problems for vehicles (due to excessive water content) that Chrysler and Toyota feared and that initially led EPA to impose the condition as a way of preventing vehicles from exceeding emission standards.

The OFA-proposed limits on ketones, esters and aldehydes, also incorporated by EPA (see Appendix A), should provide protection against adverse vehicle effects. EPA notes that these limits are more stringent than those imposed on commercially available fuels by the "substantially similar" requirements.⁴ Moreover, EPA believes that producers will avoid significant contamination by those compounds in order to ensure the marketability of the finished product.

IV. Findings and Conclusions

In summary, EPA is today removing the EI condition on the DuPont waiver and placing in its stead mandatory compliance with ASTM D439 volatility standards. Further, the use of Petrolite's corrosion inhibitor formulation, TOLAD MFA-10 will be allowed, in addition to DuPont's DGOI-100. Finally, the methanol purity will be lowered to a minimum of 90 weight percent, with a maximum limitation on the impurities as per Appendix A. All other conditions placed on the DuPont waiver fuel on January 10, 1985 will remain in effect.

³ See condition number (6), DuPont Decision Document, pg. 32, January 10, 1986.

⁴ See EPA's revised interpretation of "substantially similar," published in the Federal Register on July 28, 1981, at 46 FR 38582.

Thus, DuPont's gasoline-alcohol fuel waiver is now subject to the following conditions:

(1) The final fuel consists of a maximum of 5.0 volume percent methanol and a minimum of 2.5 volume percent cosolvent (ethanol, propanols, GTBA, and/or butanols) in unleaded gasoline;

(2) A maximum concentration of up to 3.7 weight percent oxygen in the final fuel must be observed;

(3) Either of the following two corrosion inhibitor formulations must be included:

(a) DuPont's proprietary corrosion inhibitor formulation, DGOI-100, blended in the final fuel at 41.3 milligrams per liter (mg/l); OR,

(b) Petrolite's corrosion inhibitor formulation, TOLAD MFA-10, blended in the final fuel at 42.7 mg/l.

(4) The final fuel must meet ASTM D439-83 Standard Specifications for Automotive Gasoline (a copy of which is in the Docket) for the season and area in which it is sold, with the qualification that Test Method D323 for RVP be replaced by the test method attached to the January 10, 1985 waiver decision as Appendix B;

(5) The final fuel must meet the maximum temperature for phase separation as specified in Appendix C of the January 10, 1985 waiver decision, using the test method for water tolerance contained therein;

(6) The fuel manufacturer must take all reasonable precautions to ensure that the finished fuel is not used as a base gasoline to which other oxygenated materials are added;

(7) Specifications for alcohol purity attached hereto as Appendix A are met.

EPA has determined that this action does not meet any of the criteria for classification as a major rule under Executive Order 12291. Therefore, no regulatory impact analysis is required.

This action is not a "rule" as defined in the Regulatory Flexibility Act, 5 U.S.C. 601(2), because EPA is not required to undergo "notice and comment" under section 553(b) of the Administrative Procedure Act, or other law. Therefore, EPA has not prepared a supporting regulatory flexibility analysis addressing the impact of this action on small business entities.

This is final Agency action of national applicability. Jurisdiction to review this action lies exclusively in the U.S. Court of Appeals for the District of Columbia Circuit. Under section 307(b)(1) of the Act, judicial review of this action is available only by the filing of a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit within 60 days of the date of publication

of this notice. Under section 307(b)(2), judicial review may not be obtained in any subsequent judicial proceeding brought by the Agency to enforce the statutory prohibitions.

Dated: October 22, 1986.

Lee M. Thomas,
Administrator.

APPENDIX A.—METHANOL PURITY
SPECIFICATIONS
(Commercial Grade)

	Weight percent (maxi- mum)
Methanol.....	90.00
Nonvolatiles.....	0.005
Acetone.....	0.002
Acidity (as acetic acid).....	0.002
Alkalinity (as ammonia).....	0.003
Ketones.....	2
Esters.....	2
Aldehydes.....	2
Water.....	0.05
Appearance.....	(2)

¹ Minimum.

² Clear and free of suspended matter.

[FR Doc. 86-24661 Filed 10-30-86; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-4103-S]

**Environmental Impact Statements;
Notice of Availability; Weekly Receipts**

Responsible Agency: Office of Federal Activities, General Information (202) 382-5073 or (202) 382-5075, Environmental Protection Agency.

Availability of Environmental Impact Statements Filed October 20, 1986 Through October 24, 1986 Pursuant to 40 CFR 1506.9

EIS No. 860431, Final, IBR, CA, Kesterson Reservoir and San Luis Drain Cleanup, Disposition and Wetland Mitigation Program, Merced and Fresno Counties, Due: December 1, 1986, Contact: Susan Hoffman (916) 978-5046.

EIS No. 860432, Final, BLM, CA, California Desert Conservation Area Plan, Eastern San Diego County Management Framework Plan, 1985 Amendments, Approval or Disapproval, Due: December 23, 1986, Contact: Bob Barnay (916) 978-4722.

EIS No. 860434, Draft, COE, IA, IA-415 Highway Modifications, Segment C, IA-415 and NW 78th Street to Barrier Dam Roadway, Saylorville Lake Recreation Areas, Access Roadway Improvement under section III of the Water Resources Act of 1976, Polk County, Due: December 15, 1986, Contact: Jon Duyvejonck (309) 788-6361 ext. 308.

EIS No. 860435, DSUPPL. SCS, MD, DE, Upper Chester River Watershed Flood

Prevention Plan, Additional Information, Due: December 15, 1986, Contact: Douglas Hawkins (302) 678-0750.

EIS No. 860436, Draft, FHW, CA, Georgia Project F-111-1(16) Spur Construction, Abercorn Street/GA-204 to GA-21/I-516/Lynes Parkway, Chatham County, Due: December 15, 1986, Contact: Louis Papet (404) 347-4751.

EIS No. 860437, Draft, AFS, NV, CA, Inyo National Forest, Land and Resource Management Plan, Due: January 28, 1987, Contact: Oliver Sapousek (619) 873-5841.

EIS No. 860438, Final, BLM, CO, Federal Prototype Oil Shale Tract C-a, Offtract Leasing, Oil Shale Operations and Waste Material Disposal, Rio Blanco County, Due: December 1, 1986, Contact: John Fend (303) 878-3601.

EIS No. 860439, Draft, FHW, TX, U.S. 259/Kilgore Bypass Construction, U.S. 259 North of Kilgore to U.S. 259 South of Kilgore, Gregg and Rusk Counties, Due: December 15, 1986, Contact: William Hall, Jr. (512) 482-5988.

EIS No. 860440, Final, FRC, CA, Owens River Basin, Seven Hydroelectric Projects, Construction, Operation and Maintenance, Licenses, Inyo County, Due: December 1, 1986, Contact: S. Ronald McKittrick (202) 376-9065.

EIS No. 860441, Draft, BPA, SEV, Pacific Northwest-Pacific Southwest Intertie, Capacity Increase and Long-Term Intertie Access Policy Development, Due: January 2, 1987, Contact: Anthony Morrell (503) 230-5136.

EIS No. 860442, Draft, FWS, AK, Koyukuk and Northern Unit of Innoko National Wildlife Refuges, Comprehensive Conservation Plan, Wilderness Reviews and Wild River Plan, Due: January 20, 1987, Contact: William Knauer (907) 786-3399.

EIS No. 860443, Final, BLM/BIA, NM, Jackpile-Paguate Uranium Mine Reclamation Project, Laguna Indian Reservation, Cibola County, Due: December 1, 1986, Contact: Michael Pool (505) 766-3114.

Amended Notices

EIS No. 860313, Draft, AFS, CA, Shasta-Trinity National Forests, Land and Resource Management Plan, Due: January 16, 1987, Published FR 8-15-86—Review Period extended.

EIS No. 860220, DRevised, UAF, AZ, Sells Military Operations Area/Air Traffic Control Assigned Airspace Supersonic Flight Operations Overlying Tohono O'odham Indian Reservation and Organ Pipe Cactus National Monument, Continuation,

Pima County, Due: November 17, 1986, Published FR 10-3-86—Review period extended.

EIS No. 860409, Draft, FHW, AL, Corridor "X" Highway Construction, Walker/Jefferson County Line to U.S. 31, Jefferson County, Due: November 26, 1986, Published FR 10-10-86—Review period extended.

Dated: October 28, 1986.

Richard E. Sanderson,

Director, Office of Federal Activities.

[FR Doc. 86-24678 Filed 10-30-86; 8:45 am]

BILLING CODE 6560-50-M

(ER-FRL-3103-6)

Environmental Impact Statements and Regulations; Comment Availability

Availability of EPA comments prepared October 13, 1986 through October 17, 1986 pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 382-5076/73. An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated February 7, 1986 (51 FR 4804).

Draft EISs

ERP No. D-SCS-D36104-PA, Rating LO, West Branch Brandywine Creek Watershed, Protection and Flood Prevention Plan, PA. SUMMARY: EPA reviewed the draft EIS and determined that the chosen alternative addressed all of the stated problems of the affected area, with the minimal level of adverse environmental impact. Consequently, no objections were found to the continued development and implementation of this project.

ERP No. DR-UAF-K52003-AZ, Rating EC2, Sells Military Operations Area/Air Traffic Control Assigned Airspace, Supersonic Flight Operations Overlying Tohono O'odham Indian Reservation and Organ Pipe Cactus Nat'l Monument, AZ. SUMMARY: EPA expressed concerns because the revised draft EIS: (1) Minimizes non-auditory health impacts associated with overflights, (2) did not fully calculate the populations that would be exposed to overflights, and (3) should evaluate possible mitigation measures including modification of the proposed flight track.

Final EISs

ERP No. F-AFS-J65144-UT, Dixie Nat'l Forest, Land and Resource Mgmt. Plan, UT. SUMMARY: EPA supports

selection of the composite alternative and notes the final EIS responded to EPA concerns related to riparian area management prescriptions. However, EPA recommends modification of the Forest Plan to reflect the need for more frequent sedimentation monitoring and the corresponding use of appropriate BMPs.

ERP No. F-CDB-C89026-NY, Atlantic Terminal and Brooklyn Center Developments, Construction, UDAG, NY. SUMMARY: EPA believes that the final EIS does not fully resolve our concerns regarding Carbon Monoxide National Ambient Air Quality Standard attainment, and Prevention of Significant Deterioration permit applicability. Accordingly, EPA requested additional information prior to issuance of the Record of Decision to resolve these concerns.

ERP No. F-FHW-F40284-OH, US 422 Relocation, Solon through Bainbridge and Auburn Townships, 404 Permit, OH. SUMMARY: EPA expressed concerns related to noise and runoff into LaDue Reservoir. Periodic review was requested of the cost effectiveness of noise mitigation. EPA requested that highway officials notify local drinking water officials of any spill near LaDue Reservoir.

ERP No. F-NPS-D40210-00, George Washington Memorial Parkway, Spout Run to the Theodore Roosevelt Bridge and Spout Run Parkway, Improvements, Traffic and Recreational Mgmt., District of Columbia, MD, and VA. SUMMARY: EPA reviewed the final EIS and determined that all of the original concerns which were identified have been resolved. EPA has no objections to implementation of the proposed project.

ERP No. F-NPS-K61085-00, Lake Mead Nat'l Recreation Area, General Mgmt. Plan, AZ and NV. SUMMARY: The final EIS addressed the concerns EPA had raised on the draft EIS.

ERP No. F-SCS-G36136-OK, Dry Creek Watershed Protection and Flood Prevention Plan, Possible 404 Permit, OK. SUMMARY: EPA has no objections to the proposed action, as described.

Regulations

ERP No. R-NPS-A99174-00, 36 CFR Parts 60 and 63, Nat'l Register of Historic Places (51 FR 28204). SUMMARY: EPA has no major problems with the National Park Service's (NPS) proposed changes, but believes the regulation needs to make clear how Indian tribal governments are to be addressed and what their role is in these procedures. EPA specifically questions whether certified local governments include tribal governments and whether the chief executive officer of a tribe can

assume the role of the SHPO in making nominations and determinations of eligibility. The regulation should also be more specific regarding the content and format of the documentation which the Keeper of the National Register will request periodically from federal agencies on determinations of eligibility. Moreover, the regulation needs to recognize that some agencies, such as EPA, have delegated programs to state agencies which maintain the records of individual determinations of eligibility and this data will have to be obtained through the states. A statement indicating how often the NPS will publish a cumulative list of Nat'l Register properties should also be included.

Dated: October 28, 1986.

Richard E. Sanderson,

Director, Office of Federal Activities.

[FR Doc. 86-24679 Filed 10-30-86; 8:45 am]

BILLING CODE 6560-50-M

Fort Myers, FL; Ocean Dredged Material Disposal Site; Intent To Prepare an Environmental Impact Statement

AGENCY: U.S. Environmental Protection Agency (EPA) Region IV.

ACTION: Notice of Intent to prepare an environmental Impact Statement (EIS) on the final designation of an ODMDS off Fort Myers, Florida.

Purpose: The U.S. EPA, Region IV, in accordance with section 102(2)(c) of the National Environmental Policy Act (NEPA) and in cooperation with the U.S. Army Corps of Engineers, Jacksonville District, will prepare a Draft EIS on the designation of an ODMDS off Fort Myers, Florida. An EIS is needed to provide the information necessary to designate an ODMDS. This Notice of Intent is issued Pursuant to section 102 of the Marine Protection, Research and Sanctuaries Act of 1977, and 40 CFR Part 228 (Criteria for the Management of Disposal Sites for Ocean Dumping).

FOR FURTHER INFORMATION AND TO BE PLACED ON THE PROJECT MAILING LIST

CONTACT: Mr. Reginald Rogers, Ocean Dumping Coordinator, U.S. Environmental Protection Agency, Region IV, 345 Courtland St. N.E., Atlanta, Georgia. Phone 404-347-4467, FTS 257-4467 or Mr. Paul Schmidt, U.S. Army Engineer District, Planning Division, P.O. Box 4970, Jacksonville, Florida 32223-0019, phone (904) 791-2641.

SUMMARY: The entrance channel to Fort Myers Beach must receive periodic maintenance dredging to ensure safe

navigation. Previous disposal methods through beach nourishment projects are no longer available because of existing sediment quality. Designation of a Fort Myers Beach ODMDS is required to insure the availability of the most feasible and environmentally acceptable disposal site for anticipated future work. The EIS will consider the impacts which could result from offshore disposal of dredged material at a site offshore Fort Myers Beach, and potential alternative sites.

Need For Action

The Corps of Engineers, Jacksonville District, has requested that EPA designate an ODMDS offshore Fort Myers Beach, Florida for the disposal of dredged material from the Fort Myers Beach area when ocean disposal is the preferred disposal alternative. An EIS is required to provide the necessary information to evaluate alternatives and designate the preferred ODMDS.

Alternatives

1. No action. The no action alternative is defined as not designating an ocean disposal site.

2. Alternative disposal sites in the nearshore, mid-shelf, and shelf break regions.

Scoping: A scoping meeting is not contemplated. Scoping will be accomplished by correspondence with affected Federal, State and local agencies; and with interested parties.

Estimated Date of Release

The draft EIS will be made available in August 1987.

Responsible Official

Jack E. Ravan, Regional Administrator, Region IV.

Dated: October 28, 1986.

Richard E. Sanderson,

Director, Office of Federal Activities.

[FR Doc. 86-24680 Filed 10-30-86; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-780-DR]

Kansas; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Kansas (FEMA-

780-DR), dated October 22, 1986, and related determinations.

DATED: October 22, 1986.

FOR FURTHER INFORMATION CONTACT: Sewall H.E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472 (202) 646-3616.

Notice

Notice is hereby given that, in a letter of October 22, 1986, the President declared a major disaster under the authority of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5121 *et seq.*, Pub. L. 93-288), as follows:

I have determined that the damage in certain areas of the State of Kansas resulting from flooding beginning on or about October 2, 1986, is of sufficient severity and magnitude to warrant a major-disaster declaration under Pub. L. 93-288. I therefore declare that such a major disaster exists in the State of Kansas.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance in the affected areas. You also are authorized to provide Public Assistance in the affected areas, if requested and necessary, and an acceptable State commitment for these purposes is provided. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under Pub. L. 93-288 for Public Assistance will be limited to 75 percent of total eligible costs in the designated area.

Pursuant to section 408(b) of Pub. L. 93-288, you are authorized to advance to the State its 25 percent share of the Individual and Family Grant program, to be repaid to the United States by the State when it is able to do so.

The time period prescribed for the implementation of section 313(a), priority to certain applications for public facility and public housing assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Mr. Paul D. Ward of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Kansas to have been affected adversely by this declared major disaster and are designated eligible as follows: Allen, Bourbon,

Chautauqua, Labette, Montgomery, Neosho, and Wilson Counties for Individual Assistance.

[Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance]

Julius W. Becton, Jr.,

Director.

[FR Doc. 86-24623 Filed 10-30-86; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-777-DR]

Montana; Major-Disaster Declaration; Amendment

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Montana (FEMA-777-DR), dated October 14, 1986, and related determinations.

DATED: October 24, 1986.

FOR FURTHER INFORMATION CONTACT: Sewall H.E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3616.

Notice

The notice of a major disaster for the State of Montana, dated October 14, 1986, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of October 14, 1986:

Valley and Rosebud Counties for

Individual Assistance.

Hill and McCone Counties as adjacent areas for Individual Assistance.

[Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance]

Joe D. Winkle,

Acting Deputy Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 86-24624 Filed 10-30-86; 8:45 am]

BILLING CODE 6718-02-M

[Docket No. FEMA-REP-6-TX-1]

Texas; Radiological Emergency Preparedness Plans

AGENCY: Federal Emergency Management Agency.

ACTION: Notice of receipt of plans.

SUMMARY: This is a notice that the State of Texas has submitted Radiological Emergency Preparedness Plans to the Federal Emergency Management

Agency, Region VI, for review and approval. These plans include the Texas Emergency Management Plan (Basic Plan) together with Change 3 to Appendix 7 to Annex L (the Texas Dept. of Health) and Change 2 to Annex AA (the Texas Division of Emergency Management), and the Emergency Management Plan for Matagorda County, Bay City and Palacios, for the South Texas Project Nuclear Electric Generating Station.

DATE: October 8, 1986.

FOR FURTHER INFORMATION CONTACT:

Mr. R. Dell Greer, Acting Regional Director, FEMA Region VI, Federal Regional Center, 800 North Loop 288, Denton, Texas 76201-3698, (817) 898-5104.

SUPPLEMENTARY INFORMATION: This provides notice in accordance with 44 CFR 350.8 of the FEMA Final Rule, "Review and Approval of State and Local Radiological Emergency Plans and Preparedness," that on October 8, 1986, the Federal Emergency Management Agency Region VI office received the State of Texas' Emergency Management Plan including Change 3 to Appendix 7 to Annex L, Change 2 to Annex AA, for the South Texas Project Nuclear Electric Generating Station, and the Emergency Management plan for Matagorda County which contains the Plume Exposure Pathway Emergency Planning Zone of the nuclear plant.

Copies of these plans will be made available upon request in accordance with the fee schedule for FEMA Freedom of Information Act request. This schedule, which covers exemption from the fee, is set forth in subpart C of 44 CFR, Part 5. There are 783 pages in the combined plans: Reproduction fees are 10¢ a page prepaid with a request for a copy.

Comments regarding the plans may be submitted in writing to Mr. R. Dell Greer, Acting Regional Director, at the above address within 30 days of this Federal Register Notice.

FEMA Final Rule 44 CFR 350.10 requires that a public meeting be held prior to the approval of the plans. A public meeting will be held in the vicinity of the South Texas Project Nuclear Electric Generating Station and will be noted in the local newspapers at least 2 weeks prior to the meeting date.

R. Dell Greer,

Acting Regional Director.

[FR Doc. 86-24625 Filed 10-30-86; 8:45 am]

BILLING CODE 6718-10-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Delegations of Authorities for the Family Support Administration

Pursuant to my authority under Reorganization Plan No. 1 of 1953, I hereby extend the delegations of authority granted to the Administrator of the Family Support Administration as published at 51 FR 11641, April 4, 1986. This delegation is effective as of October 22, 1986 and will remain in effect for 90-days. I also ratify and affirm any past actions taken by the Administrator of the Family Support Administration, or other FSA officials and employees with the Administrator's approval, to implement any of the above authorities.

Dated: October 22, 1986.

Otis R. Bowen,

Secretary.

[FR Doc. 86-24640 Filed 10-30-86; 8:45 am]

BILLING CODE 4110-12-M

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Department of Health and Human Services (HHS) publishes a list of information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). The following are those packages submitted to OMB since the last list was published on October 24, 1986.

Public Health Service

(Call Reports Clearance Officer on 202-245-2100 for copies of packages)

Centers for Disease Control

Subject: National Occupational Health Survey of Mining—Reinstatement—(0920-0143)

Respondents: Business or other for-profit

OMB Desk Officer: Bruce Artim

Health Care Financing Administration

(Call Reports Clearance Officer on 301-594-8650 for copies of package)

Subject: Medicaid Management Information System—Extension—(9038-0247)—HCFA-R-4

Respondents: State or local governments

Subject: Ambulatory Surgical Center Request for Certification and Survey Report Form—Revision—(0938-0266)—HCFA-377,378

Respondents: State or local governments; Small businesses or organizations

Subject: Medicare ESRD Outcome Survey Report Form—NEW—HCFA-3427

Respondents: State or local governments

Subject: Information Collection Requirements in 42 CFR 405.1414 and 1416—Conditions of Participation for Portable X-Ray Suppliers—Revision—(0938-0338)—HCFA-R-43

Respondents: Business or other for-profit; Small businesses or organizations

Subject: Information Collection Requirements Contained in BERC-362-PN Criteria for Medicare Coverage of Heart Transplants—NEW—

Respondents: Non-profit institutions; Small businesses or organizations

OMB Desk Officer: Fay S. Iudicello

Office of Human Development Services

(Call Reports Clearance Officer on 202-472-4415 for copies of package)

Subject: Report to Congress on Voluntary Placement Assistance—NEW—

Respondents: State or local governments

OMB Desk Officer: Fay S. Iudicello

Family Support Administration

(Call Reports Clearance Officer on 202-245-1704 for copies of package)

Subject: Refugee and Entrant Unaccompanied Minor Placement Report—Refugee and Entrant Unaccompanied Minor Progress Report—Extension—(0960-0309)

Respondents: State or local governments; Non-profit institutions

OMB Desk Officer: Judy A. McIntosh

Copies of the above information collection clearance packages can be obtained by calling the Reports Clearance Officer on the number shown above.

Written comments and recommendations for the proposed information collections should be sent directly to the appropriate OMB Desk Officer designated above at the following address: OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, DC 20503.

ATTN: (name of OMB Desk Officer).

Dated: October 28, 1986.

Barbara S. Wamsley,
Acting Deputy Assistant Secretary for Management Analysis and Systems.

[FR Doc. 86-24763 Filed 10-30-86; 8:45 am]

BILLING CODE 4150-04-M

Food and Drug Administration**Consumer Participation; Open Meeting****AGENCY:** Food and Drug Administration.**ACTION:** Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the following consumer exchange meeting:

New Orleans District Office, chaired by Barbara L. Loyd, Consumer Affairs Officer. The topics to be discussed are health fraud, product tampering, and regulation and control of shellfish-related health problems.

DATE: Thursday, November 13, 1986, 1 p.m. to 3 p.m.

ADDRESS: Southern University Campus, Smith Brown Memorial Union Bldg., Cotillion Ballroom, Baton Rouge, LA 70813.

FOR FURTHER INFORMATION CONTACT: Barbara L. Loyd, Consumer Affairs Officer, Food and Drug Administration, 4298 Elysian Fields Ave., New Orleans, LA 70122, 504-589-2420.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance relationships between local consumers and FDA's District Offices, and to contribute to the agency's policymaking decisions on vital issues.

Dated: October 24, 1986.

John M. Taylor,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 86-24622 Filed 10-30-86; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**Office of the Secretary**

[Docket No. N-86-1647]

The Performance Review Board; Appointments

AGENCY: Office of the Secretary, Department of Housing and Urban Development.

ACTION: Notice of appointments.

SUMMARY: The Department of Housing and Urban Development announces the appointments of Edward J. Murphy, Jr., and J. Michael Dorsey (alternate member) to the Departmental Performance Review Board. Their address is: Department of Housing and Urban Development, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT:

Persons desiring any further information about the Performance Review Board and its members may contact Gail L. Lively, Deputy Director, Office of Personnel and Training, Department of Housing and Urban Development, Washington, DC 20410, telephone (202) 755-5500. (This is not a toll-free number.)

Dated: October 22, 1986.

Samuel R. Pierce, Jr.,

Secretary, Department of Housing and Urban Development.

[FR Doc. 86-24720 Filed 10-30-86; 8:45 am]

BILLING CODE 4210-32-M

DEPARTMENT OF THE INTERIOR**Bureau of Land Management****Bureau of Indian Affairs**

[AA-660-07-4134-02; FES 86-43]

Availability of Final Environmental Impact Statement for the Jackpile-Paguate Uranium Mine Reclamation Project; Albuquerque, NM; Availability and 30-Day Public Waiting Period

AGENCIES: Bureau of Land Management and Bureau of Indian Affairs, Interior.

ACTION: Notice of availability of final environmental impact statement and 30-day public waiting period.

SUMMARY: Under provisions of section 102(2)(c) of the National Environmental Policy Act of 1969 (NEPA), notice is hereby given that the Bureau of Land Management (BLM) and Bureau of Indian Affairs (BIA), U.S. Department of the Interior (DOI), have prepared a Final Environmental Impact Statement (FEIS) on the Jackpile-Paguate Uranium Mine Reclamation Project and have made copies of the document available to the public. The Jackpile-Paguate Uranium Mine is located on three leases of Laguna Indian Tribal land in Cibola County, west-central New Mexico. The mine was operated by Anaconda Minerals Company, a division of Atlantic Richfield Company, from 1953 through early 1982. Out of a total of 7,868 leased acres, 1,656 acres were disturbed by mining. This disturbance includes three open pits, 32 waste dumps, 23 protore (sub-grade ore) stockpiles, four topsoil stockpiles and 66 acres of buildings and roads. The No Action Alternative, and reclamation proposals developed by Anaconda, the Department of the Interior (with two options) and the Pueblo of Laguna are analyzed in the FEIS. A Preferred Alternative was developed using various components from these

proposals. Reclamation components addressed under each proposal and the preferred alternative include: treatment of open pits (level of backfill and stabilization), highwall and waste dump stability, stream stability, surface facilities/structures, underground modifications (i.e., ventilation holes, adits and declines), revegetation methods and success criteria, monitoring, security and compliance.

A Draft EIS (DEIS) was released March 6, 1985. Two public hearings were held and the initial 90-day public comment period was extended for 120 days to October 4, 1986. All comments were considered in preparing the FEIS.

Under the No Action Alternative, the minesite would remain environmentally unsuitable for any productive land use except for mining. The reclamation proposals and the Preferred Alternative would, to varying degrees, restore the minesite to productive land use (primarily livestock grazing), reduce radiological and physical hazards, blend the visual characteristics of the minesite with the surrounding lands, and provide employment.

A copy of the FEIS will be sent to all parties, individuals, groups and agencies who commented on the DEIS and/or requested a copy of the DEIS. In addition, a limited number of copies of the FEIS are available upon request from the BLM Albuquerque District Office, Rio Puerco Resource Area, 435 Montano NE, Albuquerque, New Mexico 87107. Copies of the FEIS will also be available for inspection at the following locations.

BLM, Public Affairs, Interior Building, 18th & C Streets NW., Washington, DC 20240, (202) 343-9435;

BLM, Public Affairs, New Mexico State Office, Montoya Federal Building, South Federal Place, Santa Fe, NM 87501, (505) 988-6316;

BLM, Albuquerque District Office, 435 Montano, NE., Albuquerque, NM 87107 (505) 766-3114;

BLM, Rio Puerco Resource Area, 435 Montano, NE., Albuquerque, NM 87107 (505) 766-3114;

BIA, Albuquerque Area Office, 615 North 1st Street, Plaza Maya Building NE., Albuquerque, NM 87125 (505) 766-3374;

BIA, Laguna Agency, Mesita, NM 87026, (505) 243-4467.

The Council of Environmental Quality's regulations which implement NEPA [40 CFR 1506.10(b)(2)] require a 30-day waiting period beginning on the date of the publication in the *Federal Register* of the notice documenting the filing of the FEIS with the EPA. Any public comments received on the FEIS will be considered when DOI prepares its record of decision.

Dated: October 24, 1986.

Bruce Blanchard,

Director, Office of Environmental Project Review.

[FR Doc. 86-24572 Filed 10-30-86; 8:45 am]

BILLING CODE 4310-84-M

Bureau of Land Management

[CO-010-06-5440-10-C-603]

Colorado; Availability of the Federal Prototype Oil Shale Tract C-a Offtract Lease [INT FES 86-40]

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of availability of the Final environmental impact statement (FEIS).

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the BLM has prepared a FEIS for the proposed Federal Prototype Oil Shale Tract C-a Offtract Lease.

DATE: Comments must be received in writing within 30 days of the date the Environmental Protection Agency publishes the notice of availability of this FEIS in the Federal Register.

ADDRESS: Comments and/or questions should be sent to: John Fend, Project Coordinator, BLM, White River Resource Area, P.O. Box 928, Meeker, Colorado 81641. Telephone: (303) 878-3601.

SUPPLEMENTARY INFORMATION: The BLM has prepared this abbreviated FEIS on the Federal Prototype Oil Shale Tract C-a Offtract Lease proposal submitted by Rio Blanco Oil Shale Company, Incorporated. Substantial changes to the draft environmental impact statement (DEIS) were not required in the preparation of the FEIS. The FEIS must be used in conjunction with the DEIS, as text corrections were made to the DEIS in the FEIS. The FEIS includes copies of all public comment letters to the DEIS, and the BLM's response to these comments. The FEIS also identifies the Proposed Action, 84 Mesa Alternative, as the Preferred Alternative for the proposed surface lease for facilities and spent shale (waste) disposal. Copies of the FEIS are available on request at the above noted BLM office.

Dated: October 21, 1986.

Neil F. Morck,

State Director, Colorado.

[FR Doc. 86-24150 Filed 10-30-86; 8:45 am]

BILLING CODE 4310-J8-M

[AA-250-07-4321-02]

Wild Horse and Burro Advisory Board; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Meeting of the Wild Horse and Burro Advisory Board.

SUMMARY: Notice is hereby given that a meeting of the Wild Horse and Burro Advisory Board will be held in Washington, DC, at the Department of the Interior, 18th and C Streets NW., Washington, DC, on December 4 and 5, 1986. The meeting will be held in Room 5160 on December 4, in Room 7000-A on the morning of December 5 (9 a.m. to 11:30 a.m.), and in Room 5160 on the afternoon of December 5 (1 p.m. to 3:30 p.m.). The meeting hours will be 9 a.m. to 4 p.m. on December 4 and 9 a.m. to 3:30 p.m. on December 5.

DATES: Thursday and Friday, December 4 and 5, 1986.

ADDRESS: Director (250), Bureau of Land Management, Premier Building, Room 901, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: John S. Boyles, Chief, Division of Wild Horses and Burros, at the above address; telephone (202) 653-9215.

SUPPLEMENTARY INFORMATION: The Board, which was chartered on February 19, 1986, advises the Secretary of the Interior through the Director, Bureau of Land Management, and the Secretary of Agriculture, through the Chief, Forest Service, on matters pertaining to management and protection of wild free-roaming horses and burros on the Nation's public lands. The Board has held three meetings to date; in Washington, DC, in July, and in Reno, Nevada, and Ontario, California, in September.

The proposed agenda for the meeting in Washington, DC, in December is:

Thursday, December 4: Morning: Board reviews draft report based on subcommittee work at meeting held in Ontario, California.

Afternoon: Board continues review of draft report.

Friday, December 5: Morning: Board considers possible revisions to report; changes are discussed and adopted, as appropriate. Board approves report; attends to administrative details.

Afternoon: Board presents report to the Secretaries of the Interior and Agriculture, or their designated representatives. Bureau of Land Management and Forest Service officials will also attend.

The meeting will be open to the public.

Dated: October 27, 1986.

Henry R. Smith,

Assistant Director, Land and Renewable Resources Bureau of Land Management.

[FR Doc. 86-24658 Filed 10-30-86; 8:45 am]

BILLING CODE 4310-84-M

Fish and Wildlife Service

Receipt of Endangered and Threatened Species Permit Applications

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-712979

Applicant: Robert A. Campbell, Denver, CO.

The applicant requests a permit to purchase one female Asian elephant (*Elephas maximus*) from Recreational Park Association in Maryland for breeding and exhibition at the Denver Zoological Gardens.

PRT-712990

Applicant: John Braithwaite, Lafayette, LA.

The applicant requests a permit to import a trophy bontebok (*Damalisca dorcas dorcas*) from a herd maintained by F. Bowker, Grahamstown, Republic of South Africa. The herd is maintained for sport hunting. The application 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-712989

Applicant: Michel E. Heard, Lafayette, LA.

The applicant requests a permit to import a trophy of a bontebok (*Damalisca dorcas dorcas*) culled from a herd maintained by F. Bowker, Grahamstown, Republic of South Africa. The herd is maintained for 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-712945

Applicant: Milwaukee County Zoo, Milwaukee, WI.

The applicant requests a permit to purchase in foreign commerce and import two male and three female lowland gorillas (*Gorilla gorilla gorilla*) from the Wassenaar Zoo, the Netherlands, for captive breeding purposes.

PRT-713064

Applicant: San Diego Zoological Society, San Diego, CA.

The applicant requests a permit to import one male, one female, and one immature L'hoest's monkey (*Cercopithecus lhoesti*) from the Stanley Park Zoo in Vancouver, British Columbia for breeding purposes.

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: October 27, 1986.

R.K. Robinson,

Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 86-24723 Filed 10-30-86; 8:45 am]

BILLING CODE 4310-55-M

Issuance of Permit for Marine Mammals

On August 4, 1986, a notice was published in the *Federal Register* (51 FR 27918) that an application had been filed with the Fish and Wildlife Service by Nagasaki Aquarium (PRT-710248) for a permit to take (capture) 3 Alaskan sea otters (*Enhydra lutris lutris*) and export them to Nagasaki Aquarium, Nagasaki, Japan, for public display.

Notice is hereby given that on October 17, 1986, as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the Fish and Wildlife Service issued a permit subject to certain conditions set forth therein.

The permit is available for public inspection during normal business hours at the Fish and Wildlife Service's Office in Room 605, 1000 North Glebe Road, Arlington, Virginia 22201.

Dated: October 27, 1986.

R. K. Robinson,

Acting Chief, Federal Wildlife Permit Office.

[FR Doc. 86-24722 Filed 10-30-86; 8:45 am]

BILLING CODE 4310-55-M

Minerals Management Service

Analysis of Policies to Encourage Leasing, Exploration, and Production on the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Request for comments.

SUMMARY: The Minerals Management Service (MMS) is currently analyzing Outer Continental Shelf (OCS) oil and gas leasing policies to encourage leasing, exploration, and production. While many policies are being considered, five are specifically identified for comment in this notice: Returning to the former minimum bid level of \$25 per acre; using some form of work commitment; employing variable rentals; offering larger sized tracts; and deferring payment of 80 percent of the bonus on leased tracts.

This solicitation requests comments and recommendations from interested parties on whether the above policies would encourage leasing, exploration, and production, how they should be configured (including, combining two or more options together), and whether there may be other and better ways to accomplish the MMS objectives. The MMS will consider the responses to this request as part of its analysis to determine what can and should be done to encourage leasing, exploration, and production on the OCS.

DATE: Comments should be postmarked or hand delivered no later than the close of business, December 30, 1986.

ADDRESS: Request for Comments on Incentives to Encourage Leasing, Exploration, and Production, Director, Minerals Management Service, U.S. Department of the Interior, 12203 Sunrise Valley Drive, MS-643, Reston, Virginia 22091.

FOR FURTHER INFORMATION CONTACT: Dr. Marshall Rose, Minerals Management Service, MS-643, Reston, Virginia 22091, (703) 648-7706.

SUPPLEMENTARY INFORMATION:

Background

On June 6, 1986, the President announced an initiative to preserve the Nation's energy resources. The initiative directed the Secretary of the Interior to fully consider every opportunity to strengthen our domestic petroleum capability. That same day Secretary Hodel announced certain policy changes related to preserving production capacity on marginal wells. This request for comments is intended to assist the Department in considering policies for achieving these objectives as well as to

ensure our domestic petroleum industry can respond to changing conditions without being subject to severe economic vulnerability.

Today, oil prices are less than one-half of their peak level in 1981. This decline in prices and an outlook for relatively lower future prices has reduced the attractiveness of investing in and exploring for oil in the OCS. This decline has been particularly marked in frontier areas. In some areas, such as the Atlantic and most of the Alaskan OCS, exploration has stopped altogether. This lack of activity is not limited to frontier areas. Fewer lease awards and lower cash bonuses have been the norm in recent sales even in the developed areas of the Gulf of Mexico.

In the 1978 amendments to the OCS Lands Act (Act), Congress stated that two of the Act's purposes were to "establish policies and procedures for managing the oil and natural gas resources of the Outer Continental Shelf which are intended to result in expedited exploration and development of the Outer Continental Shelf. . . . [and to] . . . insure that the extent of oil and natural gas resources of the Outer Continental Shelf is assessed at the earliest practicable time." Congress believed that resolving the uncertainty about the nature and extent of OCS oil and gas resources is beneficial to the Nation. It would help to achieve our national energy goals, reduce dependence on foreign sources, assure national security, and contribute to a favorable balance of trade. Reducing the uncertainty about OCS-wide resources generally is beneficial to the Nation, but unfortunately not to individual firms. Rather, firms base their exploration decisions on their reserve levels the relative profitability of exploring individual areas and tracts, and expectations of what the future will hold for prices. This explains why, in the current market environment, acquisition and exploration of OCS properties have been substantially reduced.

The MMS is considering, separately or in combination, five policies designed to encourage leasing and exploration with particular attention placed on frontier areas of the OCS. These are: Returning to the \$25 per acre minimum bid level; using a work commitment system; employing variable rentals; offering larger sized tracts; and deferring bonus payments. Although MMS has evaluated and solicited public comments on some of these mechanisms previously, such as minimum bids (51 FR 5110, February 11, 1986), changing market conditions and unsuccessful drilling in the Atlantic and

Alaskan OCS have led to the reevaluation of these policies. (Respondents to the February 11, 1986, Federal Register solicitation should restrict comments on minimum bids to any new observations they would like to make.) It is anticipated that some of these policies will be evaluated for use in the upcoming sales.

Options

The following describes the proposed procedures for each of the options under consideration. Combinations are also possible. Respondents may address each of the five options and/or any other proposals they choose to recommend.

Option A—Returning to a Lower Minimum Bid Level

In May 1982, the Department of the Interior changed the minimum bid requirement for OCS oil and gas leases from \$25 per acre (\$144,000 per standard block) to \$150 per acre (\$864,000 per standard block), a six-fold increase. The \$150 per acre minimum bid was applied for the first time at Sale 71 (Diapir Field) on October 13, 1982, and has been applied to all subsequent sales to date. The rationale for the six-fold increase was that it would increase revenues, which it did, and that it would supplement the new bid adequacy procedures adopted for areawide sales beginning in 1983. However, the economic climate in 1982 was much different than today's conditions. At \$150 per acre there is little interest in purchasing tracts in frontier areas and other riskier prospects. Restoring the minimum bid to its old level, particularly in frontier areas, may make acquisition and exploration of some OCS leases more economically attractive, and may induce exploration activity which otherwise would not occur.

Option B—Work Commitment

Currently, three different types of work commitment systems are authorized by the Act: a fixed work commitment with variable royalty rate bid, or a variable work commitment bid with either a fixed constant or fixed sliding-scale royalty rate. Under a work commitment approach, a lessee is required to perform some amount of exploration during a specified period of time, or to settle the remaining work obligation with a cash payment to the Government. The Act requires a lessee to set up a cash escrow account in the amount of the work commitment, or to post a performance bond as a guarantee. To encourage exploration, the Act also authorizes the crediting of money spent by the lessee on exploration, on the

basis of \$1 credited (performance bond) or refunded (escrow account) for every \$2 spent. In practice, the work commitment system operates like a cash bonus system with the bonus deferred until the end of the exploration period and exploration expenditures credited (i.e., subsidized) at the rate of 50 percent, up to twice the cash bonus bid. This lowers the cost of exploration to the lessee and potentially encourages companies to increase their exploration activities.

Several work commitment systems worth considering are not currently authorized under the Act. One such system is a fixed work commitment with a cash bonus bid. Another variation is to allow the work commitment to be satisfied from exploration and, if a discovery is made, from delineation and development costs or from royalty payments incurred on producible tracts. Another system would apply when a prospect spans multiple tracts. Procedures would provide for crediting expenses across tracts on the geological prospect. An additional alternative would be to offer a few large tracts on large prospects with a work commitment.

Option C—Sliding-Scale or Contingent Rentals

Section 8 of the Act permits the Secretary to set appropriate rental rates and minimum bid levels. To encourage industry to explore diligently in frontier areas, a rental rate policy can be established with low rental rates for the first few years of a lease, representing a reasonable time for exploration to occur in a specific planning area. Increasing rental rates in later years of the lease would be applied to encourage firms to explore or to relinquish. Another alternative, called contingent rentals, is to let rental rates remain at the previous year's rate if exploration is taking place.

Thus, lessees exploring tracts would not be subject to the higher rental rates. Contingent rentals provide incentives to both accelerate and maintain exploration once started. Either rental policy, sliding-scale or contingent rentals, may be implemented in conjunction with reduced minimum bid levels.

Option D—Larger Tract Sizes

Use of larger tract sizes could encourage exploration in frontier areas where vast acreage positions may be needed to explore efficiently, but where risk is so high that the current minimum bid (\$150 per acre) may make acquisition of numerous geologically

related tracts uneconomical. The Act requires that the Secretary demonstrate that larger tract sizes are necessary to comprise a reasonable economic production unit.

Assuming a change in tract size is found necessary, MMS would issue a Notice of Sale and offer for lease a selected number of larger tracts. Public comments about the location and size of prospects could be used to help configure the tracts. In doing this, the MMS takes the risk of reducing interest on the part of firms that prefer on change in tract sizes. On the other hand, a larger tract configuration in frontier areas may provide for greater flexibility and efficiency in exploration strategy and may allow the lessee to capture more of the benefits of the information gained during exploration. This may make the larger tracts potentially more attractive to acquire and explore than allowing lessees to piece together units comprised of traditional sized tracts.

Option E—Deferral of Bonus Payment

The Act requires that any bonus monies for leases in a particular sale be paid no later than the fifth anniversary of the bid opening. In practice, 20 percent of successful bid amounts are submitted at the bid openings; the remaining 80 percent of the bonus monies is now paid within 11 days of receipt of the lease. One way to lower front-end costs is to defer the remaining 80 percent due on accepted tracts for 5 years. At the end of this period, 80 percent of the original cash bonus bid would be due, possibly with interest, regardless of whether or not the bidder drilled the tract. Deferral of the bonus lowers the outlay at the time of acquiring the tract. As a result, more tracts may be leased during periods when there is less cash available for exploration. To eliminate concerns about bidders reneging on their outstanding bonus payments, a stipulation could be incorporated in the Final Notice of Sale which would require them to provide a surety bond or self-insure.

General Questions

To assist in the determination of policy direction regarding methods to encourage exploration in frontier or other areas, each respondent is requested to offer comments on each of the five options presented. Suggestions together with supporting rationale for additional options to encourage leasing and exploration in frontier or other areas are solicited. Comments are also solicited regarding which planning areas would be preferable for implementation.

Respondents are encouraged to consider combining the above options together or with other options not presented. So that distinctions can be made among the options involved and so that all options can be fully evaluated, respondents are requested to provide sufficient details in describing or recommending new options.

Respondents are specifically requested to address the following general questions with regard to each option:

1. Will the above option, either separately or combined, encourage exploration? Why? How should the system be configured?
2. Are there other systems or methods that could be used to encourage exploration? If yes, what? How should the systems be configured?
3. Should the method used differ among planning areas or within given planning areas?
4. What are the inherent problems or disadvantages?

J. Steven Griles,

Assistant Secretary, Land and Minerals Management.

October 24, 1986.

[FR Doc. 86-24635 Filed 10-30-86; 8:45 am]

BILLING CODE 4310-MR-M

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before October 18, 1986. Pursuant to § 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by November 17, 1986.

Carol D. Shull,

Chief of Registration, National Register.

ALASKA

Sitka Borough

Sitka, US Coast and Geodetic Survey Seismological and Geomagnetic House, 210 Seward St.

Yukon-Koyukuk Division

Denali National Park & Preserve, Ewe Creek Ranger Cabin No. 8 (Patrol Cabins, Mount McKinley National Park TR), 5 miles downstream on the Savage River from park hwy, near Ewe Creek

Denali National Park & Preserve, Igloo Creek Cabin No. 25 (Patrol Cabins, Mount

McKinley National Park TR), Near Igloo Creek at Mile 34.1, N of park rd.

Denali National Park & Preserve, Lower East Fork Ranger Cabin No. 9 (Patrol Cabins, Mount McKinley National Park TR), 25 miles downstream on E. Fork Toklat River from park rd.

Denali National Park & Preserve, Lower Toklat River Ranger Cabin No. 18 (Patrol Cabins, Mount McKinley National Park TR), 30 miles N on Toklat River from park rd.

Denali National Park & Preserve, Lower Windy Creek Ranger Cabin No. 15 (Patrol Cabins, Mount McKinley National Park TR), E of Mile 324 on Alaska Railroad

Denali National Park & Preserve, Moose Creek Ranger Cabin No. 19 (Patrol Cabins, Mount McKinley National Park TR), 5 miles N of Mile 73.8 on park rd.

Denali National Park & Preserve, Riley Creek Ranger Cabin No. 20 (Patrol Cabins, Mount McKinley National Park TR), 5 miles cross-country & W of Mile 336 on Alaska Railroad

Denali National Park & Preserve, Sanctuary River Cabin No. 31 (Patrol Cabins, Mount McKinley National Park TR), On Sanctuary River at Mile 22.7, S of park rd.

Denali National Park & Preserve, Sushana River Ranger Cabin No. 17 (Patrol Cabins, Mount McKinley National Park TR), 10 miles cross-country & N of Mile 25 on park rd.

Denali National Park & Preserve, Toklat Ranger Station—Pearson Cabin No. 4 (Patrol Cabins, Mount McKinley National Park TR), Near main branch of Toklat River at mile 53.8, W of park rd.

Denali National Park & Preserve, Upper East Fork Cabin No. 29 (Patrol Cabins, Mount McKinley National Park TR), Near East Fork of Toklat River at Mile 43, S of park rd.

Denali National Park & Preserve, Upper Savage River Cabin No. 30 (Patrol Cabins, Mount McKinley National Park TR), Near Savage River at Mile 12.9, N of the park rd.

Denali National Park & Preserve, Upper Toklat River Cabin No. 24 (Patrol Cabins, Mount McKinley National Park TR), Near main branch of Toklat River at Mile 53.7, W of park rd.

Denali National Park & Preserve, Upper Windy Creek Ranger Cabin No. 7 (Patrol Cabins, Mount McKinley National Park TR), 6 miles W of Cantwell, S of Windy Creek

ARKANSAS

Columbia County

Magnolia vicinity, Ozmer House, US 82 by pass, Southern Arkansas University Farm

Pulaski County

Little Rock, Mount Zion Baptist Church, 900 Cross St.

CONNECTICUT

Middlesex County

Westbrook, Murdock Hill Complex—Salt Meadow National Wildlife Refuge, Old Clinton Rd.

NEW HAMPSHIRE

Cheshire County

Harrisville, Acre (The) (Harrisville MRA), S of lower Harrisville village at S-curve in road to Dublin

Harrisville, Adams Farm (Harrisville MRA), Off MacVeagh Rd. near Fasnacloich Harrisville, Adams, John, Homestead—Wellscrest, W of Sunset Hill Rd.

Harrisville, Adams, Moses, Farm (Harrisville MRA), MacVeagh Rd.

Harrisville, Aldworth Manor (Harrisville MRA), On hill above IP-14, N side of Chesham-Harrisville Rd.

Harrisville, Bancroft, Timothy, House (Harrisville MRA), N side of access road to Mosquitobush, off Toman Pond Rd.

Harrisville, Beal, Persia, House (Harrisville MRA), N side of Chesham Rd., W of IP-13

Harrisville, Bemis, Elbridge G., House (Harrisville MRA), Chesham Rd.

Harrisville, Bemis, George, House (Harrisville MRA), Chesham Rd.

Harrisville, Cheever, George, Farm (Harrisville MRA), Intersection of Nelson and Tolman Pond

Harrisville, Clymer House (Harrisville MRA), Off Tolman Pond Rd. at end of entry road

Harrisville, Farwell, Corbin C., Homestead (Harrisville MRA), N side of Childs Bog Rd.

Harrisville, Fasnacloich (Harrisville MRA), Four Rd. N of Dublin town line

Harrisville, Kendall Cottage (Harrisville MRA), N side of Silver Lake Rd.

Harrisville, Needham House (Harrisville MRA), Meadow Rd.

Harrisville, Point Comfort (Harrisville MRA), S. Skatutakee Rd.

Harrisville, Raubold House (Harrisville MRA), N side of Chesham Rd. W of IP-9A

Harrisville, Silver Lake Farm (Harrisville MRA), Between Silver Lake and Seaver Rds. near intersection with Old Nelson Rd.

Harrisville, Smith—Mason Farm (Harrisville MRA), NW of Meadow and Old Roxbury Rds. intersection

Harrisville, Wildwood Cottage (Harrisville MRA), S of access road to Mosquitobush, off Tolman Pond Rd.

Harrisville, Willard Homestead (Harrisville MRA), Sunset Hill Ave.

NEW JERSEY

Essex County

Montclair, House at Seven South Mountain Terrace (Montclair MRA), 7 S. Mountain Terrace

Morris County

Morristown, Speedwell Village District (Boundary Increase) (Morristown MRA), 330 Speedwell Ave.

SOUTH CAROLINA

Charleston County

Grimball, Paul, House Ruins (Edisto Island MRA)

Townsend's, Hephzibah Jenkins, Tabby Oven Ruins (Edisto Island MRA)

Edisto Island, *Bailey's Store* (Edisto Island MRA), On Store Creek at intersection of SC 174 and Point of Pines Rd.

Edisto Island, *Brooklands Plantation* (Edisto Island MRA), Off Laurel Hill Rd. on Scanawah Island

Edisto Island, *Cassina Point* (Edisto Island MRA), Cassina Point Rd.

Edisto Island, *Edisto Island Baptist Church* Addition: *Baptismal Pool* (Edisto Island MRA), Off SC 174

Edisto Island, *Frogmore* (Edisto Island MRA), S of Pine Landing Rd. near intersection of SC 174 and Laurel Hill Rd.

Edisto Island, *Hutchinson House* (Edisto Island MRA), N side of Point of Pines Rd.

Edisto Island, *Oak Island* (Edisto Island MRA), One Mile off Oak Island Rd. on Westbank Creek

Edisto Island, *Old House Plantation* Addition: *Commissary* (Edisto Island MRA), Off SC 174 and Oak Island Rd. Intersection

Edisto Island, *Point of Pines Plantation Slave Cabin* (Edisto Island MRA), Point of Pines Rd.

Edisto Island, *Prospect Hill* (Edisto Island MRA), Off Laurel Hill Rd.

Edisto Island, *Sunnyside* (Edisto Island MRA), Off N side of Peter's Point Rd.

Edisto Island, *Wescoat Road* (Edisto Island MRA), W of SC 174

TENNESSEE

Davidson County

Nashville, *Shelby Street Bridge*, Over Cumberland River at Shelby St.

TEXAS

Gray County

Pampa, *US Post Office—Pampa Main 120 E.* Foster

VERMONT

Rutland County

Wallingford, *Fox—Cook Farm* (Rural Otter Creek Valley MRA), Off US 7 on Cook Rd.

Wallingford, *Hager Farm* (Rural Otter Creek Valley MRA), US 7

Wallingford, *Hall, Gen. Robinson, House* (Rural Otter Creek Valley MRA), US 7

Wallingford, *Hulett Farm* (Rural Otter Creek Valley MRA), US 7

Wallingford, *Rural Otter Creek Valley Historic District* (Rural Otter Creek Valley MRA), Roughly US 7, W of Otter Creek

Wallingford, *Waldo, Homer, Farm* (Rural Otter Creek Valley MRA), Waldo Lane

WEST VIRGINIA

Writ County

Elizabeth, *Kanawha Hotel*, 111 Court St.

[FR Doc. 86-24610 Filed 10-30-86; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 30821]

Missouri Pacific Railroad Co. and Houston Belt & Terminal Railway Co., Joint Project for Relocation of a Line of Railroad; Exemption

On September 2, 1986, the Missouri Pacific Railroad Company (MP), and the Houston Belt & Terminal Railway Company (HB&T), filed a notice of exemption under 49 CFR 1180.2(d)(5) for a joint project with Southern Pacific Transportation Company (SP) to relocate a line of railroad.

MP owns and operates a line of railroad, known as the Columbia Tap, extending between Houston and Rosharon, TX, and passing through Pierce Junction, TX. HB&T operates over a line extending between Houston and Alcoa, TX, and passing near Tower 81, and also operates over the MP line pursuant to a lease. SP owns and operates a line of railroad, known as the Harrisburg Branch, extending between Houston and San Antonio, TX. The SP line passes through Pierce Junction where it intersects (but does not connect) with the MP line, and Tower 81, where it connects with the HB&T line.

The joint project involves the following elements: (1) *Trackage Rights*. SP will grant MP and HB&T trackage rights over the Harrisburg Branch between Tower 81 and Pierce Junction. MP and HB&T will only transport overhead, or bridge, traffic over the SP line, and will serve no shippers located on that line. (2) *Partial Abandonment*. MP's present operations between mileposts ES 261+00 and 140+00 (located approximately midway between Houston and Pierce Junction) pass through a congested area of Houston and include several road crossings. Abandonment of this segment is proposed. Abandonment and relocation of operations by way of the SP trackage rights will result in operating economies since several road crossings would be eliminated. There are no rail shippers located on this line segment. MP will continue to serve shippers located on the line from Pierce Junction to milepost ES 261+00. HB&T will serve shippers at the northern end of the line above milepost ES 140+00 by operating over the MP line, pursuant to its lease with MP. (3) *Construction*. A 500-foot track connecting the MP and SP lines will be constructed at Pierce Junction.¹

¹ Construction of connecting tracks does not fall under an existing class exemption. That part of the

The joint project involves the relocation of a line of railroad that does not disrupt service to shippers. Accordingly, it falls within the class of transactions identified at 49 CFR 1180.2(d)(5). The Commission categorically exempted these transactions under 49 U.S.C. 10505 in *Railroad Consolidation Procedures*, 366 I.C.C. 75 (1982). The Commission determined that line relocations embrace trackage rights transactions such as the one proposed here: See *D.T. & I.R.—Trackage Rights*, 363 I.C.C. 878 (1981) (*D.T. & I.*).

In *D.T. & I.*, the Commission denied a motion to include under the relocation exemption provisions a request for partial abandonment such as the one proposed here. The Commission's decision was based upon insufficient evidence concerning the abandonment's effect on shippers. *D.T. & I.*, *supra*, 363 I.C.C. at 880. Here, however, the record shows that the shippers will continue to be served.

Moreover, in Finance Docket No. 30639, *Louisiana & Ark. Ry. Co.—Trackage Rights Exemption—Illinois C.G. R.R. Co. and New Orleans Term. Co.* (not printed), served April 17, 1985, the Director of the Office of Proceedings exempted the abandonment of approximately 6 miles of track under the provisions of § 1180.2(d)(5) as an incident to a line relocation proposal. Similarly, the facts of this case show that the proposed abandonment is incidental to a line relocation and should be exempted under § 1180.2(d)(5).

Use of this exemption will be conditioned on appropriate labor protection. Any employees affected by the trackage rights agreement will be protected by the conditions in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified by *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980). Any employees affected by the proposed abandonment will be protected by the conditions in *Oregon Short Line R. Co.—Abandonment—Coshen*, 360 I.C.C. 91 (1980).

Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction.

Decided: October 27, 1986.

transaction requires approval under 49 U.S.C. 10901 or exemption under 49 U.S.C. 10505. A separate decision will follow concerning the construction phase of the transaction.

By the Commission, Jane F. Mackall,
Director Office of Proceedings.
Noreta R. McGee,
Secretary.
[FR Doc. 86-24636 Filed 10-30-86; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Task Force on Economic Adjustment and Worker Dislocation; Meeting

Notice is hereby given that the Task Force on Economic Adjustment and Worker Dislocation will hold its sixth meeting at 10:00 a.m. on Friday, November 14, 1986, in Room C-5515—Seminar Room 6, 200 Constitution Avenue, NW., Washington, DC 20210. The public is invited to attend.

The purpose of the meeting is to further discuss the draft outline of the Task Force report.

For further information contact: Mr. Gerald Holmes, U.S. Department of Labor, Room S-5014, Washington, DC 20210, (202) 523-7571.

Signed at Washington, DC, this Friday of October 24, 1986.

Michael E. Baroody,

Assistant Secretary for Policy.

[FR Doc. 86-24683 Filed 10-30-86; 8:45 am]
BILLING CODE 4510-22-M

Employment and Training Administration

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance; Duriron Co., Inc. et al.

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period October 6, 1986 and October 10, 1986.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated.

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the

separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-17, 305; *The Duriron Company, Inc., Filtration Systems Div., Angola, NY* TA-W-17, 439; *Brower Manufacturing Co., Inc., Quincy, IL*

In the following cases the investigation revealed that criterion (3) has not been met for the reasons specified.

TA-W-17, 696; *International Paper Co., Gardiner, OR*

The investigation revealed that criterion (1) has not been met. Employment did not decline during the relevant period as required for certification.

TA-W-17, 788; *Sun Supply, Billings, MT*

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-17, 760; *Wood Wireline Services, Inc., Gillette, WY*

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-17, 579; *Newport Steel Corp., Newport and Wilder, KY*

Aggregate U.S. imports of carbon steel pipe and tubes did not increase as required for certification.

TA-W-17, 907; *Baylor Co., Houston, TX*

Aggregate U.S. imports of oilfield equipment are negligible.

TA-W-17, 913; *Smith Drilling System, Marion, Ohio*

Aggregate U.S. imports of oilfield equipment are negligible.

TA-W-17, 641; *Whittaker Corp., Fort Worth Pipe & Supply Div., Midland, TX*

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-17, 830; *Whittaker Corp., Fort Worth Pipe & Supply Div., Fort Worth, TX*

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-17, 831; *Whittaker Corp., Fort Worth Pipe & Supply Div., Conroe, TX*

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-17, 813; *Lasalle Steel Co., Spring City, PA*

Aggregate U.S. imports of cold finished steel bars did not increase as required for certification.

TA-W-17, 732; *Ram Drilling Co., Brown, IL*

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-17, 735; *D.B. Drilling, Inc., Abilene, TX*

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-17, 588; *Sioux Tools, Inc., LeMars, IA*

Imports did not contribute importantly to employment declines at the firm.

TA-W-17, 347; *Stewart-Warner Corp., Div. V (Electronics Div.), Chicago, IL*

The investigation revealed that criterion (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

TA-W-17, 571; *Wehr Steel Corp., Milwaukee, WI*

A survey of customers indicated that survey respondents reduced aggregate purchases of imported castings in the survey periods.

TA-W-17, 352; *Tab Sportswear, Inc., Bronx, NY*

Workers were laid off more than one year from the date of the petition and has no possibility of coverage as stipulated under section 222 of the Act.

TA-W-17, 348; *J.D. Barrie Sportswear, Inc., Brooklyn, NY*

Workers were laid off more than one year from the date of the petition and had no possibility of coverage as stipulated under section 222 of the Act.

TA-W-17, 349; *Dolly Martin, Inc., New York, NY*

Workers were laid off more than one year from the date of the petition and had no possibility of coverage as stipulated under section 222 of the Act.

TA-W-17, 870; *Tuscaloosa Energy Corp., Republic Mine, Elkhorn City, KY*

Aggregate U.S. imports of coal are negligible.

TA-W-18, 022; *Kuykendall Electric Wire, Inc., Odessa, TX*

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-18, 023; *Kuykendall Electric Wire, Inc., Monahans, TX*

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-18, 026; *Tower Drilling Co., North Glenn, CO*

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-18, 031; *Southwestern Drilling Systems, Corpus Christi, TX*

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-17, 033; *C & F Offshore, Freeport, TX*

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-18, 034; *Houston Offshore International, Inc., Houston, TX*

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-18,087; *South Texas Drilling & Exploration Co., San Antonio, TX*

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-18,088; *Patterson Drilling Co., Snyder, TX*

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-18,089; C.A.C. Trucking, Inc.,
Friendswood, TX

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-18,094; State Boat, Houston, TX

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-18,095; Lower Coast Perforators, Inc.,
Corpus Christi, TX

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-18,102; Merritt Trucking Company,
Inc., Snyder, TX

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-18,119; D&S Industries, Inc., Carthage,
TX

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-18,123; Giant Drilling Co., Inc.,
Abilene, TX

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-18,125; Cimarron Rigs, Inc., Odessa,
TX

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-18,127; Burt Stringer & Associates
Well Service, Inc., Odessa, TX

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-18,130; B&B Construction Co., Odessa,
TX

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-18,132; West Dale, Inc., Ballinger, TX

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-18,135; Petco Fishing & Rental Tools,
Laredo, TX

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-18,136; C&S Specialty-Cameron
Equipment, Corpus Christi, TX

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

AFFIRMATIVE DETERMINATIONS

TA-W-17,382; Rose Marie Reid, North
Bergen, NJ

A certification was issued covering all workers of the firm separated on or after April 14, 1985.

TA-W-17,331; Magnavox CATV Systems,
Inc., Manlius, NY

A certification was issued covering workers producing passives and CATV converters at the firm separated on or after March 22, 1985 and before April 1, 1986.

TA-W-17,628; Black & Decker, Inc.,
Brockport, NY

A certification was issued covering all workers of the firm separated on or after May 1, 1986.

TA-W-17,570; U.S. Steel Mining Co., Inc.,
Wellington Preparation Plant,
Wellington, UT

A certification was issued covering all workers of the firm separated on or after November 1, 1985 and before January 1, 1986.

TA-W-17,436; Soundolier, Inc., Desoto, MO

A certification was issued covering all workers of the firm separated on or after May 6, 1985.

TA-W-17,339; Burlington Industries,
Burlington Blended Fabrics Div.,
Asheville, NC

A certification was issued covering all workers related to the production of cotton blend fabric in the greige state separated on or after December 1, 1985.

TA-W-17,229; Lake Side Mills, Inc., Buffalo,
NY

A certification was issued covering all workers of the firm separated on or after February 5, 1985 and before May 31, 1985.

TA-W-17,569; USS (Formerly United States
Steel Corp), Clairton Works, Clairton,
PA

A certification was issued covering all workers of the firm separated on or after June 2, 1986.

TA-W-17,216; Rain Tree Sportswear,
Ridgewood, NY

A certification was issued covering all workers of the firm separated on or after January 1, 1985 and before May 31, 1985.

TA-W-17,558; Slaymaker, Inc., Lancaster, PA

A certification was issued covering all workers of the firm separated on or after May 6, 1985 and before June 1, 1986.

TA-W-17,551; American Tourister, Main
Street Plant, Warren, RI

A certification was issued covering all workers of the firm separated on or after August 1, 1985 and before November 1, 1986.

TA-W-17,551A; American Tourister,
Woonsocket, RI

A certification was issued covering all workers of the firm separated on or after May 29, 1985 and before November 1, 1986.

TA-W-17,370; Weiser Lock, Huntington
Beach, CA

A certification was issued covering all workers of the firm separated on or after July 1, 1985.

TA-W-17,385; Etonic, Inc., Richmond, ME

A certification was issued covering all workers of the firm separated on or after September 1, 1985.

TA-W-17,269; Fisher Scientific Co., Indiana,
PA

A certification was issued covering all workers of the firm separated on or after February 26, 1985.

I hereby certify that the
aforementioned determinations were
issued during the period October 6,
1986-October 10, 1986. Copies of these

determinations are available for
inspection in Room 6434, U.S.

Department of Labor, 601 D Street, NW.,
Washington, DC 20213, during normal
business hours or will be mailed to
persons who write to the above address.

Dated: October 14, 1986.

Marvin M. Fooks,

Director, Office of Trade Adjustment
Assistance.

[FR Doc. 86-24685 Filed 10-30-86; 8:45 am]

BILLING CODE 4510-30-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance; Quadra Corp., et al.

Petitions have been filed with the
Secretary of Labor under section 221 (a)
of the Trade Act of 1974 ("the Act") and
are identified in the Appendix to this
notice. Upon receipt of these petitions,
the Director of the Office of Trade
Adjustment Assistance, Employment
and Training Administration, has
instituted investigations pursuant to
section 221 (a) of the Act.

The purpose of each of the
investigations is to determine whether
the workers are eligible to apply for
adjustment assistance under Title II,
Chapter 2, of the Act. The investigations
will further relate, as appropriate, to the
determination of the date on which total
or partial separations began or
threatened to begin and the subdivision
of the firm involved.

The petitioners or any other persons
showing a substantial interest in the
subject matter of the investigations may
request a public hearing, provided such
request is filed in writing with the
Director, Office of Trade Adjustment
Assistance, at the address shown below,
not later than November 10, 1986.

Interested persons are invited to
submit written comments regarding the
subject matter of the investigations to
the Director, Office of Trade Adjustment
Assistance, at the address shown below,
not later than November 10, 1986.

The petitions filed in this case are
available for inspection at the Office of
the Director, Office of Trade Adjustment
Assistance, Employment and Training
Administration, U.S. Department of
Labor, 601 D Street, NW., Washington,
DC 20213.

Signed at Washington, DC, this 14th day of
October 1986.

Marvin M. Fooks,

Director, Office of Trade Adjustment
Assistance.

APPENDIX

Petitioner: union/workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Quadra Corporation (workers)	Midland, TX	9/22/86	9/14/86	TA-W-18,300	Rental tanks to oil companies.
N.L. Baroid-Logging (workers)	Rosenberg, TX	9/22/86	9/8/86	TA-W-18,301	Oilwell service.
B&F Well Service (workers)	Snyder, TX	9/22/86	9/22/86	TA-W-18,302	Oilwell service.
Marlin Drilling Company (workers)	Houston, TX	9/24/86	8/12/86	TA-W-18,303	Drilling services for parent.
Magee-Poole Drilling (firm)	Alice, TX	9/24/86	9/15/86	TA-W-18,304	Drilling services.
Action Temporary Serv. (firm)	Corpus Christi, TX	9/24/86	9/15/86	TA-W-18,305	Security Service for McGee-Poole
Harrison Well Service (workers)	Mt. Carmel, IL	9/24/86	9/24/86	TA-W-18,306	Oilfield service.
Union Texas Petroleum (workers)	Midland, TX	9/23/86	9/16/86	TA-W-18,307	Crude oil.
B.J. Oil Company (workers)	Hays, KS	9/22/86	9/9/86	TA-W-18,308	Oil.
Tom McGee Corporation (workers)	Booker, TX	9/22/86	9/9/86	TA-W-18,309	Petroleum landman.
Howell Drilling Company (workers)	San Antonio, TX	9/24/86	9/18/86	TA-W-18,310	Oil drilling services.
Oilfield Equipment Co. (workers)	Corpus Christi, TX	9/29/86	9/23/86	TA-W-18,311	Sell service oilfield equipment.
Craddock Terry Shoe Co (ACTWU)	Lynchburg, VA	9/29/86	9/22/86	TA-W-18,312	Men's and ladies shoes.
BHP Petroleum (workers)	Midland, TX	9/30/86	9/22/86	TA-W-18,313	Service oil and gas exploration.
Drilling Collar Insp. (workers)	Corpus Christi, TX	9/29/86	9/22/86	TA-W-18,314	Service oil and gas drilling insp.
OWS Incorporated (workers)	Plainview, KS	9/29/86	9/14/86	TA-W-18,315	Service oil and gas drilling service.
Baremore Drilling (workers)	Snyder, TX	9/29/86	9/9/86	TA-W-18,316	Service oil and gas drilling service.
Energy Operating Corp. (workers)	Dallas, TX	10/2/86	9/27/86	TA-W-18,317	Service oil drilling service.
Land & Marine Rental (workers)	San Antonio, TX	10/2/86	9/30/86	TA-W-18,318	Service leasing oil drilling equipment.
U.S. Shoe Corporation (workers)	Cincinnati, OH	10/2/86	9/29/86	TA-W-18,319	Women's dress shoes.
E.I. du Pont (workers)	Gibbstown, NJ	9/25/86	9/25/86	TA-W-18,320	Dianhydride.
Jeddo Highland Coal (workers)	Pittston, PA	9/26/86	9/23/86	TA-W-18,321	Anthracite coal.
George Racho (workers)	Hazleton, PA	9/26/86	9/26/86	TA-W-18,322	Anthracite coal.
USX Corporation (workers)	Pittsburgh, PA	10/3/86	10/1/86	TA-W-18,323	Oilwell services.
Canton Drope Forge (workers)	Canton, OH	10/1/86	9/29/86	TA-W-18,324	Steel forgings.
ORMET Oregon Metal (workers)	Albany, OR	10/1/86	9/29/86	TA-W-18,325	Titanium aerospace.
Beltrami Enterprises (workers)	Hazleton, PA	9/26/86	9/23/86	TA-W-18,326	Anthracite coal.
Holiday Designs, Inc. (workers)	Berlin Center, OH	9/25/86	8/22/86	TA-W-18,327	Ceramic containers.
AT&T Technologies (workers)	Atlanta, GA	9/26/86	9/22/86	TA-W-18,328	Telecommunications equipment.
AT&T Technologies (workers)	Kansas City, MO	9/26/86	9/22/86	TA-W-18,329	Telecommunications equipment.
AT&T Technologies (workers)	Dallas, TX	9/26/86	9/22/86	TA-W-18,330	Telecommunications equipment.
Reading Anthracite (workers)	Pottsville, PA	9/26/86	9/23/86	TA-W-18,331	Anthracite coal.
Bethenergy Mines (workers)	Tamaqua, PA	9/26/86	9/23/86	TA-W-18,332	Coal.
LeBlond Makino (workers)	Cincinnati, OH	9/26/86	9/24/86	TA-W-18,333	Metallworking lathes.
Old Colony Envelope (workers)	Dayton, OH	9/29/86	9/24/86	TA-W-18,334	Envelopes.
Christy Park Industries (workers)	McKeesport, PA	9/25/86	9/23/86	TA-W-18,335	Cylinders.
Westron Corp. Transport (workers)	Muskegon, MI	9/30/86	9/18/86	TA-W-18,336	Trailer support.
C.E. Bauer Company (workers)	Springfield, OH	9/30/86	8/19/86	TA-W-18,337	Manufacturing castings.
Chemietal, Incorporated (workers)	Kingswood, WV	9/19/86	8/25/86	TA-W-18,338	Manganese metal.
Armour Handcrafts, Inc. plants I and II (workers)	West Hazleton, PA	10/3/86	9/29/86	TA-W-18,339	Skins of yarn and needlecraft kits.
Great Lake Enterprises (company)	Houston, TX	9/30/86	9/24/86	TA-W-18,340	Inspecting and monitoring oil field tubular products.
Enduro Stainless, Inc. (workers)	Massillon, OH	9/30/86	9/25/86	TA-W-18,341	Stainless steel strips.
Franklin Electric, Inc. (UAW)	Jacksonville and Brinkly, AR	10/2/86	9/26/86	TA-W-18,342	Fractional motors.
Stimwell Services Co. (workers)	Midland, TX	10/3/86	9/25/86	TA-W-18,343	Oil and gas well services.
Texas Oil & Gas (workers)	Midland, TX	10/3/86	9/26/86	TA-W-18,344	Crude oil.
Buster's Well Service (workers)	Monahans, TX	9/30/86	9/25/86	TA-W-18,345	Servicing oil wells.
BDK Drilling Co. (workers)	Victoria, TX	10/7/86	9/26/86	TA-W-18,346	Drilling oil.
Enterprise Drilling & Mfg. (workers)	Victoria, TX	10/7/86	10/1/86	TA-W-18,347	Drilling oil.
Arrow Womenswear (ACTWU)	Brantley, AL	10/3/86	9/31/86	TA-W-18,348	Women's blouses.
Pumptron Division (workers)	Gettysburg, OH	10/7/86	10/2/86	TA-W-18,349	Motors.
Steve's Oilfield Serv. (workers)	Kingsville, TX	10/2/86	9/25/86	TA-W-18,350	Service-drilling industry.
Joy Mfg. Company (workers)	Marshall, TX	10/2/86	9/25/86	TA-W-18,351	Manufactures tools for drilling industry.
Clarksville Shoe (workers)	Clarksville, AR	10/2/86	9/28/86	TA-W-18,352	Children's leather shoes.
Paris Shoe (workers)	Paris, AR	10/2/86	9/28/86	TA-W-18,353	Children's leather shoes.
Johnn Drilling Co. (workers)	Odessa, TX	10/2/86	9/29/86	TA-W-18,354	Service-drills oil wells.
East 10th Ave. (workers)	Hialeah, FL	10/6/86	9/22/86	TA-W-18,355	Ladies' dresses.
Nunn Bush Shoe (workers)	Egerton, WI	10/8/86	10/7/86	TA-W-18,356	Men's dress shoes.
Dorr-Oliver, Inc. (union)	Fogelsville, PA	10/7/86	9/26/86	TA-W-18,357	Parts for sedimentation, filtration and centrifugal equipment.
Philbeck, Inc. (workers)	Corpus Christi, TX	10/7/86	9/4/86	TA-W-18,358	Oil and gas production equipment.
Suemaier Exploration Inc. (workers)	Corpus Christi, TX	10/7/86	10/8/86	TA-W-18,359	Oil and gas production and exploration.
The Western Co. of North America (workers)	Fl. Worth, TX	10/2/86	9/19/86	TA-W-18,360	Oil and gas service company.
Dunmore Corporation (UAW)	Racine, WI	10/7/86	9/30/86	TA-W-18,361	Drill units and motors.
X.B. Energy Service (workers)	Houston, TX	10/2/86	9/25/86	TA-W-18,362	Oil drilling contractor.
Cimarron Rigs Partners (workers)	Odessa, TX	10/3/86	9/25/86	TA-W-18,363	Oil drilling.
B.J. Titan Inc. (workers)	Alice, TX	9/22/86	9/17/86	TA-W-18,364	Cementing and fracturing oil wells.
N.L. Atlas Bradford (workers)	Corpus Christi, TX	9/22/86	9/17/86	TA-W-18,365	Pipe thread inspection service.
Cooper Energy Services (IAMAW) (workers)	Springfield, OH	10/1/86	9/12/86	TA-W-18,366	Engine compressors.
New Textile Printing & Finishing Co (ACTWU)	Lebanon, PA	10/1/86	9/29/86	TA-W-18,367	Printed fabric.
Lee Apparel Co. (UGWA)	Sulphur Springs, TX	10/7/86	9/19/86	TA-W-18,368	Jeans.
Reading Industries (USWA)	Reading, PA	9/25/86	9/23/86	TA-W-18,369	Copper tubing.
Blue Streak Industries (workers)	Pearlington, MS	9/29/86	9/25/86	TA-W-18,370	Self elevating work boats.
Blue Streak Marine Inc. (workers)	Belle Chasse, LA	9/29/86	9/25/86	TA-W-18,371	Self elevating work boats.
Cooper Industries Crouse-Hinds (workers)	Syracuse, NY	10/1/86	9/29/86	TA-W-18,372	Electrical products.
Thomas Steel Strip Corp. (USWA)	Warren, OH	10/1/86	9/29/86	TA-W-18,373	Cuts and electroplates strip steel.
Mobil Oil Corp. Exploration & Produc. (workers)	Dallas, TX	7/13/86	8/8/86	TA-W-18,374	Gasoline & oil products.
Mobile Oil Corp. Exploration and Production (workers)	Houston, TX	7/13/86	8/8/86	TA-W-18,375	Gasoline & oil products.
Brown Shoe Co. (workers)	Kenton, TN	10/1/86	9/11/86	TA-W-18,376	Shoe lasts.
Barclay's Valve Repair (company)	Victoria, TX	10/7/86	10/7/86	TA-W-18,377	Repair oil field equipment.

[FR Doc. 86-24686 Filed 10-30-86; 8:45 am]

BILLING CODE 4510-30-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance; RCA Consumer Electronic et al.

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for

adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than November 10, 1986.

Interested persons are invited to submit written comments regarding the

subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than November 10, 1986.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street NW., Washington, DC 20213.

Signed at Washington, DC, this 20th day of October 1986.

Marvin M. Fooks,
Director, Office of Trade Adjustment
Assistance.

APPENDIX

Petitioner: Union/workers/firm—	Location	Date received	Date of petition	Petition No.	Articles produced
RCA Consumer Electronics (IBEW)	Indianapolis, IN	10/7/86	10/2/86	TA-W-18,378	Ferrite yoke for color television.
Dresser Atlas (Workers)	Victoria, TX	10/7/86	9/23/86	TA-W-18,379	Logging and perforating of oil wells.
M&M Service Co. (Workers)	Pearsall, TX	9/30/86	9/4/86	TA-W-18,380	Oil drilling.
Chevron Northern Region (Workers)	Glendale, CO	10/7/86	10/1/86	TA-W-18,381	Petroleum products.
U-Joints, Inc. (Workers)	Odessa, TX	10/9/86	10/9/86	TA-W-18,382	Power drivelines; U-joint kits.
Parker Hannafin (Workers)	Waverly, OH	10/9/86	10/6/86	TA-W-18,383	Hydraulic pumps.
Mid-West Transformer Co. (Workers)	Graylake, IL	10/9/86	9/22/86	TA-W-18,384	Transformers.
Warner & Swasey Co. (IAM&AW)	Solon, OH	10/9/86	10/1/86	TA-W-18,385	Turning machines.
Diamond Shamrock Exploration Co. (Workers)	Denver, CO	10/7/86	10/2/86	TA-W-18,386	Oil drilling and exploration.
Gilbert Manufacturing Co. (Workers)	Locke Mills, ME	10/10/86	10/6/86	TA-W-18,387	Components for wood household products.
Moore Petroleum Services (Workers)	Missouri City, TX	10/15/86	10/9/86	TA-W-18,388	Oil well contractor.
Agri-Energy & Oil Patch Enterprise (Workers)	Dilley, TX	10/7/86	10/1/86	TA-W-18,389	Concrete bases, tank batteries, oil equip.
Johnn Drilling Co. (Workers)	Odessa, TX	10/7/86	9/29/86	TA-W-18,390	Contract drilling.
Waterland Enterprises (Workers)	Odessa, TX	10/7/86	9/16/86	TA-W-18,391	Water amusement park, entertainment.
Skar-Ore Steamship (USWA)	Cleveland, OH	10/7/86	10/2/86	TA-W-18,392	Iron ore transportation.
Alloy Ball & Seat Co., Inc. (Workers)	Corpus Christi, TX	10/7/86	10/2/86	TA-W-18,393	Balls & seats used in oil field valves.
Brower and Root, Inc. (Workers)	Ingleside, TX	10/7/86	9/29/86	TA-W-18,394	Oil drilling.
Drill Collar Inspection Co. (Workers)	Corpus Christi, TX	10/7/86	9/30/86	TA-W-18,395	Oil drilling.
Centrit-Hughes (Workers)	Claiborne, OK	10/7/86	10/3/86	TA-W-18,396	Submersible pumps.
Amarillo Copper Refinery (Workers)	Amarillo, TX	10/2/86	10/1/86	TA-W-18,397	Refined Copper.
Sheehan Exploration (Workers)	Casper, WY	10/7/86	9/20/86	TA-W-18,398	Oil exploration.
Norton Drilling (Workers)	Lubbock, TX	10/7/86	9/26/86	TA-W-18,399	Drilling oil wells.
F.C.I. Inc. (Workers)	Odessa, TX	10/7/86	9/18/86	TA-W-18,400	Oil & gas fabricators & contractors.
Del Penn Steel Sales Corp. (Workers)	Philadelphia, PA	10/9/86	10/6/86	TA-W-18,401	Steel cutting for steel fabricators.
G&G Tawk Rentals (Workers)	Freer, TX	10/7/86	9/23/86	TA-W-18,402	Oil wells servicing.
Lawslik Ribbon (Workers)	Allentown, PA	10/8/86	9/28/86	TA-W-18,403	Narrow band ribbon.
Lawslik Ribbon (Workers)	Bethlehem, PA	10/8/86	9/28/86	TA-W-18,404	Narrow band ribbon.
Grant Norpac (Workers)	Houston, TX	10/7/86	9/23/86	TA-W-18,405	Oil well servicing.
Stride Rite (Workers)	Lawrence, MA	10/9/86	10/7/86	TA-W-18,406	Shoe manufacturing.
Appleton Electric (Workers)	So. Milwaukee, WI	10/8/86	10/20/86	TA-W-18,407	Electric aluminum foundry.
Mesa Drilling Co. (Workers)	Abilene, TX	9/25/86	9/5/86	TA-W-18,408	Drilling oil.
Ruthco, Inc. (Workers)	Midland, TX	9/25/86	9/12/86	TA-W-18,409	Concrete bases for oil pumping units.
Ruthco, Inc. (Workers)	Odessa, TX	9/25/86	9/12/86	TA-W-18,410	Concrete bases for oil pumping units.
Ruthco, Inc. (Workers)	Leveland, TX	9/25/86	9/12/86	TA-W-18,411	Concrete bases for oil pumping units.
Ruthco, Inc. (Workers)	Gainsville, TX	9/25/86	9/12/86	TA-W-18,412	Concrete bases for oil pumping units.
U.G.T. Corporation (Workers)	Reading, PA	9/15/86	9/11/86	TA-W-18,413	Contract drilling service.
Terrell Drilling Co. (Workers)	Grayville, IL	9/15/86	9/10/86	TA-W-18,414	Produces oil.
Mc-Vac Service Co. (Workers)	Loredo, TX	9/26/86	9/18/86	TA-W-18,415	Oil drilling mud service.
Brown Drilling Co. (Workers)	Pleasantville, PA	10/9/86	10/6/86	TA-W-18,416	Oil drilling service.
Caterpillar Inc. (Workers)	Decatur, IL	10/14/86	8/28/86	TA-W-18,417	Off highway trucks.
Source Petroleum (Workers)	San Antonio, TX	9/17/86	9/10/86	TA-W-18,418	Crude oil.
Midland Mud Inc. (Workers)	Hays KS	9/17/86	9/12/86	TA-W-18,419	Supplies bentonite, salt gel, caustic soda drilling starch & cotton seed.
Gemini Engine Company (Company)	Corpus Christi TX	9/11/86	9/8/86	TA-W-18,420	Machine engine parts.
Loffland Brothers Drilling (Workers)	New Braunfels, TX	9/4/86	8/19/86	TA-W-18,421	Oil drilling.
Loffland Brothers Company (Workers)	Tulsa, OK	9/18/86	9/9/86	TA-W-18,422	Oil drilling.
Brown Root (Workers)	Ingleside, TX	9/11/86	9/8/86	TA-W-18,423	Fabricates pipe & structural steel.
WISCO (Workers)	Williston, ND	9/17/86	9/3/86	TA-W-18,424	Maintains drilling rigs.
N.L. Industries Baroid Div. (Workers)	Potosi, MO	10/14/86	10/1/86	TA-W-18,425	Baroids.
Pea Ridge Iron Ore Co., Inc. (Workers)	Sullivan, MO	10/14/86	10/6/86	TA-W-18,426	Iron ore pellets.
Mitel Canbe, Inc. (Workers)	Bayamon, PR	10/14/86	10/6/86	TA-W-18,427	Telephone systems.
Geochem Labs, Inc. (Workers)	Houston, TX	10/10/86	10/5/86	TA-W-18,428	Technical reports for oil & gas.
Geophysical Services, Inc. (Workers)	Stafford, TX	10/10/86	10/7/86	TA-W-18,429	Technical data for the oil industry.
Harshaw/Filtrol (OCARW)	Salt Lake City, UT	10/14/86	10/4/86	TA-W-18,430	Hydrosulfurization catalyst.
Isol Basic Industries (Company)	Florence, CO	10/14/86	10/6/86	TA-W-18,431	Portland cement.
Shure Electronics of (Company)	Phoenix, AZ	10/14/86	10/7/86	TA-W-18,432	Phonograph cartridges.
Harken Drilling Co. (Workers)	Abilene, TX	10/7/86	9/30/86	TA-W-18,433	Drilling oil wells.
Invalco, Inc. (USWA)	Tulsa, OK	10/9/86	10/3/86	TA-W-18,434	Valves flow meters.
AT&T Information Sys. Service Center (Workers)	Milwaukee, WI	10/10/86	10/1/86	TA-W-18,435	Assemble telephone cables.

[FR Doc. 86-24687 Filed 10-30-86; 8:45 am]

BILLING CODE 4510-30-M

Employment Standards Administration Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR Part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR Part 1, appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedeas decisions thereto, contain no expiration dates and are effective from their date of notice in the *Federal Register*, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29

CFR Parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue NW., Room S-3504, Washington, DC 20210.

Modifications to General Wage Determination Decisions

The numbers of the decisions listed in the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" being modified are listed by Volume, State, and page number(s). Dates of publication in the *Federal Register* are in parentheses following the decisions being modified.

VOLUME I			
MASSACHUSETTS,			pp. 375-376
MA86-3 (January 3, 1986).			
MARYLAND:			
MD86-2 (January 3, 1986).			p. 391-393
MD86-11 (January 3, 1986).			p. 411
MD86-15 (January 3, 1986).			p. 420
NEW YORK, NY86-10 (January 3, 1986).			p. 728
PENNSYLVANIA:			
PA86-3 (January 3, 1986)...			p. 816
PA86-4 (January 3, 1986)...			p. 821
VOLUME II			
ILLINOIS:			
IL86-2 (January 3, 1986)....			pp. 88, 92
IL86-12 (January 3, 1986)...			p. 160
IL86-16 (January 3, 1986)...			p. 194
MISSOURI, MO86-3 (January 3, 1986).			p. 569

WISCONSIN:

WI86-6 (January 3, 1986)..
WI86-16 (January 3, 1986)..
p. 963-964
p. 1014

VOLUME III

CALIFORNIA, CA86-4 p. 66
(January 3, 1986).

WASHINGTON:

WA86-1 (January 3, 1986)..
WA86-3 (January 3, 1986)..
WA86-7 (January 3, 1986)..
WA86-9 (January 3, 1986)..
pp. 299-321
pp. 339-344
pp. 362-365
pp. 365f-365g

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts". This publication is available at each of the 80 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country. Subscriptions may be purchased from:

Superintendent of Documents, U.S.
Government Printing Office, Washington,
DC 20402 (202) 783-3238

When ordering subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the three separate volumes, arranged by State. The subscription cost is \$277 per volume. Subscriptions include an annual edition (issued on or about January 1) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed at Washington, DC, this 24th Day of October 1986.

James L. Valin,
Assistant Administrator.
[FR Doc. 86-24485 Filed 10-30-86; 8:45 am]
BILLING CODE 4510-27-M

Bureau of Labor Statistics

Request for Comments on Changes in Local Area Unemployment Statistics (Laus) Procedures

AGENCY: Bureau of Labor Statistics,
Labor.

ACTION: Request for comments on proposed changes in local area unemployment statistics methodology.

SUMMARY: With the completion of various research projects and the receipt of numerous comments and simulations for a number of research areas, the Bureau of Labor Statistics intends to introduce methodological improvements in the procedures for developing local area unemployment statistics. Proposals to improve the procedures include the mandatory introduction of an updated procedure for multi-county employment disaggregation and an improved procedure for the estimation of agricultural employment and the estimation of Federal and Railroad unemployment.

DATE: Comments must be submitted on or before December 1, 1986.

ADDRESS: Send comments to: U.S. Department of Labor, Bureau of Labor Statistics, 441 G Street NW., Room 2083, Washington, DC 20212.

FOR FURTHER INFORMATION CONTACT: Sharon Brown 202-523-1807.

SUPPLEMENTARY INFORMATION:

Dated at Washington, DC, This 24th Day of October 1986.

Janet L. Norwood,
Commissioner.

[FR Doc. 86-24688 Filed 10-30-86; 8:45 am]

BILLING CODE 4510-24-M

Pension and Welfare Benefits Administration

[Prohibited Transaction Exemption 86-126; Exemption Application No. D-6448 et al.]

Grant of Individual Exemptions; Drs. Williams & Harper Profit Sharing Plan et al.

AGENCY: Pension and Welfare Benefits Administration, Labor.

ACTION: Grant of Individual Exemptions.

SUMMARY: This document contains exemptions issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1954 (the Code).

Notices were published in the *Federal Register* of the pendency before the Department of proposals to grant such exemptions. The notices set forth a summary of facts and representations contained in each application for exemption and referred interested persons to the respective applications for a complete statement of the facts and representations. The applications

have been available for public inspection at the Department in Washington, DC. The notices also invited interested persons to submit comments on the requested exemptions to the Department. In addition the notices stated that any interested person might submit a written request that a public hearing be held (where appropriate). The applicants have represented that they have complied with the requirements of the notification to interested persons. No public comments and no requests for a hearing, unless otherwise stated, were received by the Department.

The notices of pendency were issued and the exemptions are being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

Statutory Findings

In accordance with section 408(a) of the Act and/or section 4974(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following findings:

- (a) The exemptions are administratively feasible;
- (b) They are in the interests of the plans and their participants and beneficiaries; and
- (c) They are protective of the rights of the participants and beneficiaries of the plans.

Drs. Williams & Harper Profit Sharing Plan and Drs. Williams & Harper Money Purchase Pension Plan (the Plans) Located in Fort Lauderdale, Florida

[Prohibited Transaction Exemption 86-126; Exemption Application Nos. D-6448 and D-6449]

Exemption

The restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the proposed sale of beneficial interests in a trust to the Plans by Drs. John I. Williams and John M. Harper, provided that the terms of the transaction are no less favorable to the Plans than those obtainable in an arm's-length transaction with an unrelated person.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of

proposed exemption published on September 9, 1986 at 51 FR 32142.

For Further Information Contact: Alan H. Levitas of the Department, telephone (202) 523-8194. (This is not a toll-free number.)

Reinhart, Boerner, Van Deuren & Rieselback, S.C. Employees Profit Sharing Plan (the Plan) Located in Milwaukee, Wisconsin

[Prohibited Transaction Exemption 86-127; Exemption Application No. D-6681]

Exemption

The restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the proposed cash sale of 500 shares of Lubar & Company Inc. common stock to Mr. Richard A. Van Deuren from his individually directed account in the Plan, provided that the terms of the transaction are not less favorable to the Plan than those obtainable in an arm's-length transaction with an unrelated person.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on September 12, 1986 at 51 FR 32552.

FOR FURTHER INFORMATION CONTACT: Alan H. Levitas of the Department, telephone (202) 523-8194. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

- (1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) These exemptions are supplemental to and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(3) The availability of these exemptions is subject to the express condition that the material facts and representations contained in each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, DC, this 28th day of October, 1986.

Elliot I. Daniel,

Assistant Administrator for Regulations and Interpretations, Pension and Welfare Benefits Administration, U.S. Department of Labor.

[FR Doc. 86-24734 Filed 10-30-86; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-6628]

Proposed Exemptions: Exber Inc. dba El Cortez Hotel and Casino Profit Sharing Retirement Plan and Trust et al.

AGENCY: Pension and Welfare Benefits Administration, Labor.

ACTION: Notice of Proposed Exemptions.

SUMMARY: This document contains notices of pendency before the Department of Labor (the Department) of proposed exemptions from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1954 (the Code).

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemptions, unless otherwise stated in the Notice of Pendency, within 45 days from the date of publication of this *Federal Register* Notice. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Pension and Welfare Benefits Administration, Office of Regulations and

Interpretations, Room N-5669, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210. Attention: Application No. stated in each Notice of Pendency. The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue NW., Washington, DC 20210.

Notice to Interested Persons

Notice of the proposed exemptions will be provided to all interested persons in the manner agreed upon by the applicant and the Department within 15 days of the date of publication in the *Federal Register*. Such notice shall include a copy of the notice of pendency of the exemption as published in the *Federal Register* and shall inform interested persons of their right to comment and to request a hearing (where appropriate).

SUPPLEMENTARY INFORMATION: The proposed exemptions were requested in applications filed pursuant to section 408(a) of the Act and/or section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, these notices of pendency are issued solely by the Department.

The applications contain representations with regard to the proposed exemptions which are summarized below. Interested persons are referred to the applications on file with the Department for a complete statement of the facts and representations.

Exber, Inc. dba El Cortez Hotel and Casino Profit Sharing Retirement Plan and Trust (the Plan) Located in Las Vegas, NV

[Application No. D-6628]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 408(a),

406(b)(1) and 406(b)(2) of the act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to the proposed cash sale by the Plan of a parcel of real property (the Property) to Exber, Inc. dba El Cortez Hotel and Casino (the Employer) the Plan sponsor, provided that the Plan receives not less than the fair market value of the Property as of the date of sale.

Summary of Facts and Representations

1. The Plan is a profit sharing plan with approximately 500 participants and assets of approximately \$15,000,000. The Employer is a casino in Las Vegas.

2. The Property is a parcel of undeveloped real estate in Las Vegas which is currently used as a parking lot primarily by patrons of the Orbit Inn, which is unrelated to the Employer. The Property is located across the street from the Employer. The Plan purchased the Property from an unrelated third party in November, 1982, for \$351,975. The Property is currently yielding no income to the Plan and the applicant believes that its market value is at its peak. The applicant requests an exemption that will permit the Plan to sell the Property to the Employer for cash at its fair market value in order to allow the Plan to invest in income producing assets.

3. The Property was appraised by Timothy R. Morse, MAI, an independent real estate appraiser in Las Vegas, as of April 29, 1986. Mr. Morse appraised the fair market value of the Property as \$487,500.00.

4. The applicant represents that the Property's marketability to prospective buyers other than the Employer is severely limited due to depressed business conditions in the immediate vicinity. The Employer has offered to purchase the Property from the Plan for cash, at its appraised fair market price.

5. In summary, the applicant represents that the proposed transaction satisfies the criteria of section 408(a) of the Act because: (a) The sale will be for cash at the Property's appraised fair market value; (b) the Plan will be able to dispose of an asset yielding no current return and to invest the cash proceeds in income producing assets; and (c) the Plan will pay no fees or commissions with respect to the transactions.

For Further Information Contact: David Lurie of the Department, telephone (202) 523-8194. (This is not a toll-free number.)

**Neurological Associates of Tulsa, Inc.
Profit Sharing Plan (the Plan) Located in
Tulsa, OK**

[Application No. D-6632]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of sections 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to the proposed cash sale by Dr. Michael J. Haugh (Dr. Haugh) of an interest (the Interest) in certain real property (the Real Property) for \$70,000 to Dr. Haugh's individual account (the Account) in the Plan, provided the amount paid for the Interest is not greater than its fair market value at the time the transaction is consummated.

Summary of Facts and Representations

1. Neurological Associates of Tulsa, Inc. (the Employer) is engaged in the medical practice of neurology in Tulsa, Oklahoma. Its principal shareholders are Dr. Haugh and Drs. Harvey J. Blumenthal and Ord Mitchell (Drs. Blumenthal and Mitchell).

2. The Plan, which has been in existence since July 1, 1973, is a profit sharing plan with ten participants and total assets having a fair market value of \$899,981 as of June 30, 1985. The Plan provides individual accounts for its participants whereby participants may direct the investment of their account balances. As of June 30, 1985, Dr. Haugh had an account balance in the Plan of \$285,480.

3. In 1972, Dr. Haugh purchased 600 acres of property consisting of farmland and outbuildings located in Hulbert, Cherokee County, Oklahoma from an unrelated party. The Real Property is known as the Spring Valley Ranch. The Real Property is presently encumbered by two mortgages, the mortgages of which are unrelated parties.¹

¹ One of the mortgages, held by Western National Bank, was in the original principal amount of \$137,000. As of August 1986, the mortgage had an outstanding principal balance of \$92,314. The other mortgage, held by the Oklahoma State Commission Land Office, was in the original amount of \$22,268. As of August 1986, the mortgage had a principal balance due of \$13,438.

4. An exemption is requested to permit Dr. Haugh to sell an interest in the Real Property to his individual Account in the Plan. The Interest, which will represent approximately 25 percent of the total assets in Dr. Haugh's Account, will consist of 128 acres of farmland comprising the north 120 acres of the Real Property and the adjoining eight acres located on the east side of the county road. The Interest will have the following legal description: "NE/4, SE/4, Section 17 and N/2, SW/4, Section 16, and approximately eight acres located east of the roadway in W/2, W/2, SE/4, SW/4, Section 16, all located in Township 17 North, Range 21 East, Cherokee County" The Interest will be abstracted from and be contiguous to the acreage already owned by Dr. Haugh. It is represented that the Interest is a suitable investment for Dr. Haugh's Account because it offers maximum road frontage, it may be hooked up to city utilities and it can be easily broken into lots. Because of these factors, it is also represented that the Interest has the potential for future appreciation.

5. Dr. Haugh will sell the Interest to his Account for cash at a price equaling the fair market value of the Interest on the date of the sale. Dr. Haugh's Account will not be required to pay any real estate fees or commissions in connection with the proposed sale. In addition, Dr. Haugh's Account will not assume the mortgages already existing on the Real Property nor will the Interest be sold subject to the mortgages. Dr. Haugh will pay off the mortgages, exclusively. Further, upon the sale, the deed to the Real Property will be modified and recorded to reflect the Account's acquisition and holding of the Interest. Finally, Dr. Haugh's Account will be the only account in the Plan affected by the proposed sale.

6. On October 4, 1985, Mr. Timothy M. Glass, R.M. (Mr. Glass), an independent appraiser located in Tulsa, Oklahoma, valued the Real Property in its entirety at \$300,000. In an addendum to the appraisal dated July 10, 1986, Mr. Glass specifically designated the Interest as the most logical and equitable division of the Real Property and he placed its fair market value at \$70,000.

7. In summary, it is represented that the proposed transaction will satisfy the criteria of section 408(a) of the Act because: (a) The sale will be a one-time transaction for cash; (b) the purchase price for the Interest will reflect its fair market value as determined by an independent appraiser on the date of the sale; (c) the Plan will not be required to pay any real estate commissions or fees

in connection therewith; (d) the Account will not assume certain mortgages already existing on the Real Property nor will it acquire the Interest subject to the mortgages; and (e) Dr. Haugh's Account will be the only account in the Plan affected by the proposed sale.

Notice to Interested Persons: Because Dr. Haugh is the only participant to be affected by the proposed transaction, it has been determined that there is no need to distribute the notice of proposed exemption to interested persons. Accordingly, all comments and requests for a public hearing are due thirty days from the date of publication in the Federal Register of the notice of proposed exemption.

For Further Information Contact: Ms. Jan D. Broady of the Department, telephone (202) 523-8196. (This is not a toll-free number.)

**G.A. Davis Company Employee Stock
Ownership Plan (the Plan) Located in
Houston, Texas**

[Application No. D-6680]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of sections 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to the sale on January 9, 1986 of a certain parcel of improved real property (the Property) by the Plan to Southwest Alloy Supply Company (SASCO), a party in interest with respect to the Plan, for \$428,000, provided that such amount was not less than the fair market value of the Property on the date of the sale.

EFFECTIVE DATE: If the proposed exemption is granted, the exemption will be effective January 6, 1986.

Summary of Facts and Representations

1. The Plan is a defined contribution plan which, as of May 31, 1985, had approximately 21 participants and total assets of \$1,742,368. The Plan was initially a profit sharing plan which was established on June 1, 1964. Effective June 1, 1982, the Plan was amended and restated as an employee stock ownership plan. The trustee of the Plan is George A. Davis (Mr. Davis). The Plan is sponsored by the G.A. Davis Company (GADCO), the Integral Fintube Company (IFCO), and SASCO.

The applicant states that the Plan and GADCO each own 44 percent of the stock of SASCO. Mr. Davis is the president of GADCO, IFCO, and SASCO, and is a major stockholder of GADCO and IFCO.

2. The Property is a parcel of real estate of approximately 4.6 acres located at 1256 Brittmore Road, Houston, Texas. Mr. Davis owns properties adjacent to the Property which are located at 1260 and 1270 Brittmore Road. The Plan purchased the Property on January 15, 1968 from Heart Investments, Ltd., an unrelated party, for \$39,865. The Plan leased the Property to SASCO on September 1, 1972 for a term of 15 years at an initial rent of \$2000 per month. Thereafter, SASCO constructed a building and other improvements on the Property. On July 1, 1983, rental payments under the lease were increased to \$3000 per month through December 31, 1985. The Property was sold to SASCO on January 9, 1986 for \$428,000 in cash.

The applicant represents that the lease of the Property to SASCO satisfied the requirements of section 414(c)(2) of the Act through June 30, 1984.² The applicant also represents that, under the terms of the lease, SASCO was the owner of the building and other improvements on the Property after June 30, 1984.³ The applicant acknowledges that the lease of the Property to SASCO after June 30, 1984 was a prohibited transaction. The applicant states that Form 5330, Return of Initial Excise Taxes Relating to Pension and Profit Sharing Plans, will be filed with the Internal Revenue Service and that all appropriate excise taxes for the leasing transaction will be paid by SASCO within 60 days of a grant of an exemption for the sale of the Property. In addition, SASCO agrees to pay any back rent, plus interest on such rent, which may be due to the Plan based on the difference between the rental amounts paid under the lease and the fair market rental value for the Property at the time of the transaction, as established by an independent appraisal.

3. The Property was appraised on December 16, 1985 by Charles L. Osenbaugh, M.A.I. (Mr. Osenbaugh), an independent real estate appraiser in Houston, Texas, as having a fair market value of \$428,060. The applicant states that Mr. Osenbaugh's appraisal was

relied upon to establish the price for the sale of the Property on January 9, 1986. By letter dated September 8, 1986, Mr. Osenbaugh represents that consideration has been given to any possible special value of the Property to SASCO as a result of the ownership by Mr. Davis of properties adjacent to the Property. However, Mr. Osenbaugh states that the value of the Property to SASCO was the same as the fair market value determination which was made on December 16, 1985 for purposes of a possible sale of the Property to an unrelated party.

4. The applicant represents that the Plan's interests required that the Property be sold. The applicant represents further that the purchase of the Property by SASCO on January 9, 1986 at its appraised value of \$428,000 was in the best interests of the Plan and its participants and beneficiaries. Mr. Davis states that at the time of the transaction he believed that in a declining real estate market, the Plan would otherwise have had to hold the Property for a long period of time before it could have been sold at a good price to an unrelated buyer. The applicant states further that the transaction allowed the Plan to divest itself of the Property and reinvest the proceeds in a manner which provided greater diversification of the plan's assets.

5. In summary, the applicant represents that the transaction satisfied the statutory criteria of section 408(a) of the Act because: (a) The sale was a one-time cash transaction; (b) the price set for the Property represented its fair market value on the date of sale as established by an independent, qualified appraiser; (c) no brokerage commissions or other expenses were charged to the Plan in connection with the sale; and (d) the transaction allowed the Plan to divest itself of the Property and reinvest the sale proceeds in a more diverse manner.

For Further Information Contact: Mr. E.F. Williams of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

Montana Urology, Inc. Money Purchase Pension Plan (the Money Purchase Plan) and Montana Urology, Inc. Profit Sharing Plan (the Profit Sharing Plan; collectively, the Plans) Located in Butte, Montana

(Application No. D-6710 and D-6711)

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR

18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to: (1) the sale by the individually directed accounts of Robert Engebrecht, M.D. in the Plans (the Accounts) of a parcel of real estate (the Land) to Robert Engebrecht, M.D. (Dr. Engebrecht), a participant and trustee of the plans; and (2) the partial payment to a third party bank on an existing mortgage (the Mortgage) on the Land by Dr. Engebrecht and the assumption of the remaining balance on the Mortgage by Dr. Engebrecht where the mortgagors on the Mortgage are the Accounts.

Summary of Facts and Representations

1. The Plans are a profit sharing plan and a money purchase pension plan which provide for individually directed accounts for the participants. The Plans each have approximately four participants as of March 31, 1986, including Dr. Engebrecht. Currently, the Money Purchase Plan has assets of approximately \$420,185, and the Profit Sharing Plan has assets of approximately \$626,747. The balances in Dr. Engebrecht's Accounts currently are \$245,855 and \$256,890 in the Money Purchase plan and the Profit Sharing Plan, respectively. Dr. Engebrecht is the sole trustee for the Plans.

2. Montana Urology, Inc. (the Employer), the sponsor of the Plans, is a closely held Montana professional service corporation with its principal place of business at 700 West Gold, Butte, Montana. The Employer has engaged in the business of rendering professional medical services since its incorporation in 1971. Dr. Engebrecht is the sole shareholder of the Employer.

3. Among the assets of the Accounts is the Land which is described as approximately 240 acres of farm real estate located in Scott County, Illinois. The Land was acquired on February 20, 1981, from unrelated third parties with respect to the Plans.⁴ The Accounts acquired the Land at a cost of \$672,000, plus \$9,500 in fees and \$25,750 to acquire stock in Farm Credit Services of Jacksonville, Illinois (the Bank). The Accounts made a down payment of \$230,250 and financed the remaining \$475,000 through the Mortgage with the Bank. The Mortgage is a first mortgage

² The Department expresses no opinion as to the applicability of section 414(c)(2) of the Act to this lease arrangement.

³ The applicant's attorney states that under Texas law, title to improvements upon leased land may vest in the tenant if the parties so agree.

⁴ The Department herein expresses no opinion as to whether the acquisition of the Land by the Accounts constitutes a violation of any of the provision of Part 4 of Title I of the Act.

secured by the Land. Approximately 30% and 70%, respectively, of the downpayment and of the Mortgage was allocated to Dr. Engebrecht's Accounts in the Money Purchase Plan and the Profit Sharing Plan, respectively. The outstanding balance, as of March 31, 1986, on the Mortgage was approximately \$419,485 of which \$125,845 and \$293,639 was owed by Accounts in the Money Purchase Plan and the Profit Sharing Plan, respectively.

4. An independent appraisal of the Land was performed on January 8, 1986, by E.P. Holmann (Mr. Hohmann) of the Hohmann Agency, 1850 West Morton, Jacksonville, Illinois. Mr. Hohmann determined that the fair market value of the Land as of that date was \$336,000. Mr. Hohmann is a licensed realtor in Montana and has been engaged in the sale and appraisal of real estate in the Scott County area since 1956. Mr. Hohmann represents that he is independent of Dr. Engebrecht and the Employer.

5. The applicant represents that in 1981 when the Accounts acquired the Land, farm real estate was appreciating rapidly and was considered a good long term investment as a hedge against inflation. However, the applicant states that it now appears that the Accounts purchased the Land at the top of the real estate market and substantial depreciation in value of the Land has occurred since that time. Further, the applicant submits figures to document that the annual fair market rental of \$15,000, plus a share of the profits from the sale of the crops grown on the Land, has not been sufficient to service the Mortgage on the Land in any of the past five years. It is represented that the continued servicing of the Mortgage would result in a substantial annual negative cash flow from the Accounts.

6. Accordingly, Dr. Engebrecht proposes: (1) To make a special principal payment in the sum of \$137,000 to the Bank for the purpose of releasing the Accounts from the existing Mortgage liability on the Land; and (2) to assume the remaining balance on the Mortgage with the Bank. Thereafter, the Accounts will sell the Land to Dr. Engebrecht. Dr. Engebrecht represents that he will pay all fees, expenses, or commissions with respect to the sale of the Land. No part of such costs or expenses will be paid by either of the Accounts. It is represented that as a condition of the proposed exemption that the Accounts will be completely relieved of the Mortgage liability and that a release of the Mortgage will be obtained from the Bank on behalf of the Accounts. Since the Accounts own the Land, no other

participants of the Plans will be affected by the sale of the Land to Dr. Engebrecht.

7. In summary, the applicant represents that the proposed transaction meets the statutory criteria of section 408(a) of the Act because:

(a) The Accounts will not incur any expenses with respect to the sale of the Land;

(b) The Accounts will be relieved of substantial liability with respect to the Mortgage on the Land held by the Bank; and

(c) The transaction would affect only the Accounts of Dr. Engebrecht.

FOR FURTHER INFORMATION CONTACT:

Ms. Angelena Le Blanc of the Department, telephone (202) 523-8196. (This is not a toll-free number.)

BGR Architects-Engineers, Inc. Profit Sharing Plan (the Plan) Located in Lubbock, Texas

(Application No. D-6727)

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the proposed loan (the Loan) by the Plan of \$45,000 secured by a first mortgage on a certain parcel of improved real property (the Property) to BGR, Inc. (BGR), a party in interest with respect to the Plan; provided that the terms of the Loan are and remain at least as favorable to the Plan as an arm's-length transaction with an unrelated party.

Summary of Facts and Representations

1. The Plan is a defined contribution profit sharing plan which provides for individual accounts for approximately forty (40) participants. As of January 31, 1986, the Plan had assets of \$329,879. Some of the officers, directors, and shareholders of the Employer serve as trustees (the Trustees) for the Plan.

2. The sponsor of the Plan is BGR Architects-Engineers, Inc. (the Employer), a Texas corporation, located in Lubbock, Texas. The principal shareholders of the Employer own a majority of the shares in BGR which is also a Texas corporation.

3. BGR requests an exemption from the prohibited transaction provisions of the Act which would permit BGR to

borrow the sum of \$45,000 from the Plan. The Loan would represent approximately 13.6% of the assets of the Plan. The Loan will be evidenced by a real estate lien note and deed of trust for the principal sum of \$45,000 executed by BGR and payable in 120 equal monthly installments to the Plan together with interest at the rate of 12% per annum until maturity in ten (10) years. The monthly payments will be in the amount of \$645.62. Any portion of the Loan principal may be prepaid without penalty. The Loan will be secured by a first mortgage on the Property. The Property is owned by BGR and consists of a 2,050 square foot masonry office building and 11,765 square feet of land located at 2120 34th Street in Lubbock, Texas. The Property is currently leased (the Lease) for \$900 a month for one year to Rainbow Pages, Inc., an unrelated party. BGR will assign its interest in the Lease as additional security for the loan.

4. Paris D. Burnham, S.R.A. (Mr. Burnham) of Goodard and Burnham, LP, located at 7802 Indiana Avenue in Lubbock, Texas, has determined that the appraised value of the Property, as of March 4, 1986, is \$86,000. Mr. Burnham is qualified to appraise the Property, as he is currently certified by the Society of Real Estate Appraisers, is a member in the National Association of Realtors and the Texas Association of Realtors, and has twenty-five (25) years of experience in appraising residential, multi-family, commercial, and land development. Mr. Burnham states that he is independent in that he has no contemplated future interest in the Property nor any personal interest or bias with respect to the parties involved.

5. As of July 31, 1986, Marion Key, Esq. (Mr. Key) of Key and Key, a law firm located in the Republic Bank Building in Lubbock, Texas, was appointed the independent fiduciary for the Plan with respect to the Loan. Mr. Key represents that he has consulted with an attorney and fully understands and acknowledges his duties, responsibilities, and liabilities in performing as a fiduciary with respect to the Plan. Mr. Key states that he is independent in that he is not under the control, directly or indirectly, of any party to the proposed Loan, and that no more than 1% of his income comes from or is related in any way to a party to the Loan. Mr. Key asserts he is qualified to act on behalf of the Plan. Mr. Key has practiced as a real estate attorney since 1946, has served for many years on the Board of Directors and the loan committee of the Lubbock National Bank, and currently sits on the loan

committee and Board of Directors of the Southwest Lubbock National Bank.

Mr. Key has negotiated, reviewed, and approved the terms of the Loan, including but not limited to the interest rate, the collateral securing the Loan, and the duration of the Loan. He has determined that such terms are commensurate with the current fair market terms for similar loans and is at least as favorable to the Plan as an arm's-length transaction with an unrelated party. It is represented that the security for the Loan is adequate and that the loan to value ratio is more than 150%. Further, Mr. Key will monitor the monthly payments on the Loan to insure that they are made on time. Upon default, he proposes to take action to protect the interest of the Plan, including exercising the Plan's rights under the assignment of the Lease for all future rental payments and/or foreclosing on the deed of trust. Mr. Key has determined that the Plan has sufficient cash and/or other nearly liquid investments from which to make this loan and that the Loan is in keeping with the requirement that Plan investments be diversified. Further, Mr. Key represents that the rate of interest on the Loan will provide the Plan with a greater return than that currently earned by other Plan assets.

6. In summary, the applicants represent that the proposed Loan satisfies the statutory criteria of section 408(a) of the Act because: (a) Mr. Key, as independent fiduciary, has determined that the proposed Loan is commensurate with the current fair market terms for similar loans and is at least as favorable to the Plan as those negotiated at arm's-length with an unrelated party; (b) the Loan will be secured by collateral with a value determined by an independent appraisal of at least 150% of the outstanding principal balance of the Loan; (c) the Plan will receive a greater rate of return on the Loan than on other investments in its portfolio; (d) the payments on the Loan will be monitored by the independent fiduciary who will take necessary and appropriate steps to protect the Plan's interests during the duration of the Loan; and (e) the independent fiduciary has determined that the Loan is in keeping with the requirement that the Plan's investments be diversified.

FOR FURTHER INFORMATION CONTACT: Angelena C Le Blanc of the Department, telephone (202) 523-8196. (This is not a toll-free number.)

Freeman Toyota Employees' Welfare Benefit Plan and Trust (the Plan) Located in Santa Rosa, California

[Exemption Application No. L-6778]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act shall not apply to the proposed cash sale by the Plan of certain real property (the Property) to Thomas Freeman (Freeman), a party in interest with respect to the Plan; provided that such sale is on terms at least as favorable to the Plan as the Plan could obtain in an arm's-length transaction with an unrelated party.

Summary of Facts And Representations

1. The Plan is an employee welfare benefit plan within the meaning of section 3(1) of the Act with 60 participants and total assets of \$929,203.09 as of December 31, 1985. The Plan provides major medical and hospitalization benefits, death benefits, and vacation and holiday pay for the employees of Freeman Toyota, Inc. (the Employer), the sponsor of the Plan. The trustee of the Plan is the Bank of America, N.A. in Santa Rosa, California. The Employer is a closely-held California corporation engaged in automobile sales and services in Santa Rosa, California. The Employer intends to terminate the Plan in the near future and the Plan is in the process of diminishing operations prior to termination. The Employer represents that the Plan is currently in need of increased liquidity in order to facilitate the continued payment of Plan benefits.

2. Among the Plan's assets in the Property, two contiguous parcels of unimproved land located on Dowd Drive in Santa Rosa, California. Recent attempts to liquidate the Property by selling it to an unrelated party have been unsuccessful. In order to satisfy the Plan's need for increased liquidity, it is proposed that the Property be purchased from the Plan by Freeman, a Plan participant who is also the president and ninety percent shareholder of the Employer. Freeman is requesting an exemption to permit such purchase under the terms and conditions described herein. The Property, totaling 2.07 acres or 90,356 square feet, was purchased by the Plan in June of 1984 from parties unrelated to the Plan and the Employer for a cash purchase price

of \$311,831. With additional subsequent expenditures on maintenance and taxes, the Plan's total cash investment in the Property as of August 4, 1986 was \$319,055. As of May 30, 1986 the Property had a fair market value of \$330,000, according to Michael McMains (McMains), an independent professional real estate appraiser in Santa Rosa, California. McMains represents that he was aware at the time of his appraisal that the Property is adjacent to real property owned by the Employer and that the appraised valuation of \$330,000 was determined with full knowledge and consideration of this fact. The Employer represents that the Property remains vacant and has not been used by any parties since its acquisition by the Plan.

3. Freeman proposes to pay the Plan cash for the Property in the amount of no less than \$330,000, the Property's fair market value according to McMains' appraisal. McMains' appraisal will be updated as of the date of the sale and the purchase price paid by Freeman for the Property will be increased in the amount, if any, by which the Property's fair market value has increased since McMains' appraisal of May 30, 1986. Freeman will pay all transfer or other sales costs or incidental expenses in connection with the proposed transaction.

4. In summary, the applicant represents that the proposed transaction satisfies the criteria of section 408(a) of the Act for the following reasons: (1) The proposed transaction will satisfy the Plan's need for increased liquidity to enable the continued payment of Plan benefits; (2) The Plan will receive cash for the Property in the amount of the Property's fair market value according to McMains; and (3) Freeman will pay all transfer and other sales costs and incidental expenses related to the proposed transaction.

FOR FURTHER INFORMATION CONTACT: Ronald Willett of the Department, telephone (202) 523-8881 (This is not a toll-free number).

Edward H. DeHart Defined Benefit Pension Plan (the Plan) Located in Annapolis, MD

[Application No. D-6789]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 4975(c)(2) of the Code and in accordance with the procedures set forth in Rev. Proc. 75-26 (1975 C.B. 722). If the exemption is granted the sanctions resulting from the application of section 4975 of the Code,

by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to the proposed contribution in kind to the Plan of various publicly traded securities (the Securities) owned by Edward H. DeHart (Mr. DeHart), a sole proprietor and the only participant in the Plan; provided that the value of the Securities is the fair market value, as determined by listing in the *Wall Street Journal* on the date the Securities are contributed to the Plan.⁵

Summary of Facts and Representations

1. The Plan was originally established as a Money Purchase Pension Plan which became effective January 1, 1984. However, the Plan was amended as of January 1, 1986, to become a defined benefit Keogh plan. As of June 30, 1986,

the Plan had assets of approximately \$1,033,868. Mr. DeHart sponsors the Plan and also functions as the trustee of the Plan. Mr. DeHart engages in a consultant business on issues of public policy and public affairs.

2. It is represented that the required 1986 contribution to the Plan is estimated to be \$165,000. Mr. DeHart seeks an exemption from the prohibited transaction provisions of section 4975 of the Code to permit him to contribute the Securities which are traded on major national exchanges to partially satisfy the 1986 funding requirements of the Plan. The remaining contribution will be made in cash. The name of the Securities, the number of shares proposed to be sold, and the exchange upon which the Securities are traded are as follows:

No. of shares	Security	Exchange
5,000	Growth Stock Outlook Trust	NY
100	American Greetings CLA	NASDAQ
200	Clear Channel Communications	NASDAQ
200	Longs Drug Stores Corp.	NY
400	L. Luria & Son, Inc.	AMER
300	Optical Coating Laboratory, Inc.	NASDAQ
200	Alex. Brown	NASDAQ
2,000	Saratoga Standard Breeds, Inc.	OTC
200	Utah Power & Light	NY
327	Nevada Power Co	NY

It is represented that the value of the Securities will be between \$100,000 and \$120,000 and, following contribution, will constitute approximately 10% to 11% of the assets of the Plan.

The fair market value of the Securities will be readily determined by the closing prices of the Securities on the date of the transfer as listed in the *Wall Street Journal*. In the case of any of the Securities where the price is listed as bid/ask, it is represented that the bid price will be used.

3. Mr. DeHart represents that the Securities are all held in street name in his personal stock brokerage account. After receipt of written instructions from Mr. Dehart, the transfer of such Securities from his brokerage account into the Plan's account will be accomplished by a journal entry. It is represented that the proposed transaction is administratively feasible because standard Securities and Exchange Commission procedures would be involved in the transfer of ownership of the Securities without an actual sale. In addition it would be in the best interests of the Plan to avoid the economic loss associated with having to pay stockbroker's

commissions if the Plan were to purchase the same Securities on the market.

4. Mr. DeHart states that since he is the only participant in the Plan, no other participants are at risk in the proposed transaction. Further, should he ever hire employees who would be eligible to participate in the Plan, Mr. DeHart has agreed to establish a separate plan so that these employees will never be subject to any risk from the securities which he proposes to contribute to the Plan.

5. In summary, Mr. DeHart represents that the contribution of the Securities to the Plan meets the criteria for an exemption provided by section 4975(c)(2) of the Code because: (a) The contribution of the Securities is a one-time transaction; (b) the Securities are actively traded on major national stock exchanges so that the fair market value of the Securities will be readily determined from listings in the *Wall Street Journal* on the date of transfer; (c) the Securities will represent a small percentage of the assets of the Plan; (d) the Plan will pay no commissions or fees which would typically arise in connection with a securities acquisition

transaction; (e) Mr. DeHart is the only participant who will be affected by the transaction; and (f) Mr. DeHart has agreed to establish a separate plan should he ever hire employees who would be eligible to participate in the Plan.

Notice to Interested Persons

Because Mr. DeHart is the applicant, as well as the only participant in the Plan, it has been determined that there is no need to distribute the notice of pendency to interested persons. Comments and requests for a hearing must be received by the Department within 30 days of the date of publication of this notice of proposed exemption.

FOR FURTHER INFORMATION CONTACT: Angelena C. Le Blanc of the Department, telephone (202) 523-8196. (This is not a toll-free number.)

Employee Group Life Plan of GLENFED, Inc. and Its Subsidiaries (the Plan)
Located in Glendale, California

(Application No. D-8641)

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406 (a) and (b) of the Act shall not apply to the reinsurance of risks and the receipt of premiums therefrom by GLENFED Life Insurance Company from the insurance contracts sold by Metropolitan Life Insurance Company (Metropolitan) to provide life insurance benefits to participants of the Plan, provided the following conditions are met:

(a) GLENFED Life Insurance Company—

(1) Is a party in interest with respect to the Plan by reason of a stock or partnership affiliation with GLENFED, Inc. (the Corporation) that is described in section 3(14) (E) or (G) of the Act,

(2) Is licensed to sell insurance or conduct reinsurance operations in at least one of the United States or in the District of Columbia,

(3) Has obtained a Certificate of Authority from the Department of Insurance of its domiciliary state, Arizona, which has neither been revoked nor suspended, and

(4)(A) Has undergone an examination by an independent certified public accountant for its last completed taxable year immediately prior to the taxable year of the reinsurance transaction; or

⁵ Because Mr. DeHart is a sole proprietor and the only participant in the Plan, there is no jurisdiction under Title I of the Employee Retirement Income

Security Act (the Act) pursuant to 29 CFR 2510.3-3(b). However, there is jurisdiction under Title II of the Act pursuant to section 4975 of the Code.

(B) Has undergone a financial examination (within the meaning of the law of its domiciliary State, Arizona) by the Superintendent of Insurance for the State of Arizona within 5 years prior to the end of the year preceding the year in which the reinsurance transaction occurred.

(b) The Plan pays no more than adequate consideration for the insurance contracts;

(c) No commissions are paid with respect to the direct sale of such contracts, or the reinsurance thereof; and

(d) For each taxable year of GLENFED Life Insurance Company, the gross premiums and annuity considerations received in that taxable year by GLENFED Life Insurance Company for life and health insurance or annuity contracts for all employee benefit plans (and their employers) with respect to which GLENFED Life Insurance Company is a party in interest by reason of a relationship to such employer described in section 3(14)(E) or (G) of the Act does not exceed 50 percent of the gross premiums and annuity considerations received for all lines of insurance (whether direct insurance or reinsurance) in that taxable year by GLENFED Life Insurance Company. For purposes of this condition (d):

(1) the term "gross premiums and annuity considerations received" means as to the numerator the total of premiums and annuity considerations received, both for the the subject reinsurance transactions as well as for any direct sale or other reinsurance of life insurance, health insurance or annuity contracts to such plans (and their employers) by GLENFED Life Insurance Company. This total is to be reduced (in both the numerator and denominator of the fraction) by experience refunds paid or credited in that taxable year by GLENFED Life Insurance Company.

(2) all premium and annuity considerations written by GLENFED Life Insurance Company for plans which it alone maintains are to be excluded from both the numerator and denominator of the fraction.

Preamble

On August 7, 1979, the Department published a class exemption [Prohibited Transaction Exemption 79-41 (PTE 79-41) 44FR 46365] which permits insurance companies that have substantial stock or partnership affiliations with employee benefit plans to make direct sales of life insurance, health insurance or annuity contracts which fund such plans if certain conditions are satisfied.

In PTE 79-41, the Department stated its views that if a plan purchases an insurance contract from a company that is unrelated to the employer pursuant to an arrangement or understanding, written or oral, under which it is expected that the unrelated company will subsequently reinsure all or part of the risk related to such insurance with an insurance company which is a party in interest with respect to the plan, the purchase of the insurance contract would be a prohibited transaction.

The Department further stated that as of the date of publication of PTE 79-41, it had received several applications for exemption under which a plan or its employer would contract with an unrelated company for insurance, and the unrelated company would, pursuant to an arrangement or understanding, reinsure part or all of the risk with (and cede part or all of the premiums to) an insurance company affiliated with the employer maintaining the plan. The Department felt that it would not be appropriate to cover the various types of reinsurance transactions for which it had received applications within the scope of the class exemption, but would instead consider such applications on the merits of each individual case.

Summary of Facts and Representations

1. The Corporation is a holding company incorporated under the laws of the State of Delaware. Its principal subsidiary is Glendale Federal, a California corporation. The Plan is a group life plan maintained by the Corporation. The Plan provides life insurance to active and certain retired employees of the Corporation and its affiliates. The Plan has approximately 3,300 participants.

2. GLENFED Life Insurance Company is a corporation organized under the laws of the State of Arizona with its principal offices in Phoenix, Arizona. It is wholly-owned by the Corporation. GLENFED Life Insurance Company is engaged in the reinsurance business. The applicant represents that GLENFED Life Insurance Company's reinsurance business comes from insurance companies unrelated to the Corporation including Metropolitan Life Insurance Company. The total assets of GLENFED Life Insurance Company as of September 24, 1986 are \$2,462,265.

3. The Plan's insurance is currently underwritten by Metropolitan. The benefits under the plan are provided unconditionally by Metropolitan, and the Plan is not a party to the reinsurance transactions. The applicant has requested an exemption to permit GLENFED Life Insurance Company to reinsure the risk from the group life

insurance contracts sold by Metropolitan to the Corporation to provide benefits under the Plan. Under the proposed arrangement, Metropolitan would retain 50% of the risk up to a maximum of \$100,000 per life, and reinsure 50% of the risk with GLENFED Life Insurance Company. No premium increase with respect to insurance provided under the Plan will occur as a result of the reinsurance agreement between GLENFED Life Insurance Company and Metropolitan.

4. The applicant represents that the subject reinsurance transaction will meet all of the conditions of PTE 79-41 covering direct insurance transactions:

a. GLENFED Life Insurance Company is a party in interest as described in Act section 3(14)(G) by reason of stock affiliation with the employer maintaining the plan.

b. GLENFED Life Insurance Company is a domiciled reinsurer in the State of Arizona.

c. GLENFED Life Insurance Company is audited by the Superintendent of Insurance of the State of Arizona and is presently in good standing. GLENFED Life Insurance Company has received a Certificate of Authority from the Department of Insurance of the State of Arizona which has never been revoked or suspended.

d. GLENFED Life Insurance Company was audited by the independent certified public accounting firm of Peat, Marwick, Mitchell & Co. as of December 5, 1984.

e. GLENFED Life Insurance Company underwent a financial examination by the Arizona Department of Insurance as of October 23, 1985.

f. The subject reinsurance transactions do not in any way affect the cost to the Plan of the group life insurance contracts, and the Plan will pay no more than adequate consideration for the insurance.

g. No commissions are paid with respect to the direct sale of the group life insurance contracts, or with respect to the reinsurance agreement between Metropolitan and GLENFED Life Insurance Company.

h. The gross premiums from reinsurance received in any one calendar year by GLENFED Life Insurance Company for group life and health contracts for plans (and their employers) with respect to which GLENFED Life Insurance Company is a party in interest will not exceed 50% of the gross premiums and annuity considerations received by GLENFED Life Insurance Company for all lines of insurance in the same calendar year.

5. In summary, the applicant represents that the subject transactions meet the statutory criteria of section 408(a) of the Act because: (1) Plan participants and beneficiaries are afforded insurance protection by Metropolitan, one of the largest and most experienced group insurers in the United States, at competitive rates arrived at through arm's-length negotiations; (2) GLENFED Life Insurance Company is a sound, viable reinsurance company whose reinsurance business results from the purchase of insurance by individuals who are unrelated to GLENFED Life Insurance Company and its affiliated group of companies; and (3) Each of the protections provided to the Plan and its participants and beneficiaries by PTE 79-41 will be met under the subject reinsurance transactions.

FOR FURTHER INFORMATION CONTACT:

Gary H. Lefkowitz of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section 408(a) of the Act and/or section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(3) The proposed exemptions, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules.

Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(4) The proposed exemptions, if granted, will be subject to the express condition that the material facts and representations contained in each application are true and complete, and that each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, DC, this 28th day of October, 1986.

Elliot I. Daniel,

Assistant Administrator for Regulations and Interpretations, Pension and Welfare Benefits Administration, U.S. Department of Labor.

[FR Doc. 86-24735 Filed 10-30-86; 8:45 am]

BILLING CODE 4510-29-M

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

Design Arts Advisory Panel; Meeting

Pursuant to section 10(A)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Design Arts Advisory Panel (Grants to Individuals Section) to the National Council on the Arts will be held on November 19, 1986, from 9:00 a.m.-6:00 p.m.; on November 20, 1986, from 9:00 a.m.-5:30 p.m.; in room M-09 of the Nancy Hanks Center, 1100 Pennsylvania Avenue NW., Washington, DC 20506.

A portion of this meeting will be open to the public on November 20, from 5:00 a.m.-5:30 p.m. to review guidelines and discuss policy issues.

The remaining sessions of this meeting on November 19, 1986 from 9:00 a.m.-6:00 p.m.; and on November 20 from 9:00 am-5:00 pm are for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the *Federal Register* of February 13, 1980, these sessions will be closed to the public pursuant to subsection (c)(4), (6) and 9(b) of section 552b of Title 5, United States Code.

If you need special accommodations due to a disability, please contact the Office for Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue NW., Washington DC 20506, 202/682-5532, TTY 202/682-

5496 at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call 202/682-5433.

Dated: October 27, 1986.

John H. Clark,

*Director, Council and Panel Operations
National Endowment for the Arts.*

[FR Doc. 86-24653 Filed 10-30-86; 8:45 am]

BILLING CODE 7537-01-M

Museum Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Museum Advisory Panel (Conservation and Collection Maintenance Section) to the National Council on the Arts will be held on November 19-21, 1986 from 9:00 am-5:30 pm in room 714 of the Nancy Hanks Center, 1100 Pennsylvania Avenue NW., Washington, DC 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the Agency by grant applicants. In accordance with the determination of the Chairman published in the *Federal Register* of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682-5433.

Dated: October 27, 1986.

John H. Clark,

*Director, Council and Panel Operations,
National Endowment for the Arts.*

[FR Doc. 86-24655 Filed 10-30-86; 8:45 am]

BILLING CODE 7537-01-M

Music Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Music Advisory Panel (Chamber/New Music Ensembles Section) to the National Council on the Arts will be held on

November 18, 1986, from 9:30 a.m.-6:00 p.m.; on November 19-21 1986, from 9:00 a.m.-6:00 p.m.; in room 315 of the Nancy Hanks Center, 1100 Pennsylvania Avenue NW., Washington, DC 20506.

A portion of this meeting will be open to the public on November 21, from 1:30 a.m.-3:30 p.m. to review guidelines and discuss policy issues.

The remaining sessions of this meeting on November 18, from 9:30 a.m.-6:00 p.m.; on November 19-20 from 9:00 a.m.-6:00 p.m.; and November 21 from 9:00-1:30 a.m. and 3:30-6:00 p.m. are for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the *Federal Register* of February 13, 1980, these sessions will be closed to the public pursuant to subsection (c)(4), (6) and (9)(b) of section 522 of Title 5, United States Code.

If you need special accommodations due to a disability, please contact the Office for Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682-5532, TTY 202/682-5496 at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call 202/682-5433.

Dated: October 27, 1986.

John H. Clark,

*Director, Council and Panel Operations
National Endowment for the Arts.*

[FR Doc. 86-24651 Filed 10-30-86; 8:45 am]

BILLING CODE 7537-01-M

Music Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Music Advisory Panel (Opera-Musical Theater New American Works Section) to the National Council on the Arts will be held on November 18-21, 1986 from 9:00am-6:00pm in room M-07 of the Nancy Hanks Center, 110 Pennsylvania Avenue, NW., Washington, DC 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended,

including discussion of information given in confidence to the Agency by grant applicants. In accordance with the determination of the Chairman published in the *Federal Register* of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682-5433.

Dated: October 27, 1986.

John H. Clark,

*Director, Council and Panel Operations
National Endowment for the Arts.*

[FR Doc. 86-24652 Filed 10-30-86; 8:45 am]

BILLING CODE 7537-01-M

Visual Arts Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463) as amended, notice is hereby given that a meeting of the Visual Arts Advisory Panel (Visual Artists Organizations Section) to the National Council on the Arts will be held on November 17-20, 1986 from 9:00 am-6:00 pm and November 21, 1986 from 9:00 am-5:00 pm in room 730 of the Nancy Hanks Center, 1100 Pennsylvania Avenue NW., Washington, DC 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the Agency by grant applicants. In accordance with the determination of the Chairman published in the *Federal Register* of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682-5423.

Dated: October 27, 1986.

John H. Clark,

*Director, Council and Panel Operations,
National Endowment for the Arts.*

[FR Doc. 86-24654 Filed 10-30-86; 8:45 am]

BILLING CODE 7537-01-M

NATIONAL SCIENCE FOUNDATION

Advisory Committee, Electrical, Communications, and Systems Engineering; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Electrical, Communications, and Systems Engineering.
Date: November 13 & 14, 1986.
Time: 11/13 10:00 am to 5:30 pm; 11/14 9:00 am to 12:30 pm.

Place: Call contact person for location.

Type of Meeting: Open.

Contact Person: Dr. Frank L. Huband, Division Director, Division of Electrical, Communications and Systems Engineering, Room 1151, National Science Foundation, Washington, DC Telephone: 202-357-9618.

Purpose of Committee: To discuss research trends and opportunities and to advise on priorities in resource management.

Agenda:

- Presentations by individual ECSE Program Directors
- Management of resources
- Issues and priorities
- Trends and opportunities in electrical engineering research
- Relation to other NSF activities and new initiatives.

M. Rebecca Winkler,

Committee Management Officer.

October 23, 1986.

[FR Doc. 86-24611 Filed 10-30-86; 8:45 am]

BILLING CODE 7555-01-M

Permit Applications Received Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permit applications received under the Antarctic Conservation Act of 1978, Pub. L. 95-541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act of 1978 at Title 670 of the Code of Federal Regulations. This is the required notice of permit applications received.

DATES: Interested parties are invited to submit written data, comments, or views with respect to this permit application by December 1, 1986. Permit applications may be inspected by interested parties at the Permit Office, address below.

ADDRESS: Comments should be addressed to Permit Office, Room 627, Division of Polar Programs, National

Science Foundation, Washington, DC 20550.

FOR FURTHER INFORMATION CONTACT: Charles E. Myers at the above address or (202) 357-7934.

SUPPLEMENTARY INFORMATION: The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Pub. L. 95-541), has developed regulations that implement the "Agreed Measures for the Conservation of Antarctic Fauna and Flora" for all United States citizens. The Agreed Measures, developed in 1964 by the Antarctic Treaty Consultative Parties, recommended establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas as requiring special protection. The regulations establish such a permit system to designate Specially Protected Areas and Sites of Special Scientific Interest. Additional information was published in the *Federal Register* on July 17, 1986.

The applications received are as follows:

1. *Applicant:* Donald B. Wiggin, Resident Manager, Palmer Station, Antarctica, c/o ITT/Antarctic Services, Inc., 621 Industrial Avenue, Paramus, New Jersey 07652.

Activity for Which Permit Requested

Enter Special Protected Area. The applicant proposes to enter Litchfield Island, Specially Protected Area, to inspect a boating operations survival cache. Inspection is conducted twice annually during December and March. The applicant will also check notification signs that indicate Litchfield Island is a Specially Protected Area and continue a clean-up program on the island.

Location

Litchfield Island, Antarctica.

Dates

December 1986–December 1988.

2. *Applicant:* CDR R. M. Harler, USN, Detachment Christchurch, U.S. Naval Support Force Antarctica, FPO San Francisco, CA 96690-2900.

Activity for Which Permit Requested

Introduce non-indigenous species to Antarctica. The applicant proposes to use one canine in Antarctica in support of the U.S. Navy drug interdiction program. Each deployment would be for a 2-3 day period.

Location

McMurdo Station, Antarctica.

Dates

November 1986–December 1989.

Authority to publish this notice has been delegated by the Director of the National Science Foundation.

Peter E. Wilkniss,

Director, Division of Polar Programs

[FR Doc. 86-24617 Filed 10-30-86; 8:45 am]

BILLING CODE 7555-01-M

Earth Sciences Review Panel; Meeting

The National Science Foundation announces the following meeting:

Name: Earth Sciences Proposal Review Panel.

Date and Time: November 19, 20 and 21, 1986; 8:30 a.m. to 5:00 p.m. each day.

Place: The National Science Foundation, Room 1242, 1800 G Street, NW., Washington, DC 20550.

Type of Meeting: Closed.

Contact Person: Dr. James Fred Hays, Division Director, Earth Sciences, Room 602, National Science Foundation, Washington, DC 20550; Telephone: (202) 357-7958.

Summary Minutes: May be obtained from the Contact Person at the above address.

Purpose of Committee: To provide advice and recommendations concerning support for research in Earth Sciences.

Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of proprietary or confidential nature, including technical information, financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

M. Rebecca Winkler,

Committee Management Officer.

October 28, 1986.

[FR Doc. 86-24703 Filed 10-30-86; 8:45 am]

BILLING CODE 7555-01-M

Advisory Committee for Engineering; Meeting

The National Science Foundation announces the following meeting:

Name: Advisory Committee for Engineering.

Date and Time: November 18 and 19, 1986. 1:00 p.m.–5:00 p.m., November 18, 1986. 8:30 a.m.–3:00 p.m., November 19, 1986.

Place: National Science Foundation 1800 G Street, NW., Room 540 Washington, DC. 20550

Type of Meeting: Open.

Contact Person: Mrs. Mary Poats, Executive Secretary Advisory Committee for Engineering Room 537 National Science Foundation Washington, DC. 20550

Telephone: (202) 357-9571.

Minutes: Mrs. Mary Poats at the above address.

Purpose of Meeting: To provide advice, recommendations, and counsel in major goals and policies pertaining to Engineering programs and activities.

Agenda: Discussion on issues, opportunities and future directions for the Engineering Directorate; discussion of Engineering Directorate budget situation as well as other items.

M. Rebecca Winkler,

Committee Management Officer.

October 28, 1986.

[FR Doc. 86-24704 Filed 10-30-86; 8:45 am]

BILLING CODE 7555-01-M

Advisory Panel on Decision and Management Science; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Advisory Panel on Decision and Management Science.

Date/Time: November 20-21, 1986, 8:30 a.m. to 5:00 p.m.

Place: 1 Washington Circle Hotel, Washington Circle, NW., Washington, DC.

Contact Person: Drs. Arie Y. Lewin (202) 357-7569 or Vincent T. Covello (202) 357-7417, Program Directors, Division of Social and Economic Science, National Science Foundation, Room 335.

Purpose of Advisory Panel: To provide advice and recommendations concerning research in Decision and Management Science.

Agenda: Closed: to review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority To Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determination by the Director, NSF on July 6, 1979.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 86-24705 Filed 10-30-86; 8:45 am]

BILLING CODE 7555-01-M

Advisory Panel for Molecular and Cellular Neurobiology; Meeting

The National Science Foundation announces the following meeting:

Name: Advisory Panel for Molecular and Cellular Neurobiology.

Date and Time: November 17, 18 and 19, 1986; 9:00 a.m.-5:00 p.m. each day.
 Place: National Science Foundation, 1800 G Street, NW., Rooms 1242 on November 17 and 18, and Room 543 on November 19, Washington, DC 20550.

Type of Meeting: Closed.
 Contact Person: Dr. Stephen J. Morris, Program Director, Molecular and Cellular Neurobiology Program, Room 320, National Science Foundation, Washington, DC 20550. Telephone (202) 357-7471.

Minutes: May be obtained from contact person listed above.

Purpose of Meeting: To provide advice and recommendations concerning support for research projects in Molecular and Cellular Neurobiology.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions 4 and 8 of the Government in the Sunshine Act.

M. Rebecca Winkler,
 Committee Management Officer.

October 28, 1986.

[FR Doc. 86-24706 Filed 10-30-86; 8:45 am]

BILLING CODE 7555-01-M

Advisory Committee for Science and Engineering Education; Meeting

The National Science Foundation announces the following meeting:

Name: Advisory Committee for Science and Engineering Education (ACSEE).

Date and Time: Monday, November 17, 1986, 9:00 a.m.-5:00 p.m.

Place: Room 540, National Science Foundation 1800 G Street NW., Washington, DC.

Type of Meeting: Open.

Contact Person: Dr. A. Truman Schwartz, Executive Secretary, Directorate for Science and Engineering Education, Room 516 National Science Foundation, Washington, DC 20550, (202) 357-7073.

Summary Minutes: May be obtained from contact person listed above.

Purpose of Committee: To provide advice and recommendations concerning NSF support for science and engineering education.

Agenda: November 17, 1986.

General Review of 1986 Programs and Initiatives, Current Programs and Initiatives, Strategic Plans for Fiscal Year 1988 and beyond.

M. Rebecca Winkler,
 Committee Management Officer.

October 28, 1986.

[FR Doc. 86-24707 Filed 10-30-86; 8:45 am]

BILLING CODE 7555-01-M

Panel for Economics, Advisory Panel for Social and Economic Science; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Social and Economic Science.

Date/Time: November 14-15, 1986, 9:00 a.m. to 5:00 p.m.

Place: 1 Washington Circle Hotel, 1 Washington Circle NW., Washington, DC.

Contact Person: Drs. Daniel H. Newlon and Lynn P. Pollnow, Program Directors, Division of Social and Economic Science, Room 312, National Science Foundation, Washington, DC 20550. Telephone (202) 357-9874.

Purpose of Advisory Panel: To provide advice and recommendations concerning economic research.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (8) of 5 U.S.C. 522(b)(3), Government in the Sunshine Act.

Authority to Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determination by the Director, NSF on July 6, 1979.

Mr. Rebecca Winkler,

Committee Management Officer.

October 28, 1986.

[FR Doc. 86-24708 Filed 10-30-86; 8:45 am]

BILLING CODE 7555-01-M

Advisory Panel on Sociology; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Sociology.

Date/Time: November 17-18, 1986, Monday—9:00 a.m. to 5:00 p.m., Tuesday—9:00 a.m. to 4:00 p.m.

Place: National Science Foundation, 1800 G Street, NW., Washington, DC 20550, Room 523.

Contact Person: Dr. John S. Hammon, Program Director for Sociology or Stanley Presser, Associate Program Director for Sociology, Room 523, National Science Foundation, Washington, DC 20550. Telephone (202) 357-7073.

Purpose of Advisory Panel: To provide advice and recommendations concerning support for research in the Sociology Program.

Agenda: Closed: to review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (8) of 5 U.S.C. 522(b)(3), Government in the Sunshine Act.

Authority To Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determination by the Director, NSF on July 6, 1979.

M. Rebecca Winkler,
 Committee Management Officer.

October 28, 1986.

[FR Doc. 86-24709 Filed 10-30-86; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards Extreme External Phenomena

The ACRS Subcommittee on Extreme External Phenomena will hold a meeting on November 20, 1986, Room 1046, 1717 H Street NW., Washington, DC.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows: *Thursday, November 20, 1986—9:00 a.m. Until the Conclusion of Business.*

The Subcommittee will continue its review of the Diablo Canyon long-term seismic program and the NRC Staff's Seismic Safety Program.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as practicable so that appropriate arrangements can be made.

During the open portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, its consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant ACRS staff member, Dr. Richard Savio (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., which may have occurred.

Dated: October 28, 1986.

Morton W. Libarkin,

Assistant Executive Director for Project Review.

[FR Doc. 86-24727 Filed 10-30-86; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards Meeting of the Subcommittee Waste Management; Postponed

The Federal Register published Friday, October 10, 1986 (51 FR 36501), Tuesday, October 21, 1986 (51 FR 37357) and Tuesday, October 28, 1986 (51 FR 39441) contained notices of a meeting of the ACRS Subcommittee on Waste Management scheduled for October 30 and 31, 1986. The meeting was cancelled Monday, October 27, 1986 at 4:00 p.m. The meeting has been rescheduled for December 4 and 5, 1986.

Dated: October 28, 1986.

Morton W. Libarkin,

Assistant Executive Director for Project Review.

[FR Doc. 86-24728 Filed 10-30-86; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 40-352-OL & 50-353-OL]

Philadelphia Electric Co., Limerick Generating Station, Units 1 and 2; Reconstitution of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority conferred by 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board for this operating license proceeding. As reconstituted, the Appeal Board for this operating license proceeding will consist of the following members: Christine N.

Kohl, Chairman, Gary J. Edles, Howard A. Wilber.

Dated: October 24, 1986.

C. Jean Shoemaker,

Secretary to the Appeal Board.

[FR Doc. 86-24726 Filed 10-30-86; 8:45 am]

BILLING CODE 7590-01-M

Sequoyah Fuels Corp., Sequoyah UF, to UF, Facility

[Docket No. 40-8027-MLA, ASLBP No. 85-513-03-ML]

October 27, 1986.

Before John H. Frye, III, Administrative Judge.

Please take notice that a prehearing conference in this proceeding will take place on Thursday, November 20, 1986, at City Hall Civic Center, 111 North Elm Street, Sallisaw, Oklahoma. The conference will begin at 9 a.m. and conclude at 5 p.m. If necessary, the conference will continue on Friday, November 21, 1986.

John H. Frye, III,

Administrative Judge.

Bethesda, Maryland.

[FR Doc. 86-24725 Filed 10-30-86; 8:45 am]

BILLING CODE 7590-01-M

Documents Containing Reporting or Recordkeeping Requirements; Office of Management and Budget Review

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of the Office of Management and Budget review of information collection.

SUMMARY: The Nuclear Regulatory Commission has recently submitted to the Office of Management and Budget (OMB) for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

1. Type of submission, new, revision, or extension: Extension.
2. The title of the information collection; NRC Form 483 Registration Certificate—In Vitro Testing With Byproduct Material Under General License.
3. The form number if applicable: NRC Form 483.
4. How often the collection is required: Once, when registering as a general licensee pursuant to 10 CFR Section 31.11.
5. Who will be required or asked to report: Physicians, clinical laboratories, hospitals, and veterinarians in the practice of veterinary medicine wishing to use byproduct material of *in vitro*

clinical or laboratory testing under the general license in 10 CFR Section 31.11.

6. An estimate of the number of responses: 250.

7. An estimate of the total number of hours needed to complete the requirement or request: 30.

8. An indication of whether Section 3504(h), Pub. L. 96-511 applies: Not applicable.

9. Abstract: Persons wishing to sue byproduct material for *in vitro* clinical or laboratory testing under general license must register with NRC by submitting NRC Form 483. The certificate, when validated and returned by NRC, serves as evidence to suppliers of byproduct material that the registrant is entitled to receive the byproduct material.

Copies of the submittal may be inspected or obtained for a fee from the NRC Public Document Room, 1717 H Street, NW., Washington, DC 20555.

Comments and questions should be directed to the OMB reviewer, Jefferson B. Hill, (202) 395-7340.

The NRC Clearance Officer is R. Stephen Scott, (301) 492-8585.

Dated at Bethesda, Maryland, this 24th day of October, 1986.

For the Nuclear Regulatory Commission.

Patricia G. Norry,

Director, Office of Administration.

[FR Doc. 86-24731 Filed 10-30-86; 8:45 am]

BILLING CODE 7590-0-M

[Docket No. 50-255]

Consumers Power Co.; Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-20, issued to Consumers Power Company (the Licensee), for operation of the Palisades Plant located in Covert Township in Van Buren County, Michigan.

The amendment proposed by the licensee would allow deletion of the operability requirement in the Plant Technical Specifications for containment air cooler V 4A. This containment air cooler was not taken credit for in any of the accident analyses previously performed which provide the licensing basis for the Palisades Plant. The purpose of deleting its operability requirement is to allow the service water that feeds this cooler to be

automatically isolated in the event of an accident, diverting that service water flow to cool other safety related equipment that is required to be operable and which was relied upon in the accident analyses.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The proposed amendment does not increase the probability or consequences of an accident previously evaluated because the cooling capability of this component was not used for mitigation of any accident previously evaluated. It does not create the possibility of a new or different kind of accident because other service water loads to non-critical equipment, some of higher capacity, are similarly, automatically isolated during an accident and the effects of malfunction of that isolation were evaluated and found acceptable under the single-failure criterion of the regulations. Finally, it does not involve a reduction in a margin of safety because its operability was not needed and, in fact, it may increase the margin of safety by diverting more cooling flow to those components which are relied upon in the accident analyses. Additional flow to such components is required before plant startup.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing. Comments should be addressed to the Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

By December 1, 1986, the licensee may file a request for a hearing with respect to issuance of the amendment to the

subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioners' interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Ashok C. Thadani: petitioner's name and telephone

number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel-Bethesda, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Judd L. Bacon, Esq., Consumers Power Company, 212 West Michigan Avenue, Jackson, Michigan 49201, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board, that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated October 20, 1986, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the Van Zoeren Library, Hope College, Holland, Michigan.

Dated at Bethesda, Maryland, this 27th day of October 1986.

For the Nuclear Regulatory Commission:
Ashok C. Thadani,

*Director, PWR Project Directorate #8,
Division of PWR Licensing-B.*

[FR Doc. 86-24732 Filed 10-30-86; 8:45 am]

BILLING CODE 7590-01-M

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

ACTION: Notice of reporting requirements submitted for review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission.

DATE: Comments should be submitted within 21 days of this publication in the **Federal Register**. If you intend to comment but cannot prepare comments promptly, please advise the OMB Reviewer and the Agency Clearance Officer before the deadline.

Copies: Copies of forms, request for clearance (S.F. 83s), supporting statements, instructions, and other documents submitted to OMB for review may be obtained from the Agency

Clearance Officer. Submit comments to the Agency Clearance Officer and the OMB Reviewer.

FOR FURTHER INFORMATION CONTACT:

Agency Clearance Officer: Elizabeth M. Zaic, Small Business Administration, 1441 L Street NW., Room 200 Washington, DC 20416, Telephone: (202) 653-6623.

OMB Reviewer: Patricia Aronsson, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503, Telephone: (202) 395-7231.

Title: Procurement Automated Source System—Company Profile and Validation of Pass Registration

Form Nos. SBA 1167, 1395

Frequency: On occasion, semi-annually

Description of Respondents: The Small Business Act, as amended, requires SBA to make a complete inventory of all productive facilities of small business concerns and to coordinate the most effective utilization of their productive capacity.

Annual Responses: 100,000

Annual Burden Hours: 33,333

Type of Request: Revision.

Title: SBIR Mailing List and Confirmation Request

Frequency: On occasion

Description of Respondents: Public Law 97-219, requires SBA to develop and maintain a source file to assure each qualified and interested small business concern the opportunity to participate in Federal SBIR Program.

Annual Responses: 60,000

Annual Burden Hours: 1,000

Type of Request: Extension

Title: Prime Contract Program Quarterly Report

Form No. SBA 843

Frequency: Quarterly

Description of Respondents: SBA's Procurement Center Representatives collect information from Federal agencies.

Annual Response: 1,000

Annual Burden Hours: 1,500

Type of Request: Reinstatement.

Elizabeth M. Zaic,

Deputy Director, Office of Administrative Services, Small Business Administration.

[FR Doc. 86-24673 Filed 10-30-86; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

PENSION BENEFIT GUARANTY CORPORATION

Proposed Revision of Annual Information Return/Reports

AGENCIES: Department of the Treasury, Department of Labor, Pension Benefit Guaranty Corporation.

ACTION: Notice of reopening of comment period.

SUMMARY: This document reopens the period for filing comments on the proposed revision of annual return/report forms (Form 5500 Series) under the Employee Retirement Income Security Act of 1974 (ERISA) and related provisions of the Internal Revenue Code (the Code). This action will provide interested persons an additional opportunity to present their views.

DATE: The comment period is reopened through November 26, 1986.

ADDRESSES: Written comments on the revised forms (preferably six copies) should be submitted to: Office of Regulations and Interpretations, Room N-5646, Pension and Welfare Benefits Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210, Attention: Proposed Forms Revisions.

Comments may also be directed to the OMB reviewer, Robert Neal, telephone (202) 395-6880, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3208, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Paul R. Antsen or George M. Holmes, Jr., Pension and Welfare Benefits Administration, U.S. Department of Labor, (202) 523-8515.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of September 19, 1986 (51 FR 33500), the Internal Revenue Service, the Department of Labor, and the Pension Benefit Guaranty Corporation (the Agencies) issued a notice of proposed revision of annual return/report forms (Form 5500 Series) under ERISA and the Code. In that notice, the Agencies invited all interested persons to submit written comments concerning the proposed revisions on or before October 20, 1986. A public hearing on the proposed revised forms was held on October 22, 1986.

Commentators have noted that additional time to prepare comments would be useful, and in view of the importance of, and the wide-spread interest in, the proposed revisions, this action is being taken to provide interested persons an additional opportunity to present their views to the Agencies. Accordingly, this notice reopens the comment period during which comments on the proposed revisions will be received through November 26, 1986.

Notice of Reopening of Comment Period

Notice is hereby given that the period of time for the submission of public comments on the proposed revision of annual return/report forms (Form 5500 Series) filed by administrators of employee pension and welfare benefit plans under the Employee Retirement Income Security Act of 1974 (ERISA) and the Internal Revenue Code of 1954, as amended (the Code) (proposed at 51 FR 33500, September 19, 1986), is hereby reopened through November 26, 1986. All interested persons are invited to submit written comments concerning the forms revisions proposed at 51 FR 33500 (September 19, 1986) on or before November 26, 1986. These comments (preferably six copies) should be submitted to the address set forth above.

Signed at Washington, DC, the 28th day of October 1986.

Dennis M. Kass,

Assistant Secretary, Pension and Welfare Benefits Administration, U.S. Department of Labor.

Robert I. Brauer,

Assistant Commissioner, Employee Plans and Exempt Organizations, Internal Revenue Service.

Kathleen P. Utgoff

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 86-24733 Filed 10-30-86; 8:45 am]

BILLING CODE 4830-01; 4510-29; 7708-01-M

UNITED STATES INFORMATION AGENCY

Bureau of Educational and Cultural Affairs; Grant Program—Summer Institute in American Studies

Contingent upon the availability of funds, the United States Information Agency (USIA) plans to sponsor one (or more) six-week graduate-level Summer Multinational Institute(s) in American Studies for thirty to thirty-five secondary school educators in the fields of English, history, and social studies. Participants will come from countries in Europe, and selected countries in Asia, Africa, Latin America and the Middle East. USIA has invited proposals from selected institutions that have a recognized graduate program and an acknowledged reputation in American Studies as well as special expertise in handling cross-cultural programs. Proposed dates of the Institute are July 5–August 16, 1987.

Other interested academic institutions can request information from: Bureau of Educational and Cultural Affairs, (ATTN: Division for the Study of the U.S., Office of Academic Programs), United States Information Agency, 301 4th St. SW., Washington, DC 20547, or call (202) 485-2553.

Proposal deadline is December 20, 1986.

Dated: October 28, 1986.

Barry Ballow,

Chief, Division for the Study of the U.S.

[FR Doc. 86-24702 Filed 10-30-86; 8:45 am]

BILLING CODE 8320-01-M

VETERANS ADMINISTRATION

Agency Form Under OMB Review

AGENCY: Veterans Administration.

ACTION: Notice.

The Veterans Administration has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C.

Chapter 35). This document contains a revision and lists the following information: (1) The department or staff office issuing the form, (2) the title of the form, (3) the agency form number, if applicable, (4) how often the form must be filled out, (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 fill out the form, and (8) an indication of whether section 3504(h) of Pub. L. 96-511 applies.

ADDRESSES: Copies of the form and supporting documents may be obtained from Jill Cottine, Agency Clearance Officer (732), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 233-2146. Comments and questions about the items on the list should be directed to the VA's OMB Desk Officer, Joe Lackey, Office of Management and Budget, 726 Jackson Place, NW., Washington, DC 20503, (202) 395-7316.

DATES: Comments on the information collection should be directed to the OMB Desk Officer within 60 days of this notice.

Dated: October 27, 1986.

By direction of the Administrator.

David A. Cox,

Associate Deputy Administrator for Management.

Revision

1. Department of Veterans Benefits.
2. Court Appointed Fiduciary's Account.
3. VA Form 27-4706c.
4. On occasion.
5. Individuals or households; State or local governments; Federal agencies or employees; Non-profit institutions.
6. 4,102 responses.
7. 2,051 hours.
8. Not applicable.

[FR Doc. 86-24674 Filed 10-30-86; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register

Vol. 51, No. 211

Friday, October 31, 1986

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

FEDERAL DEPOSIT INSURANCE CORPORATION

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Tuesday, November 4, 1986, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Application for consent to merge and establish one branch:

Citizens Bank and Trust Company, Chillicothe, Missouri, an insured State nonmember bank, for consent to merge, under its charter and title, with The Ludlow National Bank, Ludlow, Missouri, and for consent to establish the sole office of The Ludlow National Bank as a branch of the resultant bank.

Application for consent to merge and establish two branches:

Mid-State Bank and Trust Company, Altoona, Pennsylvania, an insured State nonmember bank, for consent to merge, under its charter and title, with The Hartley National Bank of Bedford, Bedford, Pennsylvania, and for consent to establish the two offices of The Hartley National Bank of Bedford as branches of the resultant bank.

Application for consent to purchase assets and assume liabilities and establish one branch:

The Village Bank, Hialeah, Florida, an insured State nonmember bank, for consent to purchase certain assets of and assume the liability to pay deposits made in the Hialeah

Branch of Glendale Federal Savings and Loan Association, Glendale, California, a non-FDIC-insured institution, and for consent to establish the Hialeah Branch as a branch of The Village Bank.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 46,722—The Greenwich Savings Bank, New York, New York
Case No. 46,733-L (Amendment)—West Valley Bank, Los Angeles (Woodland Hills), California

Reports of committee officers:

Minutes of actions approved by the standing committees of the Corporation pursuant to authority delegated by the Board of Directors.

Reports of the Division of Bank Supervision with respect to applications, requests, or actions involving administrative enforcement proceedings approved by the Director or an Associate Director of the Division of Bank Supervision and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Reports of the Director, Office of Corporate Audits and Internal Investigations:

Summary Audit Report re: The First City Bank, Glendale, California (2526) (Memo dated September 19, 1986)

Summary Audit Report re: The Bank of Bronson, Bronson, Kansas (6602) (Memo dated September 26, 1986)

Summary Audit Report re: First National Bank of White City, White City, Kansas (2527) (Memo dated September 25, 1986)

Summary Audit Report re: First Progressive Bank, Metairie, Louisiana (2530) (Memo dated September 23, 1986)

Summary Audit Report re: Princeton State Bank, Princeton, Missouri (6645) (Memo dated September 19, 1986)

Summary Audit Report re: Bank of Panama, Panama, Nebraska (2523) (Memo dated September 19, 1986)

Summary Audit Report re: First National Bank of Lincoln County, Ruidoso, New Mexico (2522) (Memo dated September 12, 1986)

Summary Audit Report re: First State Bank, Cache, Oklahoma (2528) (Memo dated October 9, 1986)

Summary Audit Report re: First National Bank of Teague, Teague, Texas (5629) (Memo dated October 6, 1986)

Trend Analysis Report re: Trend Analysis of Liquidation, Site Audit Results (Memo dated October 6, 1986)

Discussion Agenda:

Memorandum and resolution re: Federal Financial Institutions Examination Council policy statement, entitled "Joint Policy Statement on Basic

Financial Services" which policy statement encourages efforts of trade associations and individual depository institutions toward the offering of basic financial services that would be accessible to low- and moderate-income consumers.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550-17th Street, NW., Washington, DC.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation at (202) 898-3813.

Dated: October 28, 1986.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 86-24765 Filed 10-29-86; 11:34 am]

BILLING CODE 6714-01-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Tuesday, November 4, 1986, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors, pursuant to sections 552b(c)(2), (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii) of Title 5, United States Code, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension of removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents or other persons participating in the conduct of the affairs thereof:

Names of persons and names of locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of

the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Discussion Agenda:

Application for Federal deposit insurance and for consent to exercise full trust powers:

Toyo Trust Company of New York, a proposed new bank to be located at 437 Madison Avenue, New York (Manhattan), New York.

Requests for financial assistance pursuant to section 13(c) of the Federal Deposit Insurance Act.

Personnel actions regarding, appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550-17th Street, NW., Washington, DC.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 898-3813.

Dated: October 28, 1986.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,
Executive Secretary.

[FR Doc. 86-24766 Filed 10-29-86; 11:34 am]

BILLING CODE 6714-01-M

3

FEDERAL MARITIME COMMISSION

TIME AND DATE: 10:00 a.m., November 5, 1986.

PLACE: Hearing Room One—1100 L Street, NW., Washington, DC 20573.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Proposed Rulemaking to Amend Regulations Pertaining to Recordkeeping and Production of Documents Regarding Service Contracts.

2. Docket No. 86-15—Filing of Tariffs by Marine Terminal Operators: Exculpatory Provisions—Consideration of Comments on Proposed Rule. Petition of Master Contracting Stevedore Association of the Pacific Coast, Inc. for Rulemaking Regarding Terminal

Agreement Exculpatory Provisions—Consideration of Comments.

CONTACT PERSON FOR MORE INFORMATION: Joseph C. Polking, Secretary. (202) 523-5725.

[FR Doc. 86-24741 Filed 10-29-86; 10:25 am]

BILLING CODE 6730-01-M

4

MERIT SYSTEMS PROTECTION BOARD

TIME AND DATE: 2:00 p.m., Friday, November 7, 1986.

PLACE: Eighth Floor, 1120 Vermont Avenue, NW., Washington, DC 20419.

STATUS: Closed pursuant to 5 U.S.C. 552b(c)(10).

MATTER TO BE CONSIDERED:

1. Kruger, Lake and Pollack v. Department of Justice, Docket Nos. CH07528510621, CH07528510648, CH07528510649.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Robert E. Taylor, Clerk of the Board, (202) 653-7200.

Dated: October 29, 1986.

Robert E. Taylor,
Clerk of the Board.

[FR Doc. 86-24783 Filed 10-29-86; 2:29 pm]

BILLING CODE 7400-01-M

5

NUCLEAR REGULATORY COMMISSION

DATE: Weeks of October 27, November 3, 10, and 17, 1986.

PLACE: Commissioners' Conference Room, 1717 H Street, NW., Washington, DC

STATUS: Open and Closed.

MATTERS TO BE CONSIDERED:

Week of October 27

Wednesday, October 29

2:30 p.m.

Briefing on Near Term Operating Licenses (NTOLs) (Open/Portion Closed—Ex. 5 and 7)

Thursday, October 30

1:30 p.m.

Briefing on Status of INPO Accreditation of Utility Training Programs (Public Meeting)

2:30 p.m.

Meeting with Members of INPO Plant Managers Course (Public Meeting)

4:00 p.m.

Affirmation/Discussion and Vote (Public Meeting)

a. Proposed Order on State of Ohio Petition to Intervene in Perry Proceeding and Perry Full Power Operating License (Tentative)

Friday, October 31

10:00 a.m.

Briefing on Status of Performance Indicator Program (Public Meeting)

2:00 p.m.

Discussion of Pending Investigations (Closed—Ex. 5 and 7)

Week of November 3

Tentative

Monday, November 3

10:00 a.m.

Discussion of Management—Organization and Internal Personnel Matters (Closed—Ex. 2 and 6)

2:00 p.m.

Briefing on GE Containment Program (Public Meeting)

Thursday, November 6

10:00 a.m.

Briefing on Assessment of B&W Plants (Public Meeting)

2:00 p.m.

Briefing on Initiatives to Improve Maintenance Performance (Public Meeting)

3:30 p.m.

Affirmative Meeting (Public Meeting) (if needed)

Friday, November 7

10:00 a.m.

Discussion/Possible Vote on Davis Besse Restart (Public Meeting)

Week of November 10

Tentative

Monday, November 10

2:00 p.m.

Briefing on Thermal Hydraulic Research Program (Public Meeting)

Thursday, November 13

10:00 a.m.

Affirmative Meeting (Public Meeting) (if needed)

Week of November 17

Tentative

Thursday, November 20

10:00 a.m.

Briefing in Advance of Publication of Draft NUREG-1150 (Source Term) (Public Meeting)

2:00 p.m.

Periodic Meeting with NUMARC (Public Meeting)

3:30 p.m.

Affirmative Meeting (Public Meeting) (if needed)

To verify the status of meetings call (recording)—(202) 634-1498.

CONTACT PERSON FOR MORE INFORMATION:

Robert McOsker (202) 634-1410.

Robert B. McOsker,
Office of the Secretary.
October 23, 1986.

[FR Doc. 86-24729 Filed 10-28-86; 4:20 pm]

BILLING CODE 7590-01-M

6

OVERSEAS PRIVATE INVESTMENT CORPORATION

TIME AND DATE: 10:00 a.m. (closed portion), 11:00 a.m. (open portion) Thursday, November 13, 1986.

PLACE: Offices of the Corporation, fourth floor Board Room, 1615 M Street, NW., Washington, DC.

STATUS: The first part of the meeting from 10:00 a.m. to 11:00 a.m. will be closed to the public. The open portion of the meeting will start at 11:00 a.m.

MATTERS TO BE CONSIDERED: (Closed to the public 10:00 a.m. to 11:00 a.m.):

1. Insurance Project in Near Eastern Country.
2. Insurance Project in Caribbean Country.
3. Facultative Reinsurance Pilot Program.
4. Claims Report.
5. Information Report: Finance.
6. Information Report: General.
7. China Projects: Status Report.
8. Insurance: Policy Term.

FURTHER MATTERS TO BE CONSIDERED: (Open to the public 11:00 a.m.)

1. Approval of the Minutes of the Previous Board Meetings.

2. Approval of Proposed Regular Meeting of the Board.
3. Public Hearing.
4. Personnel Action.
5. Information Reports.

CONTACT PERSON FOR INFORMATION:

Information with regard to the meeting may be obtained from the Secretary of the Corporation at (202) 457-7007.

Mildred A. Osowski,

Corporate Secretary.

October 30, 1986.

[FR Doc. 86-24801 Filed 10-29-86; 3:38 pm]

BILLING CODE 3210-01-M

Federal Register

**Friday
October 31, 1986**

Part II

Department of Justice

Bureau of Prisons

28 CFR Part 523

Control, Custody, Care, Treatment, and Instruction of Inmates; Proposed Rule

DEPARTMENT OF JUSTICE

Bureau of Prisons

28 CFR Part 523

Control, Custody, Care, Treatment, and Instruction of Inmates

AGENCY: Bureau of Prisons, Justice.

ACTION: Proposed rule.

SUMMARY: In this document, the Bureau of Prisons is proposing amendments to its final rules on good time and on extra good time. The clarifying amendments include a definition of statutory good time, and a new section formalizing the Bureau's policy on the handling of previously earned good time following an inmate's return to custody for a violation of the charge on which the good time was first earned. Amendments to the rule on extra good time are intended to update the current rule, and include provisions encompassing the recently enacted Comprehensive Crime Control Act of 1984.

DATE: Comments on the proposed rules must be received on or before December 12, 1986.

ADDRESS: Office of General Counsel, Bureau of Prisons, Room 770, 320 1st Street NW, Washington, DC 20534. Comments received will be available for examination by interested persons at the above address.

FOR FURTHER INFORMATION CONTACT: Hank Jacob, Office of General Counsel, Bureau of Prisons, phone 202/272-6874.

SUPPLEMENTARY INFORMATION: Pursuant to the rulemaking authority vested in the Attorney General in 5 U.S.C. 552(a) and delegated to the Director, Bureau of Prisons, in 28 CFR 0.96(q), notice is hereby given that the Bureau of Prisons intends to publish in the *Federal Register* proposed amendments to its rules on good time and on extra good time.

A final rule on good time and on extra good time was published in the *Federal Register* June 29, 1979 (at 44 FR 38245 et seq.). An amendment to the rule on extra good time was published November 13, 1980 (at 45 FR 75124 et seq.). At the present time, the following revisions are proposed. In Subpart A, § 523.1, a new paragraph (a) is added, providing a definition of statutory good time. No substantive changes are proposed to existing final § 523.1 (a)-(c), which are anticipated to become new final paragraphs (b)-(d).

In Subpart A, the Bureau is adding a new § 523.2, "Good time credit for violators". This section discusses how

good time is credited for a person returning to custody as a parole, including special parole, or mandatory release violator. The rule also states that once an inmate is conditionally released from imprisonment, either on parole or mandatory release, the statutory or extra good time earned during that period of imprisonment is of no further effect either to shorten the period of supervision or to shorten the period of imprisonment which the inmate may be required to serve for violation of the parole or mandatory release. This language is consistent with existing Bureau of Prisons policy and with a final rule published by the U.S. Parole Commission in the *Federal Register* November 7, 1985 (at 50 FR 46282).

In Subpart B, § 523.11, paragraph (a) is reworded, although the intent of the section is unchanged. Paragraph (b) is revised to state that a retroactive award of meritorious good time is ordinarily limited to three months. A retroactive award in excess of three months requires the approval of the Warden or designee. Situations where an inmate may be approved for a retroactive award in excess of three months include where an administrative error is made, or where an inmate is recommended for meritorious good time while in pretrial status and is subsequently sentenced on the same crime for which he or she was being detained.

In § 523.16, paragraph (a) deletes "including jail time" and "extra good time previously earned". Internal implementing language requires staff, in determining the maximum amount possible to award, to consider jail time and months in which extra good time may have been disallowed. The implementing language states that extra good time previously earned is to be deducted from the maximum amount that may be earned. This is necessary to determine the total amount available for the lump sum award.

In § 523.17, paragraph (c) is revised to indicate that its provisions apply to mandatory release and parole violators. Several other changes also are being made to § 523.17. These changes are a result of the recent passage of the Comprehensive Crime Control Act of 1984 (Pub. L. 98-473), effective October 12, 1984. In paragraph (j), the proposed rule now states that inmates committed under the provisions of 18 U.S.C. 4244, as amended effective October 12, 1984, may earn extra good time credits towards the final sentence that may be imposed. The rule also allows for extra good time to continue during a commitment for examination of hospitalization and treatment under 18 U.S.C. 4245, as amended effective

October 12, 1984. The first paragraph of existing § 523.17(k) is revised to insert "as these sections were in effect prior to October 12, 1984". A new second paragraph states that inmates committed under the provisions of 18 U.S.C. 4241, 4242, 4243, or 4246 as these sections were amended effective October 12, 1984, are not entitled to extra good time credits.

Paragraph (1) is revised. This paragraph now states that while a pretrial detainee may not earn good time while in pretrial status, staff may recommend the detainee for good time credit. This recommendation will be considered in the event the pretrial detainee is later sentenced on the crime for which he or she was in pretrial status.

The Bureau of Prisons has determined that these rules are not major rules for the purpose of EO 12291. The Bureau of Prisons has determined that EO 12291 does not apply to these rules since the rules involve agency management. After review of the law and regulations, the Director, Bureau of Prisons, has certified that these rules, for the purpose of the Regulatory Flexibility Act (Pub. L. 96-354), do not have a significant impact on a substantial number of small entities.

Interested persons may participate in this proposed rulemaking by submitting data, views, or arguments in writing to the Bureau of Prisons, Room 770, 320 1st Street NW, Washington, DC 20534. Comments received will be considered before final action is taken. The proposed rules may be changed in light of the comments received. No oral hearings are contemplated.

List of Subjects in 28 CFR Part 523

Prisoners.

In consideration of the foregoing, it is proposed to amend Subchapter B of 28 CFR, Chapter V as follows: In Subchapter B, revise Part 523. Subparts A and B to read as follows:

Subchapter B—Inmate Admission, Classification, and Transfer

PART 523—COMPUTATION OF SENTENCE

The authority citation for Part 523 continues to read as follows:

Authority: 5 U.S.C. 301; 18 U.S.C. 3568, 4001, 4042, 4081, 4082, 4161-4166, 5006-5024, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95-0.99.

Subpart A—Good Time

A. In § 523.1, paragraphs (a) through (c) are redesignated as (b) through (d) and a new paragraph (a) is added to read as follows:

§ 523.1 Definitions.

(a) "Statutory Good Time" means a credit to a sentence as authorized by 18 U.S.C. 4161. The total amount of statutory good time which an inmate is entitled to have deducted on any given sentence, or aggregate of sentences, is calculated and credited in advance, when the sentence is computed.

B. In Subpart A, add a new § 523.2 to read as follows:

§ 523.2 Good time credit for violators.

(a) An inmate conditionally released from imprisonment either by parole or mandatory release can earn statutory good time, upon being returned to custody for violation of supervised release, based on the number of days remaining to be served on the sentence. The rate of statutory good time for the violator term is computed at the rate of the total sentence from which released.

(b) An inmate whose special parole term is revoked can earn statutory good time based on the number of days remaining to be served on the special parole violator term. The rate of statutory good time for the violator term is computed at the rate of the initial special parole term plus the total sentence that was served prior to the special parole term and to which the special parole term was attached.

(c) Once an inmate is conditionally released from imprisonment, either by parole, including special parole, or mandatory release, the good time earned (extra or statutory) during that period of imprisonment is of no further effect either to shorten the period of supervision or to shorten the period of imprisonment which the inmate may be required to serve for violation of parole or mandatory release.

Subpart B—Extra Good Time

A. In § 523.11, revise paragraphs (a) and (b) to read as follows:

§ 523.11 Meritorious good time.

(a) Staff are responsible for recommending meritorious good time based upon work performance. Each recommendation must include a justification which clearly shows that

the work being performed is of an exceptionally meritorious nature or is of outstanding importance in connection with institutional operations. Work performance and the importance of the work performed are the only criteria for awarding meritorious good time.

(b) A retroactive award of meritorious good time is ordinarily limited to three months, excluding the month in which the recommendation is made. A retroactive award in excess of three months requires the approval of the Warden or designee (may not be delegated below the level of Associate Warden). Staff are to include with any recommendation for an inmate to receive a retroactive award of meritorious good time, a written statement confirming the inmate's eligibility for the retroactive award.

B. In § 523.16, revise paragraph (a) introductory text to read as follows:

§ 523.16 Lump sum awards.

(a) Any staff member may recommend to the Warden the approval of an inmate for a lump sum award of extra good time. Such recommendations must be for an exceptional act or service that is not part of a regularly assigned duty. The Warden may make lump sum awards of extra good time not to exceed thirty days. If the recommendation is for an award in excess of thirty days and the Warden concurs, the Warden shall refer the recommendation to the Regional Director who may approve the award. No award may be approved which would exceed the maximum number of days allowed under 18 U.S.C. 4162. The actual length of time served on the sentence, to the date that the exceptional act or service terminated, is the basis on which the maximum amount possible to award is calculated. No seniority is accrued for such awards. Staff may recommend lump sum awards of extra good time for the following reasons:

C. In § 523.17, revise paragraphs (c), (k), and (l) and amend (j) by adding three sentences to read as follows:

§ 523.17 Procedures.

(c) Parole and mandatory release violators may earn extra good time the same as other inmates. Once an inmate is conditionally released from imprisonment, either by parole, including special parole, or mandatory release, the good time earned during that period of imprisonment is of no further effect either to shorten the period of supervision or to shorten the period of imprisonment which the inmate may be required to serve for violation of parole or mandatory release.

(j) * * * An inmate committed under the provisions of 18 U.S.C. 4244, as amended effective October 12, 1984, may earn extra good time credits toward the final sentence that may be imposed. Such extra good time credits do not reduce the provisional sentence. Extra good time may continue during a commitment for examination of hospitalization and treatment under 18 U.S.C. 4245, as amended effective October 12, 1984.

(k) Inmates committed under the provisions of 18 U.S.C. 4244, 4246-47, 4252, 5010 (b), (c), (e), or 5037(c) as these sections were in effect prior to October 12, 1984, are not entitled to extra good time deductions. Inmates committed under the provisions of 18 U.S.C. 4241, 4242, 4243, or 4246 as these sections were amended effective October 12, 1984, are not entitled to extra good time deductions.

(l) A pretrial detainee may not earn good time while in pretrial status. A pretrial detainee, however, may be recommended for good time credit. This recommendation shall be considered in the event that the pretrial detainee is later sentenced on the crime for which he or she was in pretrial status.

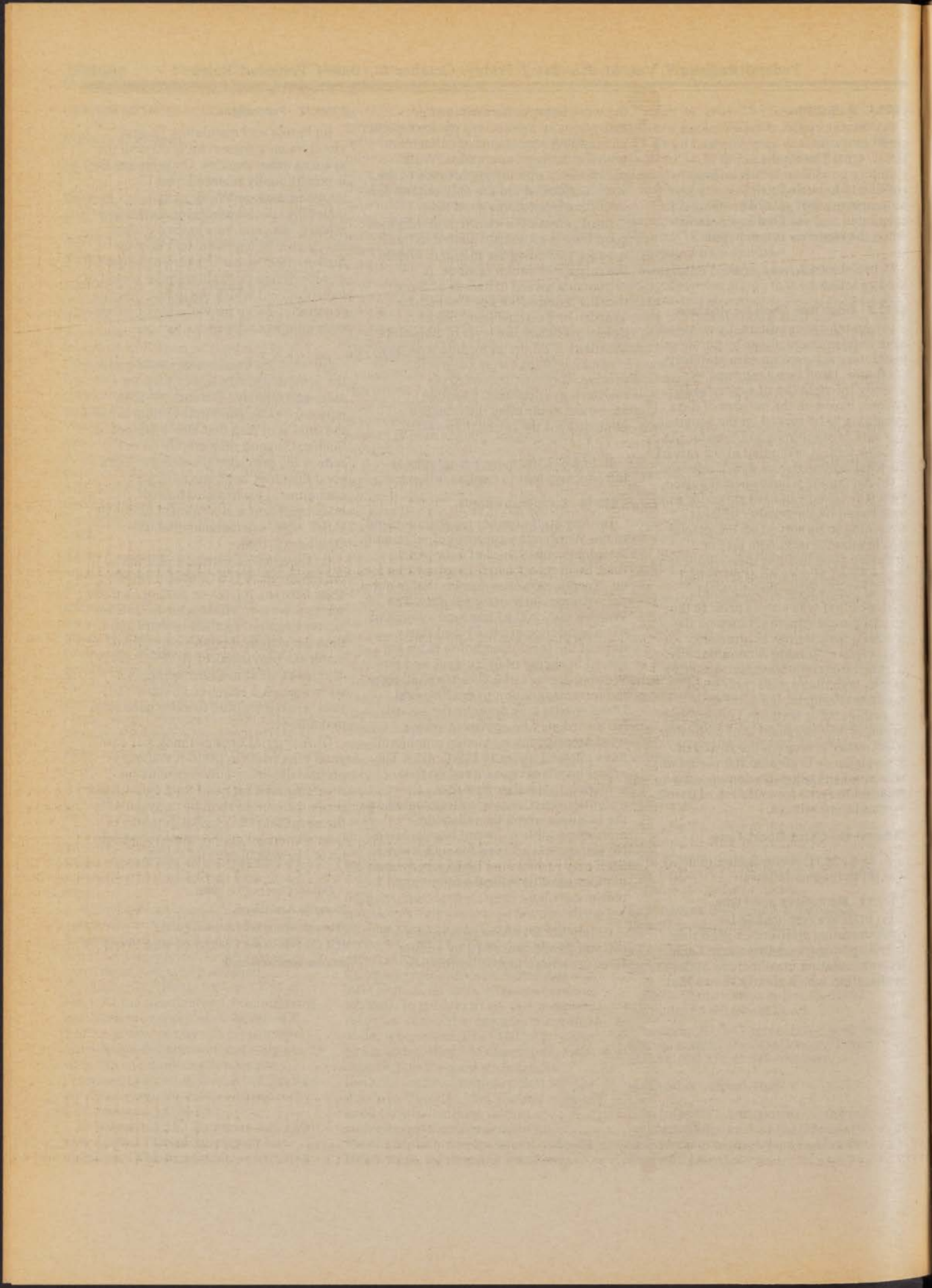
Dated: October 17, 1986.

Norman A. Carlson,

Director, Bureau of Prisons.

[FR Doc. 86-24668 Filed 10-30-86; 8:45 am]

BILLING CODE 4410-05-M



Obstetrical-Gynecological Devices

Friday
October 31, 1986

Part III

Department of Health and Human Services

Food and Drug Administration

21 CFR Part 884

**Obstetrical-Gynecological Devices;
Effective Date of Requirement for
Premarket Approval; Transabdominal
Amnioscope (Fetoscope) and
Accessories; Final Rule**

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 884

[Docket No. 85N-0494]

Obstetrical-Gynecological Devices; Effective Date of Requirement for Premarket Approval; Transabdominal Amnioscope (Fetoscope) and Accessories**AGENCY:** Food and Drug Administration.**ACTION:** Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule to require the filing of a premarket approval application (PMA) or a notice of completion of a product development protocol (PDP) for the transabdominal amnioscope (fetoscope) and accessories, a medical device. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: January 29, 1987.

FOR FURTHER INFORMATION CONTACT: Raju G. Kammula, Center for Devices and Radiological Health (HFZ-470), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7555.

SUPPLEMENTARY INFORMATION: In the Federal Register of February 26, 1980 (45 FR 12688), FDA published a final rule (21 CFR 884.1600) classifying into class III (premarket approval) the transabdominal amnioscope (also known as the fetoscope) and accessories. Section 884.1600 of FDA's regulations setting forth the classification of obstetrical and gynecological devices intended for medical use applies to: (1) An transabdominal amnioscope and accessories that were in commercial distribution before May 28, 1976, and (2) any device that FDA has found to be substantially equivalent to the transabdominal amnioscope and accessories described in (1) and that has been marketed on or after May 28, 1976.

In the Federal Register of March 3, 1986 (51 FR 7404), FDA published a proposed rule to require the filing under section 515(b) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360e(b)) of a PMA or a notice of completion of a PDP for the transabdominal amnioscope and accessories. In accordance with section 515(b)(2)(A) of the act, FDA included in the preamble to the proposal the agency's proposed findings with respect to the degree of risk of illness or injury designed to be eliminated or reduced by

requiring the device to meet the premarket approval requirements of the act, and on the benefits to the public from use of the device (51 FR 7405). The preamble to the proposal also provided an opportunity for interested persons to submit comments on the proposed rule and the agency's proposed findings, and, under section 515(b)(2)(B) of the act, provided an opportunity for interested persons to request a change in the classification of the device based on new information relevant to its classification. Any petition requesting a change in the classification of the transabdominal amnioscope and accessories was required to be submitted by March 18, 1986. The comment period closed on May 2, 1986.

FDA did not receive any petitions requesting a change in the classification of the transabdominal amnioscope and accessories. Nor did FDA receive any comments in response to the March 3, 1986, proposal.

FDA has reexamined its proposed findings with respect to the degree of risk of illness or injury designed to be eliminated or reduced by requiring the transabdominal amnioscope and accessories to meet the statute's approval requirements. The agency concludes that its proposed findings and its conclusion discussed in the preamble to the proposed rule are appropriate. Accordingly, FDA is promulgating a final rule requiring premarket approval for the transabdominal amnioscope and accessories under section 515(b)(3) of the act and is summarizing its findings with respect to the degree of risk of illness or injury designed to be eliminated or reduced by requiring the transabdominal amnioscope and accessories to have an approved PMA or declared completed PDP, and the benefits to the public from the use of the device.

Findings With Respect to Risks and Benefits*Degree of Risk***1. Spontaneous abortion.**

Spontaneous abortion is one of the most serious risks of fetoscopy. The incidence of spontaneous abortion following fetoscopy was recently reported to be 6.8 percent for fetal blood sampling, 7.9 percent for fetal visualization, and 16 percent for fetal skin biopsy. Moreover, the incidence of spontaneous abortion has been found to be higher in patients for whom a followup second fetoscopy procedure was necessary. Trauma to either the fetus or to the uterus of the mother is the main cause of spontaneous abortion following fetoscopy.

2. Premature delivery

The average incidence of 10 percent premature delivery following fetoscopy was much higher than the estimated 1.5 percent expected in a normal group of patients. Therefore, it is concluded that fetoscopy has to be considered an additional hazard contributing to premature delivery.

3. Fetal and maternal injuries

Fetal bleeding into both the amniotic fluid and maternal circulation has been reported following fetoscopy. In addition, it has been suggested that the bright light source might damage the fetal retina during fetoscopy. Feto-maternal hemorrhage (as a result of punctured chorionic plate vessels), and amnionitis and leakage of amniotic fluid (both a result of trauma), are also significant maternal complications.

4. Infection

The incidence of fetal infection following fetoscopy is about 1 percent. In some cases, fetal infection can be so serious that it causes septic abortion (infected miscarriage) and possibly blood poisoning (septicemia) which can lead to death.

5. Adverse tissue reaction

Materials or substances used to manufacture transabdominal amnioscope (fetoscope) devices and the accessories used with these devices could cause systemic or local tissue reaction when the devices contact the maternal or fetal tissues.

FDA concludes that these risks could be eliminated or reduced by requiring the transabdominal amnioscope (fetoscope) and accessories to undergo premarket approval.

Benefits of the Device

Fetoscopy using the transabdominal amnioscope and accessories offers a valuable tool in the prenatal diagnosis of genetic diseases and developmental abnormalities in high-risk patients and in conditions that cannot be diagnosed by ultrasonography or amniocentesis (e.g., craniofacial defects, neural tube defects, white blood cell and platelet disorders, and skin diseases).

Final Rule

Under section 515(b)(3) of the act, FDA is adopting the proposed findings as published in the preamble to the proposed rule and is issuing a final rule to require premarket approval of the generic type of device, the transabdominal amnioscope (fetoscope) and accessories.

Under the final rule, a PMA or a notice of completion of a PDP is required to be filed on or before January 29, 1987, for transabdominal amnioscope and accessories that were in commercial distribution before May 28, 1976, or that have been found by FDA to be substantially equivalent to such a device on or before January 29, 1987. An approved PMA or a declared completed PDP is required to be in effect for any such device on or before July 29, 1987. (If FDA finds that continued availability of a transabdominal amnioscope and accessories for which a PMA has been timely filed is necessary for the public health, FDA may, under section 515(d)(1)(B)(i) of the act, extend the 180-day period for taking action on the PMA.) Any transabdominal amnioscope and accessories that was not in commercial distribution before May 28, 1976, or that has not on or before January 29, 1987 been found by FDA to be substantially equivalent to a transabdominal amnioscope and accessories that was in commercial distribution before May 28, 1976, is required to have an approved PMA or a declared completed PDP in effect before it may be marketed.

If a PMA or a notice of completion of a PDP for a transabdominal amnioscope and accessories is not filed on or before January 29, 1987, that device will be deemed adulterated under section 501(f)(1)(A) of the act (21 U.S.C. 351(f)(1)(A)), and commercial distribution of the device will be required to cease. The device may, however, be distributed for investigational use, if the requirements of the investigational device exemption (IDE) regulations (21 CFR Part 812) are met.

Under § 812.2(d) of the IDE regulations, FDA hereby stipulates that the exemptions from the IDE requirements in §§ 812.2(c) (1) and (2) will no longer apply to clinical investigations of the transabdominal amnioscope and accessories. Further, FDA concludes that investigational transabdominal amnioscope and

accessories are significant risk devices as defined in § 812.3(m), and advises that as of the effective date of § 884.1600(c) the requirements of the IDE regulations regarding significant risk devices will apply to any clinical investigation of a transabdominal amnioscope and accessories. For any such device, therefore, an IDE submitted to FDA, under § 812.20, is required to be in effect under § 812.30 before an investigation is initiated or continued on or after January 29, 1987. FDA advises all persons who intend to sponsor any clinical investigation involving the transabdominal amnioscope and accessories to submit an IDE application to FDA no later than December 30, 1986 to avoid the interruption of ongoing investigations.

Environmental Impact

The agency has determined under 21 CFR 25.24 (a)(8) and (e)(4) (April 26, 1985; 50 FR 16636) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Economic Impact

FDA has examined the economic consequences of this final rule in accordance with the criteria in section 1(b) of Executive Order 12291 and found that the rule is not a major rule as specified in the Order. The agency believes that only four or five small firms will be affected by this rule. Therefore, the agency certifies under the Regulatory Flexibility Act (Pub. L. 96-354) that the rule will not have a significant economic impact on a substantial number of small entities. An assessment of the economic impact of this final rule has been placed on file in the Dockets Management Branch (HFA-305), Food and Drug Administration, Room 4-62, 5600 Fishers Lane, Rockville, MD 20857, and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 884

Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, Part 884 is amended as follows:

PART 884—OBSTETRICAL AND GYNECOLOGICAL DEVICES

1. The authority citation for 21 CFR Part 884 is revised to read as follows:

Authority: Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a)); 21 CFR 5.10; §§ 884.1600(c) and 884.5360(d) also are issued under secs. 501, 515, and 520(g), 52 Stat. 1049-1050 as amended, 90 Stat. 552-559, 569-571 (21 U.S.C. 351, 360e, 360j(g)).

2. In Part 884, § 884.1600 is amended by adding new paragraph (c), to read as follows:

§ 884.1600 Transabdominal amnioscope (fetoscope) and accessories.

(c) *Date premarket approval application (PMA) or notice of completion of a product development protocol (PDP) is required.* A PMA or a notice of completion of a PDP is required to be filed with the Food and Drug Administration on or before January 29, 1987 for any transabdominal amnioscope (fetoscope) and accessories that was in commercial distribution before May 28, 1976, or that has on or before January 29, 1987 been found to be substantially equivalent to a transabdominal amnioscope (fetoscope) and accessories that was in commercial distribution before May 28, 1976. Any other transabdominal amnioscope (fetoscope) and accessories shall have an approved PMA or a declared completed PDP in effect before being placed in commercial distribution.

Dated: October 20, 1986.

John M. Taylor,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 86-24621 Filed 10-30-86; 8:45 am]

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LIST OF PUBLIC LAWS**Last List October 30, 1986**

This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone 202-275-3030).

H.R. 1390/Pub. L. 99-542

To authorize additional long-term leases in the El Portal administrative site adjacent to Yosemite National Park, California, and for other purposes. (Oct. 27, 1986; 3 pages) Price: \$1.00

H.R. 2067/Pub. L. 99-543

Railroad Right-of-Way Conveyance Validation Act of 1985. (Oct. 27, 1986; 6 pages) Price: \$1.00

H.R. 2722/Pub. L. 99-544

To amend title 13, United States Code, to eliminate the requirement relating to decennial censuses of drainage. (Oct. 27, 1986; 1 page) Price: \$1.00

H.R. 2921/Pub. L. 99-545

To authorize the Secretary of Agriculture to issue permanent

easements for water conveyance systems in order to resolve title claims arising under Acts repealed by the Federal Land Policy and Management Act of 1976, and for other purposes. (Oct. 27, 1986; 3 pages) Price: \$1.00

H.R. 3113/Pub. L. 99-546

To implement the Coordinated Operations Agreement, the Suisun Marsh Preservation Agreement, and to amend the Small Reclamation Projects Act of 1956, as amended, and for other purposes. (Oct. 27, 1986; 7 pages) Price: \$1.00

H.R. 3168/Pub. L. 99-547

Consolidated Federal Funds Report Amendments of 1985. (Oct. 27, 1986; 4 pages) Price: \$1.00

H.R. 3352/Pub. L. 99-548

To transfer certain real property to the City of Mesquite, Nevada. (Oct. 27, 1986; 2 pages) Price: \$1.00

H.R. 3559/Pub. L. 99-549

To amend the Act establishing a Commission on the Bicentennial of the Constitution of the United States to clarify the status of employees of the Commission, to raise the limits on private contributions, and for other purposes. (Oct. 27, 1986; 4 pages) Price: \$1.00

H.R. 3614/Pub. L. 99-550

To restrict the use of government vehicles for transportation of officers and employees of the Federal Government between their residences and places of employment, and for other purposes. (Oct. 27, 1986; 4 pages) Price: \$1.00

H.R. 4116/Pub. L. 99-551

Domestic Volunteer Service Act Amendments of 1986. (Oct. 27, 1986; 9 pages) Price: \$1.00

H.R. 4712/Pub. L. 99-552

To provide for the restoration of the fishery resources in the Klamath River Basin, and for other purposes. (Oct. 27, 1986; 7 pages) Price: \$1.00

H.R. 5056/Pub. L. 99-553

To permit registered public utility holding companies to own certain interests in qualifying cogeneration facilities. (Oct. 27, 1986; 1 page) Price: \$1.00

H.R. 5316/Pub. L. 99-554

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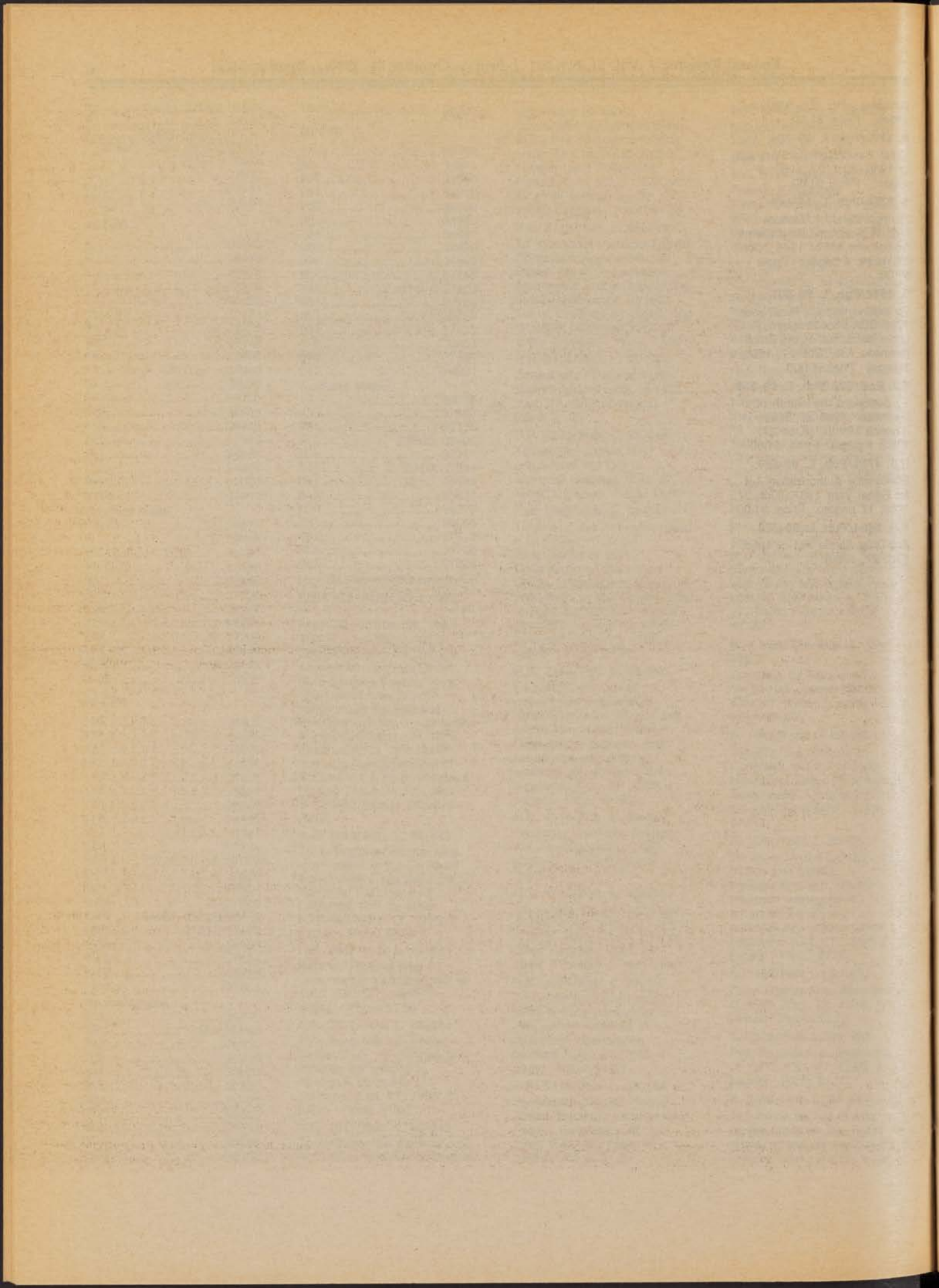
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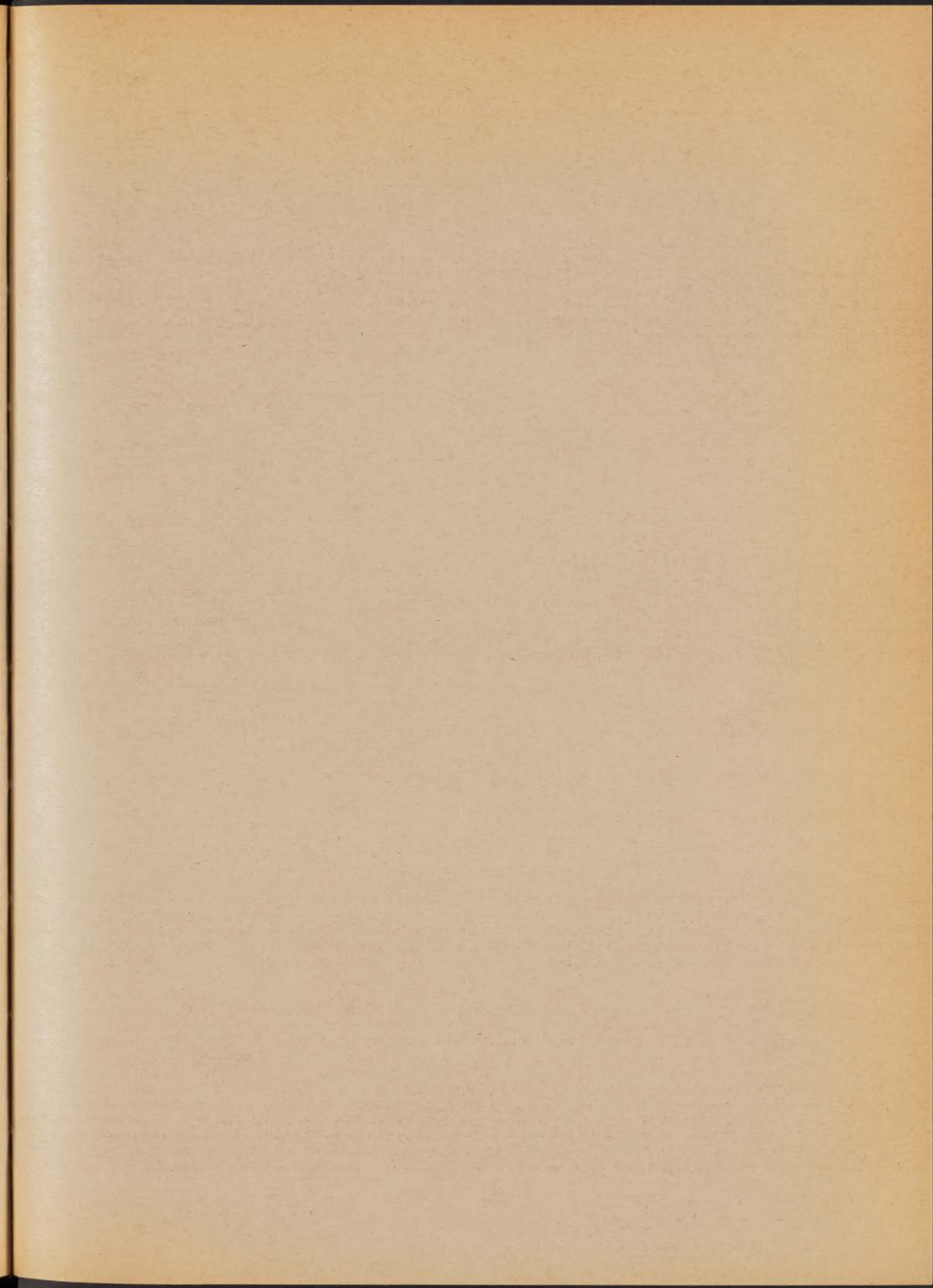
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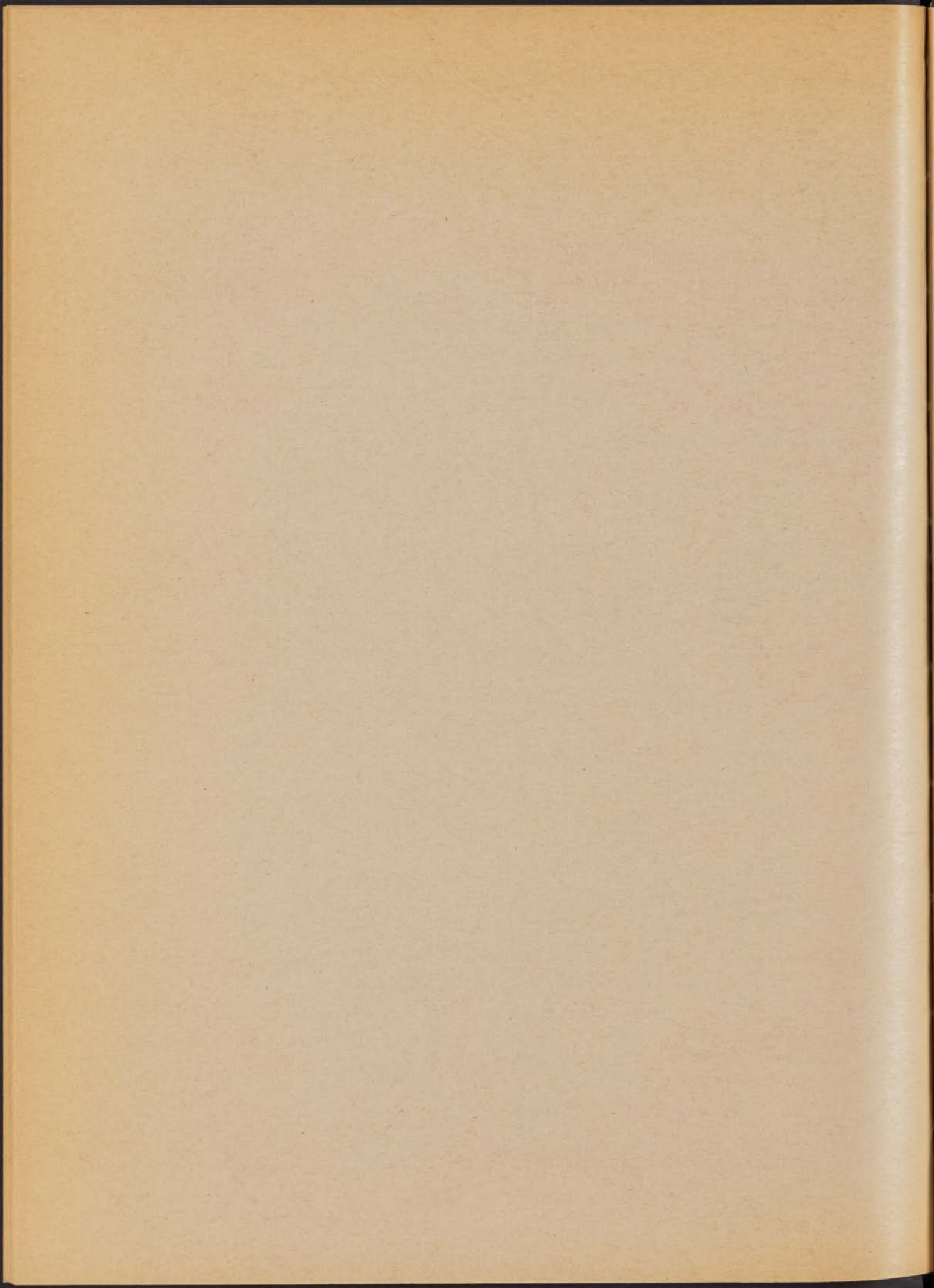
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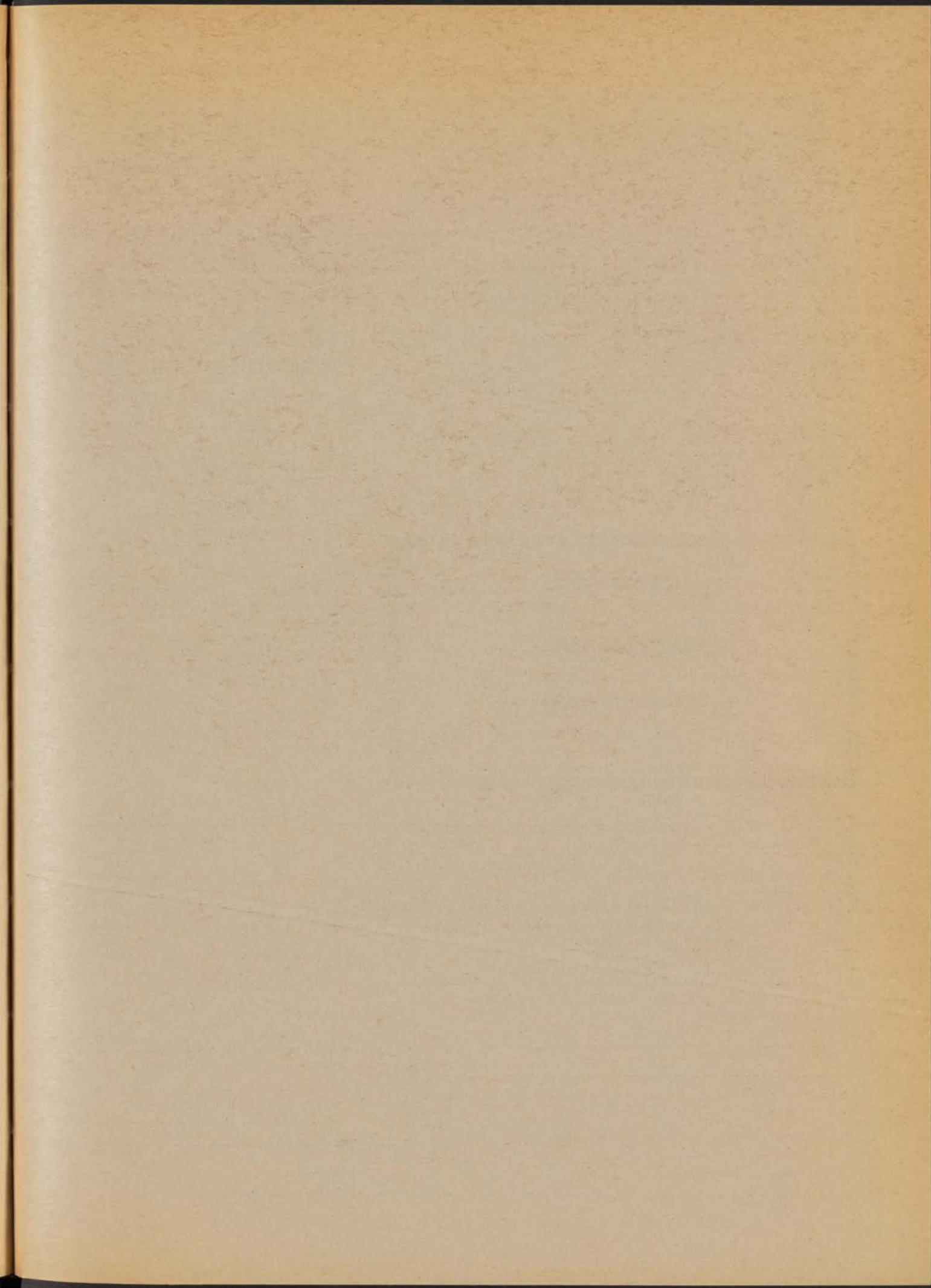
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Anti-Drug Abuse Act of 1986. (Oct. 27, 1986)









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