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Federal Register

Briefings on How To Use the Federal Register—
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- 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.

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- WHEN:** July 11; at 9 am.
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Contents

Federal Register

Vol. 51, No. 121

Tuesday, June 24, 1986

ACTION

NOTICES

Grants; availability, etc.:
Special volunteer programs, 22957

Agricultural Marketing Service

RULES

Milk marketing orders:
Nebraska-Western Iowa, 22923

PROPOSED RULES

Milk marketing orders:
Eastern South Dakota, 22944
Tomatoes grown in Florida, 22941

Agricultural Stabilization and Conservation Service

NOTICES

Marketing quotas and acreage allotments:
Tobacco, 22958

Agriculture Department

See Agricultural Marketing Service; Agricultural Stabilization and Conservation Service; Farmers Home Administration; Federal Grain Inspection Service

Air Force Department

NOTICES

Procurement:
Contracts—
Conversion determinations, 22963

Army Department

NOTICES

Agency information collection activities under OMB review, 22963
Meetings:
Science Board, 22963, 22964
(5 documents)

Commerce Department

See also International Trade Administration; National Oceanic and Atmospheric Administration

NOTICES

Productivity, technology, and innovation:
Alternatives for privatizing National Technical Information Service; study, 22959

Commission of Fine Arts

NOTICES

Meetings, 22963

Conservation and Renewable Energy Office

NOTICES

Committees; establishment, renewals, terminations, etc.:
National Energy Extension Service Advisory Board, 22967
Consumer product test procedures; waiver petitions:
Lochinvar Water Heater Corp., 22966

Defense Department

See Air Force Department; Army Department; Navy Department

Drug Enforcement Administration

PROPOSED RULES

Schedules of controlled substances:
Marijuana and components, 22946

NOTICES

Applications, hearings, determinations, etc.:
DePierro, Kathleen A., M.D., 22986
Ford's Park Pharmacy, 22986
Zeitzev, Steven L., M.D., 22988

Economic Regulatory Administration

NOTICES

Powerplant and industrial fuel use; prohibition orders, exemption requests, etc.:
Cogen Kern Bluff Inc., 22971
General Electric Co., 22971
O'Brien Energy Systems, Inc., 22968
Power Developers, Inc., 22972
Santa Clara, CA, 22967
Wellington, KS, 22969

Education Department

RULES

Educational research and improvement:
Educational research grant program
Correction, 22936, 22937
(2 documents)

NOTICES

Grants; availability, etc.:
Cooperative education program, 22965

Employment and Training Administration

NOTICES

Adjustment assistance:
ASARCO, Inc., et al., 22992
Eversman Manufacturing Co. et al., 22990

Energy Department

See also Conservation and Renewable Energy Office; Economic Regulatory Administration; Federal Energy Regulatory Commission; Southwestern Power Administration

NOTICES

Nuclear waste management:
Low-level radioactive waste surcharge escrow account; procedures, 23030

Environmental Protection Agency

RULES

Air pollution; standards of performance for new stationary sources:
Metal coil surface coating operations; correction, 22938
Air quality implementation plans; approval and promulgation; various States:
Oklahoma, 22937

PROPOSED RULES

Hazardous waste:
Land disposal restrictions
Petitioner's guidance manual, 22948

NOTICES

Hazardous waste:
Confidential information and data transfer to contractors, 22976

Water pollution control:
 Disposal site determinations—
 Sweedens Swamp, MA, 22977

Water quality criteria:
 Ambient water quality criteria documents; availability,
 22978
 (2 documents)

Executive Office of the President

See Presidential Documents; Science and Technology Policy
 Office

Farmers Home Administration

RULES

Loan and grant programs:
 Farm labor housing policies, procedures, and
 authorizations, 22924

Federal Aviation Administration

RULES

Airworthiness directives:
 Marvel Schebler, 22927
 Control zones, 22927

PROPOSED RULES

Transition areas, 22945

NOTICES

Advisory circulars; availability, etc.:
 Airplanes, small—
 Cabin pressurization systems; correction, 23018
 Wing high lift devices, 23018

Meetings:

Air Traffic Procedures Advisory Committee, 23019

Federal Communications Commission

NOTICES

Meetings; Sunshine Act, 23024

Federal Deposit Insurance Corporation

NOTICES

Meetings; Sunshine Act, 23024

Federal Emergency Management Agency

NOTICES

Disaster and emergency areas:
 South Dakota, 22979

Federal Energy Regulatory Commission

NOTICES

Hydroelectric applications, 22973
 Meetings; Sunshine Act, 23024
Applications, hearings, determinations, etc.:
 Colorado Interstate Gas Co., 22973
 North Penn Gas Co., 22973
 Ohio River Pipeline Corp., 22974
 Transwestern Pipeline Co., 22974
 Trunkline Gas Co., 22975
 Valley Gas Transmission, Inc., 22975

Federal Grain Inspection Service

NOTICES

Soybean damage interpretations; meeting, 22959

Federal Highway Administration

RULES

Audit requirements for State and local governments, 22931

NOTICES

Environmental statements; notice of intent:
 Dallas County, TX, 23019

Federal Maritime Commission

NOTICES

Agreements filed, etc., 22979

Federal Reserve System

NOTICES

Agency information collection activities under OMB review,
 22979

Fine Arts Commission

See Commission of Fine Arts

Fish and Wildlife Service

PROPOSED RULES

Endangered and threatened species:
 Santa Ana River woolly-star, etc., 22955
 Virgin River chub, 22949

Food and Drug Administration

RULES

Color additives:
 (Phthalocyaninato (2-)) copper; change in organic chlorine
 content specification, etc., 22928

Food additives:

Polymers—
 Ethylene-1,4-cyclohexylene dimethylene terephthalate
 copolymers, 22929

NOTICES

Committees; establishment, renewals, terminations, etc.:
 Drug Abuse Advisory Committee, 22981
 National Center for Toxicological Research, Science
 Advisory Board, 22982
 Peripheral and Central Nervous System Drugs Advisory
 Committee, 22981
 Psychopharmacologic Drugs Advisory Committee, 22981
 Pulmonary-Allergy Drugs Advisory Committee, 22981

Food additive petitions:

Society of the Plastics Industry, Inc., 22982

Meetings:

Advisory committees, panels, etc.; correction, 22982

Health and Human Services Department

See also Food and Drug Administration; Health Care
 Financing Administration

NOTICES

Organization, functions, and authority delegations:
 General Counsel Office, 22981

Health Care Financing Administration

PROPOSED RULES

Medicare:

Hospital inpatient prospective payment system (Diagnosis
 Related Groups)
 Correction, 22948

Housing and Urban Development Department

RULES

Mortgage and loan insurance programs:
 Multifamily housing projects—
 Rent deregulation; correction, 22933

Interior Department

See Fish and Wildlife Service; Land Management Bureau;
 Minerals Management Service; National Park Service

Internal Revenue Service**PROPOSED RULES**

Income taxes:

- Debt instruments with original issue discount, imputed interest on deferred payment property sales or exchanges, and safe haven interest rates for commonly controlled taxpayers, 22947

International Trade Administration**NOTICES**

Export privileges, actions affecting:

- Degeyter, Marc Andre, 22959
- Maluta, Anatoli Tony, 22960

Meetings:

- President's Export Council, 22960

International Trade Commission**NOTICES**

Meetings; Sunshine Act, 23027

Interstate Commerce Commission**NOTICES**

Rail carriers:

- Cost recovery procedures; adjustment factor, 22985

Justice Department

See Drug Enforcement Administration

Labor Department

See also Employment and Training Administration;
Occupational Safety and Health Administration;
Pension and Welfare Benefits Administration

NOTICES

Agency information collection activities under OMB review,
22988, 22989
(2 documents)

Land Management Bureau**NOTICES**

Resource management plans/environmental statements; availability, etc.:

- Elko Resource Management Planning Area, NV, 22982

Survey plat filings:

- Colorado, 22983

Minerals Management Service**NOTICES**

Outer Continental Shelf; development operations coordination:

- Exxon Co., U.S.A., 22983
- Texaco USA, 22983

National Oceanic and Atmospheric Administration**RULES**

Fishery conservation and management:

- American lobster; correction, 22939

NOTICES

Fishery conservation and management:

- Western Pacific bottomfish and seamount groundfish, 22962

Meetings:

- Gulf of Mexico Fishery Management Council, 22960
(2 documents)

- Mid-Atlantic Fishery Management Council, 22960

Permits:

- Foreign fishing, 22960

National Park Service**NOTICES**

Concession contract negotiations:

- Black Canyon, Inc., 22984

Historic Places National Register; pending nominations:

- California et al., 22984

National Science Foundation**RULES**

Conflict of interests, 22939

Nondiscrimination; compliance procedure change, 22938

Navajo and Hopi Indian Relocation Commission**RULES**

Commission operations and relocation procedures:

- New lands administration; grazing regulations, 22933

Navy Department**RULES**

Rules applicable to the public; CFR Part removed, 22936

NOTICES

Agency information collection activities under OMB review, 22964

Naval Discharge Review Board; hearing locations, 22965

Nuclear Regulatory Commission**NOTICES**

Meetings:

- Reactor Safeguards Advisory Committee, 23012-23014
(4 documents)

- Sequoyah Fuels Facility, Gore, OK; resumption of operation, 23014

Meetings; Sunshine Act, 23014

Nuclear waste transportation:

- Notification to Governors' designees; list, 23015

Petitions; Director's decisions:

- Alabama Power Co., 23006

Applications, hearings, determinations, etc.:

- Detroit Edison Co., 23006
- General Public Utilities Nuclear Corp., 23008
- Iowa Electric Light & Power Co., 23010
- Mercy Hospital, 23011
- Pacific Gas & Electric Co., 23011
- Valley Radiology Associates, Inc., 23011

Occupational Safety and Health Administration**NOTICES**

State plans; standards approval, etc.:

- Maryland, 22992
- Michigan, 22993
- Washington, 22993

Panama Canal Commission**PROPOSED RULES**

Shipping and navigation:

- Pilotage; transit advisors, 22947

Pension and Welfare Benefits Administration**NOTICES**

Employee benefit plans; prohibited transaction exemptions:

- Carolina Power & Light Co. et al., 22994
- First National Bank of Chicago Pension Trust et al., 23004

Postal Rate Commission**NOTICES**

Meetings; Sunshine Act, 23027

Presidential Documents**PROCLAMATIONS***Special observances:*

Safety in the Workplace Week, National (Proc. 5504),
22921

Public Health Service

See Food and Drug Administration

Railroad Retirement Board**NOTICES**

Agency information collection activities under OMB review,
23017

Science and Technology Policy Office**NOTICES**

Meetings:

White House Science Council, 23017

Securities and Exchange Commission**NOTICES**

Self-regulatory organizations; unlisted trading privileges:
Cincinnati Stock Exchange, Inc., 23017

Small Business Administration**NOTICES**

Disaster loan areas:

Missouri, 23018

Southwestern Power Administration**NOTICES**

Power rates:

Sam Rayburn Dam Project, 22975

State Department**RULES**

Passports; execution of application

Correction, 22930

Transportation Department

See Federal Aviation Administration; Federal Highway
Administration

Treasury Department

See also Internal Revenue Service

NOTICES

Meetings:

Debt Management Advisory Committee, 23019

Notes, Treasury:

G-1993 series, 23021

P-1990 series, 23020

Separate Parts In This Issue**Part II**

Department of Energy, 23030

Reader Aids

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

CFR PARTS AFFECTED IN THIS ISSUE

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

3 CFR**Proclamations:**

5504..... 22921

7 CFR

1065..... 22923

1944..... 22924

Proposed Rules:

966..... 22941

1076..... 22944

14 CFR

39..... 22926

71..... 22927

Proposed Rules:

71..... 22945

21 CFR

74..... 22928

177..... 22929

Proposed Rules:

1308..... 22946

22 CFR

51..... 22930

23 CFR

12..... 22931

24 CFR

255..... 22933

25 CFR

700..... 22933

26 CFR**Proposed Rules:**

1..... 22947

32 CFR

765..... 22936

34 CFR700 (2 documents)..... 22936,
22937**35 CFR****Proposed Rules:**

105..... 22947

40 CFR

52..... 22937

60..... 22938

Proposed Rules:

268..... 22948

42 CFR**Proposed Rules:**

405..... 22948

412..... 22948

45 CFR

611..... 22938

680..... 22939

683..... 22939

50 CFR

649..... 22939

Proposed Rules:17 (2 documents)..... 22949,
22955

Presidential Documents

Title 3—

Proclamation 5504 of June 19, 1986

The President

National Safety in the Workplace Week, 1986

By the President of the United States of America

A Proclamation

Each year, workplace accidents kill over 11,000 Americans and injure an additional 1.9 million workers. These tragic accidents also cost American industry an estimated \$33.4 billion in annual losses.

Today's public and private sector employers and employees recognize the need to safeguard the working place so that all may enjoy a productive and healthy environment. National Safety in the Workplace Week, supported by the Occupational Safety and Health Administration of the United States Department of Labor, the American Society of Safety Engineers, and the Associated General Contractors, presents an opportunity for all Americans to reaffirm our dedication to the protection of the health and safety of American workers.

When it comes to workplace safety, OSHA's slogan—"Job Safety? You Bet Your Life!"—is more than a catchy phrase. It is a watchword for everyone to remember. Each employer and worker in this country is responsible for keeping America's worksites safe and healthy, not during just one week in June but each and every day of the year.

The Congress, by House Joint Resolution 131, has designated the week beginning June 15, 1986, as "National Safety in the Workplace Week" and authorized and requested the President to issue a proclamation in observance of this event.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week beginning June 15, 1986, as National Safety in the Workplace Week. I call upon all government agencies and the people of the United States to observe this week with appropriate programs, ceremonies, and activities.

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



Rules and Regulations

Federal Register

Vol. 51, No. 121

Tuesday, June 24, 1986

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1065

Milk in the Nebraska-Western Iowa Area; Order Suspending Certain Provisions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rule.

SUMMARY: For the months of June through August 1986 this action suspends the requirement that a cooperative association deliver 51 percent or more of the producer milk of members of the association to pool distributing plants of other handlers in order to qualify a supply plant operated by the cooperative association for pooling. The action was requested by a cooperative association that represents producers who supply milk for the market. The action is necessary to assure that the association's member dairy farmers who have regularly supplied the market's fluid needs will continue to share in the market's fluid milk sales.

EFFECTIVE DATE: June 24, 1986.

FOR FURTHER INFORMATION CONTACT: Constance M. Brenner, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-7311.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding:

Notice of Proposed Suspension: Issued May 28, 1986; published June 3, 1986 (51 FR 19846).

The Administrator of the Agricultural Marketing Service has certified that this action will not have a significant economic impact on a substantial number of small entities. This action lessens the regulatory impact of the

order on certain milk handlers and tends to ensure that dairy farmers will continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and of the order regulating the handling of milk in the Nebraska-Western Iowa marketing area.

Notice of proposed rulemaking was published in the *Federal Register* on June 3, 1986 (51 FR 19846) concerning a proposed suspension of certain provisions of the order. Interested persons were afforded opportunity to file written data, views, and arguments thereon. No comments opposing the proposed action were received.

After consideration of all relevant material, including the proposal in the notice, the comments received, and other available information, it is hereby found and determined that for the months of June through August 1986 the following provisions of the order do not tend to effectuate the declared policy of the Act:

§ 1065.7(c), the words "51 percent or more of the".

Statement of Consideration

This action suspends, for the months of June through August 1986, the requirement that a cooperative association deliver 51 percent or more of the producer milk of members of the association to pool distributing plants of other handlers in order to qualify a supply plant operated by the cooperative association for pooling. The suspension was requested by Mid-America Dairymen, Inc. (Mid-Am), a cooperative association that represents a large number of the market's producers.

The cooperative stated that the suspension is necessary because of increased production by the cooperative's members, as well as for the market as a whole, that greatly exceeds increased Class I sales. For the months of January through April 1986, Mid-Am production pooled on the Nebraska-Western Iowa order was 10.1 percent higher than for the same period of 1985. For the market as a whole, pooled producer milk increased 13.5 percent between January through April

1985 and the same period in 1986, while Class I sales increased only 0.2 percent.

Mid-Am stated that with the decrease in Class I sales that will accompany the closing of schools for the summer the percentage of the cooperative's producer milk shipped to Nebraska-Western Iowa pool distributing plants is likely to fall below 51 percent. As alternatives to depooling some milk of its member producers, the cooperative would have to attempt to pool Nebraska-Western Iowa producer milk on another Federal order or ship milk to distributing plants where the milk would be received, loaded back into the truck and shipped to a manufacturing plant. Either alternative would require the cooperative to move milk in an uneconomic and inefficient manner solely to maintain the pool status of producers who historically have supplied the fluid needs of the Nebraska-Western Iowa marketing area.

In comments filed in support of the suspension, Mid-Am stated that in 1985 the cooperative pooled some Nebraska-Western Iowa producer milk on the Greater Kansas City order in order to meet the 51 percent delivery requirement under the Nebraska-Western Iowa Order. Mid-Am stated that the movement of producer milk was not only costly to the cooperative and its members, but also resulted in the Greater Kansas City producers carrying a portion of the reserve supply of milk for the Nebraska-Western Iowa market.

No comments opposing the proposed action were received.

Milk production is significantly above year-earlier levels and consequently a greater proportion of the available milk supplies will have to be shipped to manufacturing plants for surplus use. In view of these circumstances, it is concluded that the 51 percent delivery requirement for cooperative-operated supply plants pooled under the Nebraska-Western Iowa milk order should be suspended for the months of June through August 1986 to ensure the orderly marketing of milk supplies. The suspension will prevent uneconomic and inefficient movements of milk solely to maintain the pool status of producers who historically have supplied the fluid milk needs of the Nebraska-Western Iowa marketing area.

It is hereby found and determined that thirty days' notice of the effective date

hereof is impractical, unnecessary and contrary to the public interest in that:

(a) The suspension is necessary to reflect current marketing conditions and to assure orderly marketing conditions in the marketing area in that without suspension substantial quantities of milk of producers who regularly supply the market otherwise would be excluded from the marketwide pool, thereby causing a disruption in the orderly marketing of milk; and

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views or arguments concerning the suspension. No comments were filed in opposition to this action.

Therefore, good cause exists for making this order effective upon publication in the **Federal Register**.

List of Subjects in 7 CFR Part 1065

Milk marketing orders, Milk, Dairy products.

It is therefore ordered, That the aforesaid provisions of § 1065.7(c) of the Nebraska-Western Iowa order are hereby suspended for the months of June through August 1986, as follows:

PART 1065—MILK IN THE NEBRASKA-WESTERN IOWA MARKETING AREA

1. The authority citation for 7 CFR Part 1065 continues to read as follows:

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

§ 1065.7 [Amended]

2. In § 1065.7(c), the words "51 percent or more of the" are suspended for the months of June through August 1986.

Signed at Washington, DC, on June 19, 1986.

Karen K. Darling,

Deputy Assistant Secretary, Marketing and Inspection Service.

[FR Doc. 86-14209 Filed 6-23-86; 8:45 am]

BILLING CODE 3410-02-M

Farmers Home Administration

7 CFR Part 1944

Farm Labor Housing

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) amends its Farm Labor Housing regulation in order to define substantial portion of income

as it relates to domestic farm laborers which includes migrant laborers. This action is necessary in order to satisfy a judicial requirement to define in the Labor Housing Procedures and Authorizations, "substantial portion of income" and "domestic farm laborers." The intended effect of this action is to: (1) Sufficiently cover activities performed by farm laborers, (2) furnish guidelines for determining substantial portion of income through universal and quantifiable terminology, and (3) comply with judicial requirements.

EFFECTIVE DATE: July 24, 1986.

FOR FURTHER INFORMATION CONTACT: Rebecca W. Johnson, Loan Officer, Farmers Home Administration, Room 5337, South Agriculture Building, 14th and Independence Avenue SW., Washington, DC 20250.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in Departmental Regulation 1512-1 which implements Executive Order 12291, and has been determined to be nonmajor, because there is no substantial change from practices under existing rules that would have an annual effect on the economy of \$100 million or more. Also, there is no major increase in cost or prices for consumers, individual industries, Federal, State or local government agencies, or geographical regions. Furthermore there is no 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. The Farmers Home Administration has revised its regulation for Farm Labor Housing in order to comply with the Honorable William M. Hoeveler, Judge for the Southern Federal District of Florida, which required the FmHA to define, in the Labor Housing Procedures and Authorizations, "substantial portion of income" and "domestic farm laborers" which includes laborers housed in seasonal housing.

FmHA has reviewed all comments and made appropriate revisions in accordance therewith. The revisions will establish a national definition and uniformity in determining substantial portion-of-income so that income received by farmworkers from farmwork reflects the exceptionally low, low income attributed to the hired farmworker.

Discussion of Final Rule

A proposed rule was published in the **Federal Register** (50 FR 37538) on September 16, 1985. The proposed rule

provided for a 60-day comment period. The comment period ended November 15, 1985. Comments were received from five FmHA field personnel who administer the regulation and from the general public.

A summary of the major comments received and actions taken follows: From FmHA field personnel—

1. Farm labor contractors should be added to the "in the employment or" portion of § 1944.153(a)(1).

Section 1944.153(a)(1) has been expanded to include labor contractor. Furthermore, a definition of "Farm labor contractor" has been provided in § 1944.153(aa).

2. Due to the extreme shortage of labor housing, housing borrowers should be allowed to give a higher priority for occupancy to domestic farmworkers who derive the highest percentage of income from farmwork.

Section 1944.153(bb)(2) [Section 1944.153(z) in proposed rule] has been added to allow for a priority criteria. Further elaboration of this point is shown under comment #12.

3. Clarify whole days, duration of time may be difficult to document. Seemingly, 110 days amounts to almost 50 percent of the normal working days per year.

Section 1944.153(bb)(1)(ii) [Section 1944.153(z) in the proposed rule] has been added to show this measure of time, as an alternate, when wages earned are not readily available.

4. Farmers may be reluctant to divulge information as to whether the commodity(ies) produce is(are) more than one-half of the commodity with respect to which service is performed. This could be a time-consuming expense and a matter of privacy.

Section 1944.153(a)(2) has been revised to delete any reference to varying percentages of ownership.

5. HUD very low income limits yield incomes too high for farmworkers in designated geographical locations. Project worksheets support this fact.

Section 1944.153(bb)(1)(i) [Section 1944.153(z) in the proposed rule] has been added to delete HUD income limits and substitute regional farmworker income standards.

From the General Public—

6. Sixty percent of the HUD very low income figure is too high to be considered for farmworker income.

(a) A percentage of total income would be a better figure and income should include both earned and unearned income.

(b) A U.S.D.A. publication, "Hired Farm Working Force of 1983" which used unpublished census data showed farmworker income of considerably

lesser amounts than HUD very low income figures for various geographical locations.

Section 1944.153(bb)(1)(i) [Section 1944.153(z) in the proposed rule] has been added to delete HUD income limits and substitute regional farmworker income standards.

7. Thirty-five percent of the HUD very low income figure may be a doable base.

This comment was not adopted, as the overwhelming number of comments indicated that HUD income limits were too high to be considered for farmworkers.

Section 1944.153(bb)(1)(i) [Section 1944.153(z) in the proposed rule] has been added to delete HUD income limits and substitute regional farmworker income standards.

8. Comments on using a percentage of annual family income, both earned and unearned, ranged from a high of 51 percent to as low as 25 percent of income for substantial portion of income.

This comment was adopted. Earned income, not an income range, is being used to determine substantial portion of income.

Section 1944.153(bb)(1)(i) [Section 1944.153(z) in the proposed rule] has been added to delete HUD income limits and substitute regional farmworker income standards and Section 1944.153(bb)(2) has been added to accommodate income variations.

9. Domestic farm laborer should be defined by an "activities" test rather than the "employment" test. Many farm operators attempt to avoid their responsibility to pay into various funds for the protection of workers, such as social security, unemployment or workers compensation, by claiming that farmworkers are not their "employees" but "independent contractors" who contract with them for the harvest of agricultural commodities. Others take the position that farmworkers who harvest crops are the "employees" of the farm labor contractor, thus shifting their tax-paying responsibility to that entity.

Section 1944.153(a) defines the activities that are included as farmwork. Therefore, no revision in "activities" was made.

10. Develop a sliding scale for eligibility, the larger the family the less income the family must derive from farmwork. The rationale for this approach is that in larger families there is a likelihood for some family members to work in nonfarm jobs.

Section 1944.153(bb)(1)(i) and (2) [Section 1944.153(z) in the proposed rule] have been added to equitably accommodate for income variations of farmworkers.

11. Eligibility standards should vary according to income. Households with income at or below the HUD very low income limits (i.e., 50 percent of median) should be eligible for farm labor housing if 15 percent or more of the household income is derived from farm labor. Low income households (i.e., 50 to 80 percent of median) should be eligible for farm labor housing if 20 percent or more of the household income is derived from farm labor. Moderate income households (i.e., 80 to 120 percent of median) should be eligible for farm labor housing if 30 percent or more of the household income is from farm labor housing, while all other households (120 percent or above) should be eligible only if 40 percent or more of the household income is from farm labor.

Section 1944.153(bb)(2) [Section 1944.153(z) in the proposed rule] has been added to accommodate varying incomes of farmworkers.

12. A priority system for use should be adopted, the highest priority for admission should be given to households earning between 71 and 100 percent of their earnings from farm labor; second highest priority should be given to those earning between 51 and 70 percent of their earnings from farm labor; and the third priority should be given to those earning between 51 and 15 percent of their earnings from farmwork.

Section 1944.153(bb)(2) has been added to provide for varying income sources while at the same time carrying out the intent of the legislation.

13. With regard to days worked, the duration of time should be a percentage of time rather than an absolute number of days. Duration of time may be useful in some areas but not where the growing season is of short duration. For the sake of clarity, FmHA should adopt Fair Labor Standards Act, "man-day" test, a "man-day" being a day in which one worker works at least one hour.

This comment was not adopted as a duration of time is being used only as an alternate way to determine that a substantial portion of income has been derived from farmwork.

Section 1944.153(bb)(1)(ii) [Section 1944.153(z) in the proposed rule] has been added to show a measure of time as an alternative, only when wages earned are not readily available.

14. When adopting the final rule, grandfather in existing tenants when they do not meet the eligibility requirements for being tenants.

This comment has not been adopted, persons not meeting the definitions of § 1944.153 (a) and (bb) currently living in LH projects will be considered ineligible tenants. Any continued occupancy will

be handled in accordance with the provisions for ineligible tenants under Subpart C of Part 1930 of this chapter.

15. For migrant workers, use 50 to 35 percent of income as substantial.

Section 1944.153(bb)(1)(i) [Section 1944.153(z) in the proposed rule] includes migrant workers and their percentage of income has been established at at least 50 percent of the regional income standard.

16. Product ownership should not be a criteria for farmworker eligibility. A worker should not be denied the right to live in FmHA funded housing just because the packing company packs the crops from other growers who cannot afford to do their own packing.

Section 1944.153(a)(2) has been revised to delete percentages of commodity ownership. "Ownership" and "produced by" were terms used synonymously by commentators.

The FmHA programs and projects which are affected by this instruction will be subject to intergovernmental consultation in the manner delineated in FmHA Instruction 1940-J, "Intergovernmental Review of Farmers Home Administration Programs and Activities, (available in any FmHA Office).

This document has been reviewed in accordance with 7 CFR Part 1940, Subpart G, "Environmental Program." It is the determination of FmHA that this action does not constitute a major Federal action significantly affecting the quality of the human environment and, in accordance with national Environmental Policy Act of 1969, Pub. L. 91-190, an environmental impact statement is not required.

The Catalog of Federal Domestic Assistance program affected is No. 10.405, Farm Labor Housing Loans and Grants.

Vance L. Clark, Administrator, has determined that this action will not have a significant economic impact on a substantial number of small entities because this action will only affect a small number of rural communities.

List of Subjects in 7 CFR Part 1944

Farm labor housing, Grant programs—Housing and community development, Loan programs—Housing and community development, Migrant labor, Nonprofit organizations, Public housing, Rent subsidies, Rural housing.

Therefore, Chapter XVIII, Title 7, Code of Federal Regulations is amended as follows:

PART 1944—HOUSING

1. The authority citation for Part 1944 continues to read as follows:

Authority: 42 U.S.C. 1480; 5 U.S.C. 301; 7 CFR 2.23; 7 CFR 2.70.

Subpart D—Farm Labor Housing Loan and Grant Policies, Procedures and Authorizations

2. Section 1944.153 is amended by revising paragraphs (a) and (x) and by adding paragraphs (y), (z), (aa), and (bb) to read as follows:

§ 1944.153 Definitions.

* * * * *

(a) *Domestic farm laborer.* Persons who receive a substantial portion of their income as laborers on farms in the United States, Puerto Rico, or the Virgin Islands and either are citizens of the United States, or reside in the United States, Puerto Rico, or the Virgin Islands after being legally admitted for permanent residence, and may also include the immediate families of such persons. Retired or disabled domestic farm laborers who are eligible tenants at the time of their retirement or on becoming disabled may continue to live in a project that they initially occupied as an eligible domestic farm laborer. A domestic laborer is a person who performs "farm labor" which includes all services performed:

(1) On a farm, in the employ of the owner, tenant, labor contractor, or other operator of a farm, in connection with cultivating the soil, or in connection with raising or harvesting any agricultural or aquaculture commodity; or

(2) In the employ of the operator of a farm in handling, planting, drying, packing, packaging, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, in its unmanufactured state, any agricultural or aquacultural commodity; but only if such operator of the farm produced the commodity; or

(3) In the employ of a group of farm operators in the performance of services described in paragraph (a)(2) of this section but only if such operators produced all of the commodities with respect to which such service is performed; but shall not be applicable with respect to services performed in connection with commercial canning or commercial freezing or in connection with any agricultural or aquacultural commodity after its delivery to a terminal market for distribution for consumption.

* * * * *

(x) *Migrant agricultural laborers.* Are agricultural laborers and family

dependents who establish a temporary residence while performing agriculture work at one or more locations away from the place he/she calls home or *home base*. (This does not include day-haul agricultural laborers whose travels are limited to work areas within one day of their work locations).

(y) *Home base.* A home base State is a State which the migrant farmworker claims as his/her domicile.

(z) *Seasonal housing.* Described in Exhibit I of Subpart A of Part 1924 of this chapter.

(aa) *Farm labor contractor* means any person—other than an agriculture employer, an agricultural association, or an employee of an agriculture employer or agriculture association—who, for any money or other valuable consideration paid or promised to be paid, recruits, solicits, hires, employs, furnishes, or transports any year-round or migrant farm laborer.

(bb) *Substantial portion of income.* That portion of income received which has been derived from *farm labor* performed by a *farm laborer* as defined in paragraph (a) of this section.

(1) To determine if income is considered substantial, the measure to be used will be:

(i) Actual dollars earned from farm labor by farm laborers other than migrant laborers must equal at least 65 percent of the annual income limits indicated for the Standard Federal Regions, as shown in Exhibit J (available in any FmHA office). For migrant farm laborers living in seasonal housing the actual dollars earned from farm labor by a farm laborer must equal at least 50 percent of annual limits as shown in Exhibit J (available in any FmHA office).

(ii) An alternate measure for determining substantial portion of income when actual earnings are not available may be the actual duration of time a farm laborer worked on a farm as a domestic farm worker during the preceding 12 months. In order to be considered as substantial the farm laborers must have worked at least 110 whole days in farm work. For the purposes of this section one whole day is the equivalent at least 7 hours. When using a period of more than one year, a yearly average amounting to at least 110 days per year must be computed.

(2) Priority for occupancy in farm labor housing must be given to households with 71 to 100 percent of total earnings from farm labor as defined in this section; second priority is to be given to households with earnings 51 to 70 percent of total earnings from farm labor; third priority is to be given to households with 26 to 50 percent of total earnings from farm labor; and lowest priority is to be given to those

households where farm labor accounts for less than 25 percent total earnings.

(3) When a natural disaster has occurred, such as a drought, flood, freeze, etc., figures for the last full year of work will be used to determine substantial portion of income under paragraph (bb)(1) of this section.

(4) The tenant who qualified as a domestic farm laborer in order to reside or continue to reside in the project must not have household income which exceeds the moderate income limit as shown in Exhibit C of Subpart A of Part 1944 of this chapter (available in any FmHA office) for the appropriate household size and geographical area.

(i) Income for purposes of this section is defined in paragraph II C of Exhibit B of Subpart C of Part 1930 of this chapter and also includes the full amount of periodic payments received from Social Security (including Social Security payments received by adults on behalf of minors or by minors intended for their own support), annuities, insurance policies, retirement funds, pensions, disability or death benefits (except lump sum settlements) and other similar types of periodic receipts, as well as any payments that will begin during the next 12 months, such as, payments in lieu of earnings, such as unemployment and disability compensation, worker compensation and severance pay.

(ii) Exempted Income is income of dependent, unmarried minors, under 18 years of age except as specified in paragraph (bb)(4)(i) of this section. (Tenants or co-tenants or spouses of either are not considered as minors for purposes of this section).

Dated: May 22, 1986.

Dwight O. Calhoun,

Acting Administrator, Farmers Home Administration.

[FR Doc. 86-14064 Filed 6-23-86; 8:45 am]

BILLING CODE 3410-07-M

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. 86-ANE-22; Amdt. 39-5338]

Airworthiness Directives; Marvel Schebler (Facet Aerospace Products Company) Carburetors, Models MA-5 and MA-5AA, Used on Various Franklin (Aircooled Motors) Aircraft Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Airworthiness Directive (AD) 72-6-5, Amendment 39-1411 as amended by Amendment 39-1685, 73 FR 13781. It is necessary to add two carburetor models, MA-5 and MA-5AA, which were inadvertently omitted from the original AD. The original AD was issued March 24, 1972, to prevent looseness or separation of the throttle arm on Marvel Schebler carburetors by safety wiring the throttle arm to the throttle stop. Separation of the throttle arm from the carburetor will result in loss of engine control. The original AD was amended by Amendment 39-1685, effective July 9, 1973, to limit it to those throttle arm configurations shown in the illustrations of AD 72-6-5 and continues to apply. The manufacturer had released a new design throttle arm and shaft which does not require the corrective action described in AD 72-6-5.

DATE: Effective July 3, 1986.

Compliance required within 30 days after the effective date of the AD, unless already accompanied.

FOR FURTHER INFORMATION CONTACT: Roy Hettenbach, ANE-174, New York Aircraft Certification Office, Aircraft Certification Division, New England Region, 181 South Franklin Avenue, Room 202, Valley Stream, New York 11581, telephone (516) 791-7421.

SUPPLEMENTARY INFORMATION: During the investigation of a fatal accident involving an aircraft equipped with a Franklin engine and Marvel Schebler MA-5 carburetor, it was found that the carburetor throttle arm was loose on the shaft even though the lock screw was in place and separation could be accomplished with ease. Model MA-5 and MA-5AA carburetors were inadvertently omitted from AD 72-6-5.

Note.—The throttle arm to stop design configuration of these model carburetors are identical to illustration "C" of AD-72-6-5.

Since this condition is likely to exist or develop on other carburetors of the same type design, a situation exists that requires the immediate adoption of this revision. It is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective within 30 days.

Conclusion: The FAA has determined that this regulation is an emergency regulation that is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must

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

List of Subjects in 14 CFR Part 39

Engines, Aircraft, Aviation safety.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration (FAA) amends § 39.13 of Part 39 of the Federal Aviation Regulations (FAR) as follows:

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

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

2. By amending Amendment 39-1411, AD 72-6-5, as amended by Amendment 39-1685 (73 FR 13781), as follows:

(a) In the applicability statement, insert the words "MA-5, MA-5AA," between "MA4-5AA," and "MA-6AA".

(b) Replace the compliance statement with the following: "Compliance is required within 30 days after the effective date of the AD, unless already accomplished."

(c) In Paragraph (3), insert the words "MA-5, MA-5AA," between "MA4-5AA," and "MA-6AA".

(d) Insert the following new paragraph following the "NOTE": "Upon request, an equivalent means of compliance with the requirements of this AD may be approved by the Manager, New York Aircraft Certification Office, Aircraft Certification Division, New England Region, 181 South Franklin Avenue, Room 202, Valley Stream, New York 11581."

Amendment 39-1411 (AD 72-6-5) became effective March 24, 1972.

Amendment 39-1685 became effective July 9, 1973.

This amendment becomes effective July 3, 1986.

Issued in Burlington, Massachusetts, on June 12, 1986.

Clyde M. DeHart, Jr.,

Acting Director, New England Region.

[FR Doc. 86-14036 Filed 6-23-86; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 86-AGL-19]

Alteration of Toledo, OH, Control Zone

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: The nature of this action is to alter the published description for the Toledo, Ohio control zone.

EFFECTIVE DATE: 0901 UTC, August 28, 1986.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Air Traffic Division, Airspace Branch, AGL-520, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION:

The Rule

This amendment to Part 71 of the Federal Aviation Regulations modifies the published description for the Toledo, OH control zone by changing the acronym VOR to VOR/DME. The need for the modification results from a change in the type of navigational equipment being utilized.

There will be no change to the existing designated airspace area for the control zone.

I find that notice and public procedure under 5 U.S.C. 553(b) are unnecessary because this action is a minor amendment in which the public would not be particularly interested. Section 71.171 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6B dated January 2, 1986.

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

List of Subjects in 14 CFR Part 71

Aviation, safety, Control zones.

Adoption of the Amendment

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

PART 71—[AMENDED]

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

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

§ 71.171 [Amended]

2. Section 71.171 is amended as follows:

Toledo, OH [Amended]

In all instances where the acronym VOR appears; remove and replace with VOR/DME.

Issued in Des Plaines, Illinois, on June 13, 1986.

Teddy W. Burcham,

Manager, Air Traffic Division.

[FR Doc. 86-14129 Filed 6-23-86; 8:45 am]

BILLING CODE 4910-13-M

4-62, 5600 Fishers Lane, Rockville, MD 20857.

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

SUPPLEMENTARY INFORMATION: In a notice published in the *Federal Register* of August 27, 1985 (50 FR 34758), FDA announced that a color additive petition (CAP 5C0192) has been filed by Ethicon, Inc., Somerville, NJ 08876-0151, proposing that § 74.3045 (21 CFR 74.3045) be amended by increasing the organic chlorine content specification for the color additive [phthalocyaninato(2-)] copper used to color sutures and contact lenses from a limit of not more than 0.2 percent to a limit of not more than 0.5 percent. The petition was filed under section 706 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 376).

The petition contains data and information demonstrating that the requested increase in the chlorine specification improves the stability of the color additive, and that it is safe under its prescribed conditions of use. The information includes a letter to the petitioner from a recognized expert explaining why the presence of as much as 0.5 percent organically bound chlorine is necessary to make the color additive stable, i.e., recrystallization resistant. On the basis of its review of this letter, FDA agrees that the color additive with a higher level of chlorine will be stable.

The data include a color extraction study and in vitro cytotoxicity studies. In the former study, no detectable amount of the color additive was extracted. In the cytotoxicity studies, which utilized mouse L-cells (clone 929), the color additive containing 0.5 percent organic chlorine had the same no-effect level as that containing 0.2 percent organic chlorine. Based on these criteria, FDA finds that the change in chlorine level will have no effect on the safety of the color additive.

FDA has evaluated the data in the petition, data supporting previous petitions involving this color additive, and other relevant material and concludes that [phthalocyaninato(2-)] copper that complies with the new chlorine specification is safe. Therefore, FDA is amending § 74.3045 as set forth below.

In accordance with § 71.15 (21 CFR 71.15), the petition and the documents that FDA considered and relied upon in

reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition (address above) by appointment with the information contact person listed above. As provided in 21 CFR 71.15, the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has previously considered the environmental effects of this rule as announced in the notice of filing for CAP 5C0192 (August 27, 1985; 50 FR 34758). No new information or comments have been received that would affect the agency's previous determination that there is no significant impact on the human environment and that an environmental impact statement is not required. The evidence supporting this finding may be seen at the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may at any time on or before July 24, 1986, file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday. FDA will publish notice of the objections that the agency has received or lack thereof in the *Federal Register*.

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Food and Drug Administration****21 CFR Part 74**

[Docket No. 85C-0327]

[Phthalocyaninato(2-)] Copper; Change in Organic Chlorine Content Specification for the Color Additive for Coloring Sutures and Contact Lenses

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the color additive regulations by increasing the organic chlorine content specification for the color additive [phthalocyaninato(2-)] copper used to color sutures and contact lenses. This action responds to a petition filed by Ethicon, Inc.

DATE: Effective July 25, 1986, except as to any provisions that may be stayed by the filing of proper objections; objections by July 24, 1986.

ADDRESS: Written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm.

List of Subjects in 21 CFR Part 74

Color additives; Cosmetics; Drugs; Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, Part 74 is amended as follows:

PART 74—LISTING OF COLOR ADDITIVES SUBJECT TO CERTIFICATION

1. The authority citation for 21 CFR Part 74 continues to read as follows:

Authority: Secs. 701, 706, 52 Stat. 1055-1056 as amended, 74 Stat. 399-407 as amended (21 U.S.C. 371, 376); 21 CFR 5.10.

2. In § 74.3045 by revising the entry for "Organic chlorine" in paragraph (b), to read as follows:

§ 74.3045 [Phthalocyaninato(2-)] copper.

* * * * *

(b) * * *
Organic chlorine, not more than 0.5 percent.

* * * * *

Dated: June 18, 1986.

John M. Taylor,
Acting Associate Commissioner for
Regulatory Affairs.

[FR Doc. 86-14150 Filed 6-23-86; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 177

[Docket No. 85F-0123]

Indirect Food Additives: Polymers

AGENCY: Food and Drug Administration.
ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of non-oriented ethylene-1,4-cyclohexylene dimethylene terephthalate copolymers in contact with foods containing up to 25 percent (by volume) of aqueous alcohol. This action responds to a petition filed by Eastman Chemicals Division, Eastman Kodak Co.

DATES: Effective June 24, 1986; objections by July 24, 1986.

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

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

SUPPLEMENTARY INFORMATION: In a notice published in the Federal Register of April 10, 1985 (50 FR 14162), FDA announced that a petition (FAP 5B3856) had been filed by Eastman Chemicals Division, Eastman Kodak Co., Kingsport, TN 37662, proposing that § 177.1315 *Ethylene-1,4-cyclohexylene dimethylene terephthalate copolymer* (21 CFR 177.1315) be amended to provide for the safe use of non-oriented ethylene-1,4-cyclohexylene terephthalate copolymers in contact with foods containing up to 25 percent (by volume) of aqueous alcohol.

FDA has evaluated data in the petition and other relevant material. The agency concludes that the proposed food additive use is safe, and that the regulations should be amended as set forth below.

The agency is editorially revising the specifications in 21 CFR 177.1315(b) to consolidate the entries and to reflect additional usage of the polymers in contact with up to 25 percent alcohol.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition (address above) by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday. FDA's regulations implementing the National Environmental Policy Act (21 CFR Part 25) have been replaced by a rule published in the Federal Register of April 26, 1985 (50 FR 16636, effective July 25, 1985). Under the new rule, an action of this type would require an

environmental assessment under 21 CFR 25.31a(a).

Any person who will be adversely affected by this regulation may at any time on or before July 24, 1986, file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 177

Food additives; Food packaging. Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Food Safety and Applied Nutrition, Part 177 is amended as follows:

PART 177—INDIRECT FOOD ADDITIVES: POLYMERS

1. The authority citation for 21 CFR Part 177 continues to read as follows:

Authority: Secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348); 21 CFR 5.10 and 5.61.

2. Section 177.1315 is amended by revising paragraph (b) to read as follows:

§ 177.1315 *Ethylene-1,4-cyclohexylene dimethylene terephthalate copolymers.*

* * * * *
(b) *Specifications:*

Ethylene-1,4-cyclohexylene dimethylene terephthalate copolymers	Inherent viscosity	Maximum extractable fractions of the copolymer in the finished form at specified temperatures and times (expressed in micrograms of the terephthaloyl moieties/square centimeter of food-contact surface)	Test for orientability	Conditions of use
1. <i>Non-oriented</i> ethylene-1,4-cyclohexylene dimethylene terephthalate copolymer is the reaction product of dimethyl terephthalate or terephthalic acid with a mixture containing 99 to 66 mole percent of ethylene glycol and 1 to 34 mole percent of 1,4-cyclohexanedimethanol (70 percent <i>trans</i> isomer, 30 percent <i>cis</i> isomer).	Inherent viscosity of a 0.50 percent solution of the copolymer in phenol-tetrachloroethane (60:40 ratio wt/wt) solvent is not less than 0.669 as determined by using a Wagner viscometer (or equivalent) and calculated from the following equation: Inherent viscosity = (Natural logarithm of N_p) / (c) where: N_p = Ratio of flow time of the polymer solution to that of the solvent, and c = concentration of the test solution expressed in grams per 100 milliliters.	(1) 0.23 microgram per square centimeter (1.5 micrograms per square inch) of food-contact surface when extracted with water added at 82.2 °C (180 °F) and allowed to cool to 48.9 °C (120 °F) in contact with the food-contact article.	No test required.....	In contact with foods, including foods containing not more than 25 percent (by volume) aqueous alcohol, excluding carbonated beverages and beer. Conditions of hot fill not to exceed 82.2 °C (180 °F), storage at temperatures not in excess of 48.9 °C (120 °F). No thermal treatment in the container.
do	do	(2) 0.23 microgram per square centimeter (1.5 micrograms per square inch) of food-contact surface when extracted with 3 percent (by volume) aqueous acetic acid added at 82.2 °C (180 °F) and allowed to cool to 48.9 °C (120 °F) in contact with the food-contact article.	do	Do.
do	do	(3) 0.08 microgram per square centimeter (0.5 microgram per square inch) of food-contact surface when extracted for 2 hours with <i>n</i> -heptane at 48.9 °C (120 °F). The heptane extractable results are to be divided by a factor of 5.	do	Do.
do	do	(4) 0.16 microgram per square centimeter (1.0 microgram per square inch) of food-contact surface when extracted for 24 hours with 25 percent (by volume) aqueous ethanol at 48.9 °C (120 °F).	do	Do.
2. <i>Oriented</i> ethylene-1,4-cyclohexylene dimethylene terephthalate copolymer is the reaction product of dimethyl terephthalate or terephthalic acid with a mixture containing 99 to 85 mole percent ethylene glycol and 1 to 15 mole percent of 1,4-cyclohexanedimethanol (70 percent <i>trans</i> isomer, 30 percent <i>cis</i> isomer).	do	(1) 0.23 microgram per square centimeter (1.5 micrograms per square inch) of food-contact surface of the oriented copolymer when extracted with water added at 87.8 °C (190 °F) and allowed to cool to 48.9 °C (120 °F) in contact with the food-contact article.	When extracted with heptane at 65.6 °C (150 °F) for 2 hours: terephthaloyl moieties do not exceed 0.09 microgram per square centimeter (0.60 microgram per square inch) of food-contact surface.	In contact with nonalcoholic foods including carbonated beverages. Conditions of hot fill not exceeding 87.8 °C (190 °F), storage at temperatures not in excess of 48.9 °C (120 °F). No thermal treatment in the container.
do	do	(2) 0.23 microgram per square centimeter (1.5 micrograms per square inch) of food-contact surface of oriented copolymer when extracted with 3 percent (by volume) aqueous acetic acid added at 87.8 °C (190 °F) and allowed to cool to 48.9 °C (120 °F) in contact with the food-contact article.	do	Do.
do	do	(3) 0.08 microgram per square centimeter (0.5 microgram per square inch) of food-contact surface of oriented copolymer when extracted for 2 hours with <i>n</i> -heptane at 48.9 °C (120 °F). The heptane extractable results are to be divided by a factor of 5.	do	Do.
do	do	(4) 0.23 microgram per square centimeter (1.5 micrograms per square inch) of food-contact surface of oriented copolymer when extracted with 20 percent (by volume) aqueous ethanol heated to 65.6 °C (150 °F) for 20 minutes and allowed to cool to 48.9 °C (120 °F) in contact with the food-contact article.	do	In contact with foods and beverages containing up to 20 percent (by volume) alcohol. Conditions of thermal treatment in the container not exceeding 65.6 °C (150 °F) for 20 minutes. Storage at temperatures not in excess of 48.9 °C (120 °F).
do	do	(5) 0.23 microgram per square centimeter (1.5 micrograms per square inch) of food-contact surface of oriented copolymer when extracted with 50 percent (by volume) aqueous ethanol at 48.9 °C (120 °F) for 24 hours.	do	In contact with foods and beverages containing up to 50 percent (by volume) alcohol. Conditions of fill and storage not exceeding 48.9 °C (120 °F). No thermal treatment in the container.

Dated: June 13, 1986.

* * * * *
Sanford A. Miller,
Director, Center for Food Safety and Applied Nutrition.
 [FR Doc. 86-14151 Filed 6-23-86; 8:45 am]
BILLING CODE 4180-01-M

DEPARTMENT OF STATE
22 CFR Part 51
[Department Regulation 108.849]
Passports; Execution of Passport Application; Correction
AGENCY: Department of State.

ACTION: Final rule, correction of effective date.

SUMMARY: This document corrects the effective date of the final regulation on execution of passport applications which was published June 5, 1986 (51 FR 20475, column 2).

Accordingly, the effective date of the amendment to 22 CFR Part 51 is corrected to read as follows:

EFFECTIVE DATE: August 4, 1986.

FOR FURTHER INFORMATION CONTACT: William B. Wharton, (202) 647-6635.

Dated: June 12, 1986.

Joan M. Clark,

Assistant Secretary, Bureau of Consular Affairs.

[FR Doc. 86-14147 Filed 6-23-86; 8:45 am]

BILLING CODE 4710-06-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 12

Federal-Aid Highway Program; State Internal Audit Responsibilities

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule.

SUMMARY: The Single Audit Act of 1984 established uniform audit requirements for State and local governments receiving Federal financial assistance. This final rule makes the necessary changes in the FHWA regulations to conform to the requirements of the Single Audit Act of 1984 (Pub. L. 98-502, 98 Stat. 2327).

EFFECTIVE DATE: June 24, 1986.

FOR FURTHER INFORMATION CONTACT:

Mr. Max I. Inman, Office of Fiscal Services, (202) 426-0562, or Mr. Michael J. Laska, Office of the Chief Counsel, (202) 426-0762, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., ET, Monday through Friday, except legal holidays.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking was published in the *Federal Register* on October 24, 1985 (50 FR 43233) and comments were invited for 30 days ending November 25, 1985. Comments were received from the Arizona, Idaho, Maine, and Michigan Departments of Transportation.

Discussion of Comments

The following summarizes the comments that were received and how they were addressed in the appropriate section.

Section 12.3 Audit requirements.

To provide clarification, § 12.3(b) has been revised to include an explanation that certain maintenance, administration, supervision, and overhead costs and in-kind contributions are not eligible for Federal participation. Cross references to other

parts of the FHWA regulations which further explain the cost exceptions, have also been added.

One commenter requested that a supplemental regulation be issued to specify and define the cost principles for the Highway Research, Planning, and Construction Program. Cost principles are set out in 49 CFR Part 90 for all Department of Transportation (DOT) recipients. These principles are applicable to the highway program except those relating to maintenance administration, supervision, and overhead of the State highway agencies (SHA). The FHWA does not see a need to identify the specific principles in this regulation.

Section 12.5 SHA responsibilities.

To comply with direction from the DOT Office of the Secretary, § 12.5(a) has been revised to require the SHAs to submit copies of the audit reports, management letters, and action plans to the DOT Office of Inspector General (OIG), as well as the FHWA.

Section 12.9 FHWA program reviews.

One commenter suggested that a provision be added to this section for FHWA review of audit work conducted by SHA internal audit groups. This FHWA review would determine if other auditors could utilize the work to avoid duplication. The independent auditor is responsible for making reviews of this type. It would be inappropriate for FHWA to add the suggested provision.

Section 12.11 SHA internal audit function.

Two commenters expressed the necessity for requiring an SHA internal audit function and offered suggested revisions that would further emphasize the importance of maintaining this function. The FHWA agrees the function is valuable and important, but no revisions were made because FHWA can only encourage the SHAs to maintain the function. The Single Audit Act of 1984 requires State and local governments to have independent audits made, and the FHWA can not go beyond this and require the SHAs to maintain an audit function.

Discussion of Revisions

Based upon a further review and in consideration of comments submitted, the following is a section-by-section discussion of revisions contained in this final rule.

Title

The title is changed from "State Internal Audit Responsibilities" to "Single Audit Requirements", because

this regulation implements the requirements of the Single Audit Act of 1984.

Section 12.1 Purpose.

This section is revised to exclude references to Office of Management and Budget (OMB) Circular A-102 and DOT Order 4600.9B and to incorporate a reference to the Single Audit Act of 1984.

Section 12.3 Definitions.

The section heading is changed from "Definitions" to "Audit requirements". The definitions of terms are contained elsewhere in the regulations. The new section, "Audit requirements", incorporates the audit requirements which have been established in 49 CFR Part 90 for all DOT recipients. These audit requirements are the same requirements specified in OMB Circular A-128 dated April 12, 1985. However, the requirements of 49 CFR Part 90 are clarified by this final rule to comply with specific legal or procedural requirements. One reference to 49 CFR Part 90 is contained in this section to clarify that the determination of eligible costs is based on the provisions of 23 CFR Parts 1 and 140 as well as OMB Circulars A-87 and A-102. These OMB circulars contain general requirements and do not recognize the provisions of Title 23, United States Code, that prohibit the payment of maintenance, administration, supervision, overhead, and noncash costs.

Section 12.5 Applicability.

The section heading is changed from "Applicability" to "SHA responsibilities". The existing section is not needed because the applicability of the audit requirements is specified in 49 CFR Part 90. The new section, "SHA responsibilities", prescribes the specific responsibilities of the SHAs as the recipients of Federal-aid highway funds. The new section was revised to require the SHAs to submit copies of the audit reports, management letters, and action plans to the OIG, as well as the FHWA.

Section 12.7 Criteria for audit performance and administration.

The section heading is changed from "Criteria for audit performance and administration" to "Cognizant agency responsibilities". The existing section is not needed because the audit criteria are established in 49 CFR Part 90. The new section, "Cognizant agency responsibilities", clarifies the cognizant agency responsibilities contained in 49 CFR Part 90 when those functions have been assigned to DOT. DOT Order

4600.15 divides cognizant agency responsibilities between the OIG and the DOT operating administration.

Section 12.9 Annual certification.

The section heading is changed from "Annual certification" to "FHWA program reviews". DOT Order 4600.15 requires recipients to certify in an assistance agreement that an audit will be made. However, when the DOT operating administration includes the audit requirements in its regulations, as FHWA is doing, the certification is not necessary. The new section, "FHWA program reviews", specifies that additional review work may be performed by FHWA on the operations of a State or local agency. FHWA reviews are not considered additional audit work and are necessary for FHWA to administer its program responsibilities.

Section 12.11 Review of audit reports.

The section heading is changed from "Review of audit reports" to "SHA internal audit function". The existing section is not needed because the provisions are included in other sections of the regulation. The new section, "SHA internal audit function", encourages SHAs to maintain an internal audit function. This function is an important internal control and a valuable management tool.

Section 12.13 FHWA followup and disposition actions on reports, findings, and recommendations.

The section heading is changed from "FHWA followup and disposition actions on reports, findings, and recommendations" to "Audit costs". The existing section is not needed because the audit resolution process is contained in 49 CFR Part 90. The new section, "Audit costs", clarifies that FHWA's requirements for paying audit costs are contained in 23 CFR Part 140, Subpart H.

Section 12.15 Audit coordination.

This section is removed. Audit coordination is adequately covered in other sections of the regulations.

Section 12.17 Retention of records.

This section is removed. The retention of records is required by 49 CFR Part 90.

Section 12.19 SHA single audit plans.

This section is removed. SHA audit plans are no longer considered necessary.

Regulatory Impact

The FHWA has determined that this document contains neither a major rule under Executive Order 12291 nor a

significant regulation under DOT regulatory procedures. Although some SHAs may be required to revise the role of their internal auditors or move to an annual audit, the impact of this revised regulation will be minor. The economic impacts of this action will also be minimal since the amount of grant money available to the States will not be affected. Accordingly, under the criteria of the Regulatory Flexibility Act, it is certified that this action will not have a significant economic impact on a substantial number of small entities. For the foregoing reasons, a full regulatory evaluation of this rulemaking action is not required. The information collection requirement contained in Section 12.5 of this regulation has been approved by OMB under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96-511) and has been assigned OMB control number 2125-0502 which expires on March 31, 1987.

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

List of Subjects in 23 CFR Part 12

Accounting, Grant programs—transportation, Highways and roads, Reporting and recordkeeping requirements.

Issued on: June 13, 1986.

R.A. Barnhart,
Federal Highway Administrator, Federal Highway Administration.

In consideration of the foregoing, Part 12 of Chapter I of Title 23, Code of Federal Regulations, is revised to read as follows:

PART 12—SINGLE AUDIT REQUIREMENTS

- Sec.
12.1 Purpose.
12.3 Audit requirements.
12.5 SHA responsibilities.
12.7 Cognizant agency responsibilities.
12.9 FHWA program reviews.
12.11 SHA internal audit function.
12.13 Audit costs.

Authority: 23 U.S.C. 315; 31 U.S.C. 7501-7507; 49 CFR 1.48(b).

§ 12.1 Purpose.

To implement the requirements of the Single Audit Act of 1984 (Pub. L. 98-502, 98 Stat. 2327).

§ 12.3 Audit requirements.

(a) State highway agencies (SHA) and local government agencies (including metropolitan planning organizations) which receive Federal-aid highway

funds shall comply with the audit requirements established in 49 CFR Part 90 as clarified by this part.

(b) The auditor shall determine if the amounts claimed or used for matching were in accordance with:

(1) 49 CFR Part 90, Appendix A, paragraph 8b, and

(2) Part 1 and Part 140 of this chapter which prohibit Federal participation in (i) certain maintenance, administration, supervision, and overhead costs of the SHA, and (ii) costs which have not been incurred by the SHA, such as in-kind contributions.

§ 12.5 SHA responsibilities.

(a) The SHA is responsible for ensuring that its operations are audited in accordance with 49 CFR Part 90 and that findings reported in the audit are properly resolved. The SHA shall submit copies of the following documents to the Federal Highway Administration (FHWA) and the Department of Transportation (DOT), Office of Inspector General (OIG):

- (1) The audit report on its operations,
- (2) Any management letters that are issued in connection with the audit, and
- (3) The plan for correction of reported findings.

(b) The SHA is responsible for ensuring that subrecipients receiving Federal-aid highway funds through the SHA are audited in accordance with § 12.3. The SHA shall receive and retain the audit reports issued on the operations of subrecipients. When requested by FHWA, the SHA shall provide copies of these audit reports to FHWA.

Approved by the Office of Management and Budget under control number 2125-0502.)

§ 12.7 Cognizant agency responsibilities.

When the Office of Management and Budget (OMB) designates the DOT as the cognizant agency for an SHA, the FHWA and the OIG will share the cognizant agency responsibilities identified in 49 CFR Part 90, Appendix A, paragraph 11. FHWA is responsible for ensuring that audits are made, reports are received, findings are resolved, and corrective actions are taken. The OIG is responsible for ensuring that audits comply with the audit requirements, providing technical advice, and advising the SHA when the OIG determines that the audit does not meet the audit requirements.

§ 12.9 FHWA program reviews.

Nothing in this part precludes the FHWA from performing program reviews on the operations of a State or

local government agency which has received Federal-aid highway funds.

§ 12.11 SHA internal audit function.

The SHAs are encouraged to maintain an effective internal audit function. This function is a valuable internal control and, as such, should be evaluated by the independent auditor as part of the internal control review. The independent auditor should rely on the work of the internal auditors to avoid duplication of audit work.

§ 12.13 Audit costs.

Notwithstanding the provisions of 49 CFR Part 90, Appendix A, paragraph 16, SHAs desiring reimbursement from FHWA for audit costs shall claim those costs in accordance with Part 140, Subpart H of this chapter.

[FR Doc. 86-14148 Filed 6-23-86; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 255

[Docket No. R-86-1181; FR-1905]

Multifamily Housing Mortgage Insurance—Deregulation of Rents

Correction

In FR Doc. 86-12594, beginning on page 20264 in the issue of Wednesday, June 4, 1986, make the following correction:

§ 255.703 [Corrected]

On page 20274, in the middle column, in § 255.703, in the last line of paragraph (c)(2)(i), "June 4" should read "July 21".

BILLING CODE 1505-01-M

NAVAJO AND HOPI INDIAN RELOCATION COMMISSION

25 CFR Part 700

New Lands Administration; Grazing Regulations

AGENCY: Navajo and Hopi Indian Relocation Commission.

ACTION: Interim final rule with comment period.

SUMMARY: These rules establish grazing regulations for the lands which have been acquired pursuant to Pub. L. 96-305 for the use of Navajo families required to relocate under Pub. L. 93-531.

DATES: Interim final rule effective June 24, 1986. Comments must be received on or before July 24, 1986.

ADDRESSES: Comments may be mailed to the Executive Director, Navajo and Hopi Indian Relocation Commission, P.O. Box KK, Flagstaff, Arizona 86002.

FOR FURTHER INFORMATION CONTACT: Sue Crystal (Attorney), Navajo and Hopi Indian Relocation Commission, at (602) 779-2721, or Daniel Jackson, Phoenix Area Office, Bureau of Indian Affairs, Department of the Interior, at (602) 241-5190.

SUPPLEMENTARY INFORMATION: Pub. L. 96-305 provides for the acquisition of land for the use of Navajo families who are required to relocate under the terms of Pub. L. 93-531. The Navajo Tribe, pursuant to the authority in Pub. L. 96-305, selected 215,000 acres of land in Arizona which has been acquired by the Federal Government and is now held in trust for the Navajo Tribe. 35,000 acres have been selected in New Mexico but have not yet been acquired. An additional 150,000 acres of land owned in fee by the Navajo Tribe was selected and will be made available as part of the lands selected for resettlement purposes.

25 U.S.C. 640d-10(h) of Pub. L. 96-305 provides that the lands that have been acquired for resettlement purposes shall be administered by the Commission until relocation is complete. The 1986 Interior Appropriations Bill (Pub. L. 99-190) provided construction funds to the Bureau of Indian Affairs for the purpose of building replacement homes on the resettlement lands. The Commission and the BIA have been working closely together to plan for the actual resettlement of those families who are physically residing on the Hopi Partitioned Lands to the New Lands. The grazing regulations which are the subject of this rule have been developed jointly by the BIA and the Commission pursuant to the Secretary's authority to protect Indian lands against waste and the Commission's authority to administer the New Lands. Under 25 U.S.C. 640d-11(i), the Commission is authorized to call upon any department to assist in the completion of the relocation program. Since the BIA has an established grazing program and available personnel to administer grazing, the Commission has called upon the BIA to assist in this effort.

These regulations will apply to the New Lands acquired for relocation purposes. Pub. L. 96-305 provides that the New Lands "shall be used solely for

the benefit of Navajo families residing on the Hopi Partitioned Lands as of the date of this subsection who are awaiting relocation under the Act." Pub. L. 96-305 was signed into law on July 8, 1980. Thus, in order to qualify for grazing privileges, individuals must have been residing on the HPL on that date. To receive a grazing permit, the permittee must move from the HPL and have not previously received their relocation benefits. Individuals who do not move from the HPL will not be eligible to hold grazing permits on the New Lands. The number of sheep units that each permittee will be entitled to own will be based on the BIA livestock inventory conducted in 1975 or 80 SUYL, whichever is less.

The priority system is designed to allow those who are presently grazing livestock to have the opportunity to continue a grazing lifestyle. Those individuals who are currently grazing livestock have the greatest need to continue to graze livestock on the New Lands. The second priority will go to those individuals who had grazing permits on the HPL, issued by the BIA, but may not have renewed their permits for the present time. Priority will be given in descending order to those who had permits through 1985, 1984, 1983, 1982, 1981, and 1980. Once the grazing demands in priorities 1 and 2 have been met, then consideration will be given to applicants who physically resided on the HPL in July, 1980 but who have no grazing permits. This priority system will accommodate those people who have the greatest need to replicate a traditional grazing lifestyle on the New Lands.

The carrying capacity of the New Lands will be determined by the BIA Area Director, Navajo Area Office, who will set the stocking rate and have the authority to adjust that rate as conditions warrant. The permits will be issued by the Area Director and each individual may only graze as many livestock as are allowed under the permit. The duration of the permits will initially be for a five-year period and shall be automatically renewable until terminated. Any amendments made to these regulations will automatically become a condition of any permits which have been issued. Any Navajo who holds a valid grazing permit issued under these regulations may pass it on to his heirs through inheritance.

Sections 700.717 and 700.721 make provision for livestock trespass and impoundment and disposal of unauthorized livestock. These sections are basically consistent with the BIA's

regulations applicable to those who will be receiving permits.

The BIA Area Director and the permittees who are assigned to a specific range unit will develop a range management plan for each unit, including stocking rate, grazing schedule, provision for operation and maintenance of range improvements, and needs assessments for range and livestock improvements. This will allow those individuals who are grazing in a particular unit to have a significant amount of input into the management of that unit.

Section 700.725 provides that grazing permits cannot be assigned, subpermitted, or transferred without the consent of the Area Director. As a practical matter, a sub-permitting and assignment can result in problems with the enforcement of range management plans. This provision will insure that such actions do not compromise the effective grazing management plan. Permits may be revoked or withdrawn on 30-days notice for violation of the plan, non-payment of grazing fees, or termination of the trust status of the permittee's land. The Area Director may establish a grazing fee on the New Lands. If fees are to be charged, they will be collected prior to the issuance of a permit. If grazing fees are collected, they will be payable to the Navajo Tribe for the maintenance of range improvements on the New Lands. Any of the provisions in these regulations may be amended as needed and any amendments so made will be automatically incorporated as part of the existing permits on the next October 31st following the effective date of the amendment. This will apply to any changes made as a result of comments received and incorporated into the final regulations. This is designed to insure that the BIA does not have to wait until the five-year permit tenure expires prior to making any amendments effective.

These regulations are being published as an Interim Final Rule because of the timeframe involved in the movement of eligible individuals to the New Lands. Although the Commission's original deadline of July 7, 1986 for the completion of relocation will not be met, there is considerable urgency to begin to move at least those individuals who are physically residing on the HPL as soon as possible. The majority of those families are dependent in some fashion on grazing and must be assured that a grazing permit will be issued prior to their moving to the New Lands. The BIA is in the process of developing a pilot project to move some families to the New Lands within the next two months.

It is, therefore, necessary for these regulations to become effective immediately so that grazing permits can be issued to those families.

The principal author of this final rulemaking is Daniel Jackson, Bureau of Indian Affairs, Department of the Interior.

List of Subjects in 25 CFR Part 700

Administrative practice and procedure, Conflict of interests, Freedom of Information, Grant program—Indians, Indian-claims, Privacy, Real property acquisition, Relocation Assistance, and New Lands Administration.

PART 700—[AMENDED]

Accordingly, the Commission is amending 25 CFR Part 700 as follows:

1. The authority for Part 700 is revised to read as follows:

Authority: R.S. 465, 2117, as amended, sec. 3, 28 Stat. 795, sec. 1, 28 Stat. 305, as amended; 25 U.S.C. 9, 179, 397, 345, 402, 640(d)–10(h); Pub. L. 99–190.

2. Subpart Q is added to read as follows:

Subpart Q—New Lands Grazing

- 700.701 Definitions.
- 700.703 Authority.
- 700.705 Objectives.
- 700.707 Regulations; scope.
- 700.709 Carrying capacities.
- 700.711 Grazing privileges.
- 700.713 Grazing permits.
- 700.715 Tenure of grazing.
- 700.717 Livestock trespass.
- 700.719 Control of livestock diseases and parasites.
- 700.721 Impoundment and disposal of unauthorized livestock.
- 700.723 Range management plans.
- 700.725 Assignment, modification, and cancellation of grazing permits.
- 700.727 Establishment of grazing fees.
- 700.729 Amendments.

Subpart Q—New Lands Grazing

§ 700.701 Definitions.

(a) "Act" means Pub. L. 93–531 (88 Stat. 1712, 25 U.S.C. 640 et seq.) as amended by Pub. L. 96–305.

(b) "New Lands" means the land acquired for the use of relocatees under the authority of Pub. L. 96–305, 25 U.S.C. 640d–10. These lands include the 250,000 acres of lands acquired by the Navajo and Hopi Indian Relocation Commission and added to the Navajo Reservation and 150,000 acres of private lands previously owned by the Navajo Nation in fee and to be taken in trust by the United States pursuant to 25 U.S.C. 640d–10.

(c) "Area Director" means the Bureau of Indian Affairs Navajo Area Director in Window Rock.

(d) "Secretary" means the Secretary of the Interior. Reference to approval or other action by the Secretary will also include approval or other action by a Federal officer under delegated authority from the Secretary.

(e) "Tribe" means the Navajo Nation.

(f) "Range unit" means a tract of range land designated as a management unit for administration of grazing.

(g) "Range management plan" means a range plan for a specific range unit that will provide for a sustained forage production consistent with soil, watershed, wildlife and other values.

(h) "Stocking Rate" means the authorized stocking rate by range unit as determined by the Secretary. The stocking rate shall be based on forage production, range utilization, land management applications being applied, and range improvements in place to achieve uniformity of grazing under sustained yield management principles.

(i) "Grazing Permit" means a revocable privilege granted in writing, limited to entering on and utilizing forage by domestic livestock on a specified tract of land. The term as used herein shall include written authorizations issued to enable the crossing or trailing of domestic livestock across specified tracts or range.

(j) "Animal Unit" (AU) means one adult cow with unweaned calf by her side or equivalent thereof based on comparative forage consumption. Accepted conversion factors are: Sheep and Goats—one ewe, doe, buck, or ram equals 0.25 A.U.; Horses and Mules—one horse, mule, donkey, or burro equals 1.25 A.U.

(k) "Sheep Unit" means one ewe with lamb at side or a doe goat with kid.

(l) "A.U.M." means one animal unit grazed for one month.

(m) "S.U.Y.L." means one sheep unit grazed yearlong.

(n) "HPL" means the area partitioned to the Hopi Tribe pursuant to Pub. L. 93–531 known as the Hopi Partitioned Land.

§ 700.703 Authority.

It is within the authority of the Secretary of the Interior to protect Indian tribal lands against waste. It is within the authority of the Navajo and Hopi Indian Relocation Commission to administer the New Lands added to the Navajo Reservation pursuant to 25 U.S.C. 640(d)–10.

§ 700.705 Objectives.

It is the purpose of the regulations in this part to aid the Navajo Indians in achievement of the following objectives:

(a) The preservation of the forage, the land, and the water resources on the New Lands.

(b) The resettlement of Navajo Indians physically residing on the Hopi Partitioned Lands to the New Lands.

§ 700.707 Regulations; scope.

The grazing regulations in this part apply to the New Lands within the boundaries of the Navajo Reservation held in trust by the United States for the Navajo Tribe which lands were added to the Navajo Reservation pursuant to 25 U.S.C. 640(d)-10. 25 CFR Parts 166 and 167 are not applicable to the New Lands.

§ 700.709 Carrying capacities.

The Area Director, Navajo Area Office, will set the stocking rate and adjust that rate as conditions warrant.

§ 700.711 Grazing privileges.

(a) Navajo individuals over 18 years of age at the time of application for a permit who (i) physically resided on the Hopi partitioned lands on July 8, 1980, (ii) who have not received relocation benefits under P.L. 93-531, and (iii) who relocate from the HPL, will be eligible for a grazing permit for the number of sheep units year long ("SUYL") that he/she had listed on the Project Officer's Livestock Inventory in 1975, or 80 SUYL, whichever is less under the following priorities:

(1) First priority will be given to those Navajo individuals presently grazing livestock under a valid grazing permit on the HPL;

(2) Second priority will be given to those Navajo individuals who had valid grazing permits on the HPL issued by the Hopi Partitioned Lands Office, Phoenix Area Office, BIA ("HPLO"), or its predecessor, but who for some reason elected not to renew their permits. Within this category, priority will be given to those with permits through 1985, 1984, then 1983, 1982, 1981, and 1980.

(3) When the grazing demands in categories 1 and 2 above are satisfied, consideration will then be given to applicants who physically resided on the HPL on July 8, 1980, and who relocate from the HPL, that do not fall within the stated categories.

(b) If an individual who meets the eligibility under the priorities listed above had no 1975 livestock inventory, then his permit will be based on the number of animal units permitted by the HPL in 1980.

§ 700.713 Grazing permits.

All livestock grazing on the New Lands must be covered by an authorized

grazing permit issued by the Area Director. The number of livestock that may be grazed under each permit shall be the number originally permitted under these regulations, plus or minus any changes indicated by changes in the stocking rate.

§ 700.715 Tenure of grazing permits.

All active regular grazing permits shall be for five years and shall be automatically renewed until terminated. After their initial issuance, grazing permits run during the grazing season of October 31 of each year to the following October 30. Amendments to these regulations extending or limiting the tenure of grazing permits are applicable and become a condition of all previously granted permits. Amendments to grazing permits which result from amendments to these regulations become part of existing grazing permits on the next October 31 following the effective date of the amendment to these regulations. A grazing permit may be passed on through inheritance.

§ 700.717 Livestock trespass.

The owner of any livestock grazing in trespass on the New Lands is liable to a civil penalty of \$1 per head per day for each animal in trespass, together with the replacement value of the forage consumed and a reasonable value for damages to property injured or destroyed. The Area Director may take appropriate action to collect all such penalties and damages and seek injunctive relief when appropriate. All payments for such penalties and damages shall be paid to the Area Director for use as a range improvement fund. The following acts are prohibited:

(a) The grazing upon or driving across any of the New Lands of any livestock without an approved grazing or crossing permit;

(b) Allowing livestock to drift and graze on lands without an approved permit;

(c) The grazing of livestock upon lands within an area closed to grazing of the class of livestock;

(d) The grazing of livestock by permittees upon any land withdrawn from use for grazing purpose to protect it from damage, after receipt of notice from the Area Director; and

(e) Grazing livestock in excess of those numbers and kinds authorized on a livestock grazing permit approved by the Area Director.

§ 700.719 Control of livestock diseases and parasites.

Whenever livestock within the New Lands become infected with contagious or infectious diseases or parasites or

have been exposed thereto, such livestock must be treated and the movement thereof restricted in accordance with applicable laws.

§ 700.721 Impoundment and disposal of unauthorized livestock.

Unauthorized livestock within any range unit of the New Lands which are not removed therefrom within the periods prescribed by the regulation will be impounded and disposed of by the Area Director as provided herein.

(a) When the Area Director determines that unauthorized livestock use is occurring and has definite knowledge of the kind of unauthorized livestock, and knows the name and address of the owners, such livestock may be impounded any time after five days after written notice of intent to impound unauthorized livestock is mailed by certified mail or personally delivered to such owners by their agent.

(b) When the Area Director determines that unauthorized livestock use is occurring but does not have complete knowledge of the number and class of livestock or if the name and address of the owner thereof are unknown, such livestock will be impounded anytime after 15 days after the date of a General Notice of Intent to Impound unauthorized livestock is first published in the local newspaper, posted at the nearest chapter house, and in one or more local trading posts.

(c) Unauthorized livestock on the New Lands which are owned by persons given notice under paragraph (a) of this section, and any unauthorized livestock in areas for which notice has been posted and published under paragraph (b) of this section, will be impounded without further notice anytime within the twelve month period immediately following the effective date of the notice.

(d) Following the impoundment of unauthorized livestock, a notice of sale of impounded livestock or unauthorized livestock will be published in the local newspaper, posted at the nearest chapter house, and in one or more local trading posts. The notice will describe the livestock and specify the date, time, and place of sale. The date set shall be at least 5 days after the publication and posting of such notice.

(e) The owners or their agent may redeem the livestock anytime before the time set for the sale by submitting proof of ownership and paying for all expenses incurred in gathering, impounding, and feeding or pasturing the livestock and any trespass fees and/or damages caused by the animals.

(f) Livestock erroneously impounded shall be returned to the rightful owner, and all expenses accruing thereto shall be waived.

(g) If the livestock are not redeemed before the time fixed for their sale, they shall be sold at public sale to the highest bidder. When livestock are sold pursuant to this regulation, the Area Director shall furnish the buyer a bill of sale or other written instrument evidencing the sale.

(h) The proceeds of any sale of impounded livestock shall be applied as follows:

(1) To the payment of all expenses incurred by the United States in gathering, impounding, and feeding or pasturing the livestock;

(2) Trespass penalties assessed pursuant to § 700.717 shall be paid to a separate account to be administered by the Area Director for use as a range improvement fund for the New Lands;

(3) Any remaining amount shall be paid over to the owner of said livestock upon his submitting proof of ownership. Any proceeds remaining after payment of the first and second items noted above not claimed within one year from the date of sale, will be credited to the United States.

§ 700.723 Range management plans.

The Area Director and the permittees will develop a range management plan for each range unit. The plan will include but not be limited to the following:

(a) Goals for improving vegetative productivity.

(b) Incentives for carrying out the goals.

(c) Stocking rate.

(d) Grazing schedule.

(e) Wildlife management.

(f) Needs assessment for range and livestock improvements.

(g) Schedule for operation and maintenance of existing range improvements.

§ 700.725 Assignment, modification, and cancellation of grazing permits.

(a) Grazing permits shall not be assigned, sub-permitted, or transferred without the consent of the contracting parties and the approval of the Area Director.

(b) The Area Director may revoke or withdraw all or any part of a grazing permit by cancellation or modification on 30 days' written notice for violation of the permit or of the management plan, non-payment of grazing fees, violation of these regulations, or because of the termination of the trust status of the permitted land. In case of cancellation

or modification because of trust termination, the action shall be effected on the next anniversary date of the grazing permit following the date of notice.

§ 700.727 Establishment of grazing fees.

(a) The Area Director may establish a minimum acceptable grazing fee per SUYL. If a grazing fee is established, it shall apply to all grazing privileges on the New Lands. The Area Director will collect each year's fee annually in advance of the commencement of each grazing season as defined in § 700.715.

(b) Grazing fees collected under this section will be placed in a separate account to be administered by the Area Director and will be utilized for the operation and maintenance of existing and any future range improvements.

§ 700.729 Amendments.

These regulations may be amended or superseded as needed. Amendments or superseding regulations are automatically incorporated as part of existing permits on the next October 31 following the effective date of the amendment or superseding regulation.

Ralph A. Watkins, Jr.,
Chairman.

[FR Doc. 86-14146 Filed 6-23-86; 8:45 am]

BILLING CODE 7560-01-M

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 765

Rules Applicable to the Public

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: This document removes § 765.3 from title 32 of the *Code of Federal Regulations*. This action is being taken because the underlying regulation, Marine Corps Order 5510.1D, has been cancelled.

EFFECTIVE DATE: June 24, 1986.

FOR FURTHER INFORMATION CONTACT: Mrs. B.L. Thompson, (202) 694-1452.

List of Subjects in 32 CFR Part 765

Federal building and facilities, Military law, National defense, Seals and insignia, Security measures.

PART 765—[AMENDED]

Accordingly, 32 CFR Part 765 is amended as follows:

1. The authority citation for Part 765 continues to read as follows:

Authority: 5 U.S.C. 301; 10 U.S.C. 133, 5031, 6011, unless otherwise noted.

§ 765.3 [Removed]

2. Section 765.3 is removed.

Dated: June 19, 1986.

Harold L. Stoller, Jr.,

CDR, JAGC, USN, Federal Register Liaison Officer.

[FR Doc. 86-14193 Filed 6-23-86; 8:45 am]

BILLING CODE 3810-AE-M

DEPARTMENT OF EDUCATION

34 CFR Part 700

Educational Research Grant Program

AGENCY: Department of Education (ED).

ACTION: Final regulations; correction.

SUMMARY: ED is making a change in the preamble and correcting an error in the final regulations for the Educational Research Grant Program published in the *Federal Register* on May 28, 1986 (51 FR 19314).

FOR FURTHER INFORMATION CONTACT: Frank Sobol at (202) 357-6210.

SUPPLEMENTARY INFORMATION: Certain additional errors occurred in printing the Educational Research Grant Program regulations. The significant errors will be corrected in a separate document published by the Office of the Federal Register. Minor typographical errors will be corrected by the Office of the Federal Register prior to publication of the regulations in the *Code of Federal Regulations*.

(Catalog of Federal Domestic Assistance Number 84.117, Educational Research and Development)

Dated: June 19, 1986.

Chester E. Finn, Jr.,

Assistant Secretary and Counselor to the Secretary.

The following corrections are made in FR Doc. 86-11862, final regulations for the Educational Research Grant Program, published in the *Federal Register* on May 28, 1986 (51 FR 19314).

1. In the preamble, the address and telephone number under the paragraph entitled "**FOR FURTHER INFORMATION CONTACT**" is changed to: 555 New Jersey Avenue NW., Room 627H, Washington, DC 20208. Telephone Number: (202) 357-6210.

§ 700.31 [Corrected]

2. On page 19316, in § 700.31(b)(1), third column, line 21, "(iii)" is changed to "(iv)".

[FR Doc. 86-14214 Filed 6-23-86; 8:45 am]

BILLING CODE 4000-01-M

34 CFR Part 700**Educational Research Grant Program***Correction*

In FR Doc. 86-11862 beginning on page 19314 in the issue of Wednesday, May 28, 1986, make the following corrections:

§ 700.3 [Corrected]

1. On page 19315, in the second column, in § 700.3(a)(1), in the first line, "Educational" should read "Education", and in the second line, "Administration" should read "Administrative".

§ 700.12 [Corrected]

2. On page 19316, in the first column, in § 700.12(a)(13), in the second line, "is" should read "in".

§ 700.30 [Corrected]

3. On the same page, in the second column, in § 700.30(a), in the fourth line, insert "in" after "criteria".

§ 700.31 [Corrected]

4. On the same page, in the third column, in § 700.31(b)(2) introductory text, in the second line, "(b)(1)" should read "(b)(1)(i)".

5. On page 19317, in the first column, in § 700.31(f)(2)(i), in the third line, insert "problems of" between "of" and "American". And in paragraph (f)(2)(iv), in the fourth line, "an" should read "as".

§ 700.33 [Corrected]

6. On the same page, in the third column, in § 700.33(a), in the ninth line, "it" should read "if", and in the eleventh line, "project" should read "projects".

BILLING CODE 1505-01-M

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52**

[A-6-FRL-3037-2]

Promulgation of Implementation Plans; Oklahoma; Visibility Protection

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: In this action EPA is promulgating Federal regulations for visibility monitoring and visibility new source review (NSR) for Oklahoma. The regulations were proposed for 34 states at 49 FR 42670 on October 23, 1984. No comments were received on the proposal specific to Oklahoma.

Oklahoma submitted a State implementation plan (SIP) revision on July 12, 1985, to avoid final action on this proposal. However, the SIP revision

does not meet the requirements for visibility monitoring and visibility NSR. Therefore, EPA is promulgating Federal regulations for Oklahoma today.

EFFECTIVE DATES: This action will become effective on July 24, 1986.

FOR FURTHER INFORMATION CONTACT: John Crocker, Air Programs Branch, EPA Region 6, 1201 Elm Street, Dallas, Texas 75270, telephone (214) 767-9850 or (FTS) 729-9850.

ADDRESSES: Docket A-84-32 was established for this rulemaking and can be inspected Monday through Friday between 8:00 a.m. and 4:00 p.m. at EPA's Central Docket Section, West Tower Lobby, Gallery 1, 401 M Street, SW., Washington, DC 20460. A reasonable fee may be charged for copying.

SUPPLEMENTARY INFORMATION:**Background**

Section 169A of the Clean Air Act (Act), 42 U.S.C. 7491, requires visibility protection for mandatory Class I Federal areas where EPA has determined visibility is an important value.

"Mandatory Class I Federal areas" are certain national parks, wilderness areas, and international parks, as described in section 162(a) of the Act, 42 U.S.C. 7472(a). The mandatory Class I Federal areas where visibility is an important value are identified in EPA regulations at 40 CFR 81.400-437. Section 169A specifically requires EPA to promulgate regulations requiring certain States to amend their SIPs to provide visibility protection. On December 2, 1980, EPA promulgated the required visibility regulations at 45 FR 80084, codified at 40 CFR 51.300 *et seq.* In December 1982, the Environmental Defense Fund (EDF) filed a citizen suit alleging that EPA failed to perform a nondiscretionary duty under section 110(e) of the Act to promulgate visibility SIPs for States that had failed to submit such SIP revisions to EPA. The EPA and EDF negotiated a settlement agreement for deficient States which the court approved on April 20, 1984.

The settlement agreement requires EPA to promulgate visibility SIPs on a specified schedule for those States that have not submitted visibility SIP revisions to EPA. (For more information on the settlement agreement see 49 FR 20647 on May 16, 1984.) The EPA proposed SIP revisions for 34 States including Oklahoma on October 23, 1984, at 49 FR 42670. The EPA promulgated Federal regulations for visibility NSR for 16 States and a visibility monitoring strategy for 19 States on July 12, 1985, at 50 FR 28544. Fifteen States, including Oklahoma, submitted draft or final SIP revisions designed to meet the visibility

monitoring requirements of 51.305. Eighteen States, including Oklahoma, submitted draft or final SIP revisions designed to meet the visibility NSR requirements of 51.307. The settlement agreement constrains EPA to approve the State submittals or to promulgate Federal programs. In today's action, EPA is promulgating a Federal visibility monitoring and visibility NSR program (Sections 52.26, 52.27, and 52.28) for Oklahoma in order to meet the settlement agreement schedule. Federal programs for four other States were previously promulgated on February 13, 1986, at 51 FR 5504.

Oklahoma submitted a final visibility plan on July 12, 1985. EPA has reviewed the submittal and has found it inadequate. EPA published a proposed disapproval of the Oklahoma submittal in the April 17, 1986, *Federal Register* and is taking comment on it (see 51 FR 13029). If EPA should reverse its decision on the adequacy of the submittal, it would revoke today's promulgation.

Comments

The EPA took comments on the proposed disapprovals and Federal programs in the fall of 1984. These comments can be obtained through Docket A-84-32 at EPA's Central Docket Section, West Tower Lobby, Gallery 1, 401 M Street, SW., Washington, DC 20460. All major issues raised during the comment period were addressed in the promulgation notice of July 12, 1985, at 50 FR 28544. No comments were received on the proposed rulemaking notice specific to Oklahoma.

Classification

The Administrator certifies pursuant to the provisions of 5 U.S.C. 605(b) that the attached rules will not have a significant economic impact on a substantial number of small entities. Only a few sources will be required to evaluate the potential impact on visibility that are not already required to do so under the existing PSD program.

The rules promulgated today do not contain any information collection requirements subject to Office of Management and Budget (OMB) review under the Paperwork Reduction Act of 1980, U.S.C. 3501 *et seq.*

The rules have been submitted to OMB for review under Executive Order 12291. Any written comments from that office have been placed in the Docket A-84-32.

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur dioxides, Nitrogen dioxide, Lead,

Particulate matter, Hydrocarbons, Carbon monoxide, Incorporation by reference.

Dated: June 16, 1986.

Lee M. Thomas,
Administrator.

PART 52—[AMENDED]

Part 52, Chapter 1 of Title 40, Code of Federal Regulations, is amended as follows:

Subpart LL—Oklahoma

1. The authority citation for Part 52 continues to read as follows:

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

2. Section 52.1933 is added to read as follows:

§ 52.1933 Visibility protection.

(a) The requirements of section 169A of the Clean Air Act are not met because the plan does not include approvable procedures meeting the requirements of 40 CFR 51.305 and 51.307 for protection of visibility in mandatory Class I Federal areas.

(b) Regulations for visibility monitoring and new sources review. The provisions of §§ 52.26, 52.27, and 52.28 are hereby incorporated and made part of the applicable plan for the State of Oklahoma.

[FR Doc. 86-14178 Filed 6-23-86; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 60

[AD-FRL-3035-8]

Standards of Performance for New Stationary Sources; Metal Coil Surface Coating

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This document corrects language in the final standards for metal coil surface coating to clarify the number of test runs required for the performance test. Recently it was brought to the Agency's attention by a State agency that they had encountered difficulty in determining the number of test runs required by the standards. It has been determined that a phrase specifying the required number of test runs was omitted from the standards by mistake. As originally written, the language in the standards could have been interpreted to require only one test run during the performance test. This revision changes the language to prevent misinterpretation and to clarify that three test runs are required for the

performance test. The language appeared on page 49617 in the *Federal Register* on Monday, November 1, 1982 (47 FR 49617).

FOR FURTHER INFORMATION CONTACT: Mr. Sims Roy, Standards Development Branch, Emission Standards and Engineering Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, (919) 541-5578.

Dated: June 13, 1986.

Don R. Clay,

Deputy Assistant Administrator for Air and Radiation.

PART 60—[AMENDED]

40 CFR Part 60 is amended as follows:

1. The authority citation for Part 60 continues to read as follows:

Authority: Secs. 101, 111, 114, 116, 301, Clean Air Act as amended (42 U.S.C. 7401, 7411, 7414, 7616, 7601).

2. In § 60.466, paragraph (c) is revised to read as follows:

§ 60.466 Test methods and procedures.

(c) For Method 25, the sampling time for each of three runs is to be at least 60 minutes, and the minimum sampling volume is to be at least 0.003 dry standard cubic meter (DSCM); however, shorter sampling times or smaller volumes, when necessitated by process variables or other factors, may be approved by the Administrator.

[FR Doc. 86-14084 Filed 6-23-86; 8:45 am]

BILLING CODE 6560-50-M

NATIONAL SCIENCE FOUNDATION

45 CFR Part 611

Nondiscrimination; Compliance; Change in Procedure

AGENCY: National Science Foundation.

ACTION: Final rule.

SUMMARY: This amendment simplifies the internal NSF procedure for final agency approval of an order suspending, terminating, or refusing to grant Federal financial assistance under Title VI of the Civil Rights Act of 1964. Final internal agency approval of an order will henceforth be made by the Director of the National Science Foundation.

EFFECTIVE DATE: June 24, 1986.

ADDRESS: Any comments should be addressed to: Paralegal, Office of the General Counsel, Room 501, National Science Foundation, Washington, DC 20550.

FOR FURTHER INFORMATION CONTACT: Sukari S. Smith, Paralegal, Office of the General Counsel, National Science Foundation, Washington, DC 20550, 202-357-9580 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The preexisting regulation had called for approval by the Director and the National Science Board.

Explanation of the Change

The statute calls for approval by the "head of the agency". In the case of the National Science Foundation, the National Science Board establishes the policies of the Foundation [42 U.S.C. 1863(a)], but all executive and management functions (with exceptions not relevant here) are assigned by the statute or the Board to the Director [42 U.S.C. 1864(b)]. Thus, the Director is generally regarded as the head of the agency for purposes of various statutes that use the term. It is therefore appropriate that the Director approve any specific action required under Title VI, in keeping with any policy on the subject prescribed by the Board.

Executive Order 12291

The Foundation has determined that this action is not a major rule as defined in Executive Order 12291 of February 17, 1983 (3 CFR 1981 Comp., p. 127).

This change involves an internal rule of agency organization, procedure, or practice. Therefore, the Foundation finds public comment on it unnecessary.

List of Subjects in 45 CFR Part 611

Civil rights, Government procurement, Grant programs—science and technology, Nondiscrimination.

Sukari S. Smith,
Federal Register Liaison Officer.

June 6, 1986.

Accordingly, Title 45 of the Code of Federal Regulations is amended as provided below:

PART 611—(AMENDED)

45 CFR, Part 611 is amended as follows:

1. The authority citation for Part 611 is revised to read:

Authority: Sec. 11(a) of the National Science Foundation Act of 1950, as amended, 42 U.S.C. 1870(a); 42 U.S.C. 2000d-1.

2. Section 611.8(c) is revised to read as follows:

§ 611.8 Procedure for effecting compliance.

* * * * *

(c) Termination of or refusal to grant or to continue Federal financial assistance. No order suspending, terminating, or refusing to grant or continue Federal financial assistance shall become effective until (1) the responsible Foundation official has advised the applicant or recipient of his failure to comply and has determined that compliance cannot be secured by voluntary means, (2) there has been an express finding on the record, after opportunity for hearings, of a failure by the applicant or recipient to comply with a requirement imposed by or pursuant to this part, (3) the action has been approved by the Director pursuant to § 611.10(e) and (4) the expiration of thirty days after the Director has filed with the Committee of the House and the Committee of the Senate having legislative jurisdiction over the program involved, a full written report of the circumstances and the grounds for such action.

Any action to suspend or terminate or to refuse to grant or to continue Federal financial assistance shall be limited to the particular political entity, or part thereof, or other applicant or recipient as to whom such a finding has been made and shall be limited in its effect to the particular program, or part thereof, in which such noncompliance has been so found.

* * * * *

3. Section 611.10(e) is revised to read as follows:

§ 611.10 Decisions and notices.

(e) Approval by Director. Any final decision of a responsible Foundation official (other than the Director) which provides for the suspension or termination of, or the refusal to grant or continue Federal financial assistance, or the imposition of any other sanction available under this part or the Act, shall promptly be transmitted to the Director who may approve such decision, may vacate it, or remit or mitigate any sanction imposed.

* * * * *

FR Doc. 86-13582 Filed 6-23-86; 8:45 am]
BILLING CODE 7555-01-M

45 CFR Parts 680 and 683

Conflicts-of-Interest

AGENCY: National Science Foundation.
ACTION: Final rule.

SUMMARY: Three subsections of the NSF conflicts-of-interest regulations are based upon a recently repealed provision of the National Science

Foundation Act of 1950, as amended. The Foundation is amending its regulations to repeal those subsections.

EFFECTIVE DATE: June 24, 1986.

ADDRESS: Questions should be addressed to: Office of the General Counsel, Room 501, 1800 G Street NW., Washington, DC 20550.

FOR FURTHER INFORMATION CONTACT: Arthur J. Kusinski, Conflicts-of-Interest Counsellor, (202) 357-9445.

SUPPLEMENTARY INFORMATION: Before its repeal by Pub. L. 99-159, section 14(b) of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1873(b)), prohibited, without the approval of the National Science Board, full-time Presidential appointees from holding office in or acting in any capacity for any institution which had or was seeking NSF awards. Section 14(b) further prohibited any full-time Presidential appointee from engaging in any other business, vocation, or employment while serving the NSF in a full-time presidential position. The NSF conflicts-of-interest regulations (Title 45 CFR Parts 680-684) reflected these statutory prohibitions at § 680.14(b) and (c) and § 683.30(d).

As noted above, section 14(b) was repealed on November 22, 1985 by Pub. L. 99-159 (99 Stat. 887). What was section 14(b) immediately prior to its repeal was part of the original National Science Foundation Act of 1950, the organic law of the Foundation. The subsection sprung from a concern by President Truman that responsibility for the administration of the Foundation be vested in full-time officers who could be held accountable. This original concern is now all but forgotten; no one doubts that the Director, the Deputy Director, and the Assistant Directors of the Foundation are and will be full-time Federal officials like their counterparts in any other Federal agency.

Section 210 of the Ethics in Government Act of 1978 (5 U.S.C. App. I) places restrictions on outside activities of Presidentially appointed executives throughout the Executive branch by limiting their outside earned income to 15% of Government salary. Since the enactment of section 210 in 1978, that part of section 14(b) of the NSF Act which prohibited outside activity by NSF full-time Presidential appointees has become out-dated, applying additional, unneeded restrictions on Foundation Presidential appointees.

The amendments reflect this change to the National Science Foundation Act by deleting those regulatory subsections which implement the repealed statutory section. (Deletion of these subsections do not necessarily mean that the

activities previously prohibited are now permitted; generally applicable standards of conduct rules continue to apply).

Because these amendments affect only internal agency policies and procedures, and personnel, they are published in final form.

PARTS 680 AND 683—[AMENDED]

Accordingly, Title 45 CFR is amended as follows:

1. The authority citation for Parts 680 and 683 continues to read:

Authority: E.O. 11222 of May 8, 1965, 3 CFR, 1965 Supplement and Regulations of the Office of Personnel Management, 5 CFR 735.104.

§ 680.14 [Amended]

2. Section 680.14 is amended by removing paragraphs (b) and (c), and redesignating (d) and (e) as (b) and (c) respectively.

§ 683.30 [Amended]

3. Section 683.30 is amended by removing paragraph (d).

Dated: June 9, 1986.

Charles H. Herz,
General Counsel.

[FR Doc. 86-13583 Filed 6-23-86; 8:45 am]

BILLING CODE 7555-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 649

[Docket No. 60336-6086]

American Lobster Fishery; Correction

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

ACTION: Final rule; correction.

SUMMARY: This document adds Figure 1 which was inadvertently omitted from the final rule implementing Amendment 1 to the Fishery Management Plan for the American Lobster Fishery published May 28, 1986, at 51 FR 19210.

FOR FURTHER INFORMATION CONTACT: Carol J. Kilbride, Resource Policy Analyst, 617-281-3600, ext. 331; or Kathi L. Rodrigues, Resource Management Specialist, 617-281-3600, ext. 324.

Dated: June 19, 1986.

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

The following correction is made in FR Doc. 86-11903, page 19212, in the issue of May 28, 1986:

§ 649.21 [Corrected]

In § 649.21(b)(2), page 19212, column 2, reference is made to Figure 1, an illustration of a standard tetrahedral corner radar reflector. Figure 1 is added to the end of the regulatory text.

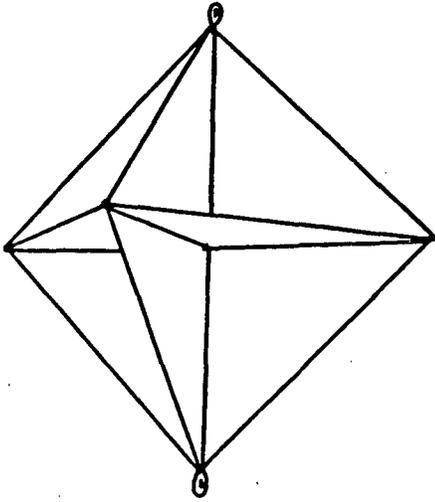


Figure 1.

[FR Doc. 86-14250 Filed 6-23-86; 8:45 am]
BILLING CODE 3510-22-M

Proposed Rules

Federal Register

Vol. 51, No. 121

Tuesday, June 24, 1986

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 966

[Docket No. AO-265-A5]

Tomatoes Grown in Florida; Decision and Referendum Order on Proposed Further Amendment of Marketing Agreement and Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule and referendum order.

SUMMARY: This decision proposes amendments to the marketing agreement and order for Florida tomatoes and provides Florida tomato producers with the opportunity to vote in a referendum to determine if they favor the proposed amendments. The proposed amendments would: (1) Provide authority for production research and promotion including paid advertising; (2) provide authority to accept assessments in advance or to borrow money; (3) provide authority to accept voluntary contributions for research and promotion projects; (4) limit the tenure of committee members and alternates; (5) allow for the interchange of alternates within districts at meetings; and (6) require periodic referenda. The intent of the proposed changes is to improve the effectiveness of the program.

DATE: The voting period for purposes of the referendum herein ordered is June 25 through July 3, 1986.

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

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding: Notice of Hearing on proposed rule issued December 16, 1985, and published December 20, 1985 (50 FR 51872); Notice

of Recommended Decision issued May 20, 1986, and published May 23, 1986 (51 FR 18890).

This administrative action is governed by the provisions of sections 556 and 557 of Title 5 of the United States Code and therefore is not subject to the requirements of Executive Order 12291.

Preliminary Statement

These proposed amendments were formulated on the record of a public hearing held at Orlando, Florida, on January 14, 1986, to consider proposed amendments of the marketing agreement, as amended, and Marketing Order 966, as amended, hereinafter referred to as the "order." The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), hereinafter referred to as the "act," and the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900). Notice of this hearing was published in the December 20, 1985, issue of the *Federal Register* (50 FR 51872). That notice contained several amendment proposals submitted by the Florida Tomato Committee established under the order. Also in that notice, the Department proposed that it be authorized to make any necessary conforming changes.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Administrator of the Agricultural Marketing Service on May 20, 1986, filed with the Hearing Clerk, U.S. Department of Agriculture, a recommended decision containing the notice of the opportunity to file written exceptions thereto. The recommended decision was published in the May 23, 1986, issue of the *Federal Register* (51 FR 18890). The final date for receipt of written exceptions filed by interested persons was June 9, 1986. One exception was filed on behalf of both the Florida Tomato Committee and the Florida Tomato Exchange. The committee is responsible for the administration of the order. The Exchange is a nonprofit industry cooperative association of tomato handlers. The exception supports the proposed changes to § 966.32 on the substitution of alternate members for absent members, § 966.42 on borrowing money, and § 966.45 on accepting gifts for research and

promotion projects. The exceptor did contend that some of the modifications to these provisions included in the recommended decision were not necessary, but did not raise specific objection to the language as proposed. The exceptor's contentions in this regard have been considered; however, it has been determined that the language as proposed in the recommended decision is appropriate. The exceptor objected to the addition of reporting requirements to § 966.48 on research and promotion, the proposed changes on committee member and alternate tenure in § 966.23, and the proposed changes on periodic referenda in § 966.84. The latter three issues are discussed later in this document.

The Administrator has determined that this action would not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*). As stated in the notice of hearing, interested persons were invited to present evidence on the probable regulatory and informational impact of the proposed rule on small businesses for purpose of the RFA.

During the fiscal year ending July 31, 1985, 103 handlers regulated under M.O. 966 handled tomatoes for the fresh market with an estimated crop value of approximately \$314.4 million. The average value per handler was approximately \$3,052,000. Given an appropriate definition of a small business concern (i.e., for purposes of review pursuant to the Regulatory Flexibility Act, an agricultural services firm with average annual receipts not exceeding \$3,500,000) almost all of the handlers of tomatoes would fall within that definition. Thus, few, if any, handlers can be considered large or predominant in a relative or absolute sense.

The proposed amendments to the order include provisions which will provide more frequent opportunity for broad base representation on the committee and greater flexibility for the committee in accepting contributions and advance assessments.

The proposed amendment to § 966.48 makes it possible for the committee to fund production research and paid advertising to promote consumer awareness and sales of Florida tomatoes. The present § 966.48 provides for market research and development projects but makes no provision for paid

advertising and promotion or production research. In the past, these activities have been sponsored by the Florida Tomato Exchange—a nonprofit voluntary cooperative association of first handlers of fresh tomatoes produced in Florida. Most handlers regulated under the order are members of the Exchange. The Exchange establishes and finances projects involving production research, marketing research and development projects, and marketing promotion and paid advertising projects to assist Florida tomato producers and promote the consumption of Florida tomatoes.

Active members of the Tomato Exchange handle a substantial amount of the tomatoes produced in the production area. These handlers pay assessments directly to the Exchange which are used to finance the costs of such projects. The small percentage of handlers who contribute no funds to the Exchange get the benefits from these research projects without incurring any of the costs. If authority is added to the marketing order for production research and marketing promotion including paid advertising, all handlers would pay assessments through the existing order assessment provisions to finance such projects. This would result in all handlers paying a fair share of the expenses for these research and promotion projects. This action would not impose substantial costs on affected small businesses because a substantial number of small businesses are already voluntarily funding such projects, and research, promotion, and paid advertising projects could be expanded without substantial increases to individual handler costs.

Finally, the proposed amendments to the order would have no significant impact on small businesses' recordkeeping and reporting requirements.

Findings and conclusions

The material issues, findings and conclusions, rulings, general findings, and regulatory provisions of the recommended decision published in the May 23, 1986, issue of the *Federal Register* (51 FR 18890) are hereby incorporated herein and made a part hereof subject to the following corrections, clarifications, and discussion:

Page	Column	Line	Correction
18890	2	15	Change "information" to "informational".
18890	3	4	Change "produces" to "producers"

Page	Column	Line	Correction
18891	2	18	Change "puruant" to "pursuant".
18891	2	32	Change "imporve" to "improve".
18891	3	54	Change "objective" to "objectives".
18892	1	57	Change "be" to "by".
18892	1	61	Change "and" to "of".
18892	1	65	Change "record" to "records".
18892	2	41	Change "time" to "times".
18894	2	42	Change "repective" to "respective".

Material issue (1), dealing with the addition of authority for production research and marketing promotion including paid advertising, should be amended by the addition of the following three paragraphs:

"The exceptor objected to the inclusion of language in § 966.48 requiring the committee upon conclusion of each project, but at least annually, to summarize the program status and accomplishments, to its members and the Secretary. It also objected to the language requiring a similar report to the committee by any contracting party on any project carried out under this section. Finally, the exceptor objected to the requirements that for each project the contracting party shall maintain records of money received and expenditures, and that such shall be available to the committee and the Secretary.

The exceptor did not object to requiring that all of these things be done. The exceptor contended, however, that these requirements are already present in M.O. 966 and that adding the additional language to § 966.48 is redundant and could be confusing.

The provisions referred to by the exceptor in § 966.35 (j), (k), and (l) and § 966.43 (a) and (b) refer to general committee reporting and accounting requirements and do not cover the specific matters for which the proposed language was added. Large sums of money will be involved in supporting the programs contemplated under the proposed revision of § 966.48 and, thus, the particular reporting requirements are prudent and necessary. The contested language was included specifically to help the committee in administering the types of activities authorized under § 966.48. Similar provisions are included in other fruit, vegetable, and specialty crop marketing orders. They have operated well and have not been a source of confusion. The inclusion of these requirements will provide the

needed reporting and recordkeeping requirements the Department deems necessary to protect the handlers' investment in such programs. Hence, this exception is denied."

Material issue (4), regarding committee tenure, should be amended by adding the following two paragraphs:

"The exceptor objected to the recommended changes to § 966.23(b) limiting a person's service on the committee to six total years as a member and/or alternate combined. In the alternative, the exceptor indicated that a six-year tenure requirement patterned after the tenure provisions of Marketing Order No. 982 regulating the handling of filberts/hazelnuts grown in Oregon and Washington would be acceptable as a substitute to the language of the proposal. Under the filbert order, committee members are limited to service of not more than six consecutive years, but can, at the end of each six-year period, serve as alternates if properly nominated and selected. Thus, a person could serve six consecutive years as a member and then would have to step down from the committee or serve as an alternate member. Thereafter, the person would be eligible to again serve as a member. Service on the committee by alternate members would likewise be limited to no more than six consecutive years. Because this approach is in harmony with USDA's guidelines and policy on committee tenure, the exceptor's compromise language is adopted.

Therefore, § 966.23(b) should be revised to read as follows: 'Committee members and alternates shall serve during the term of office for which they are selected and have qualified, or during that portion thereof beginning on the date which they qualify during such term of office and continuing until the end thereof and until their successors are selected and have qualified: *Provided*, That beginning with the 1986-87 marketing year, no member shall serve more than six consecutive terms as a member and no alternate shall serve more than six consecutive terms as an alternate without the approval of the Secretary.'

Material issue (6), regarding periodic referenda, should be amended by adding the following four paragraphs:

"The exceptor did not object to a provisions providing for periodic referenda. However, the exceptor did object to conducting such referenda at six year intervals and suggested that such referenda be conducted at ten year intervals.

As stated earlier, it is the Department's policy pursuant to the Secretary's Guidelines of 1982 that periodic referenda be held every six years. A ten year period is too great a length of time to insure the adequate level of producer involvement in measuring support for, or opposition to, the order in the face of potentially rapid market changes. A referendum every six years will allow producers an opportunity to vote in favor of or in opposition to the order as changes occur in the industry yet will not be wasteful of the committee's resources. Therefore, the recommendation to change from a six-year to 10-year interval by the exceptor is denied.

The exception also raised objection to the language of the recommended decision which seems to require that continuance referendum be held immediately after the effective date of the proposed amendments. The exception on this point is adopted. While the proposal does seem to require an immediate referendum, this result was not intended, and it is concluded that, in the interest of saving Departmental and committee resources, the initial referendum should be conducted not later than the end of the fiscal period ending July 31, 1992, and not later than July 31 of every sixth year thereafter, or sooner if conditions warrant, to ascertain whether continuance of this order is favored by tomato producers.

The last sentence of recommended § 966.84(d) indicated that, "In any event section 8c(16)(B) of the Act requires the Secretary to terminate the order whenever the Secretary finds that a majority of all producers favor termination and such majority produced more than 50 percent of the tomatoes for market." This provision unnecessarily restates the language of the Agricultural Marketing Agreement Act of 1937. Hence, it is not needed in the order and should be removed."

In the general findings section of the recommended decision, the finding that the amended marketing agreement and order, as both are hereby proposed to be further amended, will tend to effectuate the declared policy of the Act, was inadvertently omitted. Thus, this finding should be added to the general findings.

Rulings on Exceptions

In arriving at the findings and conclusions, and the regulatory provisions of this decision, the exception to the recommended decision was carefully considered in conjunction

with the record evidence. To the extent that the findings and conclusions and the regulatory provisions of this decision are at variance with the exception, such exception is hereby denied for the reasons previously stated in this decision.

Marketing Agreement and Order

Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement, as further amended, regulating the handling of tomatoes grown in Florida," and "Order Amending the Order, as amended, regulating the handling of tomatoes grown in Florida." These documents have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered that this entire decision, except the annexed marketing agreement, be published in the *Federal Register*. The regulatory provisions of the marketing agreement are identical with those contained in the order as hereby proposed to be amended by the annexed order which is published with this decision.

Referendum Order

It is hereby directed that a referendum be conducted in accordance with the procedure for the conduct of referenda (7 CFR 900.400 *et seq.*) to determine whether the issuance of the annexed order as amended, and as hereby proposed to be further amended, regulating the handling of tomatoes grown in Florida, is approved or favored by producers, as defined under the terms of the order, who during the representative period were engaged, in the production area, in the production of the regulated commodity for market. The representative period for the conduct of such referendum is hereby determined to be August 1, 1984, through July 31, 1985. The agents of the Secretary to conduct such referenda are hereby designated to be John R. Toth, Fruit and Vegetable Division, AMS, USDA, P.O. Box 9, Lakeland, Florida 33802; and Kenneth G. Johnson and Robert F. Matthews, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, Washington, DC 20250.

List of Subjects in 7 CFR Part 966.

Marketing agreements and orders, Tomatoes, Florida.

Signed at Washington, DC, on June 19, 1986.

Karen K. Darling,

Deputy Assistant Secretary, Marketing and Inspection Services.

Order Amending the Order as Amended, Regulating the Handling of Tomatoes Grown in Florida¹

Findings and determinations

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held in Orlando, Florida, on January 14, 1986, upon proposed amendments to the marketing agreement, as amended, and to Order No. 966, as amended (7 CFR Part 966), regulating the handling of tomatoes grown in Florida.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The order, as amended, and as hereby further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(2) The order, as amended, and as hereby further amended, regulates the handling of tomatoes grown in the production area in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in the marketing order upon which a hearing has been held;

(3) The order, as amended, and as hereby further amended, is limited in application to the smallest regional production area which is practicable, consistent with carrying out the declared policy of the Act; and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the Act;

(4) The order, as amended, and as hereby further amended, prescribes, so

¹ This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing order have been met.

far as practicable, such different terms applicable to different parts of the production area, as are necessary to give due recognition to the differences in the production and marketing of tomatoes grown in different parts of the production area; and

(5) All handling of tomatoes grown in the production area is in the current of interstate of foreign commerce, or directly burdens, obstructs, or affects such commerce.

Order Relative to Handling

It is therefore ordered. That, on and after effective date hereof, all handling of tomatoes grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of the said order, as amended, and as hereby further amended as follows:

Except for the previously noted corrections, modifications, and discussion, the provisions of the proposed marketing agreement and the order amending the order contained in the recommended decision issued by the Administrator on May 20, 1986, and published in the **Federal Register** on May 23, 1986 (51 FR 18890), shall be and are the terms and provisions of this order amending the order, and are set forth in full herein.

PART 966—[AMENDED]

1. The authority citation for 7 CFR Part 966 continues to read as follows:

Authority: Secs. 1-19, 48 Stat. 31, as amended; (7 U.S.C. 601-674). Revise § 966.23(6) to read as follows:

§ 966.23 Term of office.

(b) Committee members and alternates shall serve during the term of office for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify during such term of office and continuing until the end thereof, and until their successors are selected and have qualified: *Provided*, That from the date this amended section becomes effective, no member shall serve more than six full consecutive terms, and no alternate shall serve more than six full consecutive terms without the approval of the Secretary.

Section 966.32 is amended by redesignating paragraph (b) as paragraph (c) and adding a new paragraph (b) to read as follows:

§ 966.32 Procedure.

(b) If both a member and respective alternate are unable to attend a

committee meeting, the committee may designate any other alternate present from the same district to serve in place of the absent member.

Section 966.42 is amended by adding a new paragraph (e) as follows:

§ 966.42 Assessments.

(e) In order to provide funds for the administration of the provisions of this part, the committee may accept the payment of assessments in advance, or may borrow money on a short-term basis not to exceed one full-year coinciding with the existing committee's term of office. The authority of the Committee to borrow money may be used only to meet financial obligations as they occur and to allow the committee a season to adjust its reserve funds to meet any additional obligations.

Add new § 966.45 as follows:

§ 966.45 Contributions.

The committee may accept voluntary contributions but these shall only be used for production research, market research and development and marketing and promotion including paid advertising pursuant to § 966.48. Furthermore, such contributions shall be free from any encumbrances by the donor and the committee shall retain complete control of their use. The committee is prohibited from accepting contributions from handlers subject to the order, or any person whose contributions would constitute a conflict of interest.

Revise § 966.48 to read as follows:

§ 966.48 Research and promotion.

The committee may, with the approval of the Secretary, establish, or provide for the establishment of projects including production research, marketing research and development projects, and marketing promotion including paid advertising, designed to assist, improve or promote the marketing, distribution and consumption or efficient production of tomatoes. The expenses of such projects shall be paid by funds collected pursuant to §§ 966.42 and 966.45. Upon conclusion of each project, but at least annually, the committee shall summarize the program status and accomplishments, to its members and the Secretary. A similar report to the committee shall be required of any contracting party on any project carried out under this section. Also, for each project the contracting party shall be required to maintain records of money received and expenditures and

such shall be available to the committee and the Secretary.

Section 966.84 is amended by redesignating paragraph (d) as paragraph (e) and adding a new paragraph (d) as follows:

§ 966.84 Termination.

(d) The Secretary shall conduct a referendum not later than the end of the fiscal period ending July 31, 1992, and not later than July 31 of every sixth year thereafter, to ascertain whether continuance of this order is favored by tomato producers. The Secretary may terminate the provisions of this order at the end of any fiscal period in which the Secretary has found that continuance of this order is not favored by producers who, during a representative period determined by the Secretary, have been engaged in the production for market of tomatoes in the production area: Except that termination of the order shall be effective only if announced on or before the last day of the current fiscal period.

[FR Doc. 86-14243 Filed 6-23-86; 8:45 am]
BILLING CODE 3410-02-M

7 CFR Part 1076

Milk in the Eastern South Dakota Marketing Area; Proposed Suspension of Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed suspension of rule.

SUMMARY: This notice invites written comments on a proposal to suspend portions of the Eastern South Dakota Federal milk order. The provisions relate to the amount of milk not needed for fluid (bottling) use that may be moved directly from farms to nonpool manufacturing plants and still be priced under the order. Suspension of the provisions was requested by a cooperative association representing most of the producers supplying the market to prevent uneconomic movements of milk. The proposed suspension would be for the months of August 1986 through February 1987.

DATE: Comments are due on or before July 9, 1986.

ADDRESS: Comments (two copies) should be filed with the Dairy Division, AMS, Room 2968, South Building, U.S. Department of Agriculture, Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: Constance M. Brenner, Marketing Specialist, Dairy Division, Agricultural

Marketing Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-7311.

SUPPLEMENTARY INFORMATION: The Administrator of the Agricultural Marketing Service has certified that this proposed action would not have a significant economic impact on a substantial number of small entities. Such action would lessen the regulatory impact of the order on certain milk handlers and would tend to ensure that dairy farmers would continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), the suspension of the following provisions of the order regulating the handling of milk in the Eastern South Dakota marketing area is being considered for August 1986 through February 1987.

In § 1076.13, paragraphs (c)(2) and (3).

All persons who want to send written data, views, or arguments about the proposed suspension should send two copies of them to the Dairy Division, AMS, Room 2968, South Building, U.S. Department of Agriculture, Washington, DC 20250 by the 15th day after publication of this notice in the **Federal Register**. The comments that are sent will be made available for public inspection in the Hearing Clerk's office during normal business hours (7 CFR 1.27(b)).

Statement of Consideration

Land O' Lakes Inc. (LOL), an association of producers that supplies most of the market's fluid milk needs and handles most of the market's reserve milk supplies, requested the suspension. The suspension would remove for August 1986 through February 1987 the limit on the amount of producer milk that a cooperative association or other handlers may divert from pool plants to nonpool plants.

The order now provides that a cooperative association may divert up to 35 percent of its total member milk received at all pool plants or diverted therefrom during the months of August through February. Similarly, the operator of a pool plant may divert up to 35 percent of its receipts of producer milk (for which the operator of such

plant is the handler during the month) during the months of August through February.

LOL indicates that operation of the 35-percent diversion limit during August through February would mean that at least 65 percent of its milk would have to be delivered to pool plants. LOL estimates, moreover, that only 40 to 50 percent of its milk will be needed at distributing plants. The balance would have to be delivered to a supply plant, unloaded, reloaded and then shipped to other plants merely to qualify the milk for pooling. The additional handling and hauling costs would be incurred by LOL with no offsetting benefits to other market participants, according to LOL.

List of Subjects in 7 CFR Part 1076

Milk marketing orders, Milk, Dairy products.

PART 1076—[AMENDED]

The authority citation for 7 CFR Part 1076 continues to read as follows:

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

Signed at Washington, DC, on: June 18, 1986.

William T. Manley,
Deputy Administrator, Marketing Programs.

[FR Doc. 86-14164 Filed 6-23-86; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 86-AWP-11]

Proposed amendment to the Monterey, CA, Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend the Monterey, California, transition area description. This action will enlarge the 700 foot transition area and provide controlled airspace for the procedure turn and holding pattern southeast of the Chualar Non-directional Beacon (NDB).

DATES: Comments must be received on or before August 12, 1986.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Attn: Manager, Airspace Branch, AWP-520, Docket No. 86-AWP-11, Air Traffic Division, P.O. Box 90027 WWPC, Los Angeles, California 90009.

The official docket may be examined in the Office of the Regional Counsel, Western-Pacific Region, Federal Aviation Administration, Room 6W14, 15000 Aviation Boulevard, Lawndale, California.

An informal docket may also be examined during normal business hours at the Office of the Manager, Airspace Branch, Air Traffic Division, at the above address.

FOR FURTHER INFORMATION CONTACT: Frank T. Torikai, Airspace Specialist, Airspace Branch, AWP-520, Air Traffic Division, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90260; telephone (213) 297-1649.

SUPPLEMENTARY INFORMATION: Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 86-AWP-11." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. All comments submitted will be available for examination in the Airspace Branch,

Air Traffic Division, 15000 Aviation Boulevard, Lawndale, California 90260, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Airspace Branch, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to amend the 700 foot transition area at Monterey, California. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6B dated January 2, 1986.

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

List of Subjects in 14 CFR Part 71

Aviation safety/transition areas.

The Proposed Amendment

PART 71—[AMENDED]

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

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

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

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Monterey, CA—[Amended]

Remove "within 5 miles each side of the Big Sur VORTAC 109° radial to a point 25 miles northeast of the Big Sur VORTAC" and substitute "that airspace bounded by a line beginning at lat. 36° 12' 20" N., long. 121° 43' 35" W.; to lat. 36° 34' 40" N., long. 121° 33' 40" W.; to lat. 36° 31' 30" N., long. 121° 23' 25" W.; to lat. 36° 17' 00" N., long. 121° 21' 00" W.; to lat. 36° 14' 30" N., long. 121° 31' 03" W.; to lat. 36° 09' 20" N., long. 121° 33' 20" W.; to point of beginning."

Issued in Los Angeles, California, on June 18, 1986.

James A. Holweger,
Acting Manager, Air Traffic Division.
[FR Doc. 86-14130 Filed 6-23-86; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

[Marijuana Rescheduling Petition, Docket No. 86-22]

Schedules of Controlled Substances; Hearing on Petition To Reschedule Marijuana and Its Components

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: Notice of hearing on petition for rescheduling of marijuana and its components.

SUMMARY: This is notice of a hearing with respect to a petition for the rescheduling of marijuana and its components which are presently in Schedule I of the schedules established by the Controlled Substances Act, 21 U.S.C. 801, et seq.

DATES: Interested persons desiring to participate in the hearings must give written notice of such desire as set out below within thirty days after the publication of this notice in the *Federal Register*. The hearing will commence on August 21, 1986 at 10.00 am.

ADDRESS: Notices of desire to participate in the hearing are to be sent to: Hearing Clerk, Office of the Administrative Law Judge, Drug Enforcement Administration, 1405 I Street NW., Room 1204, Washington, DC 20537.

Hearing Location: Room 1213, Drug Enforcement Administration, 1405 I Street NW, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Ms. Melanie Baltz, Hearing Clerk, Drug Enforcement Administration, Washington, DC 20537 Telephone (202) 653-1350.

SUPPLEMENTARY INFORMATION: On October 16, 1980, in a case entitled *National Organization for the Reform of Marijuana Laws (NORMAL) v. Drug Enforcement Administration (DEA) and U.S. Department of Health, Education and Welfare (hereafter HHS) (C.A.D.C. No. 79-1660)*, the United States Court of Appeals for the District of Columbia Circuit remanded the matter in its entirety to DEA for reconsideration of all the issues and ordered that DEA refer all the substances at issue to HHS for that Department's scientific and medical findings and recommendations on scheduling, as provided by 21 U.S.C. 811(b). The substances at issue consisted of cannabis and cannabis resin, cannabis leaves, cannabis seeds capable of germination and synthetic tetrahydrocannabinol (THC).

In accordance with the Judgment of the Court of Appeals, the Administrator of DEA, on April 22, 1981, requested from HHS that Department's scientific and medical findings as to these substances and recommendations on the appropriate schedules of control for them under 21 U.S.C. 811(b) of the Controlled Substances Act (CSA).

In a letter dated August 16, 1982 HHS notified DEA that it recommended continued control of THC in Schedule I of the CSA adding, however, that if a new drug application for THC is approved by the Food and Drug Administration (FDA) of HHS, HHS recommends that THC be rescheduled to Schedule II. On May 31, 1985 FDA approved the new drug application for the product Marinol Capsules, containing a formulation of synthetic THC. On May 13, 1986 DEA announced a final rule placing this formulation in Schedule II of the CSA at 51 FR 17476 (1986).

In a letter dated May 13, 1983 HHS notified DEA that HHS recommended that marijuana plant material, i.e., cannabis and cannabis resin, cannabis leaves and cannabis seeds capable of germination, continue to be controlled in Schedule I of the CSA.

In analyzing the scheduling criteria of the five schedules in the CSA, the Food and Drug Administration (FDA) concluded that marijuana plant material has a high potential for abuse, no "accepted medical use" and a "lack of

accepted safety for use under medical supervision" because the safety and efficacy of cannabis materials have not been fully studied or evaluated. FDA also concluded that abuse of the plant material may lead to severe psychological dependence in some individuals but that the information available was insufficient to determine with certainty whether the plant material produce physical dependence. FDA recommended that the cannabis material remain in Schedule I. As stated above, HHS also so recommended.

By letter dated April 1, 1986 the Acting Deputy Administrator of DEA requested administrative Law Judge Francis L. Young to commence hearing procedures as to the proposed rescheduling of marijuana and its components.

Accordingly, notice is hereby given that hearing procedures with respect to this proposed rescheduling will commence August 21, 1986 and will continue until all interested persons desiring to participate, who have given notice of such desire as prescribed below, have been heard. The hearing will be conducted pursuant to the provisions of 5 U.S.C. 556 and 557 and 21 CFR 1308.41.

Every interested person desiring to participate in the hearing procedures, including DEA Agency counsel, on behalf of the Agency staff, and anyone who may have requested a hearing, shall file a written notice of intention to participate, in duplicate, with the Hearing Clerk, Office of the Administrative Law Judge, Drug Enforcement Administration, 1405 I Street NW., Washington, DC 20537, within thirty days after the date of publication of this notice of hearing in the *Federal Register*. Each notice of intention to participate must be in the form prescribed in 21 CFR 1316.48.

The first hearing session will be held on August 21, 1986, beginning at 10:00 a.m., in Room 1213, Drug Enforcement Administration, 1405 I Street NW., Washington, DC. The proceedings at this first session will be limited to a preliminary discussion to identify parties and specific issues and positions, and to determine procedures and set dates and locations for further proceedings.

Dated: June 17, 1986

John C. Lawn,

Administrator, Drug Enforcement Administration.

[FR Doc. 86-14166 Filed 6-23-86; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[LR-189-84]

Income Taxes; Debt Instruments With Original Issue Discount, Imputed Interest on Deferred Payment Sales or Exchanges of Property, and Safe Haven Interest Rates for Commonly Controlled Taxpayers; Extension of Comment Period

AGENCY: Internal Revenue Service, Treasury.

ACTION: Extension of time for comments.

SUMMARY: This document provides notice of an extension of time for submitting comments with respect to proposed regulations that were published in the *Federal Register* on April 8, 1986 (51 FR 12022). Those proposed rules relate to: (1) The tax treatment of debt instruments issued after July 1, 1982, that contain original issue discount; (2) the imputation of and the accounting for interest with respect to sales and exchanges of property occurring after December 31, 1984; and (3) safe haven interest rates for loans or advances between commonly controlled taxpayers and safe haven leases between such taxpayers. The extended deadline for submitting comments is September 2, 1986.

FOR FURTHER INFORMATION CONTACT: Sheila Page of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224 (Attention: CC:LR:T). Telephone 202-566-3935 (not a toll-free number).

SUPPLEMENTARY INFORMATION: By a notice of proposed rulemaking published in the *Federal Register* for Tuesday, April 8, 1986 (51 FR 12022), comments and requests for a public hearing with respect to the proposed rules to be delivered or mailed to the Commissioner of Internal Revenue, Attention: CC:LR:T (LR-189-84), Washington, DC 20224, by June 9, 1986.

The Internal Revenue Service is in the process of scheduling a public hearing. An announcement of the date and time will be published in the *Federal Register* in the very near future.

The date by which written comments on the proposed rules must be

delivered or mailed is hereby extended to September 2, 1986.

Donald E. Osteen,

Director, Legislation and Regulations Division.

[FR Doc. 86-14197 Filed 6-23-86; 8:45 am]

BILLING CODE 4830-01-M

PANAMA CANAL COMMISSION

35 CFR Part 105

Pilotage; Liability for Damages to Small Vessels Under Guidance of Transit Advisors

AGENCY: Panama Canal Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Panama Canal Commission is proposing to amend its regulations in Title 35, Code of Federal Regulations, Part 105, Pilotage, by adding a new paragraph concerning the status and function of transit advisors in the Panama Canal. This change will make it clear that the Canal Commission's liability for damages to small vessels under the guidance of a transit advisor is limited to \$50,000, in accordance with section 2 of the Panama Canal Amendments Act of 1985, Pub. L. 99-209, 99 Stat. 1716, which amended section 1411 of the Panama Canal Act of 1979, Pub. L. 96-70, 93 Stat. 452 (22 U.S.C. 3771).

DATE: Written comments should be submitted on or before July 24, 1986.

ADDRESSES: Comments should be sent to Secretary, Panama Canal Commission, 2000 "L" Street NW., Suite 550, Washington DC 20036-4996 or Panama Canal Commission, Office of General Counsel, APO Miami, Florida 34011-5000.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Rhode, Jr., Secretary, Panama Canal Commission, telephone: (202) 634-6441, or Mr. John L. Haines, Jr., General Counsel, telephone in Balboa Heights, Republic of Panama, 011-507-52-7511.

SUPPLEMENTARY INFORMATION: On December 23, 1985, President Reagan signed into law the Panama Canal Amendments Act of 1985, Pub. L. 99-209, 99 Stat. 1716, which amended the Panama Canal Act of 1979, Pub. L. 96-70, 93 Stat. 452. In particular, a subsection (b) was added to section 1411 of the 1979 Act (22 U.S.C. 3771) concerning those vessels whose navigation and movement in the locks are not under the control of a Panama Canal pilot. As amended, section 1411 limits the Commission's liability for damage to these vessels to \$50,000.

Accordingly, the Canal Commission proposes to define the status and function of Canal Commission transit advisors, who are assigned to act in an advisory capacity aboard vessels in lieu of a Panama Canal pilot, by adding a new § 105.7, to Part 105. In addition, it is proposed to revise § 105.1(a), "Pilots Required", to refer to the proposed § 105.7. Section 105.1 requires all vessels, with certain exceptions, to use a Canal Commission pilot. The reference to § 105.7 will except from this requirement vessels carrying transit advisors.

The Canal Commission currently uses transit advisors on certain small vessels, and this provision is not intended to change that procedure. Transit advisors are not licensed pilots, and this amendment is intended to emphasize the distinction between pilots and transit advisors and define, for the first time, the function of the latter.

The Commission has determined that this rule does not constitute a major rule within the meaning of Executive Order 12291 dated February 17, 1981 (47 FR 13193). The bases for that determination are, first, that the rule, when implemented would not have an annual effect on the economy of \$100 million or more per year, and secondly, that the rule would not result in a major increase in costs or prices for consumers, individual industries, local governmental agencies or geographic regions. Further, the agency has determined that implementation of the rule will have no adverse effect on competition, employment, investment, productivity, innovation or the ability of United States based enterprises to compete with foreign-based enterprises in domestic or export markets.

Finally, the Commission has determined that this rule is not subject to the requirements of sections 603 and 604 of Title 5, United States Code, in that its promulgation will not have a significant impact on a substantial number of small entities, and the Administrator of the Commission so certifies pursuant to 5 U.S.C. 605(b).

List of Subjects in 35 CFR Part 105

Panama Canal, Vessels, Navigation.

Accordingly, it is proposed to amend §§ 105.1 and 105.7 as follows:

The text of the following proposed amendments are shown using arrows ► to indicate additions.
◄ to indicate deletions.

PART 105—PILOTAGE

1. The authority citation for Part 105 is revised to read as follows:

Authority: Issued under authority of the President by 22 U.S.C. 3811, E.O. 12215, 45 FR 36043.

2. It is proposed to amend § 105.1 by revising paragraph (a) to read as follows:

§ 105.1 Pilots required.

(a) Except as provided by §§ 105.2, 105.3, and ► 105.7 ◄, or by paragraph (c) of this section, no vessel shall pass through, enter or leave the Canal, or maneuver in the Canal or waters adjacent thereto, including the ports of Cristobal and Balboa, without having a Panama Canal pilot on board.

3. It is proposed to amend Part 105 by adding § 105.7, to read as follows:

► § 105.7 Status and function of transit advisor

Vessels less than 20 meters in length, except those described in § 105.2(a) and (b), will be assigned a Panama Canal Commission transit advisor in lieu of a Panama Canal pilot. The transit advisor will function as an advisor, whose presence is necessary to provide comprehensive local knowledge of the Canal operating area and procedures for an efficient and safe transit. ◄

Dated: May 20, 1986.

D.P. McAuliffe,

Administrator, Panama Canal Commission.
[FR Doc. 86-14125 Filed 6-23-86; 8:45 am]

BILLING CODE 3140-04-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 268

[SWH-FRL-3034-3]

Hazardous Waste Management System; Land Disposal Restrictions; Petitioner's Guidance Manual

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of withdrawal of petitioner's guidance manual.

SUMMARY: The Environmental Protection Agency is today announcing the withdrawal of a draft guidance manual entitled "Land Disposal Ban Variance Petitioner's Guidance Manual". Notice of availability of the draft guidance for comment was published in the *Federal Register* on March 5, 1986 (51 FR 7593). The draft guidance manual provided supplementary information to the Land Disposal Restrictions rule (51 FR 1602) regarding petitioning the Agency for removal of restrictions placed on land disposal of any hazardous waste under

section 3004 (d), (e), or (g) of the Solid Waste Disposal Act (SDWA), as amended (42 USC 6924 (d), (e), or (g)).

In response to comments received on the proposed Land Disposal Restrictions rule and the draft Petitioner's Guidance Manual, the Agency is considering fundamental changes to the proposed rule before a final rule is promulgated. The draft guidance manual, therefore, embraces an approach that may be inconsistent with the final Land Disposal Restrictions rule to be promulgated on or before November 8, 1986. In that rule, the Agency will announce its final approach for the consideration of land disposal restriction petitions. The regulated community is, therefore, advised not to use the draft guidance manual noticed at 51 FR 7953 in developing a petition demonstration.

FOR FURTHER INFORMATION CONTACT:

For information concerning the withdrawal of this guidance contact: James Bachmaier, Office of Solid Waste (WH-565E), U.S. Environmental Protection Agency, 401 "M" Street, SW., Washington, DC (202) 382-4679.

Dated: June 13, 1986.

J. Winston Porter,

Assistant Administrator, Office of Solid Waste and Emergency Response.

FR Doc. 86-14074 Filed 6-23-86; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 405 and 412

[BERC-353-P]

Medicare Program; Changes to the Inpatient Hospital Prospective Payment System and Fiscal Year 1987 Rates

Correction

In FR Doc. 86-12287 beginning on page 19770 in the issue of Tuesday, June 3, 1986, make the following corrections:

1. On page 19980, in the second column, the twenty-third line should read "percentage breakdown between these two".

2. On page 19990, in the third column, in the tenth line from the bottom, "review" should read "revise".

3. On page 19993, in the first column, in the seventeenth line from the bottom, insert "resources" between "average" and "required".

4. On page 20014, in the first equation, "405" should read ".405".

5. On page 20021, in Table 4, under the column titled "Pass throughs", the last entry should read ".102".

precede 50 in the second line so that it reads ".50".

b. In the same column, the last line should read:

6. On page 20022, in the third column, in the table, in the percentage growth for 1981, remove the minus sign.

$$2[(1+.1)^{.405}-1] = .07871 \text{ or } 7.871\%$$

7. On page 20029, make the following corrections:

a. In the first column, in *Step 1*, in the first entry under Federal rate, the point at the end of the first line should

c. In the second column, under *Step 1*, the last four lines should read:

Disproportionate share hospital adjustment factor .05

$$\text{Hospital X's Standardized Cost} = \frac{\$100,000.00}{1+(.07871 + .05)} \times .71$$

d. In the same column, under *Step 2*, the Standard Cost Outlier Threshold figure should read "\$13,500".

f. In the third column, the point at the end of the sixth line should be removed. The seventh line should read ".0773)=\$19,477.66".

i. In the same column, in the last paragraph, in the second line, "period" should read "prior".

e. In the second and third columns, in *Step 2* and *Step 3*, the four footnote designations should be "2." A footnote 2 should be added following footnote 1 in the second column to read as follows:

g. In the same column, under *Step 3*, in the last line, the second figure should read "\$30,051.89".

8. On page 20030 make the following corrections:

² These market basket proportions reflect the labor-related and non-labor components as described in Table 2, column 2 of section IV of the addendum.

h. In the same column, under *Step 4*, in the last line, the last figure should read "\$1,450.94".

a. In the first column, under *Step 1*, in the first entry under Federal rate, the point at the end of the first line should precede the 50 in the second line so that it reads ".50".

b. In the second column, under *Step 1*, the last three lines should read:

$$\begin{aligned} \text{Hospital X's Standardized Cost} &= \frac{\$100,000}{1 + (.07871 + .05)} \times .71 \\ &= \$62,903.67 \end{aligned}$$

c. In the same column, under *Step 3*, the last figure in the Outliner cost should read "\$43,426.01". Also, the first figure in Capital portion of hospital cost from market basket should read "7.73%".

9. On page 20035, the title of the table was inadvertently omitted. It should read "TABLE 3c-FY 1985 CASE-MIX INDEXES".

10. On page 20122, in the first column, in the second complete paragraph, in the first line, "trust" should read "thrust".

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Proposed Listing of Virgin River Chub as an Endangered Species, With Critical Habitat

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Service proposes to list *Gila robusta seminuda*, the Virgin River chub, to be an endangered species and to determine its critical habitat under the authority contained in the Endangered Species Act of 1973, as amended. The chub occurs in the Virgin River in Arizona, Nevada, and Utah and is threatened by habitat alteration through water diversion, desalination, urban growth, impoundment, pollution, sedimentation, and other adverse modifications; and by competition and predation by exotic fish species. It is particularly vulnerable to these threats

because of its very limited range. A final determination of *Gila robusta seminuda* to be an endangered species would implement for it the full protection provided by the Endangered Species Act of 1973, as amended. The Service seeks data and comments from the public on this proposal.

DATES: Comments from all interested parties must be received by August 25, 1986. Public hearing requests must be received by August 8, 1986.

ADDRESSES: Comments and materials concerning this proposal should be sent to the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, 500 Gold Avenue, SW., Room 4000, Albuquerque, New Mexico 87103. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Mr. Gerald Burton, Endangered Species Biologist, U.S. Fish and Wildlife Service, Albuquerque, New Mexico (see **ADDRESSES** above) (505/766-3972 or FTS 474-3972).

SUPPLEMENTARY INFORMATION:

Background

Gila robusta seminuda was first collected and described from the Virgin River near Washington, Utah, by members of the Wheeler Survey (Cope and Yarrow 1875). It was described as intermediate between *Gila robusta* and *Gila elegans*. Later authors described it as a subspecies of *robusta* along with other chubs from various stream systems in the Colorado River basin (Ellis 1914, Miller 1946, LaRivers and Trelease 1952). Holden and Stalnaker (1970) determined that the name *seminuda* referred only to the Virgin River chub, and that the specimens from other localities were various other subspecies of *Gila robusta*. Both Holden and Stalnaker (1970) and Minckley (1973) indicated that the Virgin River population was a valid subspecies, and Smith, *et al.* (1977) confirmed that determination with extensive taxonomic analyses.

The Virgin River chub is a very silvery medium-sized minnow, generally less than 15 centimeters (6 inches) in total length. The back, breast, and part of the belly have small, deeply embedded scales which are difficult to see and which may be absent in some individuals. This is the source of the subspecific name—*seminuda*.

A closely related form of *Gila robusta*, which appears to be an undescribed subspecies, is found in the Moapa River in Nevada. The Moapa River was originally a tributary of the Virgin River, but both are now tributary to Lake Mead, a reservoir on the Colorado River.

Since the Moapa form of *Gila robusta* has also suffered population declines in the past has a reduced range and presently exist at low population levels, the question of whether this form is a part of the *seminuda* subspecies does not affect the present status of the Virgin River *seminuda* (Cross 1976, Deacon and Bradley 1972).

Gila robusta seminuda is endemic to the Virgin River in southwest Utah, northwest Arizona, and southwest Nevada. Historically, the Virgin River chub was abundant in the Virgin River (Cope and Yarrow 1875) and was found from near the location of the town of Riverside, Nevada, upstream to La Verkin Springs, near the town of Hurricane, Utah. However, recent studies (Cross 1975, Woundfin Recovery Team 1977 to 1984) indicate that a large decrease in range and numbers of this species has occurred in the last century, primarily from 1860 to 1900 when many of the present water diversions were constructed and the valley and riverbanks were highly modified by agricultural development. Present distribution of the Virgin River chub includes the mainstream of the Virgin River from the town of Mesquite, Nevada, upstream to La Verkin Springs, near the town of Hurricane, Utah. *Gila robusta seminuda* is the rarest native fish in the Virgin River.

Cross (1975) found very few young-of-the-year fish and very few adults over seven inches in standard length in his studies. This lack of recruitment of young chub seems to be an important factor in the present status of *Gila robusta seminuda*. The Woundfin Recovery Team reported chub reproduction in 1983 to be good due to high water, but found no evidence of successful reproduction in 1984. Hickman (1985), however, reported successful Virgin River chub reproduction in 1984 with young-of-the-year fish comprising 14 percent of his total catch.

Fish populations in a riverine situation are seldom stable from year to year. For example, the "good" populations of chub observed in recent years are the result of 1 good year of spawning and recruitment. Presently most of these fish are 3 years old, and will need water if they are to spawn. The ideal fish population should consist of a few older fish, a larger number of smaller but sexually mature fish, and a large number of young-of-the-year fish. An unhealthy fish population consists of all individuals of the same size and age. This last year's survey of the river showed little or no chub reproduction. The fish had a good year in 1983 and fish from that year continue to dominate the population. However, as this group of fish age and are lost to the

population, they must successfully spawn if the subspecies is to continue.

While data collected on the chub population using electrofishing may indicate a larger population than previously expected, it still does not offer any information relative to declines in the population. Consistent long-term sampling is needed to gain this type of information and presently this type of data does not exist. While electrofishing equipment produces more chubs than seines, the results offer nothing on population stability. It only shows chubs are more easily collected using electrofishing equipment and that the subspecies is still surviving in the Virgin River. Electrofishing data, like seining, can be valuable if it is collected over several years and chub populations are then compared on the basis of catch-per-unit of effort.

Lands along those portions of the Virgin River occupied by the Virgin River chub are owned by the Bureau of Land Management (BLM), the States of Utah and Arizona, and private landowners. In Arizona approximately 80 to 90 percent of the lands along the river are administered by BLM, with private land being concentrated in the vicinity of Littlefield. In Utah, about 13 miles of the lands along the river are BLM, the State has 4 parcels with small amounts of river frontage, and the remainder is privately owned. In Nevada, lands along the river above the town of Mesquite are privately owned.

This fish occurs only in the mainstream of the Virgin River; there is only one record of it ever being found in a tributary (Cross 1975). Within its habitat it is most common in deeper areas where waters are swift, but not turbulent, and is generally associated with boulders or other cover (Minckley 1973). It generally occurs over sand and gravel substrates in water less than 90 °F (32 °C), and it is very tolerant to high salinity and turbidity (Deacon and Holden 1977). The Virgin River chub is an omnivore, eating algae, aquatic and terrestrial insects, organic detritus, and crustaceans (Cross 1975).

The main reason for the decline in this subspecies is habitat alteration through the dewatering of major sections of the river by irrigation diversions. Potential threats to the species' survival include further water removal, desalinization, urban growth, sedimentation, pollution, channel alteration, and competition/predation by introduced fishes. The threats are magnified by the naturally limited range of this fish and its consequent vulnerability to extensive losses from a single threat.

The Virgin River chub is listed as endangered, due to habitat destruction, by the American Fisheries Society

(Deacon *et al.* 1979). The chub is currently listed by the State of Arizona as endangered, Group 2 (Arizona Game and Fish Comm. 1982), by the State of Utah as threatened (Utah Div. of Wild. Res. 1982), and by the State of Nevada as sensitive (Nev. Board of Wildlife Comm. 1981). In April 1983, the Woundfin Recovery Team recommended that this chub, which is found in the same river as the endangered woundfin (*Plagopterus argentissimus*), be added to the Federal list as endangered. Under contract with the Service, a status report on the Virgin River chub was prepared by Mr. C.O. Minckley. This 1983 report recommended that the chub be listed as endangered with critical habitat.

On August 23, 1978, the Service published a proposal to list the Virgin River chub as endangered with critical habitat (43 FR 37668). On September 30, 1980, the Service withdrew the above proposal, because it was not finalized within 2 years of its initial publication in the Federal Register (45 FR 64853) as required by the Endangered Species Act Amendments of 1978. On December 30, 1982, *Gila robusta seminuda* was included on the Vertebrate Notice of Review (47 FR 58454) in category 1. Category 1 includes those taxa for which the Service currently has substantial information on hand to support the biological appropriateness of proposing to list the species as endangered or threatened.

Summary of Factors Affecting the Species

Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations promulgated to implement the listing provisions of the Act (codified at 50 CFR Part 424) set forth the procedures for adding species to the Federal lists. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in section 4(a)(1) of the Act. These factors and their application to the Virgin River chub are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* Habitat modification, both existing and potential, comprises the major threat to the survival of the Virgin River chub. Such modification includes, among other things, water diversion, desalinization, impoundment, road construction, urban growth, channelization, flood control, agricultural use of the stream banks, and water pollution. This modification has resulted in the complete loss of a portion of the historic habitat of the chub, and modification of much of the remaining

habitat. Cross (1975) observed that the Virgin River chub was found 80 percent of the time in unmodified habitat, 20 percent of the time in slightly modified habitat, and only rarely in extensively modified habitat.

Since the mid-1800's there has been an ever-increasing demand for more extensive development and use of the waters of the Virgin River and its tributaries. This demand was originally for agricultural use, but in recent years also includes power generation and municipal uses. Washington County, Utah, is experiencing a rapid increase in population growth and a corresponding increase in the need for water resources. For example, the 1970 census listed the county population as 13,669 and the 1980 census listed it as 26,065. This is quite a rapid increase when one considers that the 1940 census listed the population at 9,269. The basic economy of the county is changing from farming and ranching to providing services associated with a growing retirement community. Water needs are increasing in proportion to the population. It is well documented that water availability will be a limiting factor in the future growth of this part of Utah. The threat to the Virgin River chub is not based upon what has happened for the past 40 years, but is based upon what is projected to happen in the next 40 years. As water in the Virgin River becomes more valuable due to a rapidly increasing population, it will not be used to irrigate cropland since it will be worth much more to those holding the water rights to sell them for the purpose of providing municipal and industrial water. The city of St. George, Utah, is undergoing large increases in population, and projected growth for the area around St. George is high, primarily from retirement and recreational populations. Thus, the water use patterns of the past are going to change, as will the way water in the Virgin River is managed. All past western water history indicates these changes are coming, and that they will be detrimental to the chub.

Large portions of the Virgin River Valley above and below the Virgin River Narrows are used for agriculture. This has resulted in the construction of five major water diversions that presently remove all flow from long stretches of the Virgin River during the height of the summer irrigation season (Vaughn Hansen Assoc. 1977). Three of these diversions are located within the present range of the Virgin River chub. Below these diversions summer flow in the river is often composed only of groundwater accretions and the input of La Verkin and Littlefield Springs. This

flow depletion has obvious direct effects upon the fishes of the river. Other, less direct effects resulting from those diversions are consequent higher water temperatures; crowding of fish causing increased competition, predation, and disease; and increased pollution levels due to less dilution, and to the increased pollution load carried by irrigation return flows (Environmental Protection Agency, EPA 1977).

Various impoundment and water manipulation projects exist on or have been proposed for the Virgin River and its tributaries. Existing projects such as Gunlock Reservoir on the Santa Clara River, Kolob Reservoir on the East Fork of the Virgin River, and Ash Creek Reservoir on Ash Creek have not individually had major adverse impacts on the chub's habitat. However, each project results in cumulative loss or adverse changes through water withdrawal, changes in discharge patterns, pollution, sedimentation, stream channel modification, and other factors. The Quail Creek Water Reclamation Project, which is presently being constructed by the Washington County Water Conservancy District, will divert flood flows from the Virgin River near Hurricane, Utah, for storage in a reservoir on tributary Quail Creek (USDI BLM 1983). Because operation of this project will ensure year-round minimum water releases in the Virgin River of 86 cubic feet per second, a biological opinion issued by the Service in 1982 concluded that the project is not likely to jeopardize the existence of the woundfin (*Plagopterus argentissimus*), a federally listed endangered fish of the Virgin River. Although the habitat requirements of the Virgin River chub are different than those of the woundfin and are not well understood, it is probable that this project alone will not significantly affect the survival of Virgin River chub.

Several major potential projects have been or are being studied for the Virgin River, although none are presently considered viable. However, it is likely that modifications of those projects or other alternative projects will be constructed in the future, since the projected water needs for the area are much larger than the existing known water supply. A proposal by the Washington County Water Conservancy District (WCCD) to build the Warner Valley Energy System would have diverted water from the Virgin River for storage on a tributary, and would have reduced winter flows in the Virgin River (Vaughn Hansen Assoc. 1977). In 1982, the WCCD decided not to construct this project. The WCCD is presently

conducting a five year-study of the Virgin River fauna in order to determine the possibilities for future water development. Bureau of Reclamation projects which have been authorized for construction, but which are not presently considered viable, include the following. The Dixie Project would include two dams and extensive canals. This project was set aside when the Warner Valley Energy System was proposed. The La Verkin Springs Unit of the Lower Colorado River Water Quality Improvement Program (LCRWQIP) would involve total diversion and desalinization of the water from La Verkin Spring. Studies on this project were completed in 1984 and concluded that the project is presently uneconomical. Potential effects of this project are discussed under factors "C" and "E" below. The Lower Virgin River Unit of the LCRWQIP has as its objective the reduction of salinity in the Virgin River below Littlefield Spring in Arizona. This project is still under study. Effects of most of the alternatives being considered in this project would be of the same type, although probably less severe, as those discussed for the La Verkin Springs Unit.

In addition, the USDA Soil Conservation Service has several projects proposed in the Virgin River basin in Utah, including flood control and irrigation projects (Holt 1983). The effects of these projects on the Virgin River and the chub are not known, but it is possible they may adversely affect the chub's habitat unless planning includes protection for the chub and its habitat.

B. Overutilization for commercial, recreational, scientific, or educational purposes. There is no evidence to suggest overutilization of this fish for any of these purposes.

C. Disease or predation. The Virgin River, unlike other portions of the Colorado River basin, has relatively few exotic fish species. In the past 70 years only a few exotic predatory fish, such as green sunfish, black bullhead, and largemouth bass, have invaded the Virgin River with limited success. This is due primarily to the barrier effect of the naturally high salinity, temperature, and turbidity, and the highly fluctuating flows of the river. Flow in the Virgin River is subject to extreme lows in summer interrupted by heavy thunderstorm floods. Below La Verkin Springs the river becomes very saline due to the large, hot mineral flow of the springs. La Verkin Springs has a discharge of about 11 cubic feet per second, a temperature of 100° to 109° (35°-39° C.) Fahrenheit, and a salinity of 9,650 milligrams per liter (Bureau of

Reclamation 1983). Geologic formations through which the river and its groundwater accretions pass contribute to this salinity, and Littlefield Spring, just below the Virgin Narrows, also contributes a large quantity of highly saline water into the river. These extreme environmental conditions have served as a barrier to exotic fish invasion, because, unlike the native fauna which are adapted to these conditions, exotic fish find them difficult to survive. Any actions, such as impoundment or desalinization, which would alter these extreme environmental conditions would be detrimental to the survival of the Virgin River chub and the other native fishes, by allowing the incursion of exotic predatory and competitive species. The native fauna, having evolved in an environment where predation and competition were very limited, would be severely impacted by such incursion.

In the past, the fish fauna of the Virgin River has consisted almost entirely of native species. The few exotic species which were present consisted of a few individuals which were washed into the river from upstream reservoirs or off-stream ponds. The low-head older irrigation diversions have done little to retain flood flows which merely go over the tops of these structures. Research has found that these unregulated flood flows flush exotic fish species from southwestern river systems, but have much less impact on native fishes which have evolved in these extreme conditions. The problem arises when habitats change and the scales are tipped in favor of the exotic species. To date, we do not believe this has yet happened on the upper Virgin River; it may, however, happen at any time if the water flow is ponded or declines, or if salinities are decreased or increased, or if a supply of exotics is continuously introduced.

Parasites, probably introduced by exotic fish from Lake Mead, are a known problem in the Moapa River form of *Gila robusta* (Wilson *et al.* 1966). However, at present only minor infestations of black grub and learnea have been found in the Virgin River chub (Radant and Coffeen 1983).

D. The inadequacy of existing regulatory mechanisms: The State of Arizona currently lists the Virgin River chub under Group 2 of the Threatened Native Wildlife of Arizona (Arizona Game and Fish Comm. 1982). Group 2 includes those animals whose continued presence in Arizona is now in jeopardy. The State of Nevada lists it as sensitive (Nevada Board of Wildlife Comm. 1981), which includes those species that may

be candidates for classification to a more restrictive status. The State of Utah lists it as threatened, meaning it is likely to become endangered in the foreseeable future. These state listings protect the chub from unregulated taking. However, none of these state listings provide habitat protection for the chub.

There are presently no provisions in Utah or Nevada water law for the acquisition and protection of instream water rights for the preservation of fish and wildlife and their habitat. This deficiency has been a major factor in the decline of many native fishes, and has made it difficult to protect such species as the Virgin River chub against the habitat losses caused by water diversions and impoundments.

E. Other natural or manmade factors affecting its continued existence. Displacement of Virgin River chub populations by exotic fishes may be a threat to the survival of the chub. The red shiner, which has been moving progressively upstream from Lake Mead, has recently been found upstream into Utah. It has been implicated in the decline of several other native species, is considered to be a threat to the federally endangered woundfin, and may be expected to present a significant threat to early life stages of the chub. Its upstream movement also indicates the possibility of threat to the chub from invasion by other exotic fish species. The competitive relationships between the Virgin River chub and exotic fish is further complicated by the extensive habitat alteration which has occurred. Many of these alterations have reduced the desirability of the habitat for the chub, and thereby may have tilted the competitive edge to exotic species. The naturally warm, saline, turbid waters of the Virgin River have been important in retarding the invasion of competitive exotic fishes into the river. Such an extreme habitat is undesirable for most exotic species, thus protecting the native species, particularly in the Utah portion of the river, from predation and competition by exotic species. Therefore, proposed desalinization projects for the Virgin River may pose a major threat to well-being of the native fish fauna of the river.

The naturally restricted range of the Virgin River chub, plus the degradation and loss of habitat which it has experienced in the past 130 years, make it extremely vulnerable to the threats enumerated above. Any activity affecting the quantity or quality of water in the Virgin River will affect all individuals of the subspecies. It is possible that the Virgin River chub

could become extinct as a result of a single action.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by this species in determining to propose this rule. Based on this evaluation, the preferred action is to list the Virgin River chub as endangered. Endangered status seems appropriate for this chub because of the reduced range, the extensive past loss and alteration of habitat, and the high demand for future use of the remaining waters of the Virgin River.

Critical Habitat

Critical Habitat, as defined by section 3 of the Act means: (i) The specific areas within the geographical area occupied by a species, at the time it is listed in accordance with the Act, on which are found those physical or biological features (I) essential to the conservation of the species and (II) that may require special management considerations or protection, and (ii) specific areas outside the geographical area occupied by a species at the time it is listed, upon a determination by the Secretary that such areas are essential for the conservation of the species.

Section 4(a)(3) of the Act requires that critical habitat be designated to the maximum extent prudent and determinable concurrently with the determination that a species is endangered or threatened. Critical habitat for *Gila robusta seminuda* is being proposed to include approximately 50 miles of the Virgin River in Arizona, Nevada, and Utah, from the Mesquite diversion dam near the town of Mesquite, Nevada, upstream to the Utah State Highway 9 (formerly 15) crossing north of the town of Hurricane, Utah, excluding an approximately 14-mile section of the Virgin River Narrows. This area was chosen for critical habitat designation because it presently supports the only known existing, self-perpetuating population of the Virgin River chub. This area provides all of the ecological, behavioral, and physiological requirements necessary for the survival of this chub. No smaller or alternative area would allow for the species' long-term survival and recovery. Not all sections of the area proposed for critical habitat provide year-round habitat for the chub. However, all of the proposed area contains habitat that is used during some portion of the year. Protection of this proposed critical habitat will ensure that sufficient numbers survive to prevent this subspecies from becoming extinct.

Section 4(b)(8) requires, for any proposed or final regulation that designates critical habitat, a brief description and evaluation of those activities (public or private) which may adversely modify such habitat or may be affected by such designation. Any activities which would deplete the flow or would significantly alter the existing flow regime in the Virgin River could adversely impact the proposed critical habitat. Such activities include, but are not limited to, water diversion, excessive groundwater pumping, and impoundment. Any activity which would extensively alter the channel morphology of the Virgin River could adversely impact the proposed critical habitat. Such activities include, but are not limited to, channelization, excessive sedimentation from agriculture and other watershed disturbances, impoundment, and riparian destruction. Any activity which would significantly alter the water chemistry in the Virgin River could adversely impact the proposed critical habitat. Such activities include, but are not limited to, release of chemical or biological pollutants into the waters at a point source or by dispersed release, and removal of natural chemical components. Additionally, the introduction, advertent or otherwise, or exotic fish species and their associated parasites into the Virgin River chub habitat could adversely affect the chub through predation, competition, and parasitism.

Section 4(b)(2) of the Act requires the Service to consider economic and other impacts of designating a particular area as critical habitat. The Service will consider the critical habitat designation in light of all additional relevant information obtained at the time of the final rule.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Endangered Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation actions by Federal, State, and private agencies, groups, and individuals. The Endangered Species Act provides for possible land acquisition and cooperation with the States and requires that recovery actions be carried out for all listed species. Such actions are initiated by the Service following listing. The protection required of Federal agencies and prohibitions against taking and harm are discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened and with respect to its critical habitat, if any is being designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR Part 402 (see revision at 51 FR 19926 June 3, 1986). Section 7(a)(4) requires Federal agencies to confer informally with the Service on any action that is likely to jeopardize the continued existence of a proposed species or result in destruction or adverse modification of proposed critical habitat. If a species is listed subsequently, section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of such a species or to destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into consultation with the Service.

Portions of the Virgin River flow through Bureau of Land Management lands, many of the potential water projects on the river are under the jurisdiction of the Bureau of Reclamation, and most construction and alteration activities in the river require an authorizing permit from the Army Corps of Engineers under Section 404 of the Clean Water Act. Activities by these agencies which would affect the Virgin River chub or its critical habitat may be affected by this proposal. In addition federally funded, authorized, or constructed flood control, agricultural, channelization, and highway and bridge construction projects might also be affected by this proposal.

The Act and its implementing regulations found at 50 CFR 17.21 set forth a series of general prohibitions and exceptions that apply to all endangered wildlife. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to take, import or export, ship in interstate commerce in the course of commercial activity, or sell or offer for sale in interstate or foreign commerce any listed species. It also is illegal to possess, sell, deliver, carry, transport, or ship any such wildlife that had been illegally taken. Certain exceptions apply to agents of the Service and State conservation agencies.

Permits may be issued to carry out otherwise prohibited activities involving endangered wildlife species under certain circumstances. Regulations governing permits are at 50 CFR 17.22

and 17.23. Such permits are available for scientific purposes, to enhance the propagation or survival of the species, and/or for incidental take in connection with otherwise lawful activities. In some instances permits may be issued during a specified period of time to relieve undue economic hardship that would be suffered if such relief were not available.

Public Comments Solicited

The Service intends that any final rules adopted will be as accurate and effective as possible in the conservation of any endangered or threatened species. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning any aspect of these proposed rules are hereby solicited. Comments particularly are sought concerning:

(1) Biological, commercial trade, or other relevant data concerning any threat (or the lack thereof) to *Gila robusta seminuda*;

(2) The location of any additional populations of *Gila robusta seminuda* and the reasons why any habitat of this species should or should not be determined to be critical habitat as provided by Section 4 of the Act;

(3) Additional information concerning the range and distribution of this species;

(4) Current or planned activities in the subject area and their possible impacts on *Gila robusta seminuda*; and

(5) Any foreseeable economic and other impacts resulting from the proposed designation of critical habitat.

Final promulgation of the regulations on *Gila robusta seminuda* will take into consideration the comments and any additional information received by the Service, and such communications may lead to adoption of a final regulation that differs from this proposal.

The Endangered Species Act provides for a public hearing on this proposal, if requested. Requests must be filed within 45 days of the date of the proposal. Such requests must be made in writing and addressed to the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103.

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined by the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination

was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

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Authors

This rule was prepared by S.E. Stefferud, U.S. Fish and Wildlife Service, Endangered Species Staff, Albuquerque, New Mexico (505/766-3972 or FTS 474-3972). Technical information was provided by Mr. C.O. Minckley, 2820 N. 1st Street, Flagstaff, Arizona 86003.

List of Subjects in 50 CFR Part 17

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

Proposed Regulations Promulgation

PART 17—[AMENDED]

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, as set forth below:

1. The authority citation for Part 17 continues to read as follows:

Authority: Pub. L. 93-205, 87 Stat. 884; Pub. L. 94-359, 90 Stat. 911; Pub. L. 95-632, 92 Stat. 3751; Pub. L. 98-159, 93 Stat. 1225; Pub. L. 97-304, 96 Stat. 1411 (16 U.S.C. 1531 *et seq.*).

2. It is proposed to amend § 17.11(h) by adding the following, in alphabetical order under "Fishes," to the List of Endangered and Threatened Wildlife:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
FISHES							
Chub, Virgin River	<i>Gila robusta seminuda</i>	U.S.A. (AZ, UT, NV)	Entire	E		17.95(e)	NA

3. It is further proposed to amend 17.95(e) by adding critical habitat of *Gala robusta seminuda* as follows (The position of this entry under § 17.95(e) follows the same alphabetical sequence as the species occurs in 17.11);

§ 17.95 Critical habitat—fish and wildlife.
(e) * * *

Virgin River Chub (*Gila robusta seminuda*)
Arizona, Mohave County, Main channel of

the Virgin River from the Nevada-Arizona State line upstream to the west boundary of Section 31; T41N; R14W.

Nevada, Clark County, Main channel of the Virgin River from the Mesquite diversion dam in the NE¼ of the NW¼ of Sec. 21; T13S; R71E upstream to the Nevada-Arizona line.

Utah, Washington County. Main channel of the Virgin River from the Arizona-Utah State line upstream to the Utah State Highway 9 (formerly 15) crossing north of Hurrigan, Utah (SW¼ of Sec. 25; T41S; R13W).

SUMMARY: The U.S. Fish and Wildlife Service gives notice that a public hearing will be held on the proposed determination of endangered status for two plants, *Eriastrum densifolium* ssp. *sanctorum* (Santa Ana River woolly-star) and *Centrostegia leptoceras* (slender-horned spineflower), and that the comment period on this proposal is reopened.

Eriastrum densifolium ssp. *sanctorum* occurs patchily on the high floodplain terraces of the Santa Ana River in San Bernardino County, California. *Centrostegia leptoceras* is currently known from only four small isolated populations in Riverside and San Bernardino Counties, California. The hearing and the reopening of the comment period will allow comments on this proposal to be submitted from all interested parties.

DATES: The comment period on the proposal is reopened June 24, 1986. The public hearing will be held from 7:00 to 9:00 p.m., on Monday, July 7, 1986, in Redlands, California. The comment period, which originally closed on June 9, 1986, now closes July 28, 1986.

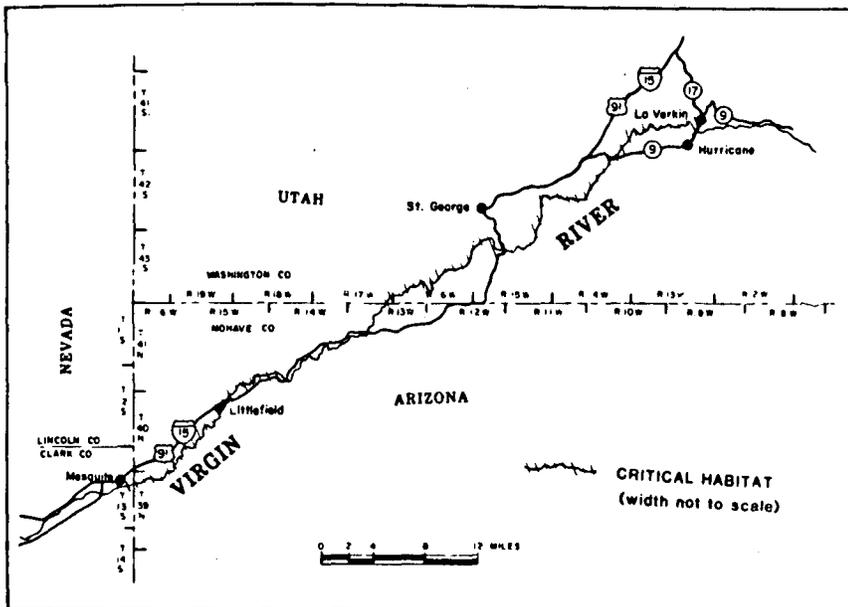
ADDRESSES: The public hearing will be held at the San Bernardino County Museum, 2024 Orange Tree Lane, Redlands, California. Written comments and materials should be sent to the Regional Director, U.S. Fish and Wildlife Service, Lloyd 500 Building, 500 NE Multnomah Street, Suite 1692, Portland, Oregon 97232. Comments and materials received will be available for public inspection during normal business hours, by appointment, at the Regional Endangered Species Office address.

FOR FURTHER INFORMATION CONTACT: Ms. Nancy Kaufman, U.S. Fish and Wildlife Service, Federal Building, 24000 Avila Road, Laguna Niguel, California 92656 (714/643-4270 or FTS 796-4270).

SUPPLEMENTARY INFORMATION:

Background

Eriastrum densifolium ssp. *sanctorum* was once a conspicuous shrub of the higher floodplain terraces of the Santa Ana River and its tributaries. It has been extirpated from Orange and Riverside Counties by urban development, ranches and agriculture, and sand and gravel mines. *Centrostegia leptoceras*



Known primary constituent elements include deeper pools and runs with cover in the mainstream channel; warm, saline, turbid water; rock-sand-gravel substrates; and few or no exotic fish species. Periodic flooding is necessary to maintain habitat quality.

* * * * *
Dated: May 30, 1986.

P. Daniel Smith,
Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 86-14190 Filed 6-23-86; 8:45 am]

BILLING CODE 4310-55-M

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Public Hearing and Reopening of Comment Period on Proposed Endangered Status for *Eriastrum Densifolium* ssp. *Sanctorum* (Santa Ana River Woolly-Star) and *Centrostegia Leptoceras* (Slender-Horned Spineflower)

AGENCY: Fish and Wildlife Service, Interior.

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

once occurred in alluvial fan scrub of Los Angeles, San Bernardino, and Riverside Counties. Currently it is known from four localities totaling less than four hectares (10 acres) in extent. Urbanization and sand and gravel mines threaten this plant.

Section 4(b)(5)(E) of the Endangered Species Act of 1973, as amended, requires that a public hearing be held, if requested within 45 days of the publication of a proposed rule. On May 27, 1986, a request for a public hearing on this proposal was received from Mr. Murray Storm, Director, Environment Management Agency of Orange County, California. The Service has scheduled this for July 7, 1986 at 7:00 p.m. at the San Bernardino County Museum, Redlands, California. Those parties wishing to make statements for the

record should have available a copy of their statements to be presented to the Service at the start of the hearing, oral statements may be limited to 5 or 10 minutes, if the number of parties present that evening necessitates some limitation. There are no limits to the length of written comments presented at this hearing or mailed to the Service.

The comment period on the proposal originally closed on June 9, 1986. In order to accommodate the hearing, the Service also reopens the public comment period. Written comments may now be submitted for this proposal until July 28, 1986, to the Service office in the **ADDRESSES** section.

Author

The primary author of this notice is Ms. Carolyn Bohan, U.S. Fish and

Wildlife Service, 500 NE. Multnomah St., Suite 1692, Portland, Oregon 97232 (503/231-6131 or FTS 429-6131).

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

List of Subjects in 50 CFR Part 17

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

Dated: June 17, 1986.

Joseph R. Blum,

Acting Regional Director.

[FR Doc. 86-14196 Filed 6-23-86; 8:45 am]

BILLING CODE 4310-55-M

Notices

Federal Register

Vol. 51, No. 121

Tuesday, June 24, 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.

ACTION

Special Volunteer Programs; Availability of Funds; Demonstration Grants

A. The Office of Voluntarism Initiatives of ACTION announces the availability of funds during fiscal year 1986 for demonstration grants under the Special Volunteer Programs authorized by the Domestic Volunteer Service Act of 1973, as amended (Pub. L. 93-113, Title I, Part C, 42 U.S.C. 4992).

The purpose of this program is to strengthen and supplement efforts to meet a broad range of needs, particularly those related to economic dislocation, by encouraging and enabling persons from all walks of life and from all age groups to perform meaningful and constructive volunteer service in agencies, institutions, and situations where the application of human talent and dedication may help to meet such needs.

Priority consideration will be given to operating projects at the state and local level which use volunteers to address the problem of farm families and rural communities in crisis. Projects must utilize volunteers to assist these families with financial counselling, vocational training and career training. In addition, volunteers will link those families or individual members with individuals, groups, organizations and agencies that can help them discover new ways to increase income from alternative employment, both on and off the farm. Projects to assist agriculturally dependent communities to diversify their economies will be considered.

B. Eligible Applicants

Only applicants from private, non-profit incorporated organizations and public agencies will be considered.

C. Available Funds and Scope of the Grant

ACTION anticipates awarding grants ranging in size from \$40,000 to a maximum of \$100,000, the latter based on the development of statewide or a comparably large geographical area.

Publication of this announcement does not obligate ACTION to award any specific number of grants, or to obligate any specific amount of money for demonstration grants.

D. General Criteria for Grant Selection

Grant applications will be reviewed and evaluated in comparison with the criteria outlined below, as appropriate, as well as conformance to the instructions included in the application. Grant applications that have demonstrated competence in using volunteers to work with farm families and rural communities will be given preference.

1. Potential to recruit and train volunteers in areas of priority.
2. Promise of developing innovations or knowledge in solving problems of farm families and rural communities in crisis that are significant to national program development.
3. Potential for replication of the project model including: plans for implementation and dissemination of results of the project including any products such as reports and manuals for use by others.
4. Carefully formulated measurable time phased objectives and feasibility of methods for meeting those objectives.
5. Capability of proposed staff.
6. Likelihood of completion of project within proposed timetable.
7. Feasibility of proposed budget.
8. Adequacy of plans for data gathering and evaluation.
9. Letters of support from collaborating agencies and organizations where such could be expected to contribute to the value or success of the project.
10. Plans for continuation of the activities and self-sufficiency of the program following the completion of the project supported by ACTION funds.
11. While specific levels of matching funds are not a requirement for grants, evidence of local public and private sector support (financial and in-kind) is strongly encouraged and will be considered in the decision making process. Applicants capable of such

contributions should specify the sources and nature of in-kind and other non-federal contributions. These contributions must be deemed allowable costs in accordance with ACTION requirements.

E. Application Review Process

ACTION's Demonstration Grants Division, in the Office of Voluntarism Initiatives, which has expertise in volunteer demonstration programs, will review and evaluate all eligible applications submitted under this announcement. ACTION's Associate Director for the Office of Voluntarism Initiatives will make the final selection from among the highest ranked applications. ACTION reserves the right to ask for evidence of any claims of past performance or future capability.

F. Application Submission and Deadline

One signed original and two copies of all completed applications must be submitted to the Associate Director for the Office of Voluntarism Initiatives, Room M-516, 806 Connecticut Avenue NW., Washington, DC 20525. The deadline for receipt of applications is August 1, 1986. Only those applications that are received by 5:00 p.m. on this date will be eligible.

All grant applications must consist of:

- a. Application for Federal Assistance (SF 424 Pages 1-2 and ACTION Form A-1017 pages 3-7) with a narrative budget justification and a narrative of project goals and objectives.
- b. CPA certification of accounting capability.
- c. Articles of incorporation.
- d. Proof of non-profit status or an application for non-profit status, which should be made through documentation.
- e. Resume of candidates for the position of project director, if available, or the resume of the director of the applicant agency or project.
- f. Organization chart of the applicant organization showing how the project is related to the organization.

To receive an application form, please call ACTION's Office of Voluntarism Initiatives, (202) 634-9749.

Dated: June 18, 1986.

Donna M. Alvarado,
Director of ACTION.

[FR Doc. 86-14135 Filed 6-23-86; 8:45 am]

BILLING CODE 6050-28-M

DEPARTMENT OF AGRICULTURE**Agricultural Stabilization and Conservation Service****1986-87 National Marketing Quota for Cigar Filler (Type 41) and Maryland Tobaccos**

AGENCY: Agricultural Stabilization and Conservation Service, (USDA).

ACTION: Notice of Determination of 1986-87 Marketing Quota.

SUMMARY: A Notice of Proposed Determinations with respect to the proclamation of national marketing quotas for Maryland and cigar-filler (type 41) tobaccos for the 1986-87, 1987-88, and 1988-89, marketing years and the amount of such quotas and other related determinations for the 1986-87 marketing year for cigar filler (type 41) and Maryland tobaccos was published on November 18, 1985 (50 FR 47414). In separate referenda of producers of these kinds of tobacco which were held by mail ballot from February 24-27, 1986 producers disapproved such quotas for the three marketing years beginning October 1, 1986, therefore the quotas will not be in effect for the 1986-87 marketing year. This notice affirms determinations made by the Secretary of Agriculture which were announced on January 31, 1986 with respect to the national marketing quota for cigar filler (type 41) and Maryland tobaccos for the 1986-87 marketing year.

EFFECTIVE DATE: January 31, 1986.

FOR FURTHER INFORMATION CONTACT: Robert L. Tarczy, Agricultural Economist, Commodity Analysis Division, ASCS, Room 3736-South Building, P.O. Box 2415, Washington, DC 20013, (202) 447-5187.

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 as "not major." This action has been classified "not major" since implementation of these determinations will not result in: (1) An annual effect on the economy of \$100 million or more, (2) a major increase in costs or prices for consumers, individual industries, Federal, State or local governments, or geographical regions, or (3) significant adverse effects on competition, employment, investment, productivity, innovation or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal Assistance Program to which this notice applies are: Title—Commodity Loan and

Purchases; Number 10.051, as set forth in the Catalog of Federal Domestic Assistance.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice since the Agricultural Stabilization and Conservation Service (ASCA) is not required by 5 U.S.C. 553 or any provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this notice.

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

Notice of Determinations

A Notice of Proposed Determinations was published on November 18, 1985 (50 FR 47414) in which comments were requested with respect to the amount of the national marketing quota for the 1986-87 marketing year for cigar-filler (type 41) and Maryland tobaccos; the conversion of the national marketing quota into national acreage allotments; the amount of the national acreage allotment to be reserved for new farms and for adjustments; and the dates of the marketing quota referenda. For Maryland tobacco, one comment was received recommending that the national marketing quota be established at 55 million pounds. Based upon the historical production of Maryland tobacco producers and estimated demand for such tobacco, it has been determined that a national marketing quota for such tobacco for the 1986-87 marketing year is 34.6 million pounds. For cigar-filler tobacco, no comments were received.

On January 31, 1986, the Secretary of Agriculture determined and announced the following national marketing quotas for the 1986-87 marketing year: (1) cigar-filler (type 41) tobacco, 15.3 million pounds; (2) Maryland tobacco, 34.6 million pounds. During the period February 24-27, 1986, producers disapproved quotas for such years. Accordingly, the following determinations made on January 31, 1986, with respect to marketing quotas for cigar-filler (the 41) and Maryland tobaccos for the 1986-87 marketing year will not be used in establishing marketing quotas for such tobaccos. However, such determinations are set forth herein as a matter of public record.

Quota Determinations for the 1986-87 Marketing Year

For cigar filler (type 41) tobacco for the marketing year October 1, 1986:

(a) *Reserve supply level.* The reserve supply level for cigar-filler (type 41) tobacco is 55.4 million pounds.

(b) *Total supply.* The total supply of cigar-filler (type 41) tobacco for the marketing year beginning October 1, 1985, is 58.1 million pounds.

(c) *Carryover.* The estimated carryover of cigar-filler (type 41) tobacco for the marketing year beginning October 1, 1986, is 40.1 million pounds.

(d) *National marketing quota.* The amount of cigar-filler (type 41) tobacco which will make available during the marketing year beginning October 1, 1986 a supply of cigar-filler (type 41) tobacco equal to the reserve supply level of such tobacco is 15.3 million pounds, and a national marketing quota of such amount is hereby announced.

(e) *National acreage allotment.* The national acreage allotment is 7,786.26.

(f) *National acreage factor.* The national acreage factor for use in determining farm acreage allotments for the 1986-87 marketing year is 1.0.

(g) *National reserve.* The national acreage reserve is 32.0 acres, of which 10.0 acres are made available for 1986 new farms, and 22.0 acres are made available for making corrections and adjusting inequities in old farm allotments.

For Maryland tobacco for the marketing year October 1, 1986:

(a) *Reserve supply level.* The reserve supply level the Maryland tobacco is 75.3 million pounds.

(b) *Total supply.* The total supply of Maryland tobacco is 75.7 million pounds.

(c) *Carryover.* The estimated carryover of Maryland tobacco for the marketing year beginning October 1, 1986 is 40.7 million pounds.

(d) *National marketing quota.* The amount of Maryland tobacco which will make available during the marketing year beginning October 1, 1986, a supply of Maryland tobacco equal to the reserve supply level of such tobacco is 34.6 million pounds and a national marketing quota of such amount is hereby announced.

(e) *National acreage allotment.* The national acreage allotment is 25,898.20 acres.

(f) *National acreage factor.* The national acreage factor for use in determining farm acreage allotments for the 1986-87 marketing year is 10.

(g) *National reserve.* The national acreage reserve is 29.0 acres, of which 5.0 acres are made available for 1986 new farms, and 24.0 acres are made available for making corrections and

adjusting inequities in old farm allotments.

Authority: Secs. 301, 312, 313, 375; 52 Stat. 38, as amended, 46, as amended, 47, as amended, 66, as amended (7 U.S.C. 1301, 1312, 1313, 1375).

Signed Washington, DC, on June 16, 1986.

William C. Bailey,

Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 86-14208 Filed 6-23-86; 8:45 am]

BILLING CODE 3410-05-M

Federal Grain Inspection Service

Soybean Damage Interpretations; Meeting

Notice is hereby given of a public meeting to discuss soybean damage interpretations. The current interpretations for soybean damage factors are illustrated on 35 mm color slide transparencies placed on a special viewer. This system of slides is referred to as the Interpretive Line Slides. The Interpretive Line Slides are currently under review. Increased damage to soybeans caused by weather and harvest conditions during the last two crop years raised concerns over the appropriate interpretations of damage in soybeans. The specific Interpretive Line Slides under question are: Badly Ground or Weather Damaged, Frost Damaged, and Mold Damaged. Although not related to the above damages, the Damaged by Heat and Heat Damaged lines are also being reviewed.

FGIS procedures provide that soybeans shall be considered damaged for inspection and grading purposes only when the damage is distinctly apparent and of such a character as to be recognized as damaged for commercial purposes. It is FGIS's objective to revise the current interpretations to more adequately reflect the implications of damaged soybeans to the domestic and foreign soybean crushing industry.

Accordingly, the following meeting is scheduled:

Name: Federal Grain Inspection Service Meeting on Soybean Damage Interpretations.
Date: (July 10, 1986).

Place: Airport Kings Inn, 9600 Natural Bridge Road, St. Louis, Missouri 63134.

Time: (10:00 a.m.).

Purpose: To provide and solicit pertinent information on soybean damage interpretations and to review proposed Interpretive Line Slides for damage factors.

The agenda includes: (1) Definition of the problem, (2) presentation of the current interpretations, (3) review of proposed interpretations, (4) discussion of data on chemical analysis of samples

graded under the current and proposed interpretations.

Dated: June 17, 1986.

Kenneth A. Gilles,
Administrator.

[FR Doc. 86-14163 Filed 6-23-86; 8:45 am]

BILLING CODE 3410-EN-M

DEPARTMENT OF COMMERCE

Productivity, Technology and Innovation; Study of Alternatives for Privatizing the National Technical Information Service; Open Meeting

AGENCY: National Technical Information Service, Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce is conducting a study of Alternatives for privatizing the National Technical Information Service (NTIS). On April 28, 1986 the Department issued a request for comments on this matter in the *Federal Register*, see pages 15868-15870. The comment period, with extensions, expired on June 10. The Department announces an open meeting and workshop for the purpose of discussing these alternatives and other related issues arising out of comments received in response to the *Federal Register* inquiry.

DATE: The meeting will be held at 9:30 a.m., Wednesday, July 30, 1986.

ADDRESS: The meeting will be held in the auditorium of the Herbert C. Hoover Building, 14th and Constitution Avenue, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Joseph E. Clark, Deputy Director, Room 4824, U.S. Department of Commerce, Washington, DC 20230. Telephone (703) 487-4612.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between those Commerce officials conducting the study and those parties who may be interested in the conduct and outcome of the study. The Department of Commerce recently requested public comment on privatization alternatives. The period for public comment, with extensions, expired on June 10, 1986. Copies of all comments received are now available for public inspection in the Department's Central Reference Records Inspection Facility (CRRIF), room 6628 in the Hoover Building. Information about the availability of these records for inspection may be obtained from Mrs. Hedy Walters at (202) 377-3271. Complete sets of the public comments are also available directly from NTIS upon payment of a fee of ten dollars to

defer costs of printing and reproduction. Sets should be ordered from Joseph E. Clark at the address above. Checks should be made payable to NTIS. An agenda for the open meeting will be mailed, on or about July 7, to all parties that submitted comments in response to the April 28 *Federal Register* notice. Other parties wishing copies of the agenda may request them from Joseph E. Clark at the address shown above.

D. Bruce Merrifield,

Assistant Secretary for Productivity, Technology, and Innovation.

[FR Doc. 86-14160 Filed 6-23-86; 8:45 am]

BILLING CODE 3510-04-M

International Trade Administration

[Docket No. 0600-01]

Marc Andre Degeyter, Respondent; Order

On May 19, 1986 the Administrative Law Judge issued his Decision and Order in the matter of Marc Andre Degeyter, which was referred to me pursuant to section 13(c) of the Export Administration Act of 1979, 50 U.S.C. app. 2401-2420 (1982), as amended by the Export Administration Act of 1985, Pub. L. 99-64, 99 Stat. 120 (July 12, 1985) and 15 CFR 388.8(a) for final action.

Pursuant to the charging letter of July 31, 1980, Marc Andre Degeyter was charged with multiple violations of the Export Administration Act of 1979; specifically with attempting to export to the Soviet Union technical data without a validated license. Under a plea agreement concerning the criminal charges resulting from this transaction, Degeyter plead guilty to violating §§ 387.2 and 387.3 of the Export Administration Regulations issued pursuant to the Export Administration Act of 1979.

The Administrative Law Judge has concluded, inter alia, that Degeyter should be denied all export privileges for a period of thirty years.

Having reviewed the record and based on the facts addressed in this case, I affirm the decision and order of the Administrative Law Judge. This constitutes final agency action on this matter.

Dated: June 16, 1986.

Paul Freedenberg,

Assistant Secretary for Trade Administration.

[FR Doc. 86-1461 Filed 6-23-86; 8:45 am]

BILLING CODE 3301-00-M

[Docket No. 1614-02]

**Anatoli Tony Maluta, Respondent;
Order**

The Assistant Secretary's order of June 2, 1986, published in the **Federal Register** on June 6, 1986, should read to provide for a denial of export privileges for a period of 20 years and a civil fine of \$100,000, which is suspended for five years. If no further violations occur during this period, then this civil penalty will be vacated.

Dated: June 6, 1986.

Paul Freedenberg,*Assistant Secretary for Trade Administration.*

[FR Doc. 86-14162 Filed 6-23-86; 8:45 am]

BILLING CODE 3301-0D-M

**President's Export Council; Notice of
Open Meeting**

A meeting of the President's Export Council's Foreign Trade Practices and Negotiations Subcommittee will be held July 8, 1986, 1:00 p.m. to 4:00 p.m., in Room 4830 of the Department of Commerce, Herbert C. Hoover Building, 14th Street and Constitution Avenue NW., Washington, DC. The Council's purpose is to advise the President on matters relating to U.S. export trade.

Agenda: Opening remarks; analysis of the relative contribution of foreign trade barriers to the U.S. trade deficit; a discussion of specific industry problems with foreign trade barriers.

The delay in publication of this notice is due to conflicting schedules of Subcommittee members, therefore requiring a meeting on short notice.

The meeting will be open to the public with a limited number of seats available. For further information or copies of the minutes, contact Sylvia Lino (202) 377-1125.

Dated: June 20, 1986.

Henry Misisco,*Director, Office of Planning and Coordination.*

[FR Doc. 86-14338 Filed 6-23-86; 8:45 am]

BILLING CODE 3510-DR-M

**National Oceanic and Atmospheric
Administration****Gulf of Mexico Fishery Management
Council; Public Meeting****AGENCY:** National Marine Fisheries Service, NOAA, Commerce.

The Gulf of Mexico Fishery Management Council will convene a public meeting of its Shrimp Management Committee, at the Landmark Motor Hotel Inn, 2601 Severn Avenue, Metairie, LA, July 21-22, 1986,

to discuss possible amendments to the Shrimp Fishery Management Plan. For further information contact Wayne E. Swingle, Gulf of Mexico Fishery Management Council, 5401 West Kennedy Boulevard, Suite 881, Tampa, FL; telephone: (813) 228-2815.

Dated: June 19, 1986.

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

[FR Doc. 86-14245 Filed 6-23-86; 8:45 am]

BILLING CODE 3510-22-M

**Gulf of Mexico Fishery Management
Council; Meeting****AGENCY:** National Marine Fisheries Service, NOAA, Commerce.

The agenda for the public meeting of the Gulf of Mexico Fishery Management Council and its Committees (published May 28, 1986, at 51 FR 19243) has been amended to add the following:

The Council also will convene a closed session to discuss employment matters on July 9, 1986, from 11:15 a.m. to 11:30 a.m.

The Council's Personnel Committee will convene a closed session also to discuss employment matters on July 8, 1986, from 5 p.m. to 5:30 p.m.

All other information remains unchanged. For further information contact Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council, Suite 881, Lincoln Center, 5401 West Kennedy Boulevard, Tampa, FL; telephone: (813) 228-2815.

Dated: June 19, 1986.

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

[FR Doc. 86-14246 Filed 6-23-86; 8:45 am]

BILLING CODE 3510-22-M

**Mid-Atlantic Fishery Management
Council; Public Meeting****AGENCY:** National Marine Fisheries Service, NOAA, Commerce.

The Mid-Atlantic Fishery Management Council will convene a public meeting, July 8-9, 1986, at The Days Inn, 100 Hopkins Place, Baltimore, MD, to discuss surf clam and ocean quahog management, as well as other fishery management matters. For further information contact John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 South New Street, Dover, DE; telephone: (302) 674-2331.

Dated: June 19, 1986.

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

[FR Doc. 86-14247 Filed 6-23-86; 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 SW. First Avenue, Portland, OR 97201, 503/221-6352

Jim H. Branson, Executive Director, North Pacific Fishery Management Council, P.O. Box 103138, Anchorage, AK 99510, 907/274-4563

Kitty M. Simonds, Executive Director, Western Pacific Fishery Management Council, 1184 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 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, issued the notice on behalf of the Secretary of State.

Individual vessel applications for fishing in 1986 have been received from the Governments shown below.

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 and fishery	Regional fishery management councils
ABS Atlantic Billfishes and Sharks.	New England, Mid Atlantic, South Atlantic, Gulf of Mexico, Caribbean.
BSA Bering Sea and Aleutian Islands Groundfish.	North Pacific.
GOA Gulf of Alaska	North Pacific.
NWA Northwest Atlantic Ocean.	New England, Mid-Atlantic.
SNA Snails (Bering Sea)	North Pacific.
WOC Pacific Groundfish (Washington, Oregon and California).	Pacific.
PBS Pacific Billfishes and Sharks.	Western Pacific.

Activity codes which specify categories of fishing operations applied for are as follows:

Activity code	Fishing operations
1	Catching, processing and other support
2	Processing and other support only
3	Other support only
*	Vessel(s) in support of U.S. vessels Joint Venture)

Nation, vessel name, vessel type	Application No.	Fishery	Activity
Government of Greece			
MT Jussara Tanker Fuel/Water	GR-86-0006	BSA, GOA, WOC	3
Government of Japan			
Koei Maru No. 10 Longliner/Gillnet	JA-86-0149	BSA, GOA,	1
Pegasas Cargo/Transport Vessel	JA-86-0152	BSA, GOA, NWA	3
Shin Sakura Cargo/Transport Vessel	JA-86-0153	BSA, GOA, NWA	3
Mashu Maru Cargo/Transport Vessel	JA-86-0154	BSA, GOA, NWA	3
Sorachi Maru Cargo/Transport Vessel	JA-86-0155	BSA, GOA, NWA	3
Southern Cross Cargo/Transport Vessel	JA-86-1058	BSA, GOA, NWA	3
Eitoku Maru Cargo/Transport Vessel	JA-86-1094	BSA, GOA, NWA	3
Taiwan			
Chien Jia No. 3 Longline Fishing Vessel	TW-86-3075	PBS	1
Tai Lai Cheng No. 12 Longline Fishing Vessel	TW-86-3118	PBS	1
Fong Chen An No. 1 Longline Fishing Vessel	TW-86-3075	PBS	1
Fong Chen Yih Longline Fishing vessel	TW-86-3125	PBS	1
Shin King Yang No. 1 Longline Fishing Vessel	TW-86-3127	PBS	1
Shin King Yang No. 3 Longline Fishing Vessel	TW-86-3128	PBS	1
Long Der No. 21 Longline Fishing Vessel	TW-86-3129	PBS	1
Fong Kuo No. 111 Longline Fishing Vessel	TW-86-3130	PBS	1
Cheng Chang No. 21 Longline Fishing Vessel	TW-86-3131	PBS	1
Cheng Change No. 22 Longline Fishing Vessel	TW-86-3132	PBS	1
Huey Chuan Longline Fishing Vessel	TW-86-3133	PBS	1
Hai Chang No. 1 Longline Fishing Vessel	TW-86-3134	PBS	1
Jin Reunn Longline Fishing Vessel	TW-86-3135	PBS	1
Jin Ding Longline Fishing Vessel	TW-86-3136	PBS	1
Lih Fah Longline Fishing Vessel	TW-86-3137	PBS	1
Lih Sheng Longline Fishing Vessel	TW-86-3138	PBS	1
Hai Shing Longline Fishing Vessel	TW-86-3139	PBS	1
Shing Feng No. 11 Longline Fishing Vessel	TW-86-3140	PBS	1
Der Chang Longline Fishing Vessel	TW-86-3141	PBS	1

Nation, vessel name, vessel type	Application No.	Fishery	Activity
<i>Ching Ho. No. 1</i> Longline Fishing Vessel	TW-86-3142	PBS	1
<i>Ching Ho. No. 6</i> Longline Fishing Vessel	TW-86-3143	PBS	1
<i>Dah Eong No. 1</i> Longline Fishing Vessel	TW-86-3144	PBS	1
<i>Yu Te No. 1</i> Longline Fishing Vessel	TW-86-3145	PBS	1
<i>Sheng Wang No. 7</i> Longline Fishing Vessel	TW-86-3146	PBS	1
<i>Full Seeing</i> Longline Fishing Vessel	TW-86-3147	PBS	1
<i>Ming Dar No. 1</i> Longline Fishing Vessel	TW-86-3148	PBS	1
<i>Sheng Yu No. 6</i> Longline Fishing Vessel	TW-86-3149	PBS	1
<i>Hong Jyi Tsair</i> Longline Fishing Vessel	TW-86-3150	PBS	1
Government of Spain			
<i>Manuel Nores</i> Medium Stern Trawler	SP-86-0107	NWA	1*
<i>Suemar Dos</i> Small Stern Trawler	SP-86-0143	NWA	1*
<i>Beiramar Tres</i> Medium Stern Trawler	SP-86-0182	NWA	1*
Government of the Union of Soviet Socialist Republics			
<i>Trudovaya Slava</i> Factory Ship	UR-86-0798	NWA	2*
<i>Okhotskoe More</i> Cargo/Transport Vessel	UR-86-0252	BSA, GOA, WOC	3
<i>Talniki</i> Cargo/Transport Vessel	UR-86-0741	BSA, GOA, WOC	3

Joint Venture

Spain

The Spanish vessels listed in this notice will participate in the joint venture operation previously published January 31, 1986, at 51 FR 3998.

USSR

A permit application has been received for the vessel, *TRUDOVAYA SLAVA*, requesting a joint venture in the NWA hake fisheries. The species and amounts requested are red hake, 3,000 mt and silver hake, 5,000 mt. The designated American partner is Scan Ocean, Gloucester, MA.

[FR Doc. 86-14248 Filed 6-23-86; 8:45 am]
BILLING CODE 3510-22-M

Western Pacific Bottomfish and Seamount Groundfish Fishery

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

ACTION: Notice of entry into a fishery.

SUMMARY: This notice announces that anyone entering the commercial bottomfish fishery in the fishery conservation zone (FCZ) off American Samoa and Guam after May 30, 1986 (control date), will not be assured of future access to the bottomfish resource if a management regime is developed and implemented that limits the number

of participants in the fishery. This announcement is necessary for public awareness of a potential eligibility criterion for access to the bottomfish resource. This announcement does not prevent any other date for eligibility in the fishery or another method of controlling fishing effort from being proposed and implemented. The intended effect of this announcement is to discourage new entry to the fishery based on speculation while discussions continue on whether and how access to the bottomfish resource should be controlled.

FOR FURTHER INFORMATION CONTACT:

Peter Milone (Fisheries Development Specialist, NMFS), 808-955-8831,

or

Kitty Simonds (Executive Director, Western Pacific Fishery Management Council), 808-523-1368 or FTS-546-8923.

SUPPLEMENTARY INFORMATION:

A proposed combined Fishery Management Plan, Environmental Assessment, and Regulatory Impact Review for the Bottomfish and Seamount Groundfish Fisheries of the Western Pacific Region (FMP) was submitted to NMFS for approval and implementation on March 19, 1986. The FMP was prepared by the Western Pacific Fishery Management Council (Council) and would be implemented under the Magnuson Fishery Conservation and Management Act by

regulations appearing at 50 CFR Part 683.

The Council at its 53rd meeting specified May 30, 1986, as the initial cut-off date for the purpose of establishing "historic participation" in the fishery in the event that this criterion is ultimately selected to limit access. Persons who entered the fishery after May 30, 1986, or who enter the fishery after publication of this notice are not assured of future participation should the Council develop and the Secretary of Commerce (Secretary) implement a management regime that limits the number of participants in the fishery.

In specifying the initial cut-off date, the Council acted in response to the concerns voiced by Council representatives from American Samoa and Guam as to the fragile nature of their limited bottomfish resources.

Initial estimates of maximum sustainable yield (MSY) and optimum yield (OY) coupled with expanding fleets suggest that vessels active in the fishery at the time of the decision (May 30, 1986) have sufficient capacity to harvest the available yield of the bottomfish stocks. It was decided that the establishment of an access management program for the fishery should be considered to protect the fragile and limited bottomfish stocks from overfishing and subsequent long-term damage.

In making this announcement, NMFS and the Council intend to discourage

speculative entry into the bottomfish fishery while potential management regimes to control access into the fishery are discussed by the Council and possibly developed. The Council's initial cut-off date will help to distinguish *bona fide* established fishermen from the speculative entrants to the fishery. Although fishermen are notified that entering the fishery after the cut-off date will not assure them of future access to the bottomfish fishery on the grounds of previous participation, other qualifying criteria may also be applied for entry.

This announcement hereby establishes May 30, 1986, for potential use in determining historical or traditional participation in the bottomfish fishery off American Samoa and Guam. This action does not commit the Council or the Secretary to any particular management regime or criterion for entry to the bottomfish fishery. Fishermen are not guaranteed future participation in the bottomfish fishery regardless of their date of entry or intensity of participation in the fishery before or after the control date. The Council may choose a different control date, or it may choose a management regime that does not make use of such a date. The Council may choose to give variably weighted consideration to fishermen in the fishery before and after the control date. The Council may choose also to take no further action to control entry or access to the fishery.

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

Dated: June 19, 1986.

William G. Gordon,

Assistant Administrator For Fisheries,
National Marine Fisheries Service.

[FR Doc. 86-14249 Filed 6-23-86; 8:45 am]

BILLING CODE 3510-22-M

COMMISSION OF FINE ARTS

Meeting

The Commission of Fine Arts will next meet in open session on Thursday, July 31, 1986 at 10:00 a.m. in the Commission's offices at 708 Jackson Place NW., Washington, D.C. 20006 to discuss various projects affecting the appearance of Washington, D.C. including buildings, memorials, parks, etc.; also matters of design referred by other agencies of the government. Handicapped persons should call the offices (566-1066) for details concerning access to meetings.

Inquires regarding the agenda and requests to submit written or oral statements should be addressed to Mr. Charles Atherton, Secretary.

Commission of Fine Arts, at the above address or call the above number.

Dated in Washington, D.C. June 18, 1986.

Charles H. Atherton,

Secretary.

[FR Doc. 86-14186 Filed 6-23-86; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF DEFENSE

Department of the Air Force

Air Force Activities for Conversion to Contract

ACTION: Notice.

The Air Force recently determined that the following functions and locations will be considered for conversion to contract: The Commissary Shelf Stocking function at Edwards AFB, CA; and the Retail Sales Warehouse function at Andrews AFB, MD; Barksdale AFB, LA; Bergstrom AFB, TX; Davis Monthan AFB, AZ; Kirtland AFB, NM; Langley AFB, VA; Luke AFB, AZ; MacDill AFB, FL; Offutt AFB, NE; Patrick AFB, FL; Wright-Patterson AFB, OH; Carswell AFB, TX; Charleston AFB, SC; Homestead AFB, FL; Lackland AFB, TX; Little Rock AFB, AR; Lowry AFB, CO; Mather AFB, CA; McChord AFB, WA; McGuire AFB, NJ; Nellis AFB, NV; Randolph AFB, TX; Tinker AFB, OK; and Travis AFB, CA.

For further information contact Mr. Jack Flenner, HQ AFCEMS/XPMO, Kelly AFB, TX, telephone (512) 925-6692.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 86-14144 Filed 6-23-86; 8:45 am]

BILLING CODE 3910-01-M

Department of the Army

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.

New

Army Communications Objectives Measurement Surveys

ACOMS is a survey of youth and parents focused on the achievement of Army communications objectives. ACOMS data will be used to track changes in advertising responses in different markets and to help the various Army components monitor the effectiveness of their advertising programs.

Individuals or households

Responses: 89,253

Burden Hours: 14,783

ADDRESSES: Comments are to be forwarded to Mr. Edward Springer, Officer 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.

SUPPLEMENTAL INFORMATION: A copy of the information collection proposal may be obtained from Ms. Angela Petrarca, DAIM-ADI, Room 1C638, The Pentagon, Washington, DC 20310-0700, telephone (202) 695-1671.

Patricia H. Means,

OSD, Federal Register Liaison Officer,
Department of Defense.

June 19, 1986.

[FR Doc. 86-14203 Filed 6-23-86; 8:45 am]

BILLING CODE 3810-01-M

Army Science Board; Notice of Closed Meeting

In accordance with section 10 (a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Dates of Meeting: Monday & Tuesday, 14-15 July 1986.

Times of Meeting: 0800-1700.

Places: BRL, Aberdeen Proving Ground, Maryland.

Agenda: The Army Science Board AHSC on Ballistic Research Laboratory Effectiveness Review will meet to tour the facilities, meet with the new director and work on the final report. This meeting will be closed to the public in accordance with section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C., Appendix 1, subsection 10(d). The classified and nonclassified matters to be discussed are so inextricably intertwined so as to preclude

opening any portion of the meeting. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (202) 695-3039 or 695-7046.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 86-14137 Filed 6-23-86; 8:45 am]

BILLING CODE 3710-08-M

Army Science Board; Notice of Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Dates of Meeting: Monday & Wednesday, 14-16 July 1986.

Times of Meeting: 0800-1630.

Places: Fort Lewis, Washington.

Agenda: The Army Science Board Ad Hoc Subgroup on Helicopter Lift Capabilities in Europe will meet to review Army models and processes for determination of requirements and capabilities of helicopters. This meeting will be closed to the public in accordance with section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C., Appendix 1, subsection 10(d). The classified and nonclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (202) 695-3039 or 695-7046.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 86-14138 Filed 6-23-86; 8:45 am]

BILLING CODE 3710-08-M

Army Science Board; Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board.

Dates of Meeting: Tuesday & Wednesday, 15-16 July 1986.

Times of Meeting: 0830-1630 hours.

Places: Army Materiel Systems Analysis Agency, Aberdeen Proving Grounds, Maryland.

Agenda: The Army Science Board Ad Hoc Subgroup for Army Analysis will meet for briefings by analytic agencies and government laboratories. This meeting will be closed to the public in accordance with section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C., Appendix 1, subsection 10(d). The classified and nonclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Sally Warner, may be

contacted for further information at (202) 695-3039 or 695-7046.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 86-14139 Filed 6-23-86; 8:45 am]

BILLING CODE 3710-08-M

Army Science Board; Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Dates of Meeting: Tuesday; 22 July 1986.

Times of Meeting: 0900-1200 hours.

Place: Pentagon, Washington, DC.

Agenda: The Army Science Board Steering Committee will meet for discussions of topics and future plans for the Board. This meeting will be closed to the public in accordance with section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C. Appendix 1, subsection 10(d). The classified and nonclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (202) 695-3039 or 695-7046.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 86-14140 Filed 6-23-86; 8:45 am]

BILLING CODE 3710-08-M

Army Science Board; Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Dates of Meeting: Thursday & Friday, 24-25 July 1986.

Times of Meeting: 0830-1630 hours.

Places: Rand Arroyo Center, Santa Monica, CA (24th) Lawrence Livermore National Labs, Livermore, CA (25th).

Agenda: The Army Science Board AHSG on Army Combat Models will meet for briefings by analytic agencies and government laboratories. This meeting will be closed to the public in accordance with section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C., Appendix 1, subsection 10(d). The classified and nonclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (202) 695-3039 or 695-7046.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 86-14141 Filed 6-23-86; 8:45 am]

BILLING CODE 3710-08-M

Department of the Navy

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; (8) The point of contact from whom a copy of the information proposal may be obtained.

Extension

NROTC Applicant Questionnaire

NAVCRUIT 1131/6

The information is necessary to assess an individual's basic eligibility for the NROTC Scholarship Program. In order to screen applicants it is necessary to have information concerning date of birth, citizenship, high school graduation date, etc. Information is collected on a continual basis and is not reported or published.

Individuals Responses 40,000

Burden hours 13,300.

ADDRESSES: Comments are to be forwarded to Mr. Edward Springer, Office of Management and Budget, Desk Officer, Room 3235, New Executive Office Building, Washington, D.C. 20503 and Mr. Daniel J. 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 Commander Jon Thomas, USN, Navy Recruiting Command, 4015 Wilson Boulevard, Arlington, Virginia 22203-1991, telephone 202-696-4581.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

June 19, 1986.

[FR Doc. 86-14204 Filed 6-23-86; 8:45 am]

BILLING CODE 3810-01-M

Naval Discharge Review; Hearing Locations

In November 1975, the Naval Discharge Review Board commenced to convene and conduct prescheduled discharge review hearings on a periodic basis for a number of days in locations outside of the Washington, DC area. The cities in which these hearings are scheduled are determined in part by the concentration of applicants in a geographical area.

The following NDRB itinerary for September 1986 through November 1987 has been approved, but remains subject to modification if required.

2 through 12 September 1986, San Diego/
San Francisco, California
6 through 17 October 1986, Chicago,
Illinois
3 through 7 November 1986, Dallas,
Texas
9 through 20 March 1987, San Diego/San
Francisco, California
6 through 16 April 1987, Chicago, Illinois
4 through 8 May 1987, Dallas, Texas
14 through 25 September 1987, San
Diego/San Francisco, California
12 through 23 October 1987, Chicago,
Illinois
2 through 6 November 1987, Dallas,
Texas

Any former member of the Navy or Marine Corps discharged within the last 15 years who desires a discharge review, either in Washington, DC or in a city nearer to their residence, should file an application with the Naval Discharge Review Board using DD Form 293. If a personal appearance is requested, the petitioner should enter on the application the hearing location which is preferred. Application forms (DD 293) may be obtained from, and the completed application should be mailed to, the following address: Naval Discharge Review Board, Suite 905, 801 North Randolph Street, Arlington, Virginia 22203-1989.

Notice is hereby given that, since the following itinerary is subject to modification and since, following receipt of a new application, the Naval Discharge Review Board must obtain the applicant's military records before a hearing may be scheduled, the submission of an application to the Naval Discharge Review Board is not tantamount to scheduling a hearing. Applicants and representatives will be mailed a notification of the date and place of their hearing when personal appearance has been requested.

For further information concerning the NDRB, contact: Captain L. E. Hilder, U.S. Navy, Executive Secretary, Naval Discharge Review Board, Suite 905, 801

North Randolph Street, Arlington, Virginia 22203-1989, (202) 696-4881.

Dated: June 19, 1986.

Harold L. Stoller,
Commander, JAGC, U.S. Navy, Federal
Register Liaison Officer.
[FR Doc. 86-14194 Filed 6-23-86; 8:45 am]
BILLING CODE 3810-AE-M

DEPARTMENT OF EDUCATION**Office of Postsecondary Education****Supplemental Funds Program for Cooperative Education; Application Notice for New Awards**

AGENCY: Department of Education.

ACTION: Application Notice for New Awards under the Supplemental Funds Program for Cooperative Education for Fiscal Year 1986.

SUMMARY: Applications for new awards are invited from institutions of higher education for the award of certain unused College Work-Study Program funds for the support of programs of Cooperative Education.

Authority for this program is contained in Section 442(d) of the Higher Education Act (HEA) of 1965, as amended. (42 U.S.C. 2752(d))

Closing Date for Transmittal of Applications: Applications for new awards must be mailed or hand-delivered by August 8, 1986.

Applications Delivered by Mail: Applications sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention: 84.055E, Washington, DC 20202.

An applicant must show proof of mailing consisting of one of the following:

- (1) A legibly dated U.S. Postal Service postmark.
- (2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.
- (3) A dated shipping label, invoice, or receipt from a commercial carrier.
- (4) Any other proof of mailing acceptable to the Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) A private metered postmark, or (2) A mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Applications Delivered by Hand: Applications that are hand-delivered must be taken to the Application Control Center, Room 3633, Regional Office Building #3, 7th and D Streets, SW., Washington, DC.

The Application Control Center will accept hand-delivered applications between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays. Applications that are hand-delivered will not be accepted after 4:30 p.m. on the closing date.

Program Information: Section 442(d) of the HEA directs the Secretary to give preference in reallocating the first 50 percent of unused College Work-Study Program funds to eligible institutions of higher education for use in initiating, improving, or expanding programs of cooperative education administered in accordance with the Cooperative Education Program authorized by Title VIII of the HEA.

Available Funds: The Secretary will not have the report of the unused College Work-Study Program funds available for reallocation until mid-August. These funds must, however, be reallocated on or before September 30, 1986. The estimated number of awards ranges from four hundred to five hundred annually, and the estimated amount of an award ranges from \$509 to \$160,000. These estimates do not bind the U.S. Department of Education to a specific number of grants, or to the amount of any grant, unless that amount is otherwise specified by statute or regulations.

Application Forms: Application forms and program information packages are expected to be mailed to eligible institutions by July 8, 1986. They may be obtained by writing to the U.S. Department of Education, Division of Higher Education Incentive Programs, Room 3022, Regional Office Building #3, 7th and D Streets, SW., Washington, DC 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. However, the program information is only intended to aid applicants in applying for assistance. Nothing in the program package is intended to impose any paperwork, application content, reporting, or grantee performance requirements beyond those specifically imposed under the statute and regulations.

The Secretary strongly urges that only the information required by the application form be submitted. The application form is approved under the Paperwork Reduction Act of 1980, and approved by the Office of Management and Budget under control number 1840-0054.

Applicable Regulations: The following regulations apply to this program:

- (1) Regulations governing the Supplemental Funds Program for Cooperative Education in 34 CFR Part 636.
- (2) Regulations governing the Cooperative Education Program in 34 CFR Parts 631 and 632.
- (3) Regulations governing the College Work-Study Program in 34 CFR Part 675.
- (4) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Parts 74, 75, 77, and 78.

Further Information: For further information contact Stanley B. Patterson, U.S. Department of Education, Office of Postsecondary Education, Division of Higher Education Incentive Programs, Room 3022, Regional Office Building #3, 7th and D Streets, SW., Washington, DC. Telephone (202) 245-3253.

(20 U.S.C. 1133, 42 U.S.C. 2752(d))
(Catalog of Federal Domestic Assistance Number 84.055E, Supplemental Funds Program for Cooperative Education)

Dated: June 18, 1986.

C. Ronald Kimberling,
Assistant Secretary for Postsecondary Education.

[FR Doc. 86-14213 Filed 6-23-86; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Office of Conservation and Renewable Energy

[Case No. WH-005]

Decision and Order Granting Waiver From Water Heater Test Procedures to Lochinvar Water Heater Corp.

AGENCY: Department of Energy.

ACTION: Decision and order.

SUMMARY: Notice is given of the Decision and Order [Case No. WH-005] granting Lochinvar Water Heater Corporation a waiver for its Model BRE030 oil-fired water heater from the existing DOE water heater test procedures.

FOR FURTHER INFORMATION CONTACT: Michael J. McCabe, U.S. Department of Energy, Office of Conservation and Renewable Energy, Mail Station CE-

132, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 252-9127
Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, Mail Station GC-12, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 252-9513.

SUPPLEMENTAL INFORMATION: In accordance with 10 CFR 430.27(g), notice is hereby given of the issuance of the Decision and Order set out below. In the Decision and Order, Lochinvar Water Heater Corporation has been granted a waiver for its Model BRE030 oil-fired water heater, permitting the company to use a "simulated use" test method in lieu of the "cold-start recovery" test method in the existing test procedure.

Issued in Washington, DC., June 9, 1986.

Donna R. Fitzpatrick,
Assistant Secretary, Conservation and Renewable Energy.

In the matter of: Lochinvar Water Heater Corp.

The Energy Conservation Program for Consumer Products was established pursuant to the Energy Policy and Conservation Act, Pub. L. 94-163, 89 Stat. 917, as amended by the National Energy Conservation Policy Act, Pub. L. 95-619, 92 Stat. 3266, which requires the Department of Energy (DOE) to prescribe standardized test procedures to measure the energy consumption of certain consumer products, including water heaters. The intent of the test procedures is to provide a comparable measure of energy consumption that will assist consumers in making purchase decisions. These test procedures appear at 10 CFR Part 430, Subpart B.

Section 430.27 allows the Department of Energy to waive temporarily test procedures for a particular basic model when a petitioner shows that the basic model contains one or more design characteristics which prevent testing of the basic model according to the prescribed test procedures or when the prescribed test procedures may evaluate the basic model in a manner so unrepresentative of its true energy consumption characteristics as to provide materially inadequate comparative data. 45 FR 64108 (September 26, 1980).

Pursuant to § 430.27(g), the Department shall publish in the *Federal Register* notice of each waiver granted, and any limiting conditions of each waiver.

Lochinvar Water Heater Corporation (Lochinvar), filed a "Petition for Waiver" in accordance with § 430.27 of 10 CFR Part 430. DOE published in the

Federal Register the Lochinvar petition and solicited comments, data, and information respecting the petition. 51 FR 8227 (March 10, 1986). No comments were received. DOE consulted with the Federal Trade Commission on April 17, 1986, concerning the Lochinvar Petition.

Assertions and Determinations

Lochinvar filed a petition for waiver from the DOE test procedure for oil-fired water heaters. The Lochinvar petition essentially asks for the allowance to rate its heaters in the same manner allowed to previous petitioners, Bock Water Heaters, Inc. (Bock), and Ford Products Corporation (Ford).

Lochinvar offers that its Model BRE030 oil-fired water heater has a high thermal mass which leads to unrepresentative values of recovery efficiency, and consequently, Lochinvar seeks relief from the DOE "cold-start" recovery efficiency test methodology.

In the Bock and Ford Decision and Orders, DOE allowed the petitioners to determine the recovery efficiency of their oil-fired water heaters by use of a "simulated use" test method (50 FR 47106, November 14, 1985, 50 FR 50678, December 11, 1985, and 51 FR 18659, May 21, 1986). Accordingly, in the interest of consistency, and since DOE determined that the existing test method is inappropriate with regard to high thermal mass water heaters, today's Decision and Order allows Lochinvar the use of the "simulated use" test method for its Model BRE030 oil-fired water heater.

It is therefore ordered that:

(1) The "Petition for Waiver" filed by Lochinvar Water Heater Corporation (WH-005), is hereby granted as set forth in paragraph (2) below, subject to the provisions of paragraph (3) and (4).

(2) Notwithstanding any contrary provisions of Appendix E of 10 CFR, Part 430, Subpart B, Lochinvar Water Heater Corporation shall be permitted to test its Model BRE030 oil-fired water heater on the basis of the test procedure specified in 10 CFR, part 430, with the modifications set forth below:

(i) Section 3.3.1 of Appendix E of 10 CFR Part 430, is deleted and replaced with the following:

Recovery Efficiency for Oil Water Heaters by the Simulated Use Method

The simulated use test involves withdrawing water from the hot water outlet of the water heater in three separate consecutive water draws. For both the first and second water draws, 21.4 gallons ± 0.5 gallon of water shall be withdrawn from the water heater. The third water draw shall be of a

sufficient volume to bring the total volume of water withdrawn from the water heater by means of these three water draws to 64.3 gallons \pm 0.5 gallon. Water shall be withdrawn at a rate of 3.0 ± 0.25 gallons per minute for each of the three water draws. All water volume measurements shall be made using the water flow meter specified in section 2 of Appendix E of 10 CFR Part 430.

Begin the simulated use test at the time a thermal equilibrium is achieved at the maximum mean tank temperature by recording the mean tank temperature in degrees F, recording the time, recording the water meter reading, commencing measurement of electrical and fossil fuel energy consumption by the water heater and starting the first water draw. During this draw and during all subsequent draws measure the temperature of the inlet and outlet water every minute commencing one minute after the start of the draw until the draw is complete. Immediately upon the conclusion of the first water draw record the water meter reading. Determine the first draw average inlet and outlet water temperatures (T_{ID1} and T_{TD1} respectively) by averaging the measured temperatures during the first draw. At the time a thermal equilibrium is achieved at the maximum mean tank temperature after the cutout following the recovery of the first water draw begin the second water draw. Immediately upon the conclusion of the second draw record the water meter reading. Determine the second draw average inlet and outlet water temperatures (T_{ID2} and T_{TD2} respectively) by averaging the measured temperatures during the second draw. At the time a thermal equilibrium is achieved at the maximum mean tank temperature after the cutout following the recovery of the second water draw begin the third water draw. Immediately upon the conclusion of the third draw record the water meter reading and determine the third draw average inlet and outlet water temperatures (T_{ID3} and T_{TD3} respectively) by averaging the measured temperatures during the third draw. At the time a thermal equilibrium is achieved at the maximum mean tank temperature after the cutout following the recovery of third draw, record the total amount of energy consumed by the water heater since the start of the test (Z_R), in Btu's (where 3,412 Btu equals 1 kilowatt-hour).

Determine the mean of the three outlet

water temperature averages (T_{TWD}) and the mean of the three inlet water temperature averages (T_{IWD}), in degrees F. Determine the total amount of water withdrawn from the water heater over all three water draws (V_{WD}), in gallons, from the appropriate recorded water meter readings.

(ii) Section 4.1.1 of Appendix E of 10 CFR, Part 430, is deleted and replaced with the following:

Calculation of Recovery Efficiency Using the Results of the Simulated Use Test Method

Calculate the recovery efficiency (E_R) expressed as a dimensionless quantity and defined as:

$$E_R = \frac{(k)(V_{WD})(T_{TWD} - T_{IWD})}{(E_R)}$$

where:

k = 8.25 Btu per gallon °F, the nominal specific heat of water

V_{WD} = volume of water withdrawn from the water heater over all three water draws of the simulated use test, determined in accordance with subparagraph (i) above expressed in gallons

T_{TWD} = mean of the outlet water temperature recordings made over the period of the three water draws of the simulated use test, determined in accordance with subparagraph (i) above expressed in degrees F

T_{IWD} = mean of the inlet water temperature recordings made over the period of the three water draws of the simulated use test, determined in accordance with subparagraph (i) above expressed in degrees F

Z_R = total amount of energy consumed by the water heater over the period of the three water draws of the simulated use test, determined in accordance with subparagraph (i) above expressed in Btu's.

(iii) With the exception of the modifications regarding the determination of recovery efficiency set forth in subparagraphs (i) and (ii) above, Lochinvar Water Heater Corporation shall comply in all respects with the test procedures specified in Appendix E of 10 CFR Part 430, Subpart B.

(3) The waiver shall remain in effect from the date of issuance of this order until the Department of Energy prescribes a final rule with regard to the testing of oil-fired water heaters with high thermal mass.

(4) This waiver is based upon the

presumed validity of statements, allegations, and documentary materials submitted by applicant. This waiver may be revoked or modified at any time upon a determination that the factual basis underlying the application is incorrect.

Issued in Washington, DC, June 9, 1986.

Donna R. Fitzpatrick,

Assistant Secretary, Conservation and Renewable Energy.

[FR Doc. 86-14216 Filed 6-23-86; 8:45 am]

BILLING CODE 6450-01-M

National Energy Extension Service Advisory Board; Renewal

Notice is hereby given that the National Energy Extension Service Advisory Board, which was established in accordance with Pub. L. 95-39, Title V, the National Energy Extension Service Act, has been renewed for a 2-year period ending June 14, 1988.

The Board will continue to operate in accordance with the provisions of the Federal Advisory Committee Act (Pub. L. 92-463), the National Energy Extension Service Act (Pub. L. 95-39), the GSA Interim Rule on Advisory Committee Management, and other directives and instructions issued in implementation of those acts.

Further information regarding this advisory board may be obtained from Gloria Decker (2002/252-8990).

Issued in Washington, DC, on June 19, 1986.

Charles R. Tierney,

Advisory Committee Management Officer.

[FR Doc. 86-14221 Filed 6-23-86; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[Docket No. ERA-C&E-86-46 OFP Case No. 67043-9280-21-22]

Acceptance of Petition for Exemption and Availability of Certification; City of Santa Clara, CA

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of acceptance of petition for exemption and availability of certification from the City of Santa Clara, California for a peaking facility.

SUMMARY: On June 5, 1986, the city of Santa Clara (Santa Clara) California, filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) for an

order permanently exempting a proposed new powerplant 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).

Santa Clara requested a permanent peakload exemption under 10 CFR 503.41 for a simple-cycle combustion turbine installation with a site nameplate base capacity rating of 24.17 MW. The proposed unit is to be installed in the City of Santa Clara, California.

The peakload powerplant will utilize natural gas as its primary fuel with distillate fuel serving as a back-up emergency source.

ERA has determined that the petition and certification for the requested exemption is complete in accordance with the final rules under 10 CFR 501.3 and 501.63. ERA hereby accepts the filing of the petition for the permanent exemption as adequate for filing. ERA retains the right to request additional relevant information from Santa Clara at any time during these proceedings where circumstances or procedural requirements may so require. A review of the petition is provided in the **SUPPLEMENTARY INFORMATION** section below.

As provided for in section 701(c) and (d) of FUA and 10 CFR 501.31 and 501.33 of the final rule, 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 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.

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 public comment period provided for in this notice, unless ERA extends such period. Notice of any extension, together with a

statement of reasons for such extension will be published in the **Federal Register**.

DATES: Written comments are due on or before August 8, 1986. A request for public hearing must also be made within this 45-day public comment period.

ADDRESSES: Fifteen copies of written comments or a request for a public hearing should be submitted to the Department of Energy, Economic Regulatory Administration, Office of Fuels Programs, Case Control Unit, Room GA-093, 1000 Independence Avenue, SW., Washington, DC 20585.

Docket No. ERA-C&E-86-46 should be printed on the outside of the envelope and the document contained therein.

FOR FURTHER INFORMATION CONTACT:

John Boyd, Office of Fuels Programs, Economic Regulatory Administration, 1000 Independence Avenue, SW, Room GA-093, Washington, DC 20585, Telephone (202) 252-4523

Steven E. Ferguson, Esq., Office of General Counsel, Department of Energy, 1000 Independence Avenue, SW., Room 6A-113, Washington, DC 20585, Telephone (202) 252-6947

SUPPLEMENTARY INFORMATION: Santa Clara submitted a certified statement by a duly authorized officer to the effect that the proposed oil or gas fired combustion turbine generator will be operated solely as a peakload powerplant.

On February 23, 1982, DOE published in the **Federal Register** (47 FR 7676) a notice of the amendment to its guidelines for compliance with the National Environmental Policy Act of 1969 (NEPA). Pursuant to the amended guidelines, including the permanent exemption for peakload powerplants, is among the classes of action that DOE has categorically excluded from the requirement to prepare an Environmental Impact Statement or an Environment Assessment pursuant to NEPA (categorical exclusion).

The classification raises a rebuttable presumption that the grant or denial of the exemption will not significantly affect the quality of the human environment. Santa Clara has certified that it will secure all applicable permits and approvals prior to commencement of operation of the new unit under exemption.

Under the requirements of 10 CFR 503.41(a)(2)(ii), if a petitioner proposes to use natural gas or to construct a powerplant to use natural gas in lieu of an alternate fuel as a primary energy source, the Administrator of the Environmental Protection Agency or the director of the appropriate state air

pollution control agency must certify to ERA that the use by the powerplant of any available alternate fuel as a primary energy source will not 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 standard is or would be exceeded. However, since ERA has determined that there are no presently available alternate fuels which may be used in the proposed powerplant, no such certification can be made. The certification requirement is therefore waived with respect to the Santa Clara petition.

DOE's Office of Environment, in consultation with the Office of the General Counsel, will review the completed environmental checklist submitted by Santa Clara pursuant to 10 CFR 503.13, together with other relevant information. Unless it appears during the proceeding on Santa Clara's exemption that the grant or denial of the exemption will significantly affect the quality of the human environment, it is expected that no additional environmental review will be required.

As provided in 10 CFR 501.3(b)(4), the acceptance of the petition by ERA does not constitute a determination that Santa Clara is entitled to the exemption requested. That determination will be made on the basis of the entire record of these proceedings, including any comments received in response to this document.

Issued in Washington, DC on June 16, 1986.

Robert L. Davies,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 86-14192 Filed 6-23-86; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-C&E-86-45; OFP Case No. 65041-9321-20, 21-24]

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 of Petition for Exemption and Availability of Certification by the O'Brien Energy Systems, Inc.

SUMMARY: On June 2, 1986, O'Brien Energy System, 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 56 MWs which will be constructed,

owned and operated by O'Brien and located in Hartford, Connecticut, from the prohibitions of Title II of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8301 *et seq.*) ("FUA" of "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 two combustion generators having the capability of burning natural gas or #2 oil. The facility will also contain two waste heat recovery boilers and extraction/condensing steam turbines. The steam turbines will accept high pressure steam from the boilers and deliver low pressure steam and/or generate additional electricity. The system will normally operate with two gas turbines running during all on-peak hours and one running during all off-peak hours.

The Hartford Steam Company (HSC) will purchase all the steam output of the facility, which will be utilized for district heating and cooling. The steam will be distributed to HSC's customers through HSC's downtown steam grid. The electrical production of the facility will be purchased by Northeast Utilities (NU).

The gas and oil required to operate the system will be substantially less than the sum of gas and oil needed to operate the existing boilers which produce the steam required by HSC plus the gas and oil used by NU to generate the electricity which will be replaced by the facility's electric output.

The facility's average output with two gas turbines in operation will be 54,630 kw, an equivalent of 440 MM BTU/hr. The facility is expected to operate its two combustion turbine generators at base load for approximately 4,134 hours per year. The facility's capacity factor is expected to be 95% and its utilization factor will be 70%.

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 August 8, 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, D.C. 20585.

Docket No. ERA C&E-86-45 should be printed on the outside of the envelope and the document contained therein.

FOR FURTHER INFORMATION CONTACT:

Xavier Puslowski, Coal & Electricity Division, Office of Fuels Programs, Economic Recovery Administration, 1000 Independence Avenue, SW., Room GA-093, Washington, DC 20585, Telephone (202) 252-4807

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) 252-6749

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.

In accordance with the evidentiary requirements of § 503.37(c) (and in addition to the certifications discussed above), O'Brien has included as part of its petition:

1. Exhibits containing the basis for the certification described above; and

2. An environmental impact analysis, as required under 10 CFR 503.13.

In processing this exemption request, ERA will comply with the requirements of the National Environmental Policy Act of 1969 (NEPA); the Council on Environmental Quality's implementing regulations, 40 CFR Part 1500 *et seq.*; and DOE's guidelines implementing those regulations, published at 45 FR 20694, March 28, 1980. NEPA compliance may involve the preparation of (1) an Environmental Impact Statement (EIS); (2) an Environmental Assessment; or (3) a memorandum to the file finding that the grant of the requested exemption would not be considered a major Federal action significantly affecting the quality of the environment. If an EIS is determined to be required, ERA will publish a Notice of Intent to prepare an EIS in the **Federal Register** as soon as practicable.

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 June 17, 1986.

Robert L. Davies,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 86-14220 Filed 6-23-86; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-C&E-86-44; OFP Case No. 68012-9322-20-22]

Acceptance of Petition From City of Wellington, KS, for Exemption and Availability of Certification

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of Acceptance of Petition from City of Wellington, Kansas, for Exemption and Availability of Certification.

SUMMARY: On June 3, 1986, City of Wellington, Kansas (Wellington), filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) requesting a permanent peakload exemption for its new proposed powerplant at a new site on the east side of the City of Wellington, Kansas from the provisions of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act) (42 U.S.C. 8301 *et seq.*). Title II of FUA prohibits the use of petroleum and natural gas as a primary energy source in new electric powerplants and prohibits 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).

Wellington requested a permanent peakload exemption under 10 CFR 503.41. Wellington proposes to install one combustion turbine generating unit of 20 MW nominal capability to be used for summer peaking and emergency use in the event of the loss of the Kansas Gas and Electric tie line. The new unit will operate as a simple cycle combustion turbine burning natural gas with No. 2 oil as a standby alternate fuel. The unit has a base rating of 18,012 kilowatts and a peak rating of 20,867 when burning natural gas and at site conditions of 95° F and elevation of 1200 feet. Provisions have been made in the design and layout of the unit to provide for conversion to cogeneration type of generation in the future.

Start-up operation for the unit is scheduled for December 1986, with commercial operation available in January 1987, and peaking generation to start in the summer of 1987.

ERA has determined that the petition and certification for the requested exemption is complete in accordance with the final rules under 10 CFR 501.3 and 501.63. ERA hereby accepts the filing of the petition for the permanent exemption as adequate for filing. ERA retains the right to request additional relevant information from Wellington at any time during these proceedings where circumstances or procedural requirements may so require. A review of the petition is provided in the **SUPPLEMENTARY INFORMATION** section below.

As provided for in section 791(c) and (d) of FUA and 10 CFR 501.31 and 501.33 of the final rule, 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 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 thru Friday, 9:00 a.m.-4:00 p.m.

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 public comment period provided for in this notice, unless ERA extends such period. Notice of any extension, together with a statement of reasons for such extension will be published in the **Federal Register**.

DATES: Written comments are due on or before August 8, 1986. A request for public hearing must also be made within this 45 day public comment period.

ADDRESSES: Fifteen copies of written comments or a request for public hearing should be submitted to the Department of Energy, Economic Regulatory Administration, Office of Fuels Programs, Case Control Unit, Room GA-093, 1000 Independence Avenue, SW., Washington, DC 20585.

Docket No. ERA-C&E-86-44 should be printed on the outside of the envelope and the document contained therein.

FOR FURTHER INFORMATION CONTACT:

Frank Duchaine, Office of Fuels Programs, Coal & Electricity Division, Economic Regulatory Administration, 1000 Independence Avenue, SW., Room GA-093, Washington, DC 20585, Phone (202) 252-8233

Steven E. Ferguson, Esq., Office of General Counsel, Department of Energy, 1000 Independence Avenue, SW., Room 6A-113, Washington, DC 20585, Phone (202) 252-6947

SUPPLEMENTARY INFORMATION: FUA prohibits the use of natural gas or petroleum in certain new powerplants unless an exemption for such use has been granted by ERA. Wellington has filed a petition for a permanent peakload powerplant exemption to use natural gas or oil as a primary energy source in its proposed peakload powerplant.

Under the requirements of 10 CFR 503.41(a)(2)(ii), if a petitioner proposes to use natural gas or to construct a powerplant to use natural gas in lieu of an alternate fuel as a primary energy source, the Administrator of the Environmental Protection Agency or the director of the appropriate state air

pollution control agency must certify to ERA that the use by the powerplant of any available alternate fuel 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 standard is or would be exceeded.

However, since ERA has determined that there are no presently available alternate fuels which may be used in the proposed powerplant, no such certification can be made. The certification requirement is therefore waived with respect to this petition.

Wellington submitted a certified statement by a duly authorized officer to the effect that the proposed natural gas or oil combustion turbine generator will be operated solely as a peakload powerplant.

On February 23, 1982, DOE published in the **Federal Register** (47 FR 7676) 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 certain FUA permanent exemptions, including the permanent exemption for peakload powerplants, 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 effect the quality of the human environment. Wellington 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 Wellington pursuant to 10 CFR 503.13, together with other relevant information. Unless it appears during the proceeding on Wellington's exemption that the grant or denial of the exemption will significantly affect the quality of the human environment, it is expected that no additional environmental review will be required.

As provided in 10 CFR 501.3(b)(4), the acceptance of the petition by ERA does not constitute a determination that Wellington is entitled to the exemption requested. That determination will be made on the basis of the entire record of these proceedings, including any

comments received in response to this document.

Issued in Washington, DC on June 17, 1986.

Robert L. Davies,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 86-14219 Filed 6-23-86; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-C&E-86-22; OFP Case No. 55118-1647-05-24]

Order Granting to General Electric Company Exemption From Prohibitions of the Powerplant and Industrial Fuel Use Act of 1978

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Order granting to General Electric Company exemption from prohibitions of the Powerplant and Industrial Fuel Use Act of 1978.

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 General Electric Company (GE or "the petitioner"), of Lynn, Massachusetts. The permanent cogeneration exemption permits the use of natural gas as the primary energy source for its planned Lynn Utilities Operation. 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 August 25, 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 holidays.

FOR FURTHER INFORMATION CONTACT:

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 the General Counsel, Department of Energy, Forrestal Building, Room 6A-113, 1000 Independence Avenue, SW., Washington, DC 20585, Telephone (202) 252-6947.

SUPPLEMENTARY INFORMATION: The project is the installation of a new steam

boiler in an addition to River Works Power House. The new boiler is necessary to provide capacity for a new peak steam test load anticipated to occur after 1988. The proposed project is to install a new field-erected boiler with a rated capacity of 200,000 lbs/hr of steam (650 psig, 820°) to be supplied for the River Works cogeneration facility. The proposed new boiler will have the capacity of generating 35,000 MWH of electricity, all of which will be consumed by the River Works. The new boiler will be capable of firing No. 6 fuel oil and natural gas; it is proposed to use the same fuels that are currently used in existing boilers. The maximum heat input capacity for the new boiler will be 249×10^6 Btu/hr.

Basis for Permanent Exemption Order

The permanent exemption order is based upon evidence in the record including GE's certification to ERA, in accordance with § 503.37(a)(1), that:

1. The oil or natural 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(a)(1)(i); and
2. The use of a mixture of natural gas and coal or oil and coal in the cogeneration facility will not be technically feasible, in accordance with 10 CFR 503.37(a)(1)(ii).

Procedural Requirements

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 4, 1986 (51 FR 4419), 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 March 21, 1986. Comments were received from the United States Environmental Protection Agency on March 24, 1986. These comments were analytical in nature and provided assistance in the completion of ERA's environmental review. No hearing were requested.

NEPA Compliance

After review of the petitioner's environmental impact analysis, together with other relevant information, ERA has determined that the granting of the requested exemption does not constitute

a major Federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act (NEPA).

Order Granting Permanent Cogeneration Exemption

Based upon the entire record of this proceeding, ERA has determined that GE 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 GE to permit the use of natural gas as the primary energy source for its cogeneration facility in Lynn, Massachusetts.

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, D.C., on June 12, 1986.

Robert L. Davies,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 86-14218 Filed 6-23-86; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-C&E-86-23; OFP Case No. 61058-9306-20-24]

Order Granting to Cogen Kern Bluff, Inc., Exemptions From Prohibitions of the Powerplant and Industrial Fuel Use Act of 1978

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Order granting to Cogen Kern Bluff Incorporated exemptions from prohibitions of the Powerplant and Industrial Fuel Use Act of 1978.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice that it has granted a permanent exemption from the prohibitions of Title II of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* ("FUA" or "the Act"), to Cogen Kern Bluff Incorporated ("Kern" or "the petitioner"), of Houston, Texas. The permanent exemption permits the use of natural gas as the primary energy source for its proposed facility located near Bakersfield, in Kern County, 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 August 25, 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, D.C. 20585, Monday through Friday, 9:00 a.m. to 4:00 p.m., except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Frank Duchaine, Coal & Electricity Division, Office of Fuels Programs, Economic Regulatory Administration, 1000 Independence Avenue, SW., Room GA-093, Washington, D.C. 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, D.C. 20585, Telephone (202) 252-6947.

SUPPLEMENTARY INFORMATION: Kern plans to install a 46.5 MW gas fired cogeneration facility to produce steam and electric power. The cogeneration system of the facility will consist of a self-contained combustion gas turbine generator and an unfired heat recovery steam generator. The only fuel burning equipment in the facility will be the gas turbine. The facility will consume 383 million Btus of natural gas per hour and produce 45.0 MW of electric power and 54,000 pounds per hour of steam. The steam will be sold to the Petro-Lewis Corporation, and the electric power to the Pacific Gas and Electric Company.

On December 26, 1985, Kern filed a petition with ERA requesting a permanent exemption for the cogeneration facility 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").

On May 6, 1986, Kern filed a revision to their original petition requesting a permanent exemption for the same facility based on the lack of alternate fuel supply at a cost which does not substantially exceed the cost of using imported petroleum. Necessary certifications and data required for this type of exemption was supplied with the revised petition. Final rules setting forth criteria and procedures for petitioning for this type of exemption from the prohibitions of Title II of FUA are found in 10 CFR 503.32.

Basis for Permanent Exemption Order

The permanent exemption order is based upon evidence in the record including Kern's certification to ERA, in accordance with 10 CFR 503.32, that:

(1) A good faith effort had been made to obtain an adequate and reliable supply of an alternate fuel for use as a primary energy source of the quality and quantity necessary to conform with the design and operational requirements of the proposed unit;

(2) The cost of using such a supply would substantially exceed the cost of using imported petroleum as a primary energy source during the useful life of the proposed unit as defined in § 503.6 (cost calculation) of the regulations;

(3) No alternate power supply exists, as required under § 503.8 of the regulations;

(4) Use of the mixtures is not feasible, as required under § 503.9 of the regulations; and

(5) Alternative sites are not available, as required under § 503.11 of the regulations.

In accordance with the evidentiary requirements of § 503.32(b) (and in addition to the certifications discussed above), Kern has included as part of its petition:

(1) Exhibits containing the basis for the certifications described above; and
(2) An environmental impact analysis, as required under 10 CFR 503.13.

Procedural Requirements

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 4, 1986 (51 FR 4418), 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 March 21, 1986; no comments were received and no hearing was requested.

NEPA Compliance

After review of the petitioner's environmental impact analysis, together with other relevant information, ERA has determined that the granting of the requested exemption does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act (NEPA).

Order Granting Permanent Exemption

Based upon the entire record of this proceeding, ERA has determined that Kern has satisfied the eligibility requirements for the requested permanent lack of alternate fuel

exemption, as set forth in 10 CFR 503.32. Therefore, pursuant to section 212(c) of FUA, ERA hereby grants a permanent exemption to Kern to permit the use of natural gas as the primary energy source for its facility at its location near Bakersfield, 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 June 17, 1986.
Robert L. Davies,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 86-14217 Filed 6-23-86; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-FC-85-04; OFP Case No. 66017-9266-01-23]

Extension of Decision Period on Petition for Exemption by Power Developers, Inc., for a Proposed Facility Near Scottsdale, AZ

AGENCY: Economic Regulatory Administration, Department of Energy.
ACTION: Notice of Extension of Decision Period on Petition for Exemption by Power Developers, Inc. for a Proposed Facility Near Scottsdale, Arizona.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby extends by forty-five (45) days to July 6, 1986, the Decision Period within which to either grant or deny the request for a permanent exemption from the prohibitions of Title II of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8301 *et seq.*) (FUA or the Act) filed by Power Developers, Inc. for its proposed electric power production facility to be located near and east of Scottsdale, Arizona.

Section 501.68(a)(2) of 10 CFR Part 501—Administrative Procedures and Sanctions, Subpart F—allows for the extension of the decision period on an exemption petition to a specified date by publishing such notice in the *Federal Register* and stating the reasons for such extension.

This extension by ERA of the decision period to grant or deny the petition is necessary to properly consider issues associated with this case.

Issued in Washington, DC, on June 16, 1986.
Robert L. Davies,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 86-14222 Filed 6-23-86; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. RP86-127-000]

Colorado Interstate Gas Co.; Proposed Change in FERC Gas Tariff

June 18, 1986.

Take notice that on June 12, 1986, Colorado Interstate Gas Company ("CIG") tendered for filing proposed changes in the PGA mechanism in its FERC Gas Tariff, Original Volume No. 1, to be effective on July 1, 1986.

The proposed amendments permit CIG to file rate adjustments between regular PGA adjustment dates to reflect changes in its and its pipeline supplier's cost of purchased gas.

CIG proposes to amend existing §§ 21.22 and 21.23 in order to track, in current rates, changes in its supplier's cost of purchased gas reflected in Interim Commodity Gas Cost Adjustments filed by its suppliers between their regular PGA adjustment dates.

CIG also proposes to add a new § 21.8 to its FERC Gas Tariff containing flexible PGA provisions similar to those approved for several other pipelines. When approved, such tariff sheets would permit CIG to file at any time at its sole discretion to adjust its jurisdictional sales rates for known and measurable changes in its gas cost in response to rapidly changing competitive conditions in its own market.

Since the Interim Commodity Gas Cost Adjustments are adjustments to existing rates and because details will be reflected in CIG's next regular PGA filing, § 21.82 relieves CIG from filing supporting details other than the interim adjustment calculation itself and the affected rates.

CIG respectively requests the Commission grant waiver of the 30-day notice period and whatever additional waivers of any Commission regulations as necessary to implement the instant proposal.

Copies of the filing have been served upon CIG's jurisdictional customers and other interested public bodies.

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 June 26, 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. 86-14237 Filed 6-23-86; 8:45 am]

BILLING CODE 6717-01-M

Hydroelectric Applications

June 18, 1986.

Notice of Application Filed with the Commission. Take notice that the following hydroelectric application has been filed with the Federal Energy Regulatory Commission and is available for public inspection:

- a. Type of Application: License (Major).
- b. Project No.: 4114-001.
- c. Date Filed: October 8, 1981.
- d. Applicant: Long Lake Energy Corporation.
- e. Name of Project: Lower Saranac.
- f. Location: Saranac River in the City of Plattsburgh and the Town of Schuyler Falls, Clinton County, New York.
- g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).
- h. Contact Person: Mr. Donald E. Hamer, Long Lake Energy Corporation, 420 Lexington Avenue, Suite 440, New York, NY 10170, (212) 986-0440.
- i. Comment Date: July 11, 1986.
- j. Description of Project: The proposed project would consist of: (1) an existing dam comprised of: (a) A reconstructed 83-foot-long, 20-foot-high north gate structure containing three 21-foot-wide, 11-foot-high radial gates; (b) a 75-foot-long, 24.3-foot-high concrete spillway at right angles; (c) a 50-foot-long, 31.1-foot-high gate structure; and (d) a reconstructed 17.2-foot-high, 60-foot-long south gate structure located approximately 200 feet off the main dam structure; (2) fish passage facilities at the south gate structure; (3) a reservoir with no usable storage capacity at elevation 281.5 feet m.s.l.; (4) a canal intake structure at the south gate structure; (5) a 3,800-foot-long, 100-foot-wide, 16-foot-deep, lined power canal; (6) a power intake structure; (7) a vertical 13-foot-diameter concrete lined shaft; (8) a 275-foot-long, 13-foot-diameter concrete lined power tunnel; (9) a steel penstock and bifurcation; (10) a powerhouse located approximately 150 feet west of Interstate 87, containing two turbine-generators with a total rated capacity of 6.4 MW; (11) a 100-foot-long tailrace channel; (12) a 2,500-foot-long,

46-kV transmission line; and (13) appurtenant facilities.

k. Purpose of Project: Power would be sold to New York State Electric and Gas Corporation.

l. This notice also consists of the following standard paragraphs: B and C.

B. Comments, Protests, or Motions to Intervene.—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C. Filing and Service of Responsive Documents.— Any filings must bear in all capital letters title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST" or "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing is in response. Any of the above-named documents must be filed by providing the original and the number of copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426. An additional copy must be sent to: Mr. Fred E. Springer, Director, Division of Project Management, Federal Energy Regulatory Commission, Room 203-RB, at the above address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Kenneth F. Plumb,
Secretary.

[FR Doc. 86-14236 Filed 6-23-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP86-129-000]

North Penn Gas Co.; Filing of Rate Schedule

June 18, 1986.

Take notice that on June 10, 1986, North Penn Gas Company (North Penn) filed a proposed Rate Schedule 311-T, consisting of the following tariff sheets

to its FERC Gas Tariff, First Revised Volume No. 1:

Original Sheet No. 17
Original Sheet No. 18
Original Sheet No. 19
Original Sheet No. 20
Original Sheet No. 21
Original Sheet No. 22

North Penn states that such tariff sheets are proposed to become effective October 31, 1985 and to remain effective for the limited term ending June 30, 1986, or a subsequent termination date if the Commission extends the interim transportation specified under § 284.7 of the Commission's Regulations.

The filing indicates that such tariff sheets, together with their proposed effectiveness, are being filed in order to meet the requirements of § 284.7 of the Commission's Regulations. The reason for the filing of this rate schedule is to provide a vehicle for NGPA § 311 transportation services by North Penn during the interim period ending June 30, 1986 which has been established by Commission regulation, it is said. North Penn notes that the proposed service is "open access" in nature, and is available not only to existing customers but also to any other customer qualifying for NGPA section 311 service under the Commission's Regulations.

North Penn has requested the Commission to effectuate such tariff sheets as soon as possible, noting that world oil prices have declined precipitously and have placed added pressures on North Penn's customers in their efforts to compete for alternative fuel markets. North Penn further requests the Commission to shorten the notice and comment period.

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 June 26, 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. 86-14238 Filed 6-23-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP86-126-000]

Ohio River Pipeline Corp.; Proposed Changes in FERC Gas Tariff

June 18, 1986.

Take notice that Ohio River Pipeline Corporation ("Ohio River") on June 13, 1986, tendered for filing its FERC Gas Tariff, Original Volume No. 1, Original Sheet Nos. 1 through 90.

Ohio River states that the new tariff (a) updates and restates its existing FPC Gas Tariff to make various language and identification changes and (b) replaces its interim rate schedule for transportation pursuant to Section 284.102 of the Commission's regulations. The proposed rate schedules contain a maximum commodity rate of 8.22¢ per Mcf which is equal to the existing interim transportation rate. Ohio River also proposes that transportation revenues be credited to the cost of service sales tariff applicable to its parent and sole sales customer, Indiana Gas Company, Inc.

The proposed effective date of the above tariff sheets is July 1, 1986.

Copies of the filing were served on Ohio River's customer. 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. All such motions or protests should be filed on or before June 26, 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. 86-14239 Filed 6-23-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP86-126-000]

Transwestern Pipeline Co.; Proposed Changes in FERC Gas Tariff

June 18, 1986.

Take notice that Transwestern Pipeline Company (Transwestern) on June 12, 1986, tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets: Original Sheet No. 82

Original Sheet No. 83
Original Sheet No. 84
Original Sheet Nos. 85-104

The above listed tariff sheets are being filed in order to implement a direct billing mechanism for the recovery of amounts paid by Transwestern (Settlement Payments) to a first seller of natural gas as consideration for waiving or amending the take-or-pay or other similar payment provisions of a contract for the first sale of natural gas.

Transwestern proposes to establish and maintain separate sub-accounts within Account 191 for each Transwestern's customers or former customers served pursuant to Transwestern's CDQ Rate Schedules (CDQ Buyer's). Each CDQ Buyer's allocated portion of Settlement Payments made by Transwestern will be debited to such appropriate sub-account in the month payment is actually made by Transwestern. Each CDQ Buyer's allocated share of Settlement Payments will be determined based on the ratio of each CDQ Buyer's Deficiency Quantity to the total of all CDQ Buyer's Deficiency Quantities for the period to which the Settlement Payments relate (Settlement Period). Such Deficiency Quantity will be determined by calculating the difference between quantity and its actual purchases from Transwestern during the Settlement Period.

Transwestern will file concurrently with each regular semi-annual PGA filing a tariff sheet setting forth the monthly amount to be billed each CDQ Buyer for the six month period beginning with the effective date of each PGA Adjustment Date. The monthly amount to be billed will be calculated by dividing the balance of the applicable Account 191 sub-account as of three months prior to the effective date by six (6). Each CDQ Buyer shall have the right to pay its allocated share of Settlement Payment in a lump sum rather than six monthly installments. Amounts collected from CDQ Buyers will be credited to the appropriate sub-accounts monthly and carrying changes will be computed on the balance in each sub-account in accordance with the Commission's Regulations.

The proposed effective date of the tariff sheets being filed is July 12, 1986.

Copies of the filing were served on Transwestern's jurisdictional customers and interested parties and state commissions.

Any persons 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. All such motions or protests should be filed on or before June 26, 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. 86-14240 Filed 6-23-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP86-125-000]

Trunkline Gas Co; Change in Tariff

June 18, 1986.

Take notice that on June 10, 1986 Trunkline Gas Company (Trunkline) tendered for filing Sixth Revised Sheet No. 21-D and Sixth Revised Sheet No. 21-G to its FERC Gas Tariff, Original Volume No. 1.

The proposed effective date of these revised tariff sheets is July 10, 1986.

Trunkline states that it is submitting herewith these revised tariff sheets to reflect a change in the filing procedure under section 18, of the General Terms and Conditions of its FERC Gas Tariff, Original Volume No. 1. Specifically, this tariff provision currently provides for certain rate adjustments to be filed forty-five (45) days in advance of the respective September 1 effective date. Section 154.22 of the Commission's Regulations proposed effective date. The changes proposed by Trunkline would require a filing 30 days prior to the proposed effective date, thus comporting with the requirements of § 154.22.

Copies of this letter and enclosures are being served on all jurisdictional customers and applicable state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North 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 June 26, 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. 86-14241 Filed 6-23-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP86-71-001]

Valley Gas Transmission, Inc.; Tariff Revision

June 18, 1986.

Take notice that on June 10, 1986 Valley Gas Transmission, Inc. ("Valley") submitted for filing, to be a part of its FERC Gas Tariff, the following tariff sheet:

Original Volume No. 2

Substitute Original Sheet No. 50

Valley states that the purpose of the filing is to comply with the Commission's order of May 30, 1986 in the above-captioned docket directing that Valley delete certain language pertaining to a processing fee.

Valley has requested a June 1, 1986 effective date for the tendered tariff sheet to conform to the effective date granted by the Commission's above-referenced order.

Valley states that copy of the filing has been served on its customers and on all parties of record in this docket.

Any persons 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 the Commission's rules of practice and procedure. (18 CFR 385.214 and 385.211). All such motions or protests should be filed on or before June 26, 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. 86-14242 Filed 6-23-86; 8:45 am]

BILLING CODE 6717-01-M

Southwestern Power Administration

Proposed Sam Rayburn Dam Power Rate Increase

AGENCY: Department of Energy, Southwestern Power Administration (SWPA).

ACTION: Notice of proposed Sam Rayburn Dam Power rate increase and opportunity of public review and comment.

SUMMARY: The Administrator, SWPA, has prepared Current and Revised 1986 Power Repayment Studies for the Sam Rayburn Dam project which show the need for a minor increase in annual revenue to meet cost recovery criteria for the isolated project. The existing annual rate of \$1,704,504 has been in effect since approved by the FERC for the period June 22, 1983, through June 15, 1985. The rate was extended on an interim basis through September 30, 1986, by Rate Order No. SWPA-14, and the FERC approved the extension on a final basis November 6, 1984. The 1986 Power Repayment Studies indicate that a 0.6 percent increase in annual revenue for the project will satisfy cost recovery criteria outlined in section 5 of the Flood Control Act of 1944 and Department of Energy Order No. RA 6120.2. The SWPA Administrator has developed a proposed rate of \$1,715,040 for the isolated project. This amounts to an increase of \$10,536 in the annual rate which would become effective October 1, 1986.

Opportunity is presented for the customer and other interested parties to receive copies of the Power Repayment Studies and submit written comments. Following review of any comments and other information received, the Administrator will submit the proposed rate increase and the Power Repayment Studies in support of the proposed rate increase to the Under Secretary of Energy for confirmation and approval on an interim basis and to the Federal Energy Regulatory Commission (FERC) for confirmation and approval on a final basis. The FERC will allow the public an opportunity to make comments on the proposed rate increase before making a final decision.

DATES: Written comments on the proposed rate increase are due not later than July 24, 1985.

ADDRESSES: Five copies of the written comments should be submitted to the Administrator, Southwestern Power Administration, U.S. Department of Energy, P.O. Box 1619, Tulsa, Oklahoma 74101.

FOR FURTHER INFORMATION CONTACT:

Francis R. Gajan, Director, Power Marketing Southwestern Power Administration, Department of Energy, P.O. Box 1619, Tulsa, Oklahoma 74101, (918) 581-7529.

SUPPLEMENTARY INFORMATION: The U.S. Department of Energy was created by an Act of the U.S. Congress, Department of Energy Organization Act, Pub. L. 95-91, dated August 4, 1977, and SWPA's power marketing activities were transferred from the Department of Interior to the Department of Energy effective October 1, 1977.

SWPA markets power from 23 multiple-purpose reservoir projects with power facilities constructed and operated by the U.S. Corps of Engineers. These projects are located in the States of Arkansas, Missouri, Oklahoma, and Texas. SWPA's marketing area includes these States plus Kansas and Louisiana.

The Sam Rayburn Dam project, located on the Angelina River in the Neches River basin in Eastern Texas, consists of two hydroelectric generating units with an installed capacity of 52,000 kW. The project is not interconnected with SWPA's integrated electric system. Instead, the power produced by the Sam Rayburn Dam project is marketed by SWPA as an isolated project under a contract through which the customer purchases the entire power output of the project at the dam. A separate Power Repayment Study is prepared for the project which has a special rate based on the hydraulically and electrically isolated operation.

Following departmental guidelines, the SWPA Administrator prepared a Current Power Repayment Study using the existing annual rate of \$1,704,504 for the Sam Rayburn Dam project. The rate has been in effect since confirmed and approved on a final basis by the FERC June 22, 1983, for the period ending June 15, 1985. The rate was extended on an interim basis through September 30, 1986, in Rate Order No. SWPA-14, and the extension was approved by the FERC November 6, 1984. The 1986 Current and Revised Power Repayment Studies show that the legal requirements to repay the power investment with interest will not be met with the existing rate. Therefore, the SWPA Administrator has developed a proposed annual rate of \$1,715,040 which is shown by the 1986 Power Repayment Study to satisfy repayment criteria outlined section 5 of the Flood Control Act of 1944 and Department of Energy Order No. RA 6120.2. The proposed rate increase would amount to \$10,536 which is approximately 0.6 percent of annual revenue and is

classified as a minor rate adjustment in accordance with 10 CFR Part 903, "Procedures for Public Participation in Power and Transmission Rate Adjustments and Extensions." The proposed rate would become effective October 1, 1986.

Opportunity is presented for the customer and other interested persons to receive copies of the 1986 Power Repayment Studies and to submit written comments not later than 30 days following the date of publication of this notice in the *Federal Register*. Five copies of the written comments should be submitted to the Administrator, Southwestern Power Administration, U.S. Department of Energy, P.O. Box 1619, Tulsa, Oklahoma 74101. Following review of the written comments and other information received the Administrator will submit the proposed rate increase and the 1986 Power Repayment Studies in support of the proposed rate increase to the Under Secretary of Energy for confirmation and approval on an interim basis and to the FERC for confirmation and approval on a final basis. The FERC will allow the public an opportunity to make written comments on the proposal before making a final decision.

Issued in Tulsa, Oklahoma, June 10th, 1986.

Ronald H. Wilkerson,

Administrator, Southwestern Power Administration.

[FR Doc. 86-14174 Filed 6-23-86; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[SW-FRL-3036-6]

Transfer of Data To Contractors; Request for Comments

AGENCY: Environmental Protection Agency.

ACTION: Notice of transfer of data and request for comments.

SUMMARY: The Environmental Protection Agency (EPA) will transfer to its contractor, ICF, Inc., and their subcontractors: Sobotka & Co., Inc. (SCI); Development Planning and Research Associates (DPRA); Versar, Inc.; Pope-Reid Associates, Inc. (PRA); Industrial Economics, Inc. (IEC); Westat; Research Triangle Institute (RTI); Buc & Associates, Inc. (BAI); and Policy Planning & Evaluation, Inc. (PP&E), information which has been, or will be, submitted to EPA under the authority of the Resource Conservation and Recovery Act (RCRA). These firms are conducting regulatory impact analyses,

regulatory flexibility analyses, reporting impact analyses, operational and resource impact analyses, and environmental impact statements. Some of the information may have a claim of business confidentiality.

DATE: The transfer of the confidential data submitted to EPA will occur no sooner than July 1, 1986.

ADDRESSES: Comments should be sent to Dina Villari, Document Control Officer, Office of Solid Waste, Characterization and Assessment Division (WH-562B), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC, 20460. Comments should be identified as "Transfer of Confidential Data."

FOR FURTHER INFORMATION CONTACT: Dina Villari, Document Control Officer, Characterization and Assessment Division (WH-562B), Office of Solid Waste, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC, 20460, (202) 475-8551. For technical information contact Mr. Ronald McHugh, Office of Solid Waste (WH-562), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC, 20460, (202) 382-3132.

SUPPLEMENTARY INFORMATION:

I. Transfer of Data

The U.S. Environmental Protection Agency is conducting regulatory impact analyses, regulatory flexibility analyses, reporting impact analyses, operational and resources impact analyses, and environmental impact statements in support of the policies and programs established for solid and hazardous waste management under the authority of the Resource Conservation and Recovery Act of 1976 (RCRA), including subsequent amendments through 1984.

Under EPA Contract No. 68-01-7290, ICF and their subcontractors Versar; SCI; PRA; IEC; DPRA; Westat; RTI; BAI; and PP&E will assist the Economic Analysis Branch of the Office of Solid Waste in conducting regulatory impact analyses, regulatory flexibility analyses, reporting impact analyses, operational and resource impact analyses, and environmental impact statements.

The information being transferred to ICF and their subcontractors was previously managed by ICF under Contract No. 68-01-6621. Some of the information being transferred may have been claimed as confidential business information.

In accordance with 40 CFR 2.305(h), EPA has determined that ICF and their subcontractor's employees require access to confidential business information (CBI) submitted to EPA

under the authority of RCRA to perform work satisfactorily under the above-noted contract. EPA is issuing this notice to inform all submitters of confidential business information that EPA may transfer to these firms, on a need-to-know basis, CBI collected under the authority of RCRA. Upon completing their review of materials submitted, ICF and their subcontractors will return all such materials to EPA.

ICF and their subcontractors have been authorized to have access to RCRA CBI under the EPA "Contractors Requirements for the Control and Security of RCRA Confidential Business Information" security manual. EPA has approved the security plan of its contractors and will inspect the facility and approve it prior to RCRA CBI being transmitted to the contractors. Personnel from these firms will be required to sign non-disclosure agreements and be briefed on appropriate security procedures before they are permitted access to confidential information, in accordance with the "RCRA Confidential Business Information Security Manual" and the Contract Requirements Manual.

II. List of Subjects in 40 CFR Part 2

Administrative practice and procedure, Freedom of information, Confidential business information.

Dated: June 11, 1986

J. W. McGraw,

Acting Assistant Administrator.

[FR Doc. 86-4180 Filed 6-23-86; 8:45 am]

BILLING CODE 6580-50-M

[FRL-3036-8]

Water Pollution Control; Final Determination of the Assistant Administrator for External Affairs Concerning the Sweedens Swamp Site

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of decision to prohibit the use of the Sweedens Swamp Site for the discharge of dredged or fill material in Attleboro, Massachusetts.

SUMMARY: This is notice of EPA's final determination pursuant to section 404(c) of the Clean Water Act to prohibit the filling of 32 acres of wetlands known as Sweedens Swamp in Attleboro, Massachusetts for a shopping mall, based upon findings that the discharges of dredged or fill material into that site would have unacceptable adverse effects on wildlife and wildlife habitat.

EFFECTIVE DATE: The effective date of the final determination is May 13, 1986.

FOR FURTHER INFORMATION CONTACT: Charles K. Stark, Jr., Aquatic Resources Division, Office of Federal Activities (A-104), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (202) 475-8796.

ADDRESS: Copies of EPA's final determination are available for inspection in the Public Information Reference Unit, EPA Library, Room M 2904, 401 M Street, SW., Washington, DC 20460 and at the Planning and Standards Section, EPA Region I, John F. Kennedy Federal Building, Room 2203, Boston, Massachusetts 02203.

SUPPLEMENTARY INFORMATION: Under section 404(c) of the Clean Water Act, the Administrator of EPA has the authority to prohibit or restrict the use of a site as a disposal site for dredged or fill material, after notice and opportunity for public hearing, whenever he determines that such disposal will have an unacceptable adverse effect on municipal water supplies, shellfish beds and fishery areas (including spawning and breeding areas), wildlife, or recreational areas. Responsibility for 404(c) determinations have been formally delegated to the Assistant Administrator for External Affairs.

In accordance with section 404(c) regulations (40 CFR Part 231), EPA's Regional Administrator for Region I, Mr. Michael R. Deland, initiated section 404(c) proceedings with respect to the proposed fill in Sweedens Swamp in Attleboro, Massachusetts. The site is a 49-acre forested wetland adjacent to a headwater tributary of the Seven Mile River and is located near the intersection of Routes 95 and 1A in the southeastern part of the State. Sweedens Swamp is a typical well-established, functioning red maple swamp which provides excellent wildlife habitat for a variety of birds, mammals and amphibians, and provides flood storage capacity, groundwater discharge and water purification.

The Regional Administrator's action was in response to a notice by the U.S. Army Corps of Engineers, New England Division of intent to issue a section 404 permit to Pyramid Companies, Inc. (Pyramid) for the discharge of dredged and fill material for a regional shopping mall and its attendant features. Pyramid's proposed shopping mall would result in the destruction of approximately 45 out of 49 acres of this wetland habitat. Pyramid also proposed to create wetlands on and offsite as mitigation. Onsite mitigation would attempt to convert 13 acres of forested wetlands and 9 acres of upland to 22 acres of marsh and open water.

Mitigation offsite would involve an attempt to create a 36 acre artificial marsh at an abandoned gravel pit approximately 2 miles from Sweedens Swamp. The background of this action is summarized in the Region's notice of proposed determination and public hearing (published at 50 FR 33835, August 21, 1985).

On March 7, 1986, Mr. Deland forwarded a recommended determination to prohibit the use of the Sweedens Swamp site for the discharge of dredged or fill material to EPA headquarters for review and final determination. The administrative record was subsequently delivered to headquarters on March 14, 1986. Mr. Deland's recommendation was based upon unacceptable adverse effects on wildlife and wildlife habitat. Mr. Deland's recommendation also stated that there was at least one available alternative site, the use of which would not result in the adverse environmental effect that would be realized by constructing a mall in Sweedens Swamp. Mr. Deland concluded, therefore, that accepting Pyramid's offer of mitigation was inconsistent with the section 404(b)(1) guidelines because the expected adverse impacts to Sweedens Swamp were avoidable.

I considered the record in this case, public comments, information generated within EPA's 404(c) public hearing as well as the Corps public hearing on the proposed offsite mitigation plan, site specific evaluations, and information provided by other agencies. I also consulted with the permit applicant, the U.S. Army/Corps of Engineers, and other knowledgeable individuals. Based upon this review, I determined that depositing dredged or fill material within the 32 acre portion of Sweedens Swamp would result in unacceptable adverse effects to wildlife and wildlife habitat. Specifically, the loss of this habitat would adversely affect the wildlife populations (e.g., birds, mammals and amphibians) at the immediate site. In addition, the project would result in the permanent loss of 32 acres of forested wetland habitat and, although Pyramid has offered to recreate other wetlands onsite, doing so would result in the at least temporary destruction of 13 of the remaining 17 acres of wetland habitat and the creation of wetlands offering dissimilar habitat values to those in the existing wetlands. In reaching these conclusions, I determined that there exists at least one practicable alternative site in the same market which was rejected by Pyramid on the grounds of infeasibility, not availability to Pyramid, when it was

investigating the trade area prior to selecting Sweedens Swamp.

Based on the excellent wildlife value of the wetland in question, its size and setting, the avoidability of the loss, the significance of such areas in Massachusetts, and the scientific uncertainty of mitigation attempts, I concluded that filling Sweedens Swamp to build the proposed mall would have unacceptable adverse effects within the meaning of section 404(c). I do not interpret the section 404(b)(1) guidelines as allowing mitigation as a remedy for destroying wetlands when a practicable alternative exists. The state of the science of man-made wetland creation argues against accepting the risks associated with such attempts in lieu of the practicable alternatives test, particularly for non-water-dependent projects. In addition, after examining Pyramid's mitigation plan, and the conditions that would be needed to ensure that the created wetlands would be successful, I became even more convinced that the risks involved are unacceptably high for a non water-dependent project which would unnecessarily destroy natural wetlands of proven environmental value.

After considering the full record, I determined that the discharge of dredged or fill material for construction of a shopping mall in Sweedens Swamp would cause unacceptable adverse effects on wildlife and wildlife habitat, and under the authority delegated to me by the Administrator of the Environmental Protection Agency, prohibited the use of the site for the proposed fill.

Dated: June 18, 1986.

Jennifer Joy (Manson) Wilson,
Assistant Administrator for External Affairs.
[FR Doc. 86-14181 Filed 6-23-86; 8:45 am]
BILLING CODE 6560-50-M

[OW-FRL-3036-3]

Water Quality Criteria; Availability of Document

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability of final ambient water quality criteria document for dissolved oxygen.

SUMMARY: The Environmental Protection Agency (EPA) announces the availability and provides a summary of a final ambient water quality criteria document for dissolved oxygen. These criteria are intended to form the basis for enforceable State water quality standards and are published pursuant to section 304(a)(1) of the Clean Water Act.

Availability of Document

This notice contains a summary of a final criteria document publishing updated and revised ambient water quality criteria for dissolved oxygen for the protection of freshwater aquatic life. Copies of the complete criteria document may be obtained from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, Virginia 22161 (phone number (703) 487-4650). The NTIS order number for this document is PB 86. Copies of the document are not available from the EPA office listed below. Requests sent to that office will be forwarded to NTIS or returned to the sender. This document is also available for public inspection and copying during normal business hours at: Public Information Reference Unit, U.S. Environmental Protection Agency, Room 2404 (rear), 401 M Street, SW, Washington, DC 20460. As provided in 40 CFR Part 2, a reasonable fee may be charged for copying services. Copies of this document are also available for review in the EPA Regional Office libraries.

FOR FURTHER INFORMATION CONTACT:

Dr. Frank Gostomski, Criteria and Standards Division (WH-585), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, 20460. (202) 245-3030.

SUPPLEMENTARY INFORMATION:

Background

Section 304(a)(1) of the Clean Water Act (33 U.S.C. 1314(1)) requires EPA to publish and periodically update ambient water quality criteria. These criteria are to reflect the latest scientific knowledge on the identifiable effects of pollutants on public health and welfare, aquatic life, and recreation.

EPA has periodically issued ambient water quality criteria, beginning in 1973, with publication of the "Blue Book" (Water Quality Criteria 1972). In 1976, the "Red Book" (Quality Criteria for Water) was published. On November 28, 1980 (45 FR 79318) and February 15, 1984 (49 FR 5831), EPA announced the publication of 65 individual ambient water quality criteria documents for pollutants listed as toxic under section 307(a)(1) of the Clean Water Act. On July 29, 1985 (50 FR 30784), and March 7, 1986 (51 FR 8012), EPA announced the publication of additional criteria documents.

Today EPA is announcing the availability of a final water quality criteria document for dissolved oxygen which updates and revises criteria for dissolved oxygen previously published in the "Red Book" in 1976. A draft

criteria document for dissolved oxygen was made available for public comment on April 19, 1985, (50 FR 15634). These final criteria have been derived after consideration of all comments received. A detailed EPA response to the public comments is available upon request from the EPA office noted above.

Dated: June 10, 1986.

Lawrence J. Jensen,
Assistant Administrator for Water.

Appendix A—Summary of Water Quality Criteria for Dissolved Oxygen

	Coldwater criteria (mg/L)		Warmwater criteria (mg/L)	
	Early life stages ^{1,2}	Other life stages	Early life stages ²	Other life stages
30 day mean.	NA ³	6.5	NA	5.5
7 day mean.	9.5 (6.5)	NA	6.0	NA
7 day mean minimum.	NA	5.0	NA	4.0
1 day minimum ^{4,5} .	8.0 (5.0)	4.0	5.0	3.0

¹ These are water column concentrations recommended to achieve the required *integravel* dissolved oxygen concentrations shown in parentheses. The 3 mg/L differential is discussed in the criteria document. For species that have early life stages exposed directly to the water column, the figures in parentheses apply.

² Includes all embryonic and larval stages and all juvenile forms to 30-days following hatching.

³ NA (not applicable).

⁴ For highly manipulatable discharges, further restrictions apply (see page 37 in the criteria document).

⁵ All minima should be considered as instantaneous concentrations to be achieved at all times.

Note.—These criteria represent a worst case, and conditions will be better than the criteria nearly all the time at most sites. In situations where criteria conditions are just maintained for considerable periods the criteria represent some risk to production impairment. This impairment would probably be slight, but would depend on innumerable other factors. If slight production impairment, or a small but undefinable risk of moderate production impairment is unacceptable, then one should use the "no production impairment" values given in section VI (p. 31) of the criteria document as means and the "slight production impairment" values as minima.

[FR Doc. 86-14184 Filed 6-23-86; 8:45 am]

BILLING CODE 6560-50-M

[OW-FRL-3036-4]

Water Quality Criteria; Extension of Public Comment Period

AGENCY: Environmental Protection Agency.

ACTION: Water Quality Criteria; Extension of public comment period.

SUMMARY: In the Federal Register of May 1, 1986 (51 FR 16205), the Environmental Protection Agency (EPA)

announced the availability for public comment of water quality criteria for selenium, parathion, and toxaphene and asked that public comments be submitted by June 30, 1986. Because of the amount of data to be reviewed and the complexity of the subject, EPA determined that additional time should be allowed for public comment.

DATE: The deadline for submitting written public comments is hereby extended to July 30, 1986.

FOR FURTHER INFORMATION CONTACT: Dr. Frank Gostomski, U.S. Environmental Protection Agency, Criteria and Standards Division (WH-585), 401 M Street, SW., Washington, DC 20460, (202) 245-3030.

Dated: June 17, 1986.

Rebecca W. Hanmer,
Acting Assistant Administrator for Water.
[FR Doc. 86-14185 Filed 6-23-86; 8:45 am]
BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-764-DR]

South Dakota; Amendment to Notice of a Major-Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of South Dakota (FEMA-764-DR), dated May 3, 1986, and related determinations.

DATED: June 17, 1986.

FOR FURTHER INFORMATION CONTACT: Sewall H.E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 646-3616.

Notice: The notice of a major disaster for the State of South Dakota, dated May 3, 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 May 3, 1986: Edmunds, Hand, Sully, and Turner Counties for Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Samuel W. Speck,
Associate Director, State and Local Programs
and Support, Federal Emergency
Management Agency.

[FR Doc. 86-14136 Filed 6-23-86; 8:45 am]

BILLING CODE 6718-02-M

FEDERAL MARITIME COMMISSION

Agreements Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreements pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the Federal Register in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 217-010857-001.

Title: Sea-Land Service, Inc./Hanjin Container Lines, Ltd. Reciprocal Space Charter Agreement.

Parties:

Sea-Land Service, Inc.
Hanjin Container Lines, Ltd.

Synopsis: The proposed amendment would modify the scope of the agreement to limit its application to the transpacific trade between ports in Asia served by the parties and ports on the West Coast of North America, and to Asian interport movements. The parties have requested a shortened review period.

Dated: June 19, 1986.

By Order of the Federal Maritime Commission.

John Robert Ewers,
Secretary.

[FR Doc. 86-14177 Filed 6-23-86; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Agency Forms Under Review

June 18, 1986.

Background

Notice is hereby given of final approval of proposed information collection(s) by the Board of Governors of the Federal Reserve System (Board) under OMB delegated authority, as per 5 CFR 1320.9 (OMB Regulations on Controlling Paperwork Burdens on the Public).

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Clearance Officer—Martha Bethea—Division of Research and Statistics, Board of

Governors of the Federal Reserve System, Washington, DC 20551 (202-452-3822)

OMB Desk Officer—Robert Neal—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, DC 20503 (202-395-6880)

Proposal to Approve Under OMB Delegated Authority the Extension Without Revision of the Following Reports

1. *Report Title: Statement Regarding Security Devices That Do Not Meet the Minimum Requirements of Regulation P*

Agency form number: FR 4003
OMB Docket number: 7100-0112
Frequency: On occasion
Reporters: State member banks
Small businesses are affected.
General description of report:

This recordkeeping requirement is mandatory [12 U.S.C. 1882(b)]; no confidentiality issues arise since the information is maintained in the files of the State member banks.

Any State member bank not meeting the minimum standards for security devices, as outlined in Regulation P, must maintain in its files a record outlining the reasons for not meeting the standards.

2. *Report title: Written Security Program for State Member Banks as Required by Regulation P*

Agency form number: FR 4004
OMB Docket number: 7100-0112
Frequency: One-time
Reporters: State member banks
Small businesses are affected.
General description of report:

This recordkeeping requirement is mandatory [12 U.S.C. 1882(b)]; no confidentiality issues arise because the records are maintained in the files of the State member banks.

All State member banks must maintain in their files a written security program outlining procedures to deter external crime and to assist in the apprehension of persons who commit these crimes.

3. *Report Title: Annual Statement of Compliance With the Bank Protection Act of 1968*

Agency form number: FR 4005
OMB Docket number: 7100-0112
Frequency: Annually
Reporters: State member banks
Small businesses are affected.
General description of report:

The annual statement is mandatory [12 U.S.C. 1882(b)] and is given

confidential treatment [5 U.S.C. 552(b)(4)].

State member banks are required by the Federal Reserve Board to file with the appropriate Federal Reserve Bank an annual statement of compliance with Regulation P.

4. Report Title: Regulation G Registration Statement for Persons Who Extend Credit Secured by Margin Stock (Other Than Banks and Brokers or Dealers)

Agency form number: FR G-1
OMB Docket number: 7100-0011

Frequency: On occasion

Reporters: Federal and state credit unions; insurance companies; savings and loan associations; commercial and consumer credit organizations; production credit associations; small businesses; etc.

Small businesses are affected.

General description of report:

This information collection is mandatory [15 U.S.C. 78g, 78w] and is given confidential treatment [5 U.S.C. 552(b)(4), (b)(6)].

This report is needed to elicit certain background and financial information about a lender (other than banks and brokers or dealers) and the types and amount of credit activities engaged in with respect to stock market credit which enables the Federal Reserve to identify those lenders subject to Regulation G.

5. Report title: Deregistration Statement for Persons Registered Pursuant to Regulation G

Agency form number: FR G-2
OMB Docket number: 7100-0011

Frequency: On occasion

Reporters: Regulation G Registered Lenders (federal and state credit unions; insurance companies; etc.)

Small businesses are affected.

General description of report:

If a registered lender chooses to deregister, this information collection is mandatory [15 U.S.C. 78g, 78w] and is not given confidential treatment.

This report is necessary to notify the Federal Reserve System that a respondent, which must be a Regulation G registered lender, wishes to and is eligible to deregister.

6. Report Title: Annual Report

Agency form number: FR G-4
OMB Docket number: 7100-0011

Frequency: Annually

Reporters: Every Regulation G registrant (federal and state credit unions; insurance companies; etc.)

Small businesses are affected.

General description of report:

This information collection is mandatory [15 U.S.C. 78g, 78w] and is

given confidential treatment [5 U.S.C. 552 (b)(4), (b)(6)].

This report is necessary of all lenders registered pursuant to Regulation G in order to enable the Federal Reserve to monitor the amount of stock-secured credit extended by such lenders and to aid the Federal Reserve in administering margin requirements pursuant to the Securities Exchange Act of 1934.

7. Report Title: Statement of Purpose for an Extension of Credit Secured by Margin Securities by a Person Subject to Registration Under Regulation G.

Agency form number: FR G-3
OMB Docket number: 7100-0018

Frequency: On occasion

Reporters: Federal and state credit unions; insurance companies; savings and loan associations; commercial and consumer credit organizations; small businesses; etc.

Small businesses are affected.

General description of report:

This information collection is mandatory [15 U.S.C. 78g, 78w] and is not given confidential treatment.

This report is required to ensure that a lender does not extend credit to purchase or carry securities in excess of the amount permitted by the Federal Reserve Board pursuant to Regulation G.

8. Report Title: Statement of Purpose for an Extension of Credit by a Creditor

Agency form number: FR T-4
OMB Docket number: 7100-0019

Frequency: On occasion

Reporters: Brokers and dealers

Small businesses are affected.

General description of report:

This information collection is mandatory [15 U.S.C. 78g, and 78w] and is not given confidential treatment.

This report provides a written record of the amount of "non-purpose" credit being extended, the purpose for which the money is to be used, and a listing and valuation of collateral. The form provides a uniform method by which the broker/dealer can establish its compliance with the statute and with the Board's regulation permitting "non-purpose" credit to be extended on better terms than are available for securities credit.

Proposal To Approve Under OMB Delegated Authority the Implementation of the Following Reports

1. Report Title: 1986 Survey of Consumer Finances

Agency form number: FR 3038
OMB Docket number: 7100-0220

Frequency: Nonrecurring

Reporters: Sample of households nationwide

Small businesses are affected.

General description of report:

This information collection is voluntary [12 U.S.C. 225a, 1828(c), 1842, 1843; 15 U.S.C. 1693b(a)]. No problem of confidentiality arises since names and other characteristics that would permit personal identification of respondents will not be provided to survey sponsors.

This survey, a follow-up to an earlier survey, will collect data on major financial decisions and significant changes affecting the financial conditions of households. The survey is designed to provide basic information on financial behavior that can be applied to analysis of current and future policy issues.

2. Report Title: Weekly Report of Repurchase Agreements (RP's) on U.S. Government and Federal Agency Securities With Specified Holders

Agency form number: FR 2415t
OMB Docket number: 7100-0074

Frequency: Weekly

Reporters: Large thrift institutions

Small businesses are not affected.

General description of report:

This information collection is voluntary [12 U.S.C. 248(a)(2)] and is given confidential treatment [5 U.S.C. 552(b)(4), (b)(8)].

This report will collect data on repurchase agreement (RP) transactions from a sample of large thrift institutions. Weekly observations have been made necessary by the increased level and volatility of these transactions. The information is used in the analysis and formulation of monetary policy.

Proposal To Approve Under OMB Delegated Authority the Extension With Revision of the Following Reports

1. Report Title: Weekly Report of Selected Borrowings

Agency form number: FR 2415
OMB Docket number: 7100-0074

Frequency: Weekly

Reporters: Depository institutions

Small businesses are affected.

General description of report:

This information collection is voluntary [12 U.S.C. 248(a)(2)] and is given confidential treatment [5 U.S.C. 552 (b)(4), (b)(8)].

The report collects data on federal funds and repurchase agreement (RP) transactions at a sample of large commercial banks. The proposed revision would include changes to the set of covered borrowings and to the set of borrowers. The information is used in the analysis and formulation of monetary policy.

2. Report Title: Daily Telephone Report of Selected Borrowings

Agency form number: FR 2415a
OMB Docket number: 7100-0074
Frequency: Daily

Reports: Depository institutions
Small businesses are affected.

General description of report:

This information collection is voluntary [12 U.S.C. 248(a)(2)] and is given confidential treatment [5 U.S.C. 552 (b)(4), (b)(8)].

The report collects data on a daily basis on federal funds and repurchase agreement (RP) transactions from a small number of money center banks. The proposed revisions would include a change in the definition of customer categories.

Board of Governors of the Federal Reserve System, June 18, 1986.

William W. Wiles,

Secretary of the Board.

[FR Doc. 86-14199 Filed 6-23-86; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Statement of Organization, Functions, and Delegation of Authority; Office of the General Counsel

Part A of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services covers the Office of the Secretary. Chapter AG of Part A, which was published at 38 FR 17032 on June 28, 1973, and most recently amended at 51 FR 6319 on February 21, 1986, is amended to reflect organizational changes in the Office of the General Counsel. The changes (1) create a new Division in the Office of the General Counsel called the Family Support and Human Development Division, and (2) establish the position of Associate General Counsel, (Family Support and Human Development Division).

The following changes to Chapter AG reflect these changes: Amend section AG.18 to read:

Section AG.18 Divisions in the Office of the General Counsel.

The Divisions of the Office of the General Counsel are:
Business and Administrative Law Division

Civil Rights Division
Inspector General Division
Food and Drug Division
Legislation Division
Public Health Division

Health Care Financing Division
Social Security Division
Family Support and Human Development Division

Amend Paragraph AG.22A 7 to read:

7. Health Care Financing Division. The Health Care Financing Division shall provide legal services for programs administered by the Health Care Financing Administration.

Add a new Paragraph AG.22A 9 to read:

9. Family Support and Human Development Division. The Family Support and Human Development Division shall provide legal services for programs administered by the Family Support Administration and the Office of Human Development Services.

Dated: June 16, 1986.

Otis R. Bowen, M.D.,

Secretary.

[FR Doc. 86-14171 Filed 6-23-86; 8:45 am]

BILLING CODE 4110-12-M

Food and Drug Administration

Drug Abuse Advisory Committee; Renewal

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces the renewal of the Drug Abuse Advisory Committee by the Secretary of Health and Human Services. This notice is issued under the Federal Advisory Committee Act of October 6, 1971 (Pub. L. 92-464, 86 Stat. 770-776 (5 U.S.C. App. I)).

DATE: Authority for this committee will expire on May 31, 1988, unless the Secretary formally determines that renewal is in the public interest.

FOR FURTHER INFORMATION CONTACT:

Richard L. Schmidt, Committee Management Office (HFA-306), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-2765.

Dated: June 18, 1986.

John M. Taylor,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 86-14152 Filed 6-23-86; 8:45 am]

BILLING CODE 4160-01-M

Peripheral and Central Nervous System Drugs Advisory Committee; Renewal

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces the renewal of the Peripheral and Central Nervous System Drugs Advisory Committee by the Secretary of Health and Human Services. This notice is issued under the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)).

DATE: Authority for this committee will expire on June 4, 1988 unless the Secretary formally determines that renewal is in the public interest.

FOR FURTHER INFORMATION CONTACT:

Richard L. Schmidt, Committee Management Office (HFA-306), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-2765.

Dated: June 18, 1986.

John M. Taylor,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 86-14153 Filed 6-23-86; 8:45 am]

BILLING CODE 4160-01-M

Psychopharmacologic Drugs Advisory Committee; Renewal

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces the renewal of the Psychopharmacologic Drugs Advisory Committee by the Secretary of Health and Human Services. This notice is issued under the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)).

DATE: Authority for this committee will expire on June 4, 1988 unless the Secretary formally determines that renewal is in the public interest.

FOR FURTHER INFORMATION CONTACT:

Richard L. Schmidt, Committee Management Office (HFA-306), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-2765.

Dated: June 18, 1986.

John M. Taylor,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 86-14154 Filed 6-23-86; 8:45 am]

BILLING CODE 4160-01-M

Pulmonary-Allergy Drugs Advisory Committee; Renewal

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces the renewal of the Pulmonary-Allergy Drugs Advisory Committee by the Secretary of Health and Human Services. This notice is issued under the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)).

DATE: Authority for this committee will expire on May 30, 1988 unless the Secretary formally determines that renewal is in the public interest.

FOR FURTHER INFORMATION CONTACT:

Richard L. Schmidt, Committee Management Office (HFA-306), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-2765.

Dated: June 18, 1986.

John M. Taylor,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 86-14155 Filed 6-23-86; 8:45 am]

BILLING CODE 4160-01-M

Science Advisory Board to the National Center for Toxicological Research; Renewal

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces the renewal of the Science Advisory Board to the National Center for Toxicological Research by the Secretary of Health and Human Services. This notice is issued under the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)).

DATE: Authority for this committee will expire on June 4, 1988 unless the Secretary formally determines that renewal is in the public interest.

FOR FURTHER INFORMATION CONTACT:

Richard L. Schmidt, Committee Management Office (HFA-306), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-2765.

Dated: June 18, 1986.

John M. Taylor,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 86-14156 Filed 6-23-86; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 86F-0234]

Ad Hoc T-Butanol Task Group of the Society of the Plastics Industry, Inc.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that the Ad Hoc t-Butanol Task Group of the Society of the Plastics Industry, Inc., has filed a petition proposing that the food additive regulations be amended to increase the maximum permitted level of residual *tert*-butyl alcohol in propylene homopolymer and high-propylene copolymers intended for use in contact with food. The residual level of *tert*-butyl alcohol result from the use of 2,5-dimethyl-2,5-di (*tert*-butylperoxy)-hexane as an optional adjuvant substance in these polymers.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 6B3934) has been filed on behalf of the Ad Hoc t-Butanol Task Group of the Society of Plastics Industry, Inc., c/o 1150 17th St. NW., Washington, DC 20036, proposing that § 177.1520 *Olefin polymers* (21 CFR 177.1520) be amended in paragraph (b) to increase the maximum permitted level of residual *tert*-butyl alcohol in propylene homopolymer and high-propylene copolymers intended for use in contact with food. The residual *tert*-butyl alcohol results from the use of 2,5-dimethyl-2,5-di(*tert*-butylperoxy)hexane as an optional adjuvant substance in these polymers.

The potential environmental impact of this action is being reviewed. If not agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the *Federal Register* in accordance with 21 CFR 25.40(c), as published in the *Federal Register* of April 26, 1985 (50 FR 16636).

Dated: June 13, 1986

Sanford A. Miller,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 86-14157 Filed 6-23-86; 8:45 am]

BILLING CODE 4160-01-M

Advisory Committees; Meetings

Correction

In FR Doc. 86-11372, beginning on page 18662 in the issue of Wednesday,

May 21, 1986, make the following correction: On page 18663, in the third column, in the last line of the first complete paragraph, "552" should read "552b".

BILLING CODE 4160-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[INT FEIS 86-14]

Availability of the Proposed Elko Resource Management Plan and Final Environmental Impact Statement, Elko District, NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability of the proposed Elko resource management plan and final environmental impact statement, ELko District, Nevada.

SUMMARY: In accordance with the Federal Land Policy and Management Act and the National Environmental Policy Act of 1969, the Elko District of the Bureau of Land Management has prepared a combined Final Environmental Impact Statement and Proposed Resource Management Plan for the Elko Resources Management Planning Area.

SUPPLEMENTARY INFORMATION: The Proposed Resource Management Plan is designed to guide future management actions within the Elko Resource Management Planning area. The planning area encompasses 3.1 million acres of public land largely in Elko County, and parts of Lander and Eureka counties of Nevada. The document describes the Proposed Resource Management Plan and contains written and oral comments received during the public review period, responses to those comments, and changes which were made as a result of public comments.

A 30-day public review period will end July 28, 1986. During that period any portion of the plan, with the exception of the wilderness recommendations, may be protested as outlined in 43 CFR 1610.5-2. All protests should be sent to: Director, Bureau of Land Management, 18th and C Streets NW., Washington, DC 20240

FOR FURTHER INFORMATION CONTACT:

Rodney Harris, District Manager, Attn: RMP/EIS Coordinator, Bureau of Land Management, 3900 E. Idaho St., Elko, NV 89801 (702) 738-4071.

Copies of the draft document are available for review at the following locations:

Office of Public Affairs, Bureau of Land Management, 18th and C Street, Washington, DC 20240

Bureau of Land Management, Nevada State Office, 850 Harvard Way, P.O. Box 12000, Reno, NV 89520 (702) 784-5448

Bureau of Land Management, Las Vegas District Office, 4765 West Vegas Drive, Las Vegas, NV 89102 (702) 385-6403

Bureau of Land Management, Winnemucca District Office, 705 East 4th Street, Winnemucca, NV 89445 (702) 623-3676

Bureau of Land Management, Ely District Office, Star Route 5, Box 1, Ely, NV 89301 (702) 289-4865

Bureau of Land Management, Carson City District Office, 1050 E. William Street, Suite 335, Carson City, NV 89701 (702) 882-1631

Bureau of Land Management, Battle Mountain District Office, North 2nd and Scott Streets, Battle Mountain, NV 89820 (702) 635-5181

Elko County Library, 720 Court Street, Elko, NV 89801

Government Publications Dept., University of Nevada, Reno, Getchell Library, Reno, NV 89557

University of Nevada, Las Vegas, James R. Dickinson Library, 4505 Maryland Parkway, Las Vegas, NV 89154

Eureka County Library Battle Mountaire NV 89820

White Pine County Library Campton Street Ely, NV 89301

Nevada Street Library Library Building, 401 N. Carson Street Carson City, NV 89710

Dated: June 17, 1986.

Edward F. Spang,
State Director, Nevada.

[FR Doc. 86-14195 Filed 6-23-86; 8:45 am]

BILLING CODE 4310-HC-M

Colorado; Filing of Plats of Survey

June 16, 1986.

The plats of survey of the following described land, will be officially filed in the Colorado State Office, Bureau of Land Management, Denver, Colorado, effective 10:00 A.M., June 16, 1986.

The supplemental plat creating lots 10 and 11 in section 2, T. 33 N., R. 5 E., New Mexico Principal Meridian, Colorado, was accepted June 6, 1986.

The supplemental plat creating lots 7 through 10 in section 35, T. 34 N., R. 5 E., New Mexico Principal Meridian, Colorado, was accepted June 5, 1986.

These plats were prepared to meet certain administrative needs of the U.S. Forest Service.

The plat of survey of the following described land, will be officially filed in the Colorado State Office, Bureau of Land Management, Denver, Colorado, effective 10:00 A.M. August 11, 1986.

The plat representing the independent resurvey of a portion of the west and north boundaries, T. 7 S., R. 78 W., Sixth Principal Meridian, Colorado, Group No. 797, was accepted June 6, 1986.

This survey was executed to meet certain administrative needs of this Bureau and the U.S. Forest Service.

The following corrects the official filing date of plats indicated as being filed on May 9, 1986. The correct filing date is changed to June 9, 1986.

The plat representing the dependent resurvey of the east boundary, portions of the north boundary, subdivisional lines, and subdivision of section 14, the boundaries of Homestead Entry Survey No. 125 and Mineral Survey No. 19700, Fairview lode, and the survey of the subdivision of certain sections, T. 6 N., R. 84 W., Sixth Principal Meridian, Colorado, Group No. 712, was accepted May 27, 1986.

The plat representing the dependent resurvey of a portion of the east boundary, T. 7 N., R. 84 W., Sixth Principal Meridian, Colorado, Group No. 712, was accepted May 27, 1986.

These surveys were executed to meet certain administrative needs of the U.S. Forest Service.

All inquiries about this land should be sent to the Colorado State Office, Bureau of Land Management, 2020 Arapahoe Street, Denver, Colorado 80205.

Jack A. Eaves,
Chief Cadastral Surveyor for Colorado.

[FR Doc. 86-14145 Filed 6-23-86; 8:45 am]

BILLING CODE 4310-84-M

Minerals Management Service

Development Operations Coordination Document; Exxon Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development operations coordination document (DOCD).

SUMMARY: Notice is hereby given that Exxon Company, U.S.A. has submitted a DOCD describing the activities it proposes to conduct on Lease OCS 016, Block 31, West Delta Area, offshore Louisiana. Proposed plans for the the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Grand Isle, Louisiana.

DATE: The subject DOCD was deemed submitted on June 16, 1986.

ADDRESS: A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m. Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Michael J. Tolbert; Minerals Management Service, Gulf of Mexico OCS Region, Rules and Production, Plans, Platform and Pipeline Section, Exploration/Development Plans Unit; Phone (504) 838-0875.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected States, executives of affected States, local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: June 17, 1986.

J. Rogers Pearcy,
Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 86-14187 Filed 6-23-86; 8:45 am]

BILLING CODE 4310-MR-M

Development Operations Coordination Document; Texaco USA

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development operations coordination document (DOCD).

SUMMARY: Notice is hereby given that Texaco USA has submitted a DOCD describing the activities it proposes to conduct on Lease OCS 0310, Block 236, South Marsh Island Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from onshore bases located at Louisa and Morgan City, Louisiana.

DATE: The subject DOCD was deemed submitted on June 16, 1986.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Michael J. Tolbert; Minerals Management Service; Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section;

Exploration/Development Plans Unit; Phone (504) 838-0875.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected States, executives of affected States, local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: June 17, 1986.

J. Rogers Pearcy,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 86-14188 Filed 6-23-86; 8:45 am]

BILLING CODE 4310-MR-M

National Park Service

Intention to Negotiate Concession Contract; Black Canyon, Inc.

Pursuant to the provisions of section 5 of the Act of October 9, 1965, (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that sixty (60) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Black Canyon, Inc., authorizing it to continue to provide food and beverage, general merchandise store, marina and trailer village facilities and services for the public at the Overton Beach Site of Lake Mead National Recreation Area for a period of ten (10) years from January 1, 1987, through December 31, 1996.

This contract has been determined to be categorically excluded from the procedural provisions of the National Environmental Policy Act, and no environmental document will be prepared.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing contract which expires by limitation of time on December 31, 1986, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract as defined in 36 CFR 51.5.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal,

including that of the existing concessioner, must be postmarked or hand-delivered on or before the sixtieth (60th) day following publication of this notice to be considered and evaluated.

Interested parties should contact the Regional Director, Western Regional Office, 450 Golden Gate Avenue, San Francisco, California 94102, for information as to the requirements of the proposed contract.

Dated: April 30, 1986.

W. Lowell White,

Acting Regional Director, Western Region.

[FR Doc. 86-14201 Filed 6-23-86; 8:45 am]

BILLING CODE 4310-70-M

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 June 14, 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 July 9, 1986.

Carol D. Shull,

Chief of Registration, National Register.

CALIFORNIA

Orange County

Santa Ana, *Santa Ana Fire Station Headquarters No. 1*, 1322 N. Sycamore St.

IDAHO

Twin Falls County

Murtaugh vicinity, *Milner Dam and the Twin Falls Main Canal*, Twin Falls Main Canal between Murtaugh Lake and Milner Lake

IOWA

Scott County

Davenport, *SAINTE GENEVIEVE (dredge) (Davenport MRA)*, Antoine LeClaire Park off U.S. 67

MARYLAND

Washington County

Sharpsburg vicinity, *Mount Airy*, MD 34

MINNESOTA

Washington County

Bayport, *Stillwater State Prison Historic District*, 5500 Pickett Ave.

MISSISSIPPI

Hinds County

Raymond, *Boteler, Lillian, House (Raymond & Vicinity MRA)*, 214 Port Gibson Rd.

Raymond, *Dupree—Ratliff House (Raymond & Vicinity MRA)*, 101 Dupree St.

Raymond, *Gibbs—Von Seutter House (Raymond & Vicinity MRA)*, Dupree St.

Raymond, *Hinds County Courthouse (Raymond & Vicinity MRA)*, Main and Oak Sts.

Raymond, *Illinois Central Railroad Depot (Raymond & Vicinity MRA)*, Junction of Main and Railroad Sts.

Raymond, *Keith Press Building (Raymond & Vicinity MRA)*, 234 Town Square

Raymond, *Main Hall (Raymond & Vicinity MRA)*, NW of Cain Hall

Raymond, *Phoenix Hall—Johnson-Harper House (Raymond & Vicinity MRA)*, 527 E. Palestine St.

Raymond, *Porter Family Homestead (Raymond & Vicinity MRA)*, Off MS 18

Raymond, *Shelton House (Raymond & Vicinity MRA)*, 561 W. Main St.

Raymond, *St. Mark's Episcopal Church (Raymond & Vicinity MRA)*, Main and Oak Sts.

MISSOURI

Clark County

Kahoka, *Hiller, Colonel Hiram M., House*, 570 N. Washington

St. Louis (Independent City)

Lafayette Square Historic District (Boundary Increase), Roughly bounded by Jefferson, Rutger, MacKay, Mississippi, Chouteau, Grattan, Lafayette, & Vail Pl.

NEBRASKA

Platte County

Columbus, *Snyder, H.E., House*, 2522 16th St.

OHIO

Columbiana County

East Liverpool, *Travelers Hotel (East Liverpool Central Business District MRA)*, 115 E. Fourth St.

Cuyahoga County

Bratenahl, *Taylor Mansion-Lakehurst*, 193 Bratenahl Rd.

Hamilton County

Cincinnati, *Walnut Hills High School*, 1310 Budett Ave.

Jefferson County

Steubenville vicinity, *Independent School District #2 Building*, 46520 OH 213

Knox County

Mount Vernon vicinity, *Knox County Infirmary*, 7516 Johnstown Rd.

Mahoning County

Youngstown, *Baltimore & Ohio Railroad Terminal*, 530 Mahoning Ave.

Boardman, *Southern Park Stable*, 126 Washington Blvd.

Youngstown, *Erie Terminal Building—Commerce Plaza Building (Downtown Youngstown MRA)*, 112 W Commerce St.

Youngstown, *Federal Post Office—City Hall Annex (Downtown Youngstown MRA)*, 9 W. Front St.

Youngstown, *Helen Chapel (Downtown Youngstown MRA)*, NW corner E. Wood & Champion Sts.

Youngstown, *Jay's Lunch (Downtown Youngstown MRA)*, 258 Federal Plaza West

Youngstown, *Kress Building (Downtown Youngstown MRA)*, 111—121 Federal Plaza West

Youngstown, *McCrorry Building (Downtown Youngstown MRA)*, 9—13 Federal Plaza West and 17—19 Central Square

Youngstown, *McKelvey—Higbee Co. Bldgs. (Downtown Youngstown MRA)*, 210—226 Federal Plaza West

Youngstown, *Ohio One—Ohio Edison (Downtown Youngstown MRA)*, 25 E. Boardman & 102—112 S. Champion

Youngstown, *Peggy Ann Building (Downtown Youngstown MRA)*, 101 Federal Plaza W. and 2—10 S. Phelps

Youngstown, *Republic Iron & Steel Office Building (Downtown Youngstown MRA)*, 415 S Market St.

Youngstown, *State Theater (Downtown Youngstown MRA)*, 213 Federal Plaza W.

Youngstown, *Strouss—Hirschberg Company (Downtown Youngstown MRA)*, 14—28 Federal Plaza W.

Youngstown, *Wells Building (Downtown Youngstown MRA)*, 201—205 Federal Plaza W.

Youngstown, *Welsh Congregational Church (Downtown Youngstown MRA)*, 220 N. Elm St.

Youngstown, *YWMA Building (Downtown Youngstown MRA)*, 25 W. Rayen Ave.

Seneca County

Tiffin, *Bagby—Hossler House*, 530 Sycamore St.

Warren County

Kern Effigy (33WA372)

VERMONT

Chittenden County

Burlington, *Allen, Ethan, Homestead*, Off Van Patten Pkwy.

Windham County

South Londonderry, *South Londonderry Village Historic District*, Church, Main, River, School & Farnum Sts., and Melendy Hill Rd.

WISCONSIN

Winnebago County

Menasha, *Brin Building*, 1 Main St.
Menasha, *Koch, Carl, Block*, 2 Tayco St.
[FR Doc. 86-14202 Filed 6-23-86; 8:45 am]
BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 290 (Sub-2)]

Railroad Cost Recovery Procedures

AGENCY: Interstate Commerce Commission.

ACTION: Notice of approval of rail cost adjustment factor and decision.

SUMMARY: The Commission has decided to approve the cost index filed by the Association of American Railroads (AAR) under the procedures of Ex Parte No. 290 (Sub-No. 2), *Railroad Cost Recovery Procedures*. Application of the index provides for a third quarter 1986 Rail Cost Adjustment Factor (RCAF) of 1.040. The RCAF shows an increase of .017 or 1.7 percent in railroad input prices from the second quarter 1986 level of 1.023. Since the third quarter 1986 RCAF is below the level of a prior RCAF, no rate actions are ordered.

EFFECTIVE DATE: July 1, 1986.

FOR FURTHER INFORMATION CONTACT: Robert C. Hasek, (202) 275-0938; Douglas Galloway, (202) 275-7278.

SUPPLEMENTARY INFORMATION: By decision served January 2, 1985 (50 FR 87, January 2, 1985) we outlined the procedures for the calculation of the all inclusive index of railroad input costs and the methodology for the computation of the RCAF. These procedures replaced and interim methodology which was formerly used. AAR is required to calculate the forecasted index on a quarterly basis and submit it on the fifth day of the last month of each calendar quarter.

We have reviewed AAR's calculations of the index for the third quarter of 1986 and find that, with the exception of the lease rental portion of the equipment rents component, these calculations comply with the rules contained in our decision served January 2, 1985. AAR's handling of lease rental is acceptable on an interim basis.

The indexing rules call for the lease rental portion of the equipment rents component of the index to be calculated using actual data. On November 15, 1985, AAR filed a petition to reopen this proceeding for the purpose of modifying our rule concerning this component. AAR's petition is currently under consideration. At this time we will continue to accept use of the Producer Price Index for Industrial Commodities, less Fuel, Power and Related Products as a surrogate for the lease rental portion of the equipment rents component of the index. We have previously observed that the lease rental portion of the index is only 2.4 percent of the total and is not likely to have a major effect on the RCAF.

In our decision served December 27, 1985, we restated a lump sum payment to certain members of the United Transportation Union (UTU) by amortizing it over the life of the present union contract with interest at the three-month Treasury Bill interest rate. We instructed AAR to continue this calculation by amortizing the principal

balance over the remaining quarters using a three-month Treasury Bill interest rate available seven days prior to the submission date of the quarterly index. We have verified AAR's calculation and find that it complies with our instructions. New contracts with the Brotherhood of Locomotive Engineers (BLE) and the Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employees (BRAC) also include lump sum payments. We have also verified these calculations and find that they comply with our instructions.

We find the RCAF for the third quarter of 1986 to be 1.040. This is an increase of .017 or 1.7 percent from the second quarter of 1986. Since the third quarter RCAF is below a previously higher level, no rate actions are ordered.

The indices and RCAF derived from AAR's third quarter 1986 calculations are shown in Table A of the Appendix to this decision. Table B shows the first quarter 1986 index calculated on both an actual basis and a forecasted basis for comparative purposes.

On May 1, 1986 we issued a Notice of Proposed Rulemaking (NPR) which sought comments on certain changes in our final rules in this proceeding which were issued on January 2, 1985. We proposed that rates increased when the RCAF increased must also be decreased when the RCAF declines. Comments were also solicited on adjusting the RCAF for forecast error. That NPR also stated that action on petitions for reconsideration of the first quarter 1986 RCAF, adjustments to the second quarter 1986 RCAF and modification of railroad rate levels would be held in abeyance until a final notice was issued.

Although the NPR did schedule an expedited comment period, extensions were granted. Comments were due on May 23, 1986, and replies on June 2, 1986. They are currently being analyzed and we expect to issue a final decision shortly. The impact of the final notice on this decision, if any, will be dealt with in that notice.

We are concerned about the effect of certain work rule savings and other contract conditions which would lower the straight time hourly wage rate used in the labor portion of the index. In order to aid us in our evaluation of the impact of the new contracts, AAR is requested to submit a section-by-section analysis of each new contract with UTU, BLE and BRAC as well as any other contracts which may be ratified before September 5, 1986. This analysis shall include listings of the various work rule changes and other items such as lower wage scales for new employees

and lump sum payments in lieu of wage increases and their effect, if any, on the wage rates used in the index of railroad costs which underlies the RCAF. The analysis is to be included with AAR's fourth quarter 1986 index submission.

This decision will not significantly affect the quality of the human environment or the conservation of energy resources. This proceeding will not have a significant adverse impact on a substantial number of small entities because these procedures simplify a formerly complex and burdensome rate increase procedure.

Authority: 49 U.S.C. 10321, 10707a, 5 U.S.C. 553.

Dated: June 17, 1986.

By the Commission, Chairman Gradison, Vice Chairman Simmons, Commissioners Sterrett, Andre, and Lamboley.

Noreta R. McGee,
Secretary.

Appendix

TABLE A.—EX PARTE 290 (SUB-NO. 2) ALL INCLUSIVE INDEX OF RAILROAD INPUT COSTS

Line No.	Index component	1984 weights (percent)	Second quarter 1986 forecast	Third quarter 1986 forecast
1.	Labor	50.5	149.7	153.5
2.	Fuel.....	10.8	51.7	51.7
3.	Materials and supplies	7.8	105.2	105.9
4.	Equipment rents.....	9.4	151.8	151.9
5.	Depreciation ...	7.4	116.4	116.8
6.	Other items ¹	14.1	120.2	120.4
7.	Weighted average	100.0	129.2	131.3
8.	Linked index ²		123.7	125.7
9.	Rail cost adjustment factor ³ (10/11 82=100) 120.9=100		1.023	1.040

¹ Other items are a combination of Purchased Services, Casualties and Insurance, General and Administrative, Other Taxes and Loss and Damage, all of which are measured by the Producer Price Index for Industrial Commodities, less Fuel, Power and Related Products.

² Linking is necessitated by a change to 1984 weights beginning with the fourth quarter 1985. The following formula was used for the third quarter 1986 index:

$$\frac{\text{3rd quarter 1986 index (1984 weights)}/\text{2nd quarter 1986 index (1984 weights)} \times \text{2nd quarter 1986 index (linked index)} = \text{linked index (1980 weights to 1984 weights)}$$

$$\text{or } 131.3/129.2 \times 123.7 = 125.7.$$

³ The denominator was rebased to an October 1, 1982 level in accordance with the requirements of the Staggers Rail Act of 1980.

TABLE B.—EX PARTE 290 (SUB-NO. 2) COMPARISON OF FIRST QUARTER 1986 INDEX CALCULATED ON BOTH A FORECASTED AND AN ACTUAL BASIS

Line No.	Index component	1984 weights (percent)	First quarter 1986 forecast	First quarter 1986 actual
1.	Labor	50.5	150.7	150.4
2.	Fuel.....	10.8	101.8	92.4
3.	Materials and supplies	7.8	107.1	107.1

TABLE B.—EX PARTE 290 (SUB-NO. 2) COMPARISON OF FIRST QUARTER 1986 INDEX CALCULATED ON BOTH A FORECASTED AND AN ACTUAL BASIS—Continued

Line No.	Index component	1984 weights (percent)	First quarter 1986 forecast	First quarter 1986 actual
4.	Equipment rents.....	9.4	151.5	151.9
5.	Depreciation ...	7.4	116.5	116.5
6.	Other items	14.1	120.3	120.3
7.	Weighted average	100.0	135.1	134.1
8.	Linked index		129.3	128.4
9.	Rail cost adjustment factor		1.069	1.062

¹ For comparative purposes only, RCAF for the first quarter 1986 has been calculated using actual data. The published RCAF for the first quarter 1986 was computed using forecasted data.

[FR Doc. 86-14173 Filed 6-23-86; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 85-62]

Kathleen A. DePierro, M.D.; Denial of Application

On November 1, 1985, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA) directed an Order to Show Cause to Kathleen A. DePierro, M.D. (Respondent), 30 Hubbard Street, Montpelier, Vermont 05602. The Order to Show Cause sought to deny an application for registration as a narcotic treatment program under 21 U.S.C. 823(g) executed by Respondent on February 26, 1985 for reason that Respondent was not authorized by the State of Vermont to operate a narcotic treatment program.

Respondent, proceeding *pro se*, requested a hearing on the issues raised by the Order to Show Cause and the matter was docketed before Administrative Law Judge Francis L. Young. The Government filed a motion for summary disposition based on Respondent's lack of authorization to operate a narcotic treatment program in the State of Vermont. Respondent replied to the motion for summary disposition. On April 23, 1986, Judge Young issued his opinion and recommended decision. The Administrator hereby enters his final order based on the opinion and recommended decision of the Administrative Law Judge.

Respondent sought registration under 21 U.S.C. 823(g), which requires the Administrator to register applicants to dispense narcotic drugs to individuals

for maintenance treatment or detoxification (or both) if the applicant is a practitioner who is determined by the Secretary of Health and Human Services (HHS) to be qualified under standards established by the Secretary to engage in the treatment with respect to which registration is sought. The Secretary has not made such a determination as to Respondent, as she herself concedes. Accordingly, DEA cannot now grant her application for DEA registration.

Respondent requested the Administrative Law Judge to stay consideration of her application. The Administrative Law Judge concluded that such a delay would be inappropriate. The Administrator agrees with that conclusion. Correspondence submitted by Respondent implies that HHS will not make a determination that Respondent is qualified until she has received the approval of the State of Vermont authorities for her proposed program. As Judge Young noted, should HHS make a favorable determination at some future time, Respondent can then reapply for DEA registration.

Having examined the record in this matter, the Administrator, under the powers granted the Attorney General in 21 U.S.C. 823 and 824 and delegated to the Administrator of the Drug Enforcement Administration in 21 U.S.C. 871 and 28 CFR Part 0.100 *et seq*, hereby denies Kathleen A. DePierro's application for registration as a narcotic treatment program executed on February 26, 1985, for reason that Respondent has not been found to be qualified by the Secretary of the Department of Health and Human Services to engage in the treatment with respect to which registration is sought. The denial is effective immediately.

Dated: June 17, 1986.

John C. Lawn,
Administrator.

[FR Doc. 86-14169 Filed 6-23-86; 8:45 am]

BILLING CODE 4410-09-M

Ford's Park Pharmacy; Revocation of Registration; Denial of Application

On March 31, 1986, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA) issued to Ford's Park Pharmacy of 3020 East State Boulevard, Fort Wayne, Indiana 46805, an Order to Show Cause proposing to revoke DEA Certificate of Registration AF1796599, previously issued to the pharmacy, and to deny the application, executed on August 27, 1985, for renewal of such registration as a retail pharmacy

under 21 U.S.C. 823(f). The Order to Show Cause alleged that the continued registration of Ford's Park Pharmacy would be inconsistent with the public interest, as set forth in 21 U.S.C. 823(f) and 21 U.S.C. 824(a)(4).

The Order to Show Cause was sent to Ford's Park Pharmacy by registered mail. DEA received a return receipt which indicated that the Order to Show Cause was received on April 4, 1986. More than thirty days have passed since the Order to Show Cause was served and the Drug Enforcement Administration has received no response thereto. Pursuant to 21 CFR 1301.54(a) and 1301.54(d), Ford's Park Pharmacy is deemed to have waived its opportunity for a hearing. Accordingly, the Administrator now enters his final order in this matter without a hearing and based on the investigative file. 21 CFR 1301.54(e) and 1301.57.

The Administrator finds that the Allen County Vice and Narcotics Division began an investigation of Ford's Park Pharmacy in June 1984. A cooperating individual told officers of the Allen County Vice and Narcotics Division that beginning in July 1983, he would take his legitimate prescriptions for Tussend and Tussend Expectorant, Schedule III controlled substances, to Ford's Park Pharmacy. These prescriptions would be filled by Robert Ford, the owner and pharmacist of Ford's Park Pharmacy. The cooperating individual stated that he then began to go to Ford's Park Pharmacy without prescriptions to attempt to obtain the controlled substances. He told Robert Ford that he had lost the last prescription bottle that he had received or had broken it but that he wanted a refill anyway. Robert Ford always gave him a new bottle of Tussend or Tussend Expectorant.

The cooperating individual noted that by the end of January 1984, it became apparent that Ford knew that the cooperating individual did not have any prescriptions for the controlled substances. Nonetheless, Ford continued to supply the cooperating individual with Tussend and Tussionex, also a Schedule III control substance, on a daily basis. The cooperating individual stated that he received between two and sixteen ounces per day, and on Saturdays, he sometimes received twice the amount since the pharmacy was closed on Sundays.

On five separate occasions between June 14, 1984 and June 20, 1984, officers of the Allen County Vice and Narcotics Division searched the cooperating individual and his car and then followed him to Ford's Park Pharmacy. The cooperating individual would arrive at the pharmacy at approximately nine

o'clock in the morning just as the pharmacy was opening. On each occasion, the cooperating individual received between four and eight ounces of a liquid containing Hydrocodone, a Schedule III controlled substance. In addition, on several occasions the cooperating individual received Didrex or Tussionex tablets, Schedule III controlled substances. The bottles in which Mr. Ford dispensed these drugs were not labeled. The cooperating individual never gave Robert Ford a prescription for the substances.

On August 8, 1984, officers of the Allen County Vice and Narcotics Division executed a search warrant at Ford's Park Pharmacy. The officers did not find any prescriptions in the name of the cooperating individual for drugs dispensed on the five occasions that he went to the pharmacy under law enforcement surveillance. Furthermore, none of the prescriptions presented to Ford's Park Pharmacy by the cooperating individual prior to his involvement with the officers were stamped or dated for refills on the dates of the five supervised visits.

Robert Ford was arrested on September 6, 1984 and was charged with four counts of illegally dispensing a legend (prescription) drug in violation of the Indiana Legend Drug Law and eight counts of illegal distribution and dispensing of controlled substances in violation of the Indiana Controlled Substances Law. Pursuant to a plea agreement, Ford pled guilty to the four counts of illegally dispensing a legend drug. The remaining eight counts were dismissed. On March 28, 1985, Robert Ford was thereafter adjudged convicted in the Circuit Court, State of Indiana, County of Allen of unlawful sale of a legend drug.

The Indiana Board of Pharmacy suspended Robert Ford's license to practice pharmacy until December 12, 1985. On October 12, 1985, an investigator of the Office of the Attorney General of Indiana went to Ford's Park Pharmacy and observed Ford practicing pharmacy in violation of the Indiana Pharmacy Board's suspension of his pharmacist's license. During this visit, the investigator had a prescription for a non-controlled substance refilled. Robert Ford performed all of the duties associated with the practice of pharmacy relative to the refilling of the prescription. Subsequently, the Indiana Pharmacy further suspended Robert Ford's license to practice pharmacy until November 1989.

The Administrator finds that Robert Ford is the sole proprietor of Ford's Park Pharmacy. He continues to work in the store in a non-pharmacist capacity

where he can exert unlimited influence over the controlled substance business of the pharmacy. In addition, as the owner, Robert Ford continues to benefit financially from the controlled substance business of the store.

DEA has consistently maintained that the registration of a corporate registrant may be revoked upon a finding that a natural person who is an owner, officer or key employee, who has some responsibility for the operation of the registrant's business, has been convicted of a felony offense relating to controlled substances. See: *Leonard S. Cohen t/a Senate Drug Store*, Docket No. 72-5, 38 FR 9522 (1973); *Norman Bridge Drug Company, Inc.* Docket No. 74-22, 41 FR 3108 (1976); *Big-T Pharmacy, Inc.*, Docket No. 80-34, 47 FR 51830 (1980); *K&B Successors, Inc.* Docket No. 82-15, 49 FR 34588 (1984); *Spoon's Pharmacy*, Docket No. 84-42, 50 FR 46520 (1985).

In this case, although Robert Ford was not convicted of controlled substance-related felonies, the Administrator concludes that the dispensing practices of Robert Ford indicate a callous disregard of his duties as a professional to obey the controlled substances laws and to protect the public health and safety. Robert Ford intentionally ignored the order of the Indiana Board of Pharmacy by continuing to practice pharmacy after his pharmacist license was suspended. Given these facts and the fact that Robert Ford continues to exert tremendous influence over the controlled substance business of the pharmacy, it is evident that the continued registration of Ford's Park Pharmacy is inconsistent with the public interest. 21 U.S.C. 824(a)(4). Neither Ford's Park Pharmacy nor Robert Ford have responded to the Order to Show Cause. No evidence of mitigating circumstances have been offered on behalf of the registrant. Accordingly, the Administrator concludes that the registration must be revoked.

In consideration of the foregoing and having concluded that there is a lawful basis for such action, 21 U.S.C. 824(a)(4), it is the decision of the Administrator that the DEA Certificate of Registration, issued to Ford's Park Pharmacy, should be revoked, and that all applications for renewal of such registration should be denied. Accordingly, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b), the Administrator hereby orders that DEA Certificate of Registration AF1796599 be, and it hereby is, revoked July 24, 1986. The Administrator further orders that Ford's Park Pharmacy's application, executed on August 27, 1985, for renewal

of such registration, as well as any other pending applications, be, and they hereby are denied.

Dated: June 16, 1986.

John C. Lawn,
Administrator.

[FR Doc. 86-14168 Filed 6-23-86; 8:45 am]
BILLING CODE 4410-09-M

Steven L. Zeitzew, M.D.; Revocation of Registration

On April 3, 1986, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Steven L. Zeitzew, M.D., 20 Jamaica Way, Apt. 5, Jamaica Plain, Massachusetts 02130. The Order to Show Cause sought to revoke DEA Certificate of Registration, AZ1702148, previously issued to Dr. Zeitzew, and deny any pending applications for renewal. The statutory predicate for the Order to Show Cause was that Dr. Zeitzew is not currently licensed by the Massachusetts Board of Registration in Medicine to practice medicine, and consequently, is not authorized to handle controlled substances in the State of Massachusetts.

The Order to Show Cause was sent registered mail, return receipt requested, to the address Dr. Zeitzew used for his registration. The Order to Show Cause was signed for on April 16, 1986. Since more than thirty days have elapsed since the Order to Show Cause was received, and Dr. Zeitzew has yet to respond in any manner, the Administrator determines that Dr. Zeitzew has waived his opportunity for a hearing on the issues raised in the Order to Show Cause. The Administrator, therefore, enters this final order based on the record as it appears. 21 CFR 1301.54(d) and 1301.54(e).

The Administrator finds that Dr. Zeitzew possessed a limited medical license in the State of Massachusetts until June 30, 1985. According to the Massachusetts Board of Registration in Medicine, Dr. Zeitzew did not renew his medical license in Massachusetts, and therefore, since July 1, 1985, he has not been licensed in that state. Since Dr. Zeitzew is no longer licensed to practice medicine in the State of Massachusetts, he is also without authority to handle controlled substances in that State.

The Administrator has consistently held that when a DEA registrant is not authorized to handle controlled substances in the State in which he operates, DEA is without lawful authority to maintain his registration. See *Avner Kaufman, M.D.*, Docket No.

85-8, 50 FR 34208 (1985); *Kenneth K. Birchard, M.D.*, 48 FR 33778 (1983); and *Thomas E. Woodson, D.O.*, Docket No. 81-4, 47 FR 1353 (1982). Based upon Dr. Zeitzew's lack of authority to handle controlled substances in the State of Massachusetts, the Administrator concludes that a lawful basis exists for the revocation of Dr. Zeitzew's DEA Certificate of Registration, AZ1702148, and for the denial of any pending applications for renewal.

Having concluded that there is a lawful basis for revoking Dr. Zeitzew's registration and denying any pending applications for renewal, the Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b), hereby orders that DEA Certificate of Registration, AZ1702148, previously issued to Steven L. Zeitzew, M.D., be, and hereby is revoked; and further orders that any pending applications for renewal filed by Dr. Zeitzew, be, and hereby are denied.

This order is effective June 24, 1986.

Dated: June 17, 1986.

John C. Lawn,
Administrator.

[FR Doc. 86-14170 Filed 6-23-86; 8:45 am]
BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Office of the Secretary

Agency Recordkeeping/Reporting Requirements Under Review by the Office of Management and Budget (OMB)

Background

The Department of Labor, in carrying out its responsibilities under the Paperwork Reduction Act (44 U.S.C. Chapter 35), considers comments on the reporting and recordkeeping requirements that will affect the public.

List of Recordkeeping/Reporting Requirements Under Review

As necessary, the Department of Labor will publish a list of the Agency recordkeeping/reporting requirements under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new collections, revisions, extensions, or reinstatements. The Departmental Clearance Officer will, upon request, be able to advise members of the public of the nature of the particular submission they are interested in.

Each entry may contain the following information:

The Agency of the Department issuing this recordkeeping/reporting requirement.

The title of the recordkeeping/reporting requirement.

The OMB and Agency identification numbers, if applicable.

How often the recordkeeping/reporting requirement is needed.

Who will be required to or asked to report or keep records.

Whether small businesses or organizations are affected.

An estimate of the total number of hours needed to comply with the recordkeeping/reporting requirements.

The number of forms in the request for approval, if applicable.

An abstract describing the need for and uses of the information collection.

Comments and Questions

Copies of the recordkeeping/reporting requirements may be obtained by calling the Departmental Clearance Officer, Paul E. Larson, telephone (202) 523-6331. Comments and questions about the items on this list should be directed to Mr. Larson, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue, NW, Room N-1301, Washington, DC 20210. Comments should also be sent to the OMB reviewer, Nancy Wentzler, telephone (202) 395-6880, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3208, Washington, DC 20503.

Any member of the public who wants to comment on a recordkeeping/reporting requirement which has been submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

New

Bureau of Labor Statistics
Survey on Contracting-Out Practices
BLS 410

This is a one-time only survey
Business or other for profit; Small
businesses or organizations 1,000
responses; 500 hours; 1 form

The survey will collect information on establishment practices related to contracting for specific business services, and temporary help, leased and self-employed workers from establishments in four manufacturing industries. By identifying business practice changes occurring as employment measures indicate a shift from a manufacturing- to a service-based economy, this survey will enable BLS to better explain this highly-publicized trend.

Revision

Bureau of Labor Statistics
Occupational Employment Statistics
Quarterly Progress Report
1220-0068; BLS-2877A

Quarterly
State or Local Government
212 responses, 70 hours, one form

The OES survey quarterly progress reports are prepared by State Employment Security Agencies and are the primary source of current management data on the status of the conduct of the Occupational Employment Statistics Survey in each State. They allow for early identification and resolution of State collection problems.

Extension

Employment and Training
Administration

Statement of Selected Workloads and Expenditures of Federal Funds for Unemployment Compensation for Federal Employment Agencies
1205-0160; ETA 191 (SUPP)

Quarterly
State or local governments
53 respondents; 954 hours; 1 form

Federal agencies must reimburse the Federal Employees Compensation Account for the amount expended for benefits to former Federal employees (UCFE/UCX). The report informs ETA of the amount to bill each Federal agency.

Signed at Washington, DC this 19th day of June 1986.

Paul E. Larson,

Departmental Clearance Officer.

[FR Doc. 86-14251 Filed 6-23-86; 8:45 am]

BILLING CODE 4510-24-M

Agency Recordkeeping/Reporting Requirements Under Review by the Office of Management and Budget (OMB)

Background

The Department of Labor, in carrying out its responsibilities under the Paperwork Reduction Act (44 U.S.C. Chapter 35), considers comments on the reporting and recordkeeping requirements that will affect the public.

List of Recordkeeping/Reporting Requirements Under Review

As necessary, the Department of labor will publish a list of the Agency recordkeeping/reporting requirements under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new collections, revisions, extensions, or reinstatements. The Departmental

Clearance Officer will, upon request, be able to advise members of the public of the nature of the particular submission they are interested in.

Each entry may contain the following information:

The Agency of the Department issuing this recordkeeping/reporting requirement.

The title of the recordkeeping/reporting requirement.

The OMB and Agency identification numbers, if applicable.

How often the recordkeeping/reporting requirement is needed.

Who will be required to or asked to report or keep records.

Whether small businesses or organizations are affected.

An estimate of the total number of hours needed to comply with the recordkeeping/reporting requirements.

The number of forms in the request for approval, if applicable.

An abstract describing the need for and uses of the information collection.

Comments and Questions

Copies of the recordkeeping/reporting requirements may be obtained by calling the Departmental Clearance Officer, Paul E. Larson, telephone (202) 523-6331. Comments and questions about the items on this list should be directed to Mr. Larson, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue NW, Room N-1301, Washington, DC 20210. Comments should also be sent to the OMB reviewer, Nancy Wentzler, telephone (202) 395-6880, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3208, Washington, DC 20503.

Any member of the public who wants to comment on a recordkeeping/reporting requirement which has been submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

Revision

Bureau of Labor Statistics
Occupational Wage Survey Program
1200-0007 BLS 2751A, BLS 2752A, BLS 2752B, BLS 2753F, BLS 2753G, 552

Annually; other
State or local governments; business or other for-profit; Federal agencies or employees; non-profit institutions; small businesses or organizations.
28,600 responses; 77,380 hours; 6 forms

Occupational wage survey data serve a variety of uses, including wage administration, negotiations, mediation, plant location decisions, and general economic analysis. The data are also used in the administration of the Federal Pay Comparability Act of 1970; the

Service Contract Act of 1965; and the Social Security Act. Amendment is required because of recent approval by OMB to add small establishments to the PATC survey beginning in FY 1986, and State and local governments beginning in FY 1987.

Occupational Wage Survey Program
1220-0007 BLS 2751A, BLS 2752A, BLS 2752B, BLS 2753F, BLS 2753G, 552

Annually; other

State or local governments; business or other for-profit; Federal agencies or employees; non-profit institutions; small businesses or organizations.
28,600 responses; 77,380 hours; 6 forms

Occupational wage survey data serve a variety of uses, including wage administration, negotiations, mediation, plant location decisions, and general economic analysis. The data are also used in the administration of the Federal Pay Comparability Act of 1970; the Service Contract Act of 1965; and the Social Security Act. Amendment is required because of recent approval by OMB to add small establishments to the PATC survey beginning in FY 1986, and State and local governments beginning in FY 1987.

Employment and Training
Administration

Job Training Longitudinal Survey
1205-0231; JTLS 1, 2, 3, 6, 20, 21, 21(T), 103

Quarterly
Individuals or households; State or local governments; Non-profit Institutions
8,667 respondents; 5,779 burden hours; no forms

To evaluate the Job Training Program Partnership (JTPA) Title IIA & Title III programs, administrative data will be collected quarterly on 3,000 enrollees and 3,000 terminees. Further, to monitor post-program experiences of participants, follow-up information will be collected on a sub-sample of terminees.

Extension

Occupational Safety and Health
Administration

Diving Related Recordkeeping
1218-0069; OSHA 221

On occasion

Businesses or other for-profit; small businesses or organizations
3,000 responses; 109,250 hours, no forms

These requirements/records are directed toward assuring the safety/health of divers exposed to hyperbaric conditions during and after undersea activities. Additionally, the safety standards requiring records pertaining to diving equipment are intended to bring about a safe workplace and, thus, better

assure the occupational safety of the divers.

**Mine Safety and Health Administration
Radiation Sampling and Exposure
Records**

1219-0003

Weekly; annually

Businesses or other for profit; small
businesses or organizations
35 respondents; 11,563 hours

Requires underground uranium mine operators and underground non-uranium mine operators, where concentrations of radon daughters exceed 0.3 WL, to calculate, record, and report to MSHA individual miner's exposures to concentrations of radon daughters.

Training Plan Regulations

1219-0009

On occasion

Businesses or other for profit; small
businesses or organizations
1,229 respondents; 9,832 hours

Require coal and metal and nonmetal mine operators to submit to MSHA for approval plans containing programs for training new miners, training newly-employed experienced miners, training miners for new tasks, annual refresher training, and hazard training.

Hazardous Conditions Complaints

1219-0014

On occasion

Businesses or other for profit; small
businesses or organizations
439 respondents; 88 hours

A representative of miners or, if there is no representative of miners, an individual miner acting voluntarily may submit or give a written notification of an alleged violation of the Mine Act or a mandatory standard or of an imminent danger. Such notification requires MSHA to make an immediate inspection.

Slope and Shaft Sinking Plans

1219-0019

On occasion

Businesses or other for profit; small
businesses or organizations
35 respondents; 1,400 hours

Requires coal mine operators to submit to MSHA for approval a plan that will provide for the safety of workmen in each slope or shaft that is commenced or extended.

**Records of Tests and Examinations of
Personnel Hoisting Equipment**

1219-0034

Daily; bi-weekly; bi-monthly; semi-
annually

Businesses or other for profit; small
businesses or organizations
660 respondents; 39,101

Requires operators of coal and metal and nonmetal mines to keep records of specific tests and inspections of mine

personnel hoisting systems, including wire ropes, to ensure that the systems remain safe to operate while in use.

Representative of Miners

1219-0042

On occasion

Businesses or other for profit; small
businesses or organizations
219 respondents; 219 hours

The Federal Mine Safety and Health Act of 1977 requires the Secretary of Labor to exercise many of his duties under the Act in cooperation with miners' representatives. The Act also establishes miners' rights which must be exercised through a representative. Title 30 CFR Part 40 contains procedures which a person or organization must follow in order to be identified by the Secretary as a representative of miners.

Escapeways and Escape Facilities

1219-0052

Weekly

Businesses or other for profit; small
businesses or organizations
1,900 respondents; 142,120 hours

Requires that records be kept of the results of weekly examinations of emergency escapeways.

**Examinations and Tests of Electrical
Equipment**

1219-0067

Weekly; monthly; semi-annually

Businesses and other for profit; small
businesses or organizations
4,925 respondents; 1,815,605 hours

Requires coal mine operators to keep records of the results of required tests and examinations of electrical equipment.

Record of Mine Closure

1219-0073

On occasion

Businesses or other for profit; small
businesses or organizations
200 respondents; 400 hours

Requires that whenever an underground coal mine operator permanently closes or abandons a coal mine, or temporarily closes a coal mine for a period of 90 days, he shall file with MSHA a copy of the mine map revised and supplemented to the date of closure. Maps are retained in a repository and are made available to mine operators of adjacent properties.

Signed at Washington, DC this 18th day of June, 1986

Paul E. Larson,

Department Clearance Officer.

[FR Doc. 86-14252 Filed 6-23-86; 8:45 am]

BILLING CODE 4510-43-M

**Employment and Training
Administration**

**Determinations Regarding Eligibility
To Apply for Worker Adjustment
Assistance**

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period June 9, 1986—June 13, 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-16,751; Eversman Mfg Co.,
Denver, CO

TA-W-16,969; Champion International
Corp., Hardboard Div., Hoodriver,
OR

TA-W-17,067; Barnes & Tucker Coal
Co., Mine #20, #24-B, #24-D, #25,
Barnesboro, PA

TA-W-16,981; Timet, Toronto, OH
TA-W-16,982; Timet, Henderson, NV
TA-W-16,983; Timet, Corapolis, PA

TA-W-16,988; Intel Corp., Chandler, AR
TA-W-16,989; Intel Corp., Phoenix, AR
TA-W-16,990; Intel Corp., Tempe, AR

TA-W-16,991; Intel Corp., Santa Clara,
CA

TA-W-16,992; Intel Corp., Sunnyvale,
CA

TA-W-16,993; Intel Corp., Santa Clara,
CA

TA-W-16,994; Intel Corp., Santa Cruz,
CA

TA-W-16,995; Intel Corp., Livermore,
CA

TA-W-16,996; Intel Corp., Folsom, CA

TA-W-16,997; Intel Corp., San Jose, CA
 TA-W-16,998; Intel Corp., Rio Rancho, NM
 TA-W-17,003; Intel Corp., Huntsville, AL
 TA-W-17,004; Intel Corp., Phoenix, AZ
 TA-W-17,005; Intel Corp., Tucson, AZ
 TA-W-17,006; Intel Corp., Canoga Park, CA
 TA-W-17,007; Intel Corp., El Segundo, CA
 TA-W-17,008; Intel Corp., Mountain View, CA
 TA-W-17,009; Intel Corp., Sacramento, CA
 TA-W-17,010; Intel Corp., San Diego, CA
 TA-W-17,011; Intel Corp., Santa Ana, CA
 TA-W-17,012; Intel Corp., Colorado Springs, CO
 TA-W-17,013; Intel Corp., Denver, CO
 TA-W-17,014; Intel Corp., Boulder, CO
 TA-W-17,015; Intel Corp., Danbury, CT
 TA-W-17,016; Intel Corp., Altamonte Springs, FL
 TA-W-17,017; Intel Corp., Ft Lauderdale, FL
 TA-W-17,018; Intel Corp., St. Petersburg, FL
 TA-W-17,019; Intel Corp., Norcross, GA
 TA-W-17,020; Intel Corp., Schaumburg, IL
 TA-W-17,021; Intel Corp., Indianapolis, IN
 TA-W-17,022; Intel Corp., Cedar Rapids, IA
 TA-W-17,023; Intel Corp., Overland Park, KS
 TA-W-17,024; Intel Corp., Greenbelt, MD
 TA-W-17,025; Intel Corp., Hanover, MD
 TA-W-17,026; Intel Corp., Chelmsford, MA
 TA-W-17,027; Intel Corp., Wellesley Hills, MA
 TA-W-17,028; Intel Corp., West Bloomfield, MI
 TA-W-17,029; Intel Corp., Bloomington, MN
 TA-W-17,030; Intel Corp., Earth City, MO
 TA-W-17,031; Intel Corp., Edison, NJ
 TA-W-17,032; Intel Corp., Hauppauge, NY
 TA-W-17,033; Intel Corp., Rochester, NY
 TA-W-17,034; Intel Corp., Wappingers Fall, NY
 TA-W-17,035; Intel Corp., Albuquerque, NM
 TA-W-17,036; Intel Corp., Charlotte, NC
 TA-W-17,037; Intel Corp., Raleigh, NC
 TA-W-17,038; Intel Corp., Cleveland, OH
 TA-W-17,039; Intel Corp., Dayton, OH
 TA-W-17,040; Intel Corp., Tulsa, OK

TA-W-17,041; Intel Corp., Beaverton, OR
 TA-W-17,042; Intel Corp., Camphill, PA
 TA-W-17,043; Intel Corp., Ft. Washington, PA
 TA-W-17,044; Intel Corp., Pittsburgh, PA
 TA-W-17,045; Intel Corp., Austin, TX
 TA-W-17,046; Intel Corp., Dallas, TX
 TA-W-17,047; Intel Corp., Houston, TX
 TA-W-17,048; Intel Corp., Murray, UT
 TA-W-17,049; Intel Corp., Richmond, VA
 TA-W-17,050; Intel Corp., Bellevue, WA
 TA-W-17,051; Intel Corp., Spokane, WA
 TA-W-17,052; Intel Corp., Brookfield, WI

In the following cases the investigation revealed that criterion (3) has not been met for the reasons specified.

TA-W-16,971; Crown Zellerbach Corp., Cathlamet Managed Forest, Cathlamet, WA

Aggregate U.S. imports of softwood logs are negligible.

TA-W-16,633; Collier-Keyworth Co., Gardner, MA

Aggregate U.S. imports of infant car seats are negligible.

TA-W-17,064; WP Coal Co., Omar, WV

A subsidiary of Wheeling Pittsburgh Steel Corp. can only be certified if production facility independently meets certification criteria. Condition was not met.

Affirmative Determinations

TA-W-16,518; 3M Company, Cumberland, WI

A certification was issued covering all workers of the firm separated on or after September 28, 1984.

TA-W-16,972; Duchess Footwear Corp., Lancaster, NH

A certification was issued covering all workers of the firm separated on or after December 2, 1984 and before December 27, 1985.

TA-W-16,678; Nike, Inc., Saco, ME

A certification was issued covering all workers of the firm separated on or after November 8, 1984 and before February 10, 1986.

TA-W-16,709; Nike, Inc., Sanford, ME

A certification was issued covering all workers of the firm separated on or after November 19, 1984 and before January 14, 1986.

TA-W-16,973; Easco Hand Tools, Inc., Mfg Plant, Springfield, MA

A certification was issued covering all

workers of the firm separated on or after November 19, 1984.

TA-W-16,973A; Easco Hand Tools, Inc., Springdale, AR

A certification was issued covering all workers of the firm separated on or after November 19, 1984.

TA-W-16,973B; Easco Hand Tools, Inc., Gastonia, NC

A certification was issued covering all workers of the firm separated on or after November 19, 1984.

TA-W-17,162; Easco Hand Tools, Inc., Administrative Offices, Springfield, MA

A certification was issued covering all workers of the firm separated on or after January 8, 1985.

TA-W-16,729; Parker Pen Co., Janesville, WI

A certification was issued covering all workers of the firm separated on or after December 28, 1985.

TA-W-17,073; Northland, Watertown, NY

A certification was issued covering all workers of the firm separated on or after December 10, 1984.

TA-W-17,075; Weyerhaeuser Co., Exeter Mill, Longview, WA

A certification was issued covering all workers of the firm separated on or after December 12, 1984 and before September 1, 1985.

TA-W-16,964; Bethlehem Steel Corp., General Office, Bethlehem, PA

A certification was issued covering all workers of the firm separated on or after May 11, 1985.

TA-W-17,076; Witco Corp., Pioneer Div., Point Comfort, TX

A certification was issued covering all workers of the firm separated on or after March 1, 1985 and before June 1, 1986.

TA-W-16,999; Intel Corp., Hillsboro, OR

A certification was issued covering all workers engaged in employment related to the production of DRAM's separated on or after November 26, 1984 and before January 1, 1986.

TA-W-17,000; Intel Corp., Aloha, OR

A certification was issued covering all workers engaged in employment related to the production of DRAM's separated on or after November 26, 1984 and before January 1, 1986.

TA-W-17,001; Intel Corp., Aloha, OR

A certification was issued covering all workers engaged in employment related to the production of DRAM's separated on or after November 26, 1984 and before January 1, 1986.

TA-W-17,002; Intel Corp., Beaverton,
OR

A certification was issued covering all workers engaged in employment related to the production of DRAM's separated on or after November 26, 1984 and before January 1, 1986.

I hereby certify that the aforementioned determinations were issued during the period June 9, 1986-June 13, 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: June 17, 1986.

Marvin M. Fooks,
Director, Office of Trade Adjustment
Assistance.

[FR Doc. 86-14253 Filed 6-23-86; 8:45 am]

BILLING CODE 4510-30-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221 (a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221 (a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the

subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 7, 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 July 7, 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, D.C. 20213.

Signed at Washington, DC, this 16th day of June 1986.

Marvin M. Fooks,
Director, Office of Trade Adjustment
Assistance.

APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
ASARCO, Inc. (workers).....	Plainfield, NJ.....	6/2/86	5/7/86	TA-W-17,537	Research and development.
Babcock & Wilcox Co. (USWA).....	Beaver Falls, PA.....	6/3/86	5/28/86	TA-W-17,538	Tubular products.
Blake Drilling & Exploration, Inc. (workers).....	Midland, TX.....	6/2/86	5/16/86	TA-W-17,539	Oil drilling.
Dia-Log Co. (company).....	Natchez, MS.....	6/2/86	5/28/86	TA-W-17,540	Oil drilling.
Dia-Log Co. (company).....	Kilgore, TX.....	6/2/86	5/28/86	TA-W-17,541	Oil drilling.
LTV Steel Co. (workers).....	Beaver Falls, PA.....	6/3/86	5/16/86	TA-W-17,542	Auto parts, oil parts and other flat bar shaped bar.
Mack Trucks, Inc. (UAW).....	Allentown, PA.....	6/2/86	5/30/86	TA-W-17,543	Entire truck assemblies.
Michael Scott (Int'l Leather Goods, Plastics).....	Milltown, NJ.....	6/3/86	5/19/86	TA-W-17,544	Leather attache cases and leather portfolios.
Phillips 66 Natural Gas Co. (workers).....	Tioga, ND.....	6/2/86	5/27/86	TA-W-17,545	Methane, ethane, propane, butane and natural gasoline.
Rockwell Int'l, Axle Division (USWA).....	New Castle, PA.....	6/2/86	5/29/86	TA-W-17,546	Non-driving front truck axles.
Roughrider Drilling Fluids (workers).....	Williston, ND.....	6/3/86	5/29/86	TA-W-17,547	Oil drilling services.
Seneca Falls Machine (IAM).....	Seneca Falls, NY.....	6/3/86	5/30/86	TA-W-17,548	Royal oak grinders, lathes.
Acme Boot Co., Inc. (URW).....	Springfield, TN.....	6/2/86	5/29/86	TA-W-17,549	Men's boots.
Allis-Chalmers, Industrial Truck Division (company).....	Matteson, IL.....	6/3/86	6/2/86	TA-W-17,550	Fork lift trucks.
American Tourister (Int'l Leather Goods).....	Warren, RI.....	6/2/86	5/29/86	TA-W-17,551	Luggage, brief cases, portfolios.
Anchor Hocking Corp (AFGWU).....	Baltimore, MD.....	6/2/86	5/29/86	TA-W-17,552	Glass containers, bottles.
BBC Brown Boveri, Inc. (workers).....	Greensburg, PA.....	6/3/86	5/25/86	TA-W-17,553	Circuit breakers, gas insulated systems.
Cadillac Textiles, Inc. (company).....	Cumberland, RI.....	6/2/86	5/29/86	TA-W-17,554	Greige goods.
Coseka Resources (U.S.A.) Ltd (workers).....	Denver, CO.....	6/3/86	5/27/86	TA-W-17,555	Oil and gas production, liquid oil and gas hydrocarbons.
FMC Corp., Material Handling System Div. (Iron Workers).....	Colmar, PA.....	6/3/86	5/28/86	TA-W-17,556	Buck conveying systems traveling works, screws, automatic guidad vehicles.
RPI Colorado, Inc. (workers).....	Boulder, CO.....	6/3/86	5/29/86	TA-W-17,557	Geologists.
Slaymaker, Inc. (Aluminum, Brick & Glass Wkrs).....	Lancaster, PA.....	6/2/86	5/6/86	TA-W-17,558	Padlocks.
Steeleton Highspire Railroad (USWA).....	Steeleton, PA.....	6/30/86	5/29/86	TA-W-17,559	Transporting steel and steel products.

[FR Doc. 86-14254 Filed 6-23-86; 8:45 am]

BILLING CODE 4510-30-M

Occupational Safety and Health Administration

Maryland State Standards; Notice of Approval

1. Background

Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the

Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary), (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On July 5, 1973, notice was published in the **Federal Register** (38 FR 17834) of the approval of the Maryland State plan and the adoption of Subpart O to Part 1952 containing the decision.

The Maryland State plan provides for the adoption of Federal standards as State standards after comments and

public hearing. Section 1952.210 of Subpart O sets forth the State's schedule for the adoption of Federal standards. By letters dated March 19, 1986 from Commissioner Dominic N. Fornaro, Maryland Division of Labor and Industry, to Linda R. Anku, Regional Administrator, and incorporated as part of the plan, the State submitted State standards identical to (1) 29 CFR 1910.1047, pertaining to amendments to Employee Exposure to Ethylene Oxide, Labeling Requirements as published in the **Federal Register** of October 11, 1985 (50 FR 41494), and 29 CFR 1910.1029, pertaining to Amendments to Employee Exposure to Coke Oven Emissions as published in the **Federal Register** of

September 13, 1985 (50 FR 37353-37354). These standards are contained in COMAR 09.12.31. Maryland Occupational Safety and Health Standards were promulgated after public hearings on February 4, 1988. These standards were effective March 24, 1986.

2. Decision

Having reviewed the State submission in comparison with the Federal standards, it has been determined that the State standards are identical to the Federal standards and accordingly should be approved.

3. Location of supplement for inspection and copying

A copy of the standard supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, 3535 Market Street, Suite 2100, Philadelphia, PA 19104; Office of the Commissioner of Labor and Industry, 501 St. Paul Place, Baltimore, MD 21202; and the OSHA Office of State Programs, Room N-3476, Third Street and Constitution Avenue NW., Washington, DC 20210.

4. Public participation

Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Maryland State plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

1. The standards are identical to the Federal standards which were promulgated in accordance with Federal law, including meeting requirements for public participation.

2. The standards were adopted in accordance with the procedural requirements of State law and further participation would be unnecessary.

This decision is effective June 24, 1986.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667)).

Signed at Philadelphia, Pennsylvania this 11th day of April, 1986.

Linda R. Anku,
Regional Administrator.

[FR Doc. 86-14258 Filed 6-23-86; 8:45 am]

BILLING CODE 4510-26-M

Michigan State Standards; Notice of Approval

1. Background

Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State Plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902.

On October 3, 1973, notice was published in the Federal Register (38 FR 227338) of the approval of the Michigan Plan and the adoption of Subpart T to Part 1952 containing the decision.

The Michigan Plan provides for the adoption of State standards which are at least as effective as comparable Federal standards promulgated under Section 6 of the Act. Section 1952.263 of Subpart T sets forth the State's schedule for the adoption of at-least-as-effective-as State standards. By several letters from the Director of the Michigan Department of Labor, to the Regional Administrator, Occupational Safety and Health Administration, and incorporated as part of the plan, the State submitted the following General Industry safety standards amendments: MIOSHA Part Number 4, Portable Ladders, 29 CFR 1910.26, MIOSHA Part Number 7, Guards for Power Transmission, 29 CFR 1910.219, MIOSHA Part Number 8, Portable Fire Extinguishers, 29 CFR 1910.157 and MIOSHA Part Number 27, Wood Working Machinery, 29 CFR 1910.213. These amendments have been compared to the Federal standards and determined to maintain standards at least as effective as Federal standards. These amendments, which are contained in the Michigan Occupational Safety and Health Code were adopted after public hearings were held.

2. Decision

These standards amendments have been in effect on various dates from November 22, 1980 to June 23, 1982. Since these dates, OSHA has received no indication of significant objection to the State's different standards either as to their effectiveness in comparison to the Federal standards or as to their conformance with the product clause requirements of section 18(c) of the Act. OSHA, therefore, approves these

standards. However, the right to reconsider this approval is reserved should substantial objections be submitted to the Assistant Secretary.

3. Location of supplement for inspection and copying

A copy of the Michigan standard supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, 230 South Dearborn Street, Chicago, Illinois 60604; State of Michigan, Division of Labor, 7150 Harrison Drive, Lansing, Michigan 48909; and the Directorate of Federal-State Operations OSHA, Room N3700, 200 Constitution Ave., NW., Washington, DC 20210.

4. Public participation

Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Michigan State plan as a proposed change and making the Regional Administrator's approval effective upon publication because these amendments were adopted in accordance with the procedural requirements of State law, which provides for public participation, and further participation would be repetitions.

This decision is effective May 2, 1986.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667)).

Signed at Chicago, Illinois, on this 2nd day of May, 1986.

Frank L. Strasheim,
Regional Administrator.

[FR Doc. 86-14256 Filed 6-23-86; 8:45 am]

BILLING CODE 4510-26-M

Washington State Standards; Notice of Approval

1. Background

Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been

approved in accordance with section 18(c) of the Act and 29 CFR 1902. On January 26, 1973, notice was published in the **Federal Register** (38 FR 2421) of the approval of the Washington plan and the adoption of Subpart F to Part 1952 containing the decision.

The Washington plan provides for the adoption of State standards that are at least as effective as comparable Federal standards promulgated under section 6 of the Act. Section 1953.20 provides that where any alteration in the Federal program could have an adverse impact on the at least as effective as status of the State program, a program change supplement to a State plan shall be required.

In response to Federal standards changes, the State has submitted by letter dated February 10, 1986, from G. David Hutchins, Assistant Director, to James W. Lake, Regional Administrator, and incorporated as part of the plan, a State standard amendment comparable to the Federal standard amendment to 29 CFR 1910.1000, Table Z-1 (Ethylene Oxide), as published in the **Federal Register** (49 FR 25796) on June 22, 1984. The Federal amendment deleted the entry "Ethylene Oxide **50 ppm** 90 mg/M³" from Table Z-1 of § 1910.1000. The State amendment deletes "90mg/M³" from its table of Permissible Exposure Limits, and reduces "50 ppm" to "1 ppm." The State standards amendment is contained in WAC 296-62-07515. It was adopted on December 11, 1984, and became effective on January 10, 1985, pursuant to RCW 34.04.040(2), 49.17.040, 49.17.050, Public Meetings Act RCW 42.30, Administrative Procedures Act RCW 34.04, and the State Register Act RCW 34.08 as ordered and transmitted under Washington Administrative Order No. 84-24.

2. Decision

The above State standard amendment has been reviewed and compared with the relevant Federal standard amendment and OSHA has determined that the State standard amendment is at least as effective as the comparable Federal standard amendment, as required by section 18(c)(2) of the Act. OSHA has also determined that the differences between the State and Federal standards amendments are minimal and that the standards are thus substantially identical. OSHA therefore approves this amended standard; however, the right to reconsider this approval is reserved should substantial objections be submitted to the Assistant Secretary.

3. Location of supplement for inspection and copying

A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, Room 6003, Federal Office Building, 909 First Avenue, Seattle, Washington, 98174; Department of Labor and Industries, General Administration Building, Olympia, Washington 98501; and the Office of State Programs, Room N-3476, 200 Constitution Avenue NW., Washington DC 20210.

4. Public participation

Under 29 CFR 1953.2(c) the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Washington State Plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

1. The standards are identical to the Federal standards which were promulgated in accordance with Federal law including meeting requirements for public participation.

2. The standards were adopted in accordance with the procedural requirements of State law and further participation would be unnecessary.

This decision is effective June 24, 1986.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Seattle, Washington this 15th day of March 25, 1986.

James W. Lake,
Regional Administrator.

[FR Doc. 86-14257 Filed 6-23-86; 8:45 am]

BILLING CODE 4510-26-M

Pension and Welfare Benefits Administration

[Application No. D-6459] et al.

Proposed Exemptions; Carolina Power & Light Co. 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.

Carolina Power & Light Co. Stock Purchase Savings Program for Employees (the Plan) Located in Raleigh, North Carolina

[Application No. D-6459]

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 guaranty (the Guaranty) by Carolina Power & Light Company, the employer and sponsor of the Plan (the Employer), of a line of credit (the Line of Credit) between the Plan and NNCB National Bank (the Bank), an unrelated third party. The proceeds of the Line of Credit will be used to fund individual loans (the Participant Loans) to employees of the Employer who participate in the Plan.

Summary of Facts and Representations

1. The Plan is a defined contribution profit sharing plan which had 8,120 participants and total assets of approximately \$71,367,188 as of December 31, 1984. The Plan's assets are invested either in shares of common stock of the Employer or in U.S. government securities.

2. The board of directors of the Employer has authority under the Plan documents to appoint a seven member committee (the Committee) with responsibility for administration of the Plan. The Committee is currently composed of members who are employees, officers, and/or directors of the Employer or its affiliates. Wachovia Bank and Trust Co., N.A. (Wachovia) located at 234 Fayetteville Street, Raleigh, NC, is currently the custodial trustee for the Plan but has assumed responsibility as independent fiduciary for the subject transaction.

3. The Employer, located in Raleigh, NC, is engaged in the provision of public electric utility service in North and South Carolina. The Employer's approximate net income for 1984 was \$294,152,000. It is represented that the Employer earned in excess of

\$225,000,000 in 1982 and in 1983. As of December 31, 1984, the Employer had assets of approximately \$5.9 billion.

4. Beginning January 1, 1986, the Plan document permits employees to apply in writing for Participant Loans and to borrow from their individual accounts in the Plan. Each of the Participant Loans will be evidenced by a promissory note and secured by a pledge of the employee's vested account in the plan.

5. A participant may borrow up to 90% of the vested portion of his account, provided that: (a) If the vested portion of his account is \$20,000 or less, in no instance may the loan exceed \$10,000; (b) if the vested portion of his account is greater than \$20,000, in no instance may the loan exceed 50% of the vested portion of this account of \$50,000, which ever is less; and (c) the minimum loan shall be \$1,000, and all loan amounts shall be in \$100 increments.

It is represented that the initial interest rate on Participant Loans will be the floating prime interest rate of the Bank plus two percentage points. The Committee may adjust the interest rate on Participant Loans from time to time to reflect market changes. In addition, it is represented that the interest rate on Participant Loans will be adjusted for the purpose of defraying the cost of administering the Participant Loans, including but not limited to payment of attorneys' fees, postage, printing, and xeroxing costs. It is represented that the Plan does not anticipate profit from the interest rate, but any such profit will be allocated to the accounts of participants in the same manner as other income earned by the Plan. The Committee has consulted various financial institutions and has determined that the interest rate to be charged on the Participant Loans is reasonable and commensurate with the prevailing rate for comparable loans.

Participant Loans may be prepaid in full at any time without penalty but may not be outstanding for more than five years. While employees continue to work for the Employer, payments of principal and interest on such employees' Participant Loans will be made through automatic payroll deductions. Such payments shall be in amounts sufficient to amortize the Participant Loans over the repayment period. It is represented that within approximately ninety days following the date of the employees' termination, any outstanding balances on Participant Loans will be subtracted from the employees' vested accounts in the Plan before distribution of the remainder to employees, unless a terminated employee elects to defer the distribution

to the calendar year following the year of the termination.

6. Wachovia and the Employer (the Applicants) began disbursing money for Participant Loans on January 24, 1986. In order to avoid liquidating investments in the Plan for the purpose of funding Participant Loans, the Applicants have obtained the necessary cash through a Line of Credit for \$25 million dollars from the Bank. The interest rate on the Line of Credit will be based on one percentage point below the prime rate of the Bank. Prior to the grant of this proposed exemption, the Line of Credit will be secured by the pledge of all of the assets of the Plan to the Bank.¹

7. The Applicants request an exemption for the proposed Guaranty of the Line of Credit by the Employer. Such Guaranty would relieve the Plan of its pledge of all of its assets to the Bank to secure the Line of Credit. The Applicants acknowledge that the Guaranty would constitute an extension of credit between the Plan and the Employer, a party in interest with respect to the Plan. The Applicants represent that the proposed Guaranty is a service by the Employer to protect its employees who are participants of the Plan and their beneficiaries. The Employer represents it will not benefit in any way as a result of the Guaranty and a denial of the exemption request would result in the Bank's revaluation of the risk with respect to the Line of Credit which could include a higher interest rate for the Plan and corresponding higher interest rates on the Participant Loans.

8. Mr. Joe O. Long (Mr. Long), Vice President and representative of Wachovia, has reviewed the provisions of the proposed Guaranty and has concluded that the Guaranty is in the best interest of the plan and its participants and beneficiaries. Mr. Long states that the Guaranty will avoid the necessity of pledging assets of the Plan to the Bank and is therefore protective of the Plan and its participants and beneficiaries. Further, Mr. Long represents that Wachovia will continue to monitor the Guaranty arrangement to

¹ It is represented that the procedures for such borrowings by employee from their accounts in the Plan are intended to comply with section 408(b)(1) of the act and section 4975(d)(1) of the Code. The Department expresses no opinion as to whether the Participant loans made pursuant to these procedures satisfy the conditions of section 408(b)(1) of the Act or 4975(d)(1) of the Code. In addition the Applicants represent that the Participant Loans are prudent and will not violate section 404 of the Act. The Department expresses no opinion as to the prudence of any of the Participant Loans nor as to the Applicants' compliance with section 404 of the Act.

ensure its continuation is in the best interest of the Plan.

9. In summary, the Applicants represent that the proposed transaction meets the statutory criteria for an exemption under section 408(a) of the Act because: (a) Wachovia, the independent fiduciary, has reviewed the terms of the transaction and has determined that it is in the best interest of the Plan and its participants and beneficiaries; (b) Wachovia will monitor and enforce the Guaranty; (c) the Guaranty poses no risk to the assets of the Plan and relieves the Plan from pledging its assets to the bank as security for the Line of Credit; and (d) the Guaranty facilitates the Plan's obtaining a Line of Credit at a favorable interest rate from the Bank.

For Further Information Contact: Ms. Angelena C. Le Blanc of the Department, telephone (202) 523-8881. (This is not a toll-free number).

Peter M. Pencheff Co., LPA Defined Benefit Pension Plan (the Plan) Located in Columbus, Ohio

[Application No. D-6475]

Proposed Exemption

The Department is considering granting an exemption under 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 cash sale (the Sale) by the Plan of a certain parcel of real property (the Property) to Mr. Peter M. Pencheff (Mr. Pencheff), a party in interest with respect to the Plan, provided that the consideration paid for the Property is not less than the higher of either \$220,000 or the fair market value of the Property on the date of the Sale.

Summary of Facts and Representations

(1) The Plan is a defined benefit plan with four participants and total assets of \$540,196.53, as of December 31, 1985. It is a successor to a profit sharing plan that terminated, effective June 30, 1982, and rolled over the remaining assets into a separate account of the Plan for the benefit of the only remaining participant, Mr. Peter M. Pencheff. All other prior participants of the profit sharing plan elected to receive their vested benefits when their employment terminated during 1978. Mr. Pencheff is the trustee of the Plan and also the only

shareholder of the sponsor of the Plan, Peter M. Pencheff Co., L.P.A. (the Employer), which is a professional corporation engaged in the practice of law. The Property is currently the only asset remaining in the separate account of the Plan following cash disbursements for real estate taxes and various maintenance expenses, including the construction of a breakwall during December 1982 on the shoreline of the Property.

(2) The Property was purchased from unrelated person by the Plan as an investment on January 30, 1981, for the sum of \$310,000. The Property had been improved over the years by a 19th century, one and one-half story frame, single family residence with garage and had experienced substantial expansion and modernization. These improvements had also included construction of two one-story frame sheds plus gravel and dirt access roadways over easement on neighboring properties to a nearby public road. The Property is unoccupied and has not been occupied or used by anyone, including parties in interest, since its acquisition by the Plan.

The Property's improvements are on a 1.73 acre parcel of land which is located on a peninsula extending into Lake Erie in northeast Catawba Island Township, Ottawa County, Ohio, and which is subdivided into five shoreline lots zoned for three residential sites. The Township's primary land use is residential with accessory commercial and recreational developments. As indicated, the Property is on a promontory having approximately 300 feet of shoreline on Lake Erie and geological characteristics that include thin deposits of loamy glacial till overlying limestone bedrock. As a consequence of its location and geological characteristics, the Property has experienced and continues to experience substantial shoreline erosion. It is represented that although the Property is favorably located for certain purposes, and optimum development of the Property would be extremely costly because of the need for stabilization of its shoreline and for improvement of its limited access.

(3) Mr. Pencheff proposes to purchase the Property from the Plan for a cash amount that will be the higher of either the sum of \$220,000 or the fair market value of the Property as determined by a qualified independent appraiser on the date of the Sale. As of October 25, 1985, the Property was appraised and determined to have a fair value of \$220,000 by William J. Braman of Chas. A. Braman & Sons, Cleveland, Ohio.

It is represented that Mr. Pencheff's primary motive for wanting to acquire

the Property is that the acquisition will enable him to expend his own funds to halt the continuing, excessive shoreline erosion of the Property which began in April 1983. The erosion has resulted in a loss in excess of 20 feet in depth to the shoreline of the Property. The separate account in the Plan, which is for the sole benefit of Mr. Pencheff, lacks the necessary funds to build the additional required breakwalls on the shoreline of the Property. This separate account of the Plan currently contains no assets other than the Property, and it is represented that there is a need for funds in excess of \$150,000 to stabilize the problem of shoreline erosion.

(4) In summary, the applicant represents that the proposed transaction satisfies the criteria for an exemption under section 408(a) of the Act because (a) the Sale will be a one-time transaction for cash with no expense incurred by the Plan; (b) the Plan will sell the Property at its fair market value as determined by an independent qualified appraiser; (c) the Plan will be able to invest the proceeds of the Sale in income producing assets; and (d) the Plan will be able to avoid further expenses and losses to the special account.

Notice to Interested Persons: Because Mr. Peter M. Pencheff is the sole participant of the special account holding the Property, as well as the Plan trustee and only shareholder of Employer, it has been determined by the Department that there is no need to distribute the notice of pendency to interested persons. Comment 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 Contract: Mr. C.E. Beaver of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

David F. Smith, M.D., P.C. Money Purchase Plan (the Plan) Located in Sacramento, California

[Application No. D-6501]

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 ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). 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 cash sale by the Plan of certain improved real

property to David F. Smith, M.D. (Dr. Smith) and Regina Smith, disqualified persons 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 a defined contribution plan in which Dr. Smith is the sole participant. The Plan was terminated as of April 1, 1981 and received a favorable determination letter dated February 9, 1984 from the Internal Revenue Service regarding such termination. Dr. Smith serves as sole trustee of the Plan and is the sole shareholder of the Plan sponsor, David F. Smith, M.D., P.C., as California professional corporation engaged in the practice of medicine in general surgery.² The Plan had total assets approximately of \$512,000 as of March 31, 1985.

2. Among the assets of the Plan is a parcel of improved residential real property (the Property) located on the west shore of Lake Tahoe on Rubicon Avenue in Meaks Bay, California. The Property is a lot of 100 feet by 306 feet, improved with a residential structure of 1,450 square feet and two small guest cabins. The Plan acquired the Property from an unrelated party in 1971 for \$95,000 cash. Dr. Smith represents that including expenses of maintenance and improvements since acquisition of the Property, the Plan's total cash investment in the Property was \$134,736.57 as of March 31, 1985. The Property is and has been maintained as a vacation or second residence for lease by unrelated parties. Dr. Smith represents that any occupancy or use of the Property by parties related to the Plan has been restricted to short periods of occupancy by Dr. Smith and his wife while they performed maintenance and improvement work on the Property. The Property was appraised on January 25, 1986 by James Baldrige (Baldrige), an independent professional real estate appraiser in Truckee, California, who determined that as of that date the Property had a fair market value of \$495,000.

3. Dr. Smith represents that retention of the Property as an investment has become disadvantageous to the Plan. He represents that the Property is in need of substantial renovation in order to make it attractive and productive as rental property. Because the Plan lacks

sufficient available liquid assets for such renovation expenditures, Dr. Smith represents that the Plan would be required to mortgage the Property to secure a loan for such renovations. Based on previous experience with renting the Property at arm's length to unrelated lessees from the general public, Dr. Smith has determined that the combination of the cost of damages caused by disinterested renters and the interest payments required to finance the necessary improvements renders the property impractical as an income-producing investment for the Plan. Dr. Smith also notes that the Property represents the bulk of the Plan's total assets, constituting an obstacle to appropriate diversification of Plan assets. Dr. Smith further represents that while the Property's value has appreciated since acquisition by the Plan, that value is threatened by deteriorating market conditions.

4. For the foregoing reasons, Dr. Smith and his wife, Regina Smith (together, the Smiths), are proposing to purchase the Property for cash from the Plan and are requesting an exemption to permit such purchase. The Smiths will bear all costs and expenses related to the proposed sale transaction.

As the purchase price for the Property, the Smiths will pay no less than \$495,000, the Property's fair market value according to Baldrige's appraisal. Baldrige's appraisal will be updated as of the date of the sale and the purchase price will be increased in the amount, if any, by which the Property's fair market value has increased since Baldrige's appraisal of January 25, 1986.

5. In summary, the applicant represents that the proposed transaction satisfies the criteria of section 4975(c)(2) of the Code for the following reasons: (1) The proposed transaction will divest the Plan of an asset which is not income-producing and which prevents appropriate asset diversification by constituting a very high percentage of Plan assets; (2) The Plan will receive cash for the Property in the amount of the Property's fair market value; (3) The Smiths will pay all costs and expenses related to the proposed transaction; and (4) Dr. Smith, who is the only participant to be affected by the proposed transaction, desires that the transaction be consummated.

Notice of Interested Persons: Because David F. Smith is the sole shareholder of the Plan sponsor and 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: Mr. Ronald Willett of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

Kalihi Medical Center, Inc. Money Purchase Pension Plan (the Pension Plan) and Kalihi Medical Center, Inc. Profit Sharing Plan (the Profit Sharing Plan; Together, the Plans) Located in Honolulu, Hawaii

[Application No. D-6504]

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 lease of space in a building (the Building) by the Plans to Kalihi Medical Center, Inc. (Kalihi) for the period from July 1, 1984 until the date of sale of the Building, under the terms described in this notice of proposed exemption, provided such terms are not less favorable to the Plans than those obtainable in an arm's-length transaction with an unrelated party; and (2) the sale of the Building by the Plans to Kalihi Partners (Partners) for \$855,800 in cash, provided such amount is not less than the fair market value of the Building on the date of the sale.

Effective Date: With respect to the lease, the proposed exemption, if granted, will be effective from July 1, 1984 until the date of sale of the Building.

Summary of Facts and Representations

1. The Plans are individual account plans with approximately 16 participants. As of December 11, 1984, the Plans had combined total assets of \$2,029,049, of which the Pension Plan owned 73% and the Profit Sharing Plan owned 27%. The American Trust Co. of Hawaii, Inc. (the Bank) serves as the trustee of the Plans. The Plans' documents provide that the Plans' administrative committees have exclusive responsibility for investment decisions but may delegate responsibility to an investment manager. Kalihi, the Plans' sponsor, is a corporation which is engaged in the

² Since Dr. Smith is the sole stockholder of the Plan sponsor and the only participant in the Plan, there is no jurisdiction under Title I of 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.

clinical practice of medicine in Honolulu, Hawaii.

2. The Plans own the Building with the Pension Plan owning a 60% undivided interest and the Profit Sharing Plan owning the remaining 40% interest. The Plans do not own the land underlying the Building. The Building is a two-story structure completed in July, 1973. The Building is located at 2055 North King Street, Honolulu, Hawaii, and is known as the Kalihi Medical Center. The Building has 11,545 square feet of space of which 5,043 square feet (approximately 44% of the total space) is leased to Kalihi. The remaining space in the Building is leased to unrelated parties.

3. The lease was entered into between the Plans and Kalihi effective November 1, 1973. The lease is for a 25 year term and is "triple net", providing that the lessee pay for all costs and expenses associated with the lease. The lease provides for adjustments in the rental at five year intervals based upon the agreement of the parties or, if they cannot agree, based upon the fair market rental value of the Building as determined by an independent appraiser. The annual rent under the lease for the first five year period was \$39,800.³

4. On November 1, 1983, the rental under the lease was adjusted to fair market rental value as determined by Mr. Walter W.L. Loo, A.S.A. (Mr. Loo), an independent appraiser located in Honolulu, Hawaii. On July 1, 1984, Mr. Loo determined that the rental should be adjusted upward to \$18 per square foot. Effective July 1, 1984, the annual rental was renegotiated by the Bank on behalf of the Plans to \$90,774 based upon a rental rate of \$18 per square feet of space. The portion of the Building leased to Kalihi represents less than 20% of the Plans' total assets.

5. The applicant seeks an exemption to permit the Plans to sell the Building to Partners, a new Hawaii general partnership. The partners of Partners are five individuals, four of whom are directors and shareholders of Kalihi and are parties in interest with respect to the Plans. The applicant also requests a retroactive exemption to permit the leasing of the office space in the Building by the Plans to Kalihi from July 1, 1984 until the date of sale of the Building to Partners.

³ The applicant represents that the lease satisfied the requirements of section 414(c)(2) of the Act and, therefore, was exempt until June 30, 1984 from the prohibitions of sections 406 and 407(a) of the Act. The Department expresses no opinion as to whether the lease of space in the Building by the Plans to Kalihi satisfied the requirements of section 414(c)(2) of the Act.

6. The Bank was appointed, prior to July 1, 1984, to serve as the investment manager for the Plans with regard to the lease. The Bank has extensive experience managing employee benefit plan assets and is not related to Kalihi or any other party in interest in any manner. The Bank has no business or commercial relationships with Kalihi or any other party in interest. The Bank acknowledges it is a fiduciary to the Plans with respect to the transactions, and understands its duties, liabilities, and responsibilities as a fiduciary to the Plans.

7. The Bank represents that as of July 1, 1984, it determined, as independent fiduciary for the Plans, that the continuation of the lease beyond June 30, 1984, was an appropriate investment for the Plans, and in the best interests of the Plans' participants and beneficiaries. The Bank represents that it reviewed and evaluated the lease as of July 1, 1984, and determined at that time that it was at least as favorable to the Plans as could be obtained from an unrelated party. The Bank represents that it has monitored the lease on behalf of the Plans, and has been empowered to enforce the Plans' rights under the lease.

8. The Plans now wish to sell the Building to Partners. The sales price for the Building will be \$855,800, which was determined by an updated appraisal by Mr. Loo as of April 21, 1986. Partners will pay cash for the Building, and no commissions will be paid on the sale by the Plans.

9. In addition to the lease of office space for which an exemption is being proposed herein, the Plans have leased the land underlying the Building from Kalihi Medical Associates (KMA), a party in interest, since 1972 (the Ground Lease). The applicant represents that the Ground Lease satisfied the requirements of section 414(c)(2) of the Act and therefore, was exempt until June 30, 1984 from the prohibitions of sections 406 and 407 of the Act.⁴ The applicant recognizes that since July 1, 1984, the Ground Lease constitutes a prohibited transaction for which no relief is being proposed by the Department. Accordingly, the applicant represents that it will pay all applicable excise taxes associated with the prohibited Ground Lease within 30 days of the date of the granting of the exemption proposed herein. In addition, the applicant represents that all payments made by the Plans under the Ground Lease between the Plans and KMA since July 1, 1984 will be returned to the Plans

⁴ The Department expresses no opinion as to whether the Ground Lease satisfied the requirements of section 414(c)(2) of the Act.

with appropriate interest, as determined by the Bank.

10. In summary, the applicant represents that the transactions satisfy the statutory criteria of section 408(a) of the Act because (a) the lease of space in the Building represents less than 20% of the Plans' total assets; (b) the Bank, a qualified, independent party, has determined that the continuation of the lease was appropriate for the Plans and that the rental since July 1, 1984 has been the fair market rental; (c) the sale of the Building will be a one-time transaction for cash, and no commissions will be paid by the Plans on the sale; and (d) the sales price for the Building has been determined by a qualified, independent appraiser.

For Further Information Contact: Mr. Gary H. Lefkowitz of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

Sagara Trucking, Inc. Defined Benefit Pension Plan (the Plan) Located in Woodland, California

[Application No. D-6561]

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 Procedures 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of sections 406(a) and 406(b) (1) and (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 by the Plan of certain unimproved real property (the Property) to Mr. and Mrs. Kay K. Sagara, parties in interest with respect to the Plan, provided the amount paid for the Property is no less than fair market value on the date of sale.

Summary of Facts and Representations

1. The Plan is a defined benefit pension plan which had seven participants and net assets of approximately \$1,510,788 as of March 31, 1985. The trustees of the Plan and decision makers with respect to Plan investments are Kay K. Sagara and his wife, Shuny H. Sagara (Mr. and Mrs. Sagara). Mr. and Mrs. Sagara own a controlling interest in Sagara Trucking, Inc., the sponsor of the Plan.

2. The Property, a 175 square foot vacant commercial lot located in a planned shopping center in Woodland, California, was purchased by the Plan from unrelated parties (the Sellers) on

April 22, 1985. The purchase price of the Property including closing costs and tax prorations was \$287,348, of which \$75,348 was paid in cash and \$212,000 was financed through a deed of trust note (the Note) at an interest rate of 10 percent per annum payable to the Sellers. The Note calls for equal quarterly payments of \$7,634 from July 1985 until April 1997, when any remaining principal or interest thereon becomes due and payable. As of March 10, 1986, the Plan had incurred additional expenses with respect to the Property of \$858 for property taxes.

3. The Property was appraised on January 6, 1986, by Robert B. Wirth, M.A.I., of Wirth Real Estate, Woodland, California. Mr. Wirth determined the Property's fair market value as of January 6, 1986, to be \$300,000. Mr. Wirth states that the highest and best use of the Property is as a development site for a mixed use retail and office building.

4. Since its acquisition by the Plan, the Property has not been used at any time by parties in interest with respect to the Plan. The applicant states that the Plan acquired the Property with the intention of developing it into commercial rental property.⁵ After acquiring the Property, for the Plan, however, Mr. and Mrs. Sagara, as the trustees of the Plan, were advised that borrowing funds to develop the Property would be an inappropriate action for the Plan since it is estimated that the total cost of development, including the original cost of the Property, would be \$1,500,000, resulting in inadequate diversification of the Plan's portfolio. The Property is currently producing no income for the Plan. The Plan has been attempting to sell the Property since May 1, 1985, but has been unable to find a suitable purchaser.

5. Mr. and Mrs. Sagara propose to purchase the Property for cash from the Plan for \$300,000, which is the amount determined by Mr. Wirth to be the fair market value of the Property as of January 6, 1986. Mr. and Mrs. Sagara will acquire the Property subject to the Note. Under California law, the Plan thereafter has no liability under the Note. Accordingly, upon conveyance of the Property to Mr. and Mrs. Sagara, the Plan will have no further liability to the holders of the Note. The Plan will be responsible for annual property taxes as prorated as of the close of escrow. All other fees or costs incurred in

connection with the transaction will be paid by Mr. and Mrs. Sagara.

6. The amount due to the Plan on the date of sale will be the current fair market value less the outstanding balance due on the Note at that time. Such balance was estimated to be \$207,219 as of April 15, 1986, which would give a net amount due to the Plan of \$92,781. Further, the applicant represents that the net cash proceeds paid to the Plan on the date of a sale will at least be equal to the Plan's total cash outlay with respect to the Property.⁶ Mr. and Mrs. Sagara, as the trustees of the Plan, state that the proposed sale is protective of and in the best interests of the Plan's participants in that it is a one-time transaction for cash which will allow the Plan to convert an unproductive asset into more liquid and profitable investments. Furthermore, the Plan will then be able to discontinue its servicing of the Note.

7. In summary, the applicant represents that the proposed transaction will satisfy the statutory criteria of section 408(a) of the Act because: (1) The amount paid for the Property will be no less than fair market value at the time of sale; (2) the sale price of the Property is determined by a qualified and independent appraiser; (3) the sale will be a one-time transaction and will permit the Plan to dispose of an unproductive asset and to reinvest the proceeds in more liquid and profitable investments; and (4) the Plan will then be released from any further liability on the Note.

For Further Information Contact: Paul Kelly of the Department, telephone (202) 523-8883. (This is not a toll-free number.)

David L. Hicks Corporation Profit Sharing Plan and Retirement Trust (the Plan) Located in Fresno, California

[Application No. D-6575]

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) and 406(b) (1) and (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 from the segregated account of David L. Hicks (Hicks) in the Plan to

County Home Loans (County), a party in interest with respect to the Plan, of a parcel of real property located in Porterville, California, provided the Plan receives no less than fair market value for the property at the time of sale.

Summary of Facts and Representations

1. The Plan is a profit sharing plan having approximately 23 participants. The Plan establishes an individual, segregated account for each participant and provides that each participant may direct the investments in his or her account. The total assets of the Plan equaled \$508,262 as of February 28, 1986. The assets in the segregated account of Hicks on that date totaled \$221,210.

2. Hicks is the owner of 100 percent of the stock of the David L. Hicks Corporation (the Corporation) and 76 percent of the stock of County. The Corporation administers pension and profit sharing plans for small businesses. County is a home loan mortgage broker. Both the Corporation and County are employers of employees who are participants in the Plan.

3. In May 1982, the Plan purchased for Hicks' segregated account a parcel of real property in Porterville, California, about 60 miles from Fresno, California, where the Corporation and its related companies are located. The property was purchased for \$41,800 and was financed with two notes, obtained from lenders unrelated to the Plan, amounting to \$30,000 and \$11,800. The seller of the property was unrelated to the Plan and to Hicks. Since that time, the notes have been paid in full, with no remaining indebtedness on the property. Two old houses have been removed from the property, which is not vacant land. Property taxes on the land are currently \$840 per year. The Plan has paid \$1,932 to a civil engineer to split the vacant land into three lots.

4. An appraisal was made on the parcel of real property on May 19, 1984, by Jack E. Letsinger (Letsinger), a realtor and fee appraiser located in Porterville, California. According to the applicant, Letsinger is independent of the Plan and of Hicks. Letsinger placed the fair market value of the property at approximately \$67,000, or \$3.33 per square foot. Letsinger stated that the highest and best use of the subject property would be the construction of multifamily dwelling units. Letsinger used the cost, income and market data approaches in estimating the value of the property, with emphasis on the market approach.

5. According to the applicant, the vacant land cannot be sold at a reasonable price without improvements.

⁵ The Department expresses no opinion as to whether the acquisition of the Property on behalf of the Plan violated any provisions of Part 4 of Title I of the Act.

⁶ Such cash outlay was approximately \$91,478 as of February 19, 1986.

However, County is willing to purchase the property and has the ability to make the necessary improvements for resale of the property. Therefore, the Plan proposes to sell the parcel of real property (i.e., and there lots) from Hicks' segregated account in the Plan to County. The sale of the property will be entirely for cash, and the Plan will pay no commissions or fees in connection with the transaction. County will pay fair market value for the property at the time of sale, based on an updated appraisal to be made by Letsinger. The Plan will reinvest the cash proceeds from the sale at the direction of Hicks, which should result in more liquid investments that produce income for Hicks' account.

6. In summary, the applicant represents that the proposed transaction will satisfy the statutory criteria of section 408(a) of the Act because: (1) The sale of the real property will be entirely for cash and the Plan will pay no commissions or fees in connection with the sale; (2) County will pay fair market value for the land at the time of sale, based on a current independent appraisal of the property; (3) the transaction will involve only Hicks' individual segregated account in the Plan and will not affect the assets of other Plan participants; and (4) the cash realized from the sale will be reinvested in assets that are more liquid than the real property.

For Further Information Contact: Paul Kelty of the Department, telephone (202) 523-8883. (This is not a toll-free number.)

Dynamic Warehouse and Trucking Co., Inc. Employees' Pension Plan (Plan One), Dynamic Warehouse and Trucking Co., Inc. Employees' Profit Sharing Plan (Plan Two), Dynamic Ocean Services International, Inc. Employees' Profit Sharing Plan (Plan Three), Dynamic Air Freight Services, Inc. Employees' Profit Sharing Plan (Plan Four), and Dynapack Export Crating, Inc. Employees Profit Sharing Plan (Plan Five, collectively, the Plans) Located in Houston, Texas

[Application Nos. D-6617 through D-6621]

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 sales by the Plans of two parcels of improved real property to Mr. and Mrs. Alexander G. Arroyos, parties in interest with respect to the Plans, for cash in an amount not less than \$450,000, provided that such amount is not less than the fair market value of the properties on the date of sale.

Summary of Facts and Representations

1. Plan One is a defined benefit pension plan which had 28 participants and net assets of approximately \$179,442 as of December 31, 1983. Plan Two is a profit sharing plan which had 15 participants and net assets of approximately \$173,154 as of December 31, 1983. Plan Three is a profit sharing plan which had 26 participants and net assets of approximately \$197,994 as of December 31, 1983. Plan Four is a profit sharing plan which had 5 participants and net assets of approximately \$42,579 as of December 31, 1983, and Plan Five is a profit sharing plan which had 5 participants and net assets of approximately \$30,576 as of December 31, 1983. Mr. Alexander G. Arroyos (Mr. Arroyos) is the sole trustee of each of the Plans, the decision-maker with respect to the Plans' investments and the majority shareholder of each of the four corporations sponsoring the Plans.

2. On February 11, 1983, the Plans purchased certain real property (the Airport Property) from an unrelated party for cash in the amount of \$200,000. The Airport Property consisted of approximately three acres of land located at Humble-Westfield Road near Lee Road in Houston, Texas. Although Plan One is the holder of record title to the Airport Property, the applicant states that the initial consideration for purchasing the Property and developing it was paid by each of the Plans in the proportions set forth below, reflecting each Plan's beneficial interest in the property:

	Percent
Plan One	31.26
Plan Two.....	17.56
Plan Three	31.8
Plan Four.....	11.64
Plan Five	7.74

The Airport Property was subsequently divided into two separate parcels, one consisting of 1.044 acres (the One Acre Parcel) and one consisting of 1.96 acres (the Two Acre Parcel). On the One Acre Parcel, the Plans constructed a building (the Building) which consists of 7,400 square

feet of warehouse area, 1,700 square feet of finished office area and 1,628 square feet of semi-finished office area. The cost of the Building was approximately \$156,111. When it became apparent that the Plans could not complete the project without additional funds, Plan One secured a mortgage loan in the amount of \$165,000 from North Harris County Bank, an unrelated party with respect to the Plans. The loan is evidenced by a note (the Airport Note) dated January 24, 1984 and payable at an interest rate of 13 1/2% per annum, with principal and interest due in monthly installments of approximately \$1,923 each until January 24, 1987, when the entire amount then remaining unpaid is due. As of March 1, 1985, the Airport Note had an outstanding balance due of approximately \$164,000. Principal and interest payments on the Airport Note have been charged back to each of the Plans on the basis of their proportionate interests in the property, as shown above. As of August 1, 1985, the Plans had incurred interest charges of \$31,730.67 with respect to this note, as well as insurance costs of \$2,061 with respect to the property.⁷

3. Beginning on August 1, 1983, the One Acre Parcel was leased on a net-net basis by Plan One to Dynamic Air Freight Services, Inc. (Dynamic Air), the sponsor of Plan Four and a party in interest with respect to all of the Plans, at a monthly rental of \$1,650, which is equivalent to \$19,800 per annum.⁸ Under the terms of the lease, Dynamic Air, as lessee, pays for utilities, maintenance and liability insurance, and Plan One, as lessor, pays for property insurance and taxes. Plan One is reimbursed for these expenses by the other Plans in

⁷ Plan One is also responsible for taxes and maintenance with respect to the Airport Property. The applicants represent that as of August 1, 1985, Plan One had incurred no costs for maintenance. The applicants also represent that, because of an oversight, the Airport Property was not initially placed on the Harris County tax rolls. It is expected that a tax bill for the period between February 11, 1983 and August 1, 1985 will be received in late 1985 or early 1986. The applicants state the Plan One, as the record title holder, will pay taxes attributable to the period up to the date of sale, and will receive appropriate reimbursement for such payment from the other plans having equitable interests in the Airport Property, in proportion to each such plan's interest.

⁸ The Department notes that on page 29 of an appraisal of the one Acre Parcel made on July 20, 1984 by Edward B. Graham, C.R.I., S.R.A., C.R.A. of Houston, Texas, an estimated rental rate was estimated in order to estimate the value of the One Acre Parcel by the income approach. Based on consultations with numerous agents, brokers and owners in the general area of the One acre Parcel, Mr. Graham determined that the rental value, based on a five year net lease, would be approximately \$32,760 per annum.

proportion to their respective equitable interests.

The applicants acknowledge that the leasing of the One Acre Parcel by the Plans to Dynamic Air constitutes a prohibited transaction and represent that they will pay any excise taxes due as a result of the lease within sixty days of the publication in the **Federal Register** of a grant of this exemption, as well as any back rental and interest on such additional rental as determined to be due by an independent fiduciary for the Plans.

4. In order to end the continuing prohibited lease, the applicants proposes that the Plans sell the improved One Acre Parcel plus a designated portion of the Two Acre Parcel (for a total of 1.502 acres) to Mr. and Mrs. Arroyos for cash in an amount not less than \$365,000, which is the fair market value of the property proposed to be sold as determined in an appraisal made on December 4, 1985 by Edward B. Graham, G.R.I., S.R.A., C.R.A. (Mr. Graham), an appraiser with Southwest Appraisal Service, located in Houston, Texas. Mr. Graham is independent of Mr. and Mrs. Arroyos and of the companies in which they are principals.

The Plans will pay no fees or commissions with respect to the sale. The applicants represent that upon payment of the sale proceeds to Plan One, the holder of record title, the proceeds will be remitted to the other Plans in proportion to their respective equitable interests.

5. The remaining portion of the Two Acre Parcel, also consisting of 1.502 acres and located adjacent to the One Acre Parcel, will remain in the Plans as an investment.

Mr. Graham states that this property, which is the same size and shape as the property being sold and has equal frontage on Humble-Westfield Road, is rendered more marketable by the division of the original Airport Property into two equal-sized lots.

6. On April 28, 1983, Plan Three purchased a parcel of real property (the New Orleans Property) located at 117 South Cortez, New Orleans, Louisiana, from unrelated parties for a purchase price of \$75,000, all of which was financed through a loan to Plan Three by Whitney National Bank of New Orleans (WNB), a party unrelated to the Plans. The loan was secured by a promissory note in the amount of \$75,000. A principal payment of \$10,000 was made on August 23, 1983. On August 24, 1983, Plan Three refinanced the loan through the execution of a new promissory note in the amount of \$65,000 (the remaining balance on the prior note) payable to WNB. This note was repaid in full on

January 6, 1984. Between April 28, 1983 and January 6, 1984, a total of \$6,613.73 in interest payments were made on the two notes. Although Plan Three received record title to the New Orleans Property and executed both WNB notes, Plan One made all principal and interest payments on the notes and is the 100% beneficial owner of the New Orleans Property.

7. The New Orleans Property consists of a 4,797 square foot lot improved by a 75 year old house which has been renovated and converted into offices, a laundry shed and a detached single car garage. Since May 1, 1983, the New Orleans Property has been leased to Dynamic Ocean Services International, Inc. (Dynamic Ocean) under a net-net lease at a rental rate of \$19,500 per annum. The terms of the lease hold the lessor responsible for all property taxes and insurance, while Dynamic Air, as lessee, is responsible for utilities, maintenance and liability insurance. Between April 28, 1983 and August 1, 1985, Plan One incurred expenses with respect to the New Orleans Property of \$3,321.42.

8. The applicants acknowledge that the leasing of the New Orleans Property to Dynamic Ocean also constitutes a prohibited transaction and represent that they will pay any excise taxes due as a result of this lease within sixty days of the publication in the **Federal Register** of a grant of this exemption, as well as any back rental and interest on such rental as determined to be due by an independent fiduciary for the Plans.

9. The New Orleans Property was appraised by Mr. James W. Clark, SRA (Mr. Clark) of New Orleans, Louisiana, who determined its fair market value as of December 31, 1983 to be \$85,000. In an updated appraisal dated March 26, 1986, Mr. Clark states further that the fair market value of the property is substantially unchanged since December 31, 1983, and, therefore, remains \$85,000. Mr. Clark is independent of Mr. and Mrs. Arroyos and the companies in which they are principals, and has had over 25 years of experience as a real estate appraiser, primarily in the New Orleans area.

10. In order to end the continuing prohibited lease of the New Orleans Property, the applicants propose that the property be sold to Mr. and Mrs. Arroyos for cash in an amount not less than \$85,000. The Plans will pay no fees or commissions with respect to the sale.

11. The applicants state that the sales of these properties are in the best interest of the Plans in that the Plans currently have over 68% of their assets invested in property leased to the Plans' sponsors. The sales of the properties for

cash will permit the Plans to discontinue ongoing prohibited transactions, to increase their liquidity, diversify their investment portfolios, and reinvest the proceeds in higher yielding investments. Further, the appraisals indicate that the areas in which the properties are located are not appreciating substantially in value.

The applicants represent that the Plans are protected in that the prices offered by Mr. and Mrs. Arroyos will be paid in cash and will be the fair market values of the properties as determined by qualified, independent appraisers. An independent fiduciary for the Plans (see below) will determine whether the appraisals should be updated prior to the actual dates of sale. In no event, however, will the total purchase price be less than \$450,000 (\$365,000 for the One Acre Parcel and this portion of the Two Acre Parcel as described above, plus \$85,000 for the New Orleans Property). A document has been executed by Mr. Arroyos, as trustee of and on behalf of all five Plans, to ensure that each of the Plans receives its proper proportion of the sales proceeds according to its equitable interest in each of the properties.

12. Ms. Lydia Sanford (Ms. Sanford) has been appointed to act as an independent fiduciary on behalf of the Plans. Ms. Sanford represents that she is completely independent of Mr. and Mrs. Arroyos and of the companies in which they are principals and that she has consulted with an ERISA experienced attorney regarding her liabilities and responsibilities as an independent fiduciary under the Act. Ms. Sanford states that she understands that she is acting solely on behalf of the Plans and not on behalf of any other parties to the transactions and that she can be sued by Plan participants for a violation of her fiduciary duties. Ms. Sanford has been a licensed real estate agent in the State of Texas since 1975 and a licensed broker since 1980. In addition, she has held administrative and accounting positions and states that she is familiar with generally accepted accounting principles and is capable of ensuring the proper allocation of the sales proceeds among the Plans. Ms. Sanford states further that she is familiar with property and rental values in Harris County, Texas and in the southwest area, and that she has completed over 20 real estate appraisals in 1985.

Ms. Sanford will review the correctness of the document indicating the allocations of the equitable property interests among the various Plans, the appraisals of the properties, and the terms and conditions of the sales, and

will monitor the proper allocation of the sales proceeds among the various Plans. Ms. Sanford will also determine whether updated appraisals should be made of the properties prior to their sales. With respect to the past leasing of the properties by the Plans to Dynamic Air and Dynamic Ocean, Ms. Sanford will determine whether the rental paid to the Plans by Dynamic Air and Dynamic Ocean was the fair market rental rate and whether back rental and interest on such additional rental should be paid to the Plans. Ms. Sanford will also determine the proper rate of interest. Ms. Sanford will not permit the sales of the properties to Mr. and Mrs. Arroyos until these amounts, if any, are paid to the Plans.

Ms. Sanford represents that she has reviewed the terms and conditions of the sales, the appraisals, and the investment portfolios and liquidity needs of each of the Plans, and has determined that the proposed sales are appropriate for, protective of and in the best interest of the Plans because the sales will be for cash, allowing the Plans to increase their liquidity and diversify their portfolios, as well as giving the Plans the ability to reinvest the proceeds in higher yielding investments. The purchase prices of the properties are protective of the Plans in that the prices will be the fair market values of the properties as determined by qualified independent appraisers.

13. In summary, the applicants represent that the proposed transactions meet the statutory criteria of section 408(a) of the Act because: (1) The Plans will be able to divest themselves of properties constituting a very high proportion of their assets and will be able to diversify their portfolios; (2) the sales will be one-time transactions for cash; (3) the sale prices will be the fair market values of the properties as determined by qualified, independent appraisers; and (4) no fees or commissions will be paid by the Plans with respect to the proposed sales.

For Further Information Contact: Mr. E.F. Williams of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

Teamsters Joint Council No. 83 of Virginia Pension Fund (the Pension Fund) Teamsters Joint Council No. 83 of Virginia Health and Welfare Fund (the Welfare Fund) Located in Richmond, Virginia

[Application Nos. D-6645 and L-6646]

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 184771, April 28, 1975). If the exemption is granted the restrictions of section 406(a) 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 (D) of the Code shall not apply: (1) The lease (the Lease) of office space by the above named funds (the Funds) to On-Line Financial Systems, Inc. (the Tenant), which provides services to the Funds, and (2) the Tenant's occupancy (the Occupancy) of office space provided by the Funds during the period subsequent to the execution of a software license agreement on February 15, 1984, between the Funds and the Tenant and prior to the commencement of the Lease, provided the terms of the Lease and the Occupancy were and are at least as favorable to the Funds as the terms the Funds could obtain in similar transactions with an unrelated party.

Effective date: If the proposed exemption is granted, the exemption will be effective February 15, 1984.

1. The Pension Fund is a defined benefit pension plan. Both the Funds are multiemployer, jointly trustee Taft-Hartley plans. William E. Smith and James Gwynn serve as union trustees of each Fund, and David G. McIntosh and John W. Pearsall serve as employer trustees. These gentlemen comprise the board of trustees (the Board), which is the sponsor and administrator of each Fund. Pursuant to the provisions of the Funds, the Board has delegated authority to manage the day-to-day operations of the Funds to Joseph E. Cross (the Administrator), who represents that neither he nor any of the members of the Board is related in any way to the Tenant. As of October 18, 1985, the Welfare Fund covered 4,959 participants, and the Pension Fund, 5,825 participants. As of December 31, 1984, the fair market values of the Funds totalled \$115,148,404.47 for the Pension Fund and approximately \$8,175,923.93 for the Welfare Fund.

2. The Tenant is a software designer that markets both hardware and software for GEAC computer systems. It markets both the software package that is needed to enable the hardware to function, i.e., the operating system (standardized software) and software the Tenant develops to allow the computer to perform specific functions (customized software). The Funds presently use a computer system which they acquired from the Tenant in February 1984. This system consisted of certain GEAC hardware and components and a customized software

package which the Tenant specially designed to adapt the GEAC hardware for use by self-funded benefit plans. Pursuant to the February 1984 contract between the Tenant and the Funds, the Tenant agreed to provide the Funds with custom-designed software, as needed. The Tenant also entered into a software servicing arrangement with the Funds. Under such servicing arrangement, the Tenant maintains, corrects, and enhances the software for a specified monthly fee.⁹ It is represented that in most instances of software malfunction, the Tenant's personnel must be present at the Funds' offices to analyze the malfunction and to determine and test a possible solution. (For example, during September 1985, the Tenant recorded at least 40 such service calls to the Fund's offices.) The Administrator expresses the opinion that none of the Tenant's services to the Funds are fiduciary services within the meaning of section 3(21) (A) of the Act.

3. The Funds jointly own the office building (the Building), located at 8814 Fargo Road, Richmond, Virginia, in which their operations are housed.¹⁰ The Building consists of approximately 30,000 square feet of space, of which the Funds occupy approximately 14,000 square feet. When the Building was first erected by the Funds in 1982, at a cost of approximately \$1,600,000, it was intended that the balance of the office space would be leased to commercial interests, thereby generating income for the Funds. However, the area in which the Building is located currently has a 10% overabundance of office space; accordingly, approximately 1/3 of the space in the Building is unleased.

4. Beginning approximately July 1, 1985, certain employees of the Tenant occupied, free of charge, the space now subject to the Lease, which commenced January 1, 1986. The Administrator states that the purpose of the Occupancy was to permit the Tenant to rewrite and enhance customized software for the Funds' computer system. The applicants explain that the

⁹ The proposed exemption provides no relief regarding either (a) the Tenant's provision of services to the Funds beyond the relief provided by section 408(b)(2) of the Act, or (b) the Funds' purchases of additional computer components from the Tenant, which purchases are the subject of a separate exemption application being developed by the applicants.

¹⁰ The applicants assert that the Funds' joint ownership and use of the Building is exempted by Prohibited Transaction Exemptions 76-1 and 77-10 (respectively, 41 FR 12740, March 26, 1976, and 42 FR 33918, July 1, 1977). The Department is expressing no opinion herein as to whether or not such sharing of the Building is covered by these two class exemptions.

Occupancy related to the Tenant's performance of a substantial software design project for the Funds, necessitating significant on-site time and that this Occupancy also facilitated the Tenant's general maintenance of the Funds' computer system. Prior to July 1, 1985 and subsequent to the execution of the software license agreement on February 15, 1984 between the Funds and the Tenant, the Tenant was permitted to use an empty office within the Funds' own quarters in connection with this on-site development project. When the Funds needed that office, the Administrator placed the Tenant's employees working on the project in adjacent space subsequently covered by the Lease. The Administrator states that at the time, said space had been unoccupied for 29 months despite the Fund's active efforts to lease same. He represents that in view of the current glut of available office space in the Richmond, Virginia area, it is not unusual to grant several months free rent to new tenants. Although the Funds granted a three-month rental concession to another tenant who took occupancy of other premises in the Building during the summer of 1985, the Administrator states that the Funds were not attempting to grant a rental concession to the Tenant.

5. Mr. Evan A Bauer, a Software systems consultant unrelated to the Funds, the Tenant, or GEAC, Inc., makes the following representations regarding commonly accepted practices involving customers and vendors of computer hardware and software:

(a) It is customary practice for purchasers of computer hardware and standardized or "off the shelf" software to enter into an agreement to purchase custom or customized software from the same vendor. This practice normally provides the purchaser with the greatest assurance that the custom software vendor is familiar with this host hardware and software environment. Over the life cycle of a system it can reduce the "finger pointing" problems associated with providing support services for tightly integrated components from multiple vendors.

(b) During the first month after delivery of a new multi-user minicomputer system it would not be unusual to have vendor representatives on-site almost continuously. As technical hardware and software skills can be quite specialized, having an average of two or three different individual service calls made each business day during this period would be fairly standard. Some manufacturers simply put a multi-person team on-site.

for the first three to six weeks in order to stabilize the system and train the customers's operations and user staff.

(c) After the hardware installation is completed, the custom software design, development and testing process can continue for a much greater length of time. Six months seems to be well within the reasonable range of time necessary to design, develop, install, and stabilize custom management information system software.

(d) He knows of no circumstances in which a vendor was charged for use of office space at a customer's site. There is an advantage to the customer in having major work performed on-site in terms of project control, enhanced communications, reduced vendor travel costs, and a more efficient and complete transfer of technology from the vendor to the customer. Several large corporations he has worked with in the aerospace industry permanently set aside office space for vendors to encourage their presence on-site.

Mr. Bauer states that he has eight years of experience in the design, development, installation, support, and sales of both standardized and customized software systems for the government, educational, and commercial markets. During that time he has regularly worked both in joint ventures and as a subcontractor with system integration companies in the provision of complete turnkey hardware and software systems. Before opening a practice as an independent consultant on software development and marketing, he served as vice president, business operations, for the SEED Software Corporation, and as a regional sales and support manager for a software operation of Control Data Corporation.

6. The Administrator asserts that the Occupancy relating to the on-site development was necessary in order to facilitate communication between the office staff of the Funds and the Tenant's personnel and enabled them to correct promptly, to the complete satisfaction of the Funds, any differences resulting from misunderstandings. Believing that such on-site development is commonplace in the computer industry, the Administrator insisted upon this arrangement and states that he would do so in the future to insure proper and efficient project development. However, he notes that if the proposed exemption is granted, no such arrangement would be needed in connection with any future development projects involving the Tenant.

7. Effective January 1, 1986, the Funds leased to the Tenant approximately 569 square feet of office space adjacent to the space now occupied by the Funds. The Lease term is three years, and the initial annual rental is \$7,112.50 (\$12.50 per square foot), payable monthly in advance (\$592.71 per month). The Lease, as amended, provides that every year following the first Lease year, the rent shall be increased by 7% over the rent for the preceding year. The Lease states that if the proposed exemption is not granted, the Lease shall be deemed null and void from its inception and the Tenant will vacate the premises forthwith. The applicants state that the other terms and conditions of the Lease are basically the same as those offered to all other tenants in the Building and have been determined by Virginia Realty and Development Company (the Realtor), a Richmond real estate firm which is completely independent of both the Funds and the Tenant. According to the Administrator, the other tenants in the Building are also unrelated to the Funds.

8. As the exclusive leasing agent for the Building, the Realtor is responsible for the marketing, leasing, and management of the Building, including daily maintenance. The applicants explain that the Realtor is responsible for monitoring the Lease, for collecting rental payments as they become due, and for taking any appropriate steps to correct any default on the part of the Tenant. The Realtor represents that it is actively involved in the commercial leasing industry in the Richmond, Virginia area. The Realtor asserts that the Lease provides for rental rates at or above the fair market value of the premises leased thereunder to the Tenant and that the other terms of the Lease are not less favorable to the Funds than those obtainable in an arm's-length transaction with an unrelated party.

9. The applicants represent that the Tenant uses the space leased from the Funds as its executive offices and services both the Funds and other customers from that office. The Tenant also maintains its central office in Richmond and services customers from that office as well. The applicants represent further that in view of the present glut of available rental property in the area and the size constraints of this particular rental space, it appears unlikely that the Funds will be able to find another Lessee willing to rent this space, particularly at the rental rate to which the Tenant has agreed. They also assert that the Lease will enable the Funds to minimize inconvenience and

economic loss resulting from loss of productive time when computer software problems develop.

10. In summary, the applicants represent that the subject transactions satisfy the exemption criteria set forth in section 408(a) of the Act because: (a) The Occupancy was necessitated by the significant on-site time required in connection with the Tenant's design of a substantial software project for the Funds; (b) the Administrator, who is not related in any way to the Tenant, insisted upon the Occupancy in order to insure proper and efficient project development, in accordance with common practice in the computer industry; (c) the Lease produces rental income for the Funds from office space that has not yet attracted any other potential lessee; (d) according to the Realtor, which manages the Building, is completely independent of the Tenant, and determined the terms of the Lease, the Lease provides a rental rate at or above the fair market value of the premises leased thereunder to the Tenant and the other terms of the Lease are at least as favorable to the Funds as those obtainable in an arm's-length transaction with an unrelated party; (e) the Lease provides for yearly rental increases of 7%, compounded annually; (f) the Lease will be monitored and enforced by the Realtor; (g) the Occupancy and the Lease have provided and will provide the Funds immediate access to computer services of crucial importance to the Funds; and (h) the Tenant is a party in interest merely because it provides nonfiduciary services to the Funds.

For Further Information Contact: Mrs. Miriam Freund, 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) 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 19th day of June 1986.

Elliot I. Daniel,

Assistant Administrator for Regulations and Interpretations, Pension and Welfare Benefits Administration, U.S. Department of Labor.

[FR Doc. 86-14211 Filed 6-23-86; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 86-75; Exemption Application No. D-5053, et al.]

Grant of Individual Exemptions; First National Bank of Chicago Pension Trust et al.

AGENCY: Pension and Welfare Benefits Administration, Labor.

ACTION: Grant of individual exemption.

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 4975(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.

First National Bank of Chicago Pension Trust (the Plan) Located in Chicago, Illinois

[Prohibited Transaction Exemption 86-75; Exemption Application No. D-5053]

Exemption

The restrictions of section 406(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 (1) the purchase by the Plan of certain real property (the Property) from First Chicago Building Corporation (the Building Corp.), a party in interest with respect to the Plan; (2) the lease (the Lease) of the Property by the Plan to the Building Corp., provided that the terms and conditions of the subject transactions are at least as favorable to

the Plan as those which the Plan could receive in similar transactions with an unrelated party; and (3) the sublease of space in the Property by the Building Corp. to the First National Bank of Chicago (the Bank), the Plan sponsor, provided that the terms of the sublease are at arm's-length and that no profit enures to the Building Corp. as a result of the sublease.

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 3, 1985 at 50 FR 35617.

Written Comment: The Department received two comments opposing the exemption from retirees receiving benefits under the Plan. Only one of the comments raised substantive issues relating to the proposed exemption. The commenter objected to the granting of the exemption on the grounds that the Bank's financial condition was not good and therefore made the transaction an unreasonably risky investment for the Plan. The independent fiduciary for the Plan responded that: (1) The Bank's parent, First Chicago Corporation (FCC), is the 10th largest banking company in the nation based on assets, and the 9th based on deposits; (2) FCC's credit rating is good; Moody's Investors Service currently rates the various outstanding issues of FCC's long-term debt as either A3 or Baal, which are considered "investment grade", which the independent fiduciary represents is suitable for fiduciary accounts; and (3) FCC's ratios of nonperforming assets to total loans and leases, loan-loss reserves to nonperforming assets and loan-loss reserves to outstanding loans were all at or above average for banks of similar size nationally, and the primary capital ratios for both FCC and the Bank were above Federal Reserve Board and Comptroller of the Currency requirements. The Bank represents that the ratings on third party debt secured by the Bank's letters of credit are A+ for Standard and Poor's and A-1 for Moody's. On this basis, the independent fiduciary represents, the Bank is unlikely to default on its sublease with the Building Corp., and cause the Building Corp. to default on the Lease.

The independent fiduciary further represents that, in the event of a default by the Bank, the income from the sublease to Walgreen's, which represents 67% of the Building Corp.'s initial net rent obligation to the Plan, would be unimpaired.

In addition, if the Bank defaults and vacates the Property, the independent fiduciary believes alternative office tenants could be found at rental rates

sufficient to at least offset the loss of the Bank as a tenant. Both the desirable location of the building and the substantial renovation completed within the past two years would result in making the entire building income-producing after a reasonable period of leasing effort.

The Bank has also established an escrow account, equal to the rent owed by the Building Corp., minus Walgreen's sublease rental, for two months, to act as security for the Plan in the event of a default by the Bank. In the event the Walgreen's sublease is terminated, the Bank would increase the amount in the escrow account to an amount equal to the full two months' rent from the Building Corp.

After due consideration of the entire record, the Department has decided to grant the exemption as proposed.

For Further Information Contact: David Lurie of the Department, telephone (202) 523-8194. (This is not a toll-free number.)

Pacific Lighting Corporation Pension Plan and Southern California Gas Company Pension Plan (collectively, the Plans) Located in Los Angeles, CA

[Prohibited Transaction Exemption 86-76; Exemption Application Nos. D-6181 and D-6182]

Exemption

The restrictions of section 406(a) 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 (D) of the Code, shall not apply to: (1) The past retirement of a certain mortgage note held by Aetna Life Insurance Company (Aetna), a party in interest with respect to the Plans, by Villa Marina Partners (the Partnership), a partnership in which the Plans own a 14 percent interest, in connection with the purchase by the Partnership of certain real property (the Property); and (2) the past and continuing extension of credit by Aetna to the Partnership where the Property was purchased by the Partnership subject to an additional mortgage note held by Aetna, provided the terms and conditions of both transactions were and are at least as favorable to the Plans as those obtainable in arm's length transactions with unrelated parties.

Effective Date: This exemption is effective March 29, 1985.

Written Comments: The Department received on written comment to the notice of proposed exemption. The commentator objected generally to the proposed exemption and did not raise any substantive issues regarding the subject transactions. Accordingly, after

a consideration of the entire record, including the comment letter received, the Department has determined to grant the exemption as proposed.

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 April 2, 1986 at 51 FR 11368.

For Further Information Contact: Ms. Jan D. Broady of the Department, telephone (202) 523-8196. (This is not a toll-free number.)

Profit Sharing Plan and Trust Agreement of Oregon Orthopedic Clinic, P.C. (the Plan) Located in Portland, Oregon

[Prohibited Transaction Exemption 86-77; Exemption Application No. D-6388]

Exemption

The restrictions of section 406(a), 406(b)(1) and (b)(2) and 407(a) 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, effective August 1, 1985, to the past and proposed lease of certain real property by the Plan to the Oregon Orthopedic Clinic, P.C., the sponsor of the Plan, provided that such lease has been and will be on terms at least as favorable to the Plan as the Plan could obtain in an arm's-length transaction with an unrelated party.

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 April 29, 1986 at 51 FR 15976.

Effective Date: This exemption is effective as of August 1, 1985.

For Further Information Contact: Mr. Ronald Willett of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

Thayer E. and Anne K. Merrill, Ltd. Defined Benefit Pension Plan (the Plan) Located in Scottsdale, Arizona

[Prohibited Transaction Exemption 86-78; Exemption Application No. D-6509]

Exemption

The restrictions of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the purchase by the Plan of a mortgage note (the Note) from Thayer E. Merrill and Anne K. Merrill, who are the sole participants in and the trustees of the Plan and disqualified persons with respect to the Plan,¹ for cash in the

¹ Because Thayer E. Merrill and Anne K. Merrill are husband and wife and are the sole shareholders

amount of \$42,812.20, provided that such amount does not exceed the fair market value of the Note on the date of sale; and (2) the fair market value of the Note on the Date of sale; and (2) the fair market value of the Note constitutes no more than 25% of the Plan's net assets after its purchase.

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 May 6, 1986 at 51 FR 16762.

For Further Information Contact: Angelena C. Le Blanc of the Department, telephone (202) 523-8196. (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

of the plan sponsor as well as the sole participants in the Plan, there is no jurisdiction under Title I of the Employee Retirement Income Security Act of 1974 (the Act) pursuant to 29 CFR 2510.3-3(b). However, there is jurisdiction under Title II of the Act to section 4975 of the Code.

material terms of the transaction which is the subject of the exemption.

Signed at Washington, DC, this 19th day of June, 1986.

Elliot I. Daniel,

Assistant Administrator for Regulations and Interpretations, Pension and Welfare Benefits Administration, U.S. Department of Labor.

[FR Doc. 86-14212 Filed 6-23-86; 8:45 am]

BILLING CODE 4510-29-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-348A & 364A]

Alabama Power Co., (Joseph M. Farley Nuclear Power Plant, Units 1 & 2); Issuance of Director's Decision Under 10 CFR 2.206

On June 29, 1984, the Alabama Electric Cooperative, Inc. (AEC) filed a petition which requested, pursuant to 10 CFR 2.206, that the Director of Nuclear Reactor Regulation take action to enforce the antitrust conditions of the licenses for Joseph M. Farley Nuclear Power Plant. For the reasons set forth in a "Director's Decision under 10 CFR 2.206," AEC's petition has been granted in part and denied in part. The petition has been granted in part by issuance of a Notice of Violation to the Alabama Power Company pursuant to 10 CFR 2.201. The Director's Decision will be filed with the Secretary for the Commission's review in accordance with 10 CFR 2.206(c). The Director's Decision will become the final action of the agency 35 days after issuance, unless the Commission on its own motion institutes review of this decision within that time.

Copies of the "Director's Decision Under 10 CFR 2.206" and the "Notice of Violation" are available for public inspection in the Commission's public document room at 1717 H Street, NW., Washington, D.C. 20555 and in the local public document room for the Joseph M. Farley Nuclear Power Plant at the George J. Houston Memorial Library, 212 W. Burdeshaw Street, Dothan, Alabama 36303.

Dated at Bethesda, Maryland, this 16th day of June, 1986.

For the Nuclear Regulatory Commission.

Harold R. Denton,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 86-14229 Filed 6-23-86; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-341]

Detroit Edison 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 Operational License No. NPF-43 for the Fermi-2 facility, issued to Detroit Edison Company (the licensee), for operation of the Fermi-2 plant, located in Monroe County, Michigan.

The amendment would revise the Fermi-2 Technical Specifications to delete three remote-manual containment isolation valves from a list of primary containment isolation valves. The proposed change is requested to permit the physical removal of the subject valves and the capping of the lines inboard of the present location of these valves. These proposed changes are contained in the licensee's application for an amendment to the Fermi-2 Technical Specifications in its letter dated February 4, 1986, and supplemented by a letter dated June 7, 1986.

Before issuance to proposed license amendments, 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 basis for this proposed determination is provided below.

The proposed changes do not affect reactor operations or accident analyses and have no radiological consequences. Therefore, operation in accordance with the proposed amendment involves no significant hazards consideration because the changes will not (1) involve a significant increase in the probability or consequences of an accident previously evaluated because removal of the subject containment isolation valves and capping of the lines actually

decreases the number of potential leakage paths through the primary containment; (2) create the possibility of a new or different kind of accident from any accident previously evaluated because no new possibility for an accident is introduced by physically removing the subject valves and capping of the lines; or (3) involve a significant reduction in the margin of safety because removal of these subject valves and capping the lines would actually reduce potential leakage flow paths through primary containment.

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 Records Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

By July 24, 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. Requests 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 petitioner's 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's 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 request 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 Elinor G. Adensam; 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 Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to John Flynn, 2000 Second Avenue, Detroit, Michigan 48226, 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 designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be 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 which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC 20555, and at the local Public Document Room, Monroe County Library System, 3700 South Custer Road, Monroe, Michigan 48161.

Dated at Bethesda, Maryland, this 19th day of June 1986.

For the Nuclear Regulatory Commission.
 Elinor G. Adensam,
 Director, BWR Project Directorate No. 3,
 Division of BWR Licensing.
 [FR Doc. 86-14225 Filed 6-23-86; 8:45 am].
 BILLING CODE 7590-01-M

[50-289 RA, 50-289 EW; CLI-86-09 (Special Proceeding)]

In the Matter of GPU Nuclear (Three Mile Island Nuclear Station Unit 1); Advisory Opinion and Notice of Hearing

Background

The Commission decided not to reopen the TMI-1 restart proceeding record on the issue of licensee officials Robert Arnold's and Edward Wallace's involvement in licensee's December 5, 1979 response to an October 25, 1979 NRC Notice of Violation because the significance of the issue, if any, was mooted by licensee's removal of Arnold and Wallace from TMI-1 operations. The Commission required licensee to notify it before returning either of these individuals to responsible positions at TMI-1. CLI-85-2, 21 NRC 282, 323 (1985).

CLI-85-19, 22 NRC XXXXX (1985), which was issued in response to Arnold's and Wallace's request for a hearing in order to clear them of any wrongdoing, invited interested persons to comment on whether there was a reasonable basis to believe that Arnold or Wallace knowingly, willfully or with reckless disregard made a material false statement in licensee's December 5, 1979 NOV response. Seven sets of comments were submitted. In addition, Arnold and Wallace commented on those submissions and we have taken those comments into consideration.

Summary and Conclusion

Advisory Opinion

The Commission finds that there is no reasonable basis to conclude that Arnold made a knowing, willful, or reckless material false statement in the NOV response, and it does not view Arnold's involvement in the NOV as requiring any constraint on his employment in the regulated nuclear industry.

Mr. Arnold has stated that he did "not object to a continuation of the notification requirement" in CLI-85-2 regarding his possible return to TMI-1, and that he did not "know of any plans by GPU to offer him a position involving TMI-1." For these reasons, the condition imposed in CLI-85-2 is not changed by our finding.

Notice of Hearing

The evidence regarding Wallace's involvement in possible willful, knowing, or reckless material false statements is much more difficult to evaluate. The Commission understands that Wallace wants the Commission to withdraw the adverse implications about his integrity drawn in various NRC documents in the TMI-1 restart proceeding, and to issue a statement to the effect that there are no constraints on his utilization in NRC-regulated activities. If a hearing is required to accomplish this, Wallace requests one. We grant Wallace's hearing request.

Analysis

A. Context of Alleged Material False Statements

In brief, the NOV alleged that (1) TMI-2 Emergency Procedure 2202-1.5 required that the block valve be closed if, among other things, the valve discharge line temperature exceeded 130 °F, (2) the temperature had been 180°-200 °F since October 1978, (3) a temperature of 283 °F was noted at 5:21 on March 28, 1979, the day of the TMI-2 accident, and (4) the valve was not closed until 6:10 on March 28. The cover letter to the NOV pointed out that this was one of the more significant issues.

Licensee's NOV response stated that "Emergency Procedure 2202-1.5, 'Pressurizer System Failure,' was not violated during the period from October 1978 through March 28, 1979 notwithstanding the temperatures of the discharge line from the pilot operated (electromatic) relief valve ('PORV')." With regard to the failure to close the valve prior to March 28, licensee's response explained that the procedure 2202-1.5 described possible failures, a number of "symptoms," and immediate and follow-up actions. Licensee asserted that the existence of a single symptom—elevated temperatures—did not mean that the failure existed, but rather that conditions should be examined to determine whether the problem exists. Licensee stated that, while the temperatures generally were 170° to 190°, they did not appear to have been caused by a leaking PORV. Licensee to support this assertion listed the following factors:

- (1) The reactor coolant drain tank leak rate (which would have reflected leaks past the PORV) was essentially zero through January;
- (2) The increase in the drain tank leak rate after January was accompanied by a sharp increase in the discharge line temperatures for the code relief valves;
- (3) "These matters were discussed by the plant staff. Based on temperature readings, a determination was made that code relief

valve RVIA was leaking" and a work request was made to repair this valve;

(4) The higher temperatures on the PORV discharge line occurred even when the plant was in hot shutdown.

Licensee stated that "[t]hese values make it clear that discharge line temperatures did not, of themselves, establish that the PORV was leaking. More likely, the temperatures resulted from the heating of the line by conductivity from the pressurizer itself." In sum, licensee concluded that the 170°-190° temperatures were normal, and that the procedure should have been changed.

The NOV response also contained the statement that, "although Metropolitan Edison is concerned about this issue, there is no indication that this procedure or the history of the PORV discharge line temperatures delayed recognition that the PORV had stuck open during the course of the accident."

The following questions have been raised about the accuracy of licensee's NOV response. The response denied that the emergency procedure had been violated, yet licensee appears to have had information in its possession to the contrary. Some evidence even indicates that licensee was unsure whether the PORV was leaking, yet consciously chose not to close the PORV block valve. It also appears questionable whether licensee had determined prior to the accident that the PORV was not leaking, contrary to the implication in the NOV response. Finally, there is evidence indicating that licensee had in its possession information contrary to the assertion that there was "no indication" that operators had been desensitized by the elevated tailpipe temperatures. For instance, a draft of the Keaten Task Force Report and a licensee report, TDR-054, both available at the time of the NOV response, indicated that operators had been desensitized.

We will now address the knowledge of Arnold and Wallace regarding this contrary information, and whether there is any basis to believe that either knowingly, willfully, or recklessly made material false statements.

B. Knowledge and Involvement of Arnold in Questioned Statements

An examination of the evidence involves determining what contrary information Arnold had at the time the NOV response was filed, and inferring from that whether he recklessly, willfully, or knowingly made a material false statement. The evidence as we evaluate it shows that Arnold knew of the following:

(2) That the emergency procedure was violated, in that he was aware that all of the symptoms of a leaking PORV were present, the procedure required closing the block valve in this instance, but the block valve was not closed;

(2) That there was leakage from the top of the pressurizer, and that some operations personnel were not sure of the source of the leakage.

In addition, the following evidence provides a possible basis for inferring additional knowledge on Arnold's part:

(a) Arnold reviewed and signed the NOV response—it could be inferred that he carefully studied it and acquainted himself with *all* relevant facts in licensee's possession, in particular:

(a) Statements by Zewe, Faust, Frederick and Miller indicating a conscious management decision was made to violate the procedure, and

(b) Statements by Zewe indicating that elevated temperatures existed that may have delayed recognition that the PORV was stuck open;

(2) A draft of the Keaten Task Force Report stated that evidence indicated that the procedure was violated pursuant to a conscious management decision, and Arnold was listed on distribution for that draft prior to the NOV—it could be inferred that he read the draft before signing the NOV;

(3) A draft of the Keaten Task Force report and a licensee report, TDR-054, both indicated that elevated temperatures existed and may have delayed recognition of the stuck open PORV. Arnold was listed on distribution of the draft Keaten Report and TDR-054—it could be inferred that he read them before signing the NOV.

While one can argue whether Arnold should have, or must have, known of this information, the only direct evidence in this regard is his acknowledgment that he may have been aware of Zewe's statements in (1)(b) above. The information in these statements is the same as in (3). He states he does not remember seeing the statements in the Keaten drafts or TDR-054. While inferences are highly judgmental, we do not believe it reasonable to infer that Arnold, given his high management position, new of the evidence in (1)(a), (2), or (3).

As we see it then, the major issue regarding Arnold involves the fact that he knew the procedure had been violated, yet the NOV response denied that it had been violated as alleged. Arnold now asserts that the NOV response was directed at the literal language of the NOV, which in his view was that the procedure had been violated *solely* because of elevated discharge line temperatures. Arnold asserts that elevated temperatures alone did not require that the block valve be closed, and that this was the point being made in the NOV response.

It can be argued in hindsight that Arnold in the NOV response should have acknowledged that the procedure was violated, even if not for the reasons alleged in the NOV.¹ The NOV cover letter identified violation of this emergency procedure as one of the more significant issues, and Arnold was aware of staff's conclusion in NUREG-0600 that all symptoms of a leaking PORV were present. Hence it can be argued that Arnold should have known that the NOV intended to address all the symptoms of a leaking PORV.

However, in the absence of persuasive evidence indicating that Arnold was aware of a conscious management decision to violate the procedure, we cannot say that the argument that he was responding to the literal language of the NOV is inherently unreasonable. Hence we conclude that there is no reasonable basis to conclude that Arnold made a reckless, willful or knowing material false statement when he responded to the literal language of the NOV and denied that the procedure had been violated as alleged.

With regard to the assertion in the NOV response that it had been determined by licensee that a code safety, not the PORV, was leaking, it is now questionable whether a determination had in fact been made that the PORV was not leaking. The question regarding Arnold, however, is whether he acted with reckless disregard for the truth in accepting Wallace's representations to this effect, given that Arnold knew that there was some question regarding whether the PORV was leaking. The arguments given by Wallace are not facially unreasonable, and in our view it was reasonable for a manager in Arnold's position to have accepted Wallace's assertions without personally checking them.

With regard to the other statement at issue in the NOV response—the "no indication" of delayed recognition—we also conclude that the available evidence does not reasonably indicate that Arnold knowingly, willfully, or with reckless disregard made a material false statement in accepting Wallace's representations. Arnold apparently was aware of statements by operators that can be read as implying that they were desensitized. While we agree with Arnold that the phrase "no indication" was "ill-chosen," the statements by the operators do not clearly say they were

¹ This would be particularly true if it could be established that Arnold was aware of the information indicating that there had been a conscious management decision to violate the procedure.

desensitized, and Arnold's explanation that he felt they did not recognize the open PORV for other reasons (*e.g.*, expected discharge temperatures greater than 300°) is reasonable. In the absence of persuasive evidence that he was aware of contrary information, we cannot reasonably conclude that he exhibited a reckless disregard for the truth in connection with this statement.

Based on its review of the evidence, the Commission finds that there is no reasonable basis for concluding that Arnold knowingly, willfully, or recklessly made a material false statement to the NRC. Accordingly, the Commission finds that there are no constraints beyond the condition imposed in CLI-85-2 on Arnold's employment in NRC-licensed activities.

C. Knowledge of and Involvement of Wallace in Questioned Statements

As with Arnold, an examination of the evidence concerning Wallace involves determining what information he had that may have contradicted the NOV response, and inferring from that whether he recklessly, willfully, or knowingly made a material false statement.

Based on its review of the evidence, the Commission cannot, as Wallace requests, clear his name without additional evidence. However, the Commission emphasizes that no final judgment has been made, and it may be that a full hearing will not support the position that he engaged in wrongdoing.

The Commission has therefore decided to grant Wallace's request for a hearing. The hearing is to address the following questions:

(1) Do any part of the following statements—including the accompanying explanation—in licensee's December 5, 1979 NOV response constitute a material false statement:

Metropolitan Edison believes that Emergency Procedure 2202.1.5, "Pressurizer System Failure", [sic] was not violated during the period from October 1978 through March 28, 1979 notwithstanding the temperatures of the discharge line from the pilot operated (electromatic) relief valve ("PORV"). Although this procedure was understood by the plant staff, it is not clearly written and does not reflect actual plant conditions. It will be changed. However, although Metropolitan Edison is concerned about the issue, there is no indication that this procedure or the history of the PORV discharge line temperatures delayed recognition that the PORV had stuck open during the course of the accident.

(2) If there was a material false statement, what knowledge and involvement, if any, did Wallace have in making that statement?

(3) If Wallace knew of or was involved in making a material false statement, does that

knowledge or involvement indicate willful, knowing or reckless conduct?

(4) If Wallace engaged in willful, knowing or reckless conduct, should there be any constraints on his employment in NRC-regulated activities? (His performance to date may be considered in this connection.)

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the regulations in Title 10, Code of Federal Regulations, Part 2, notice is hereby given that a hearing will be held before an Administrative Law Judge to be appointed by the Chief Administrative Judge, Atomic Safety and Licensing Board Panel. The Administrative Law Judge will set the time and place for the hearing and shall hold prehearing conferences as necessary. The scope of the hearing will be as set forth above. The hearing will be conducted pursuant to the procedures contained in 10 CFR Part 2, Subpart G. Any petitions to intervene by persons who responded by filing comments in response to CLI-85-19 shall be filed in accordance with 10 CFR 2.714 and, to be timely, shall be filed within 45 days of the date of this Notice. No other interventions shall be permitted except upon a balancing of the factors in 10 CFR 2.714(a)(1). NRC staff shall participate as a party. Any party who advocates that Wallace made a knowing, willful, or reckless material false statement in the NOV response shall have the burden of going forward and persuasion. If no person intervenes against Wallace and NRC staff does not advocate a position against Wallace, then the proceeding shall be terminated and the TMI-1 notification requirement as to Wallace shall be removed.

Pursuant to 10 CFR 2.785, the Commission authorizes an Atomic Safety and Licensing Appeal Board to exercise the authority and perform the review functions which would otherwise be exercised and performed by the Commission.

The CLI-85-2 Notification Requirement

The Commission will not lift the notification requirement imposed in CLI-85-2. For Arnold, there are no current plans to return Arnold to TMI-1 operations and Arnold does not object to continuation of the condition. For Wallace, any further action regarding the condition must await the conclusion of a hearing.

Chairman Palladino and Commissioner Asselstine disapproved this Order in part. Their separate views are attached. The separate views of Commissioner Roberts are also attached.

It is so ordered.

Dated at Washington, DC this 15th day of May, 1986.

For the Commission.²
Samuel J. Chilk,
Secretary of the Commission.

Separate Views of Chairman Palladino

I believe that the Commission should hold a hearing for Mr. Arnold as well as Mr. Wallace.

The evidence demonstrates a reasonable basis to conclude that there was a material false statement, in that the licensee possessed significant information contrary to the statements in the NOV response. Moreover, there is information cited by the NRC staff that Mr. Arnold knew that the emergency procedure had been violated notwithstanding that the NOV response denied the violation. Whether this conduct constitutes reckless behavior is a matter of judgment; a hearing would be of value to fully resolve the issue.

Also noteworthy is the fact that Mr. Arnold's explanation for his denial that the emergency procedure had been violated is not the explanation provided by Mr. Wallace in his interview by the Office of Investigations. A hearing could address this apparent difference as well.

Finally, I believe that a hearing would provide a clearer basis for Commission conclusions with respect to Mr. Arnold and would be in the public interest.

Separate Views of Commissioner Asselstine

I agree in part and disagree in part with the Commission's order. I agree with that portion of the order which grants Mr. Wallace a hearing and sets out the procedures for that hearing. However, I cannot support the Commission's decision to absolve Mr. Arnold without holding a hearing. There appears to be enough information available to raise questions about the extent of Mr. Arnold's knowledge. That information should be the subject of a hearing.

In addition, as I explained in my separate views on CLI-85-19, I do not believe that Mr. Arnold's involvement in the preparation of Metropolitan Edison's response to the Commission's NOV is the only relevant issue remaining. See, 21 NRC at 890. I would have included two other issues for consideration: TMI leak rate falsifications and the Parks discrimination issue.

Separate Views of Commissioner Roberts

We find that there is no reasonable basis for concluding that Mr. Arnold knowingly, willfully, or recklessly made a material false statement. However, because he did not ask that it be removed, we leave in place the requirement that the NRC be notified prior to Mr. Arnold's return to responsible duties at TMI-1. I see no reason for our continuing to require notification prior to Mr. Arnold's return to responsible duties at TMI-1. I would remove that single remaining and

² Commissioner Asselstine was absent when this Order was affirmed. He had previously disapproved the Order in part and had he been present he would have affirmed his prior vote.

meaningless "constraint" on Mr. Arnold's employment in NRC-licensed activities. That is what we said we intended to do if we determined there was not a reasonable basis for an unfavorable conclusion. CLI-85-19, 22 NRC 889.

[FR Doc. 86-14235 Filed 6-23-86; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-331]

Iowa Electric Light and Power Co.; Transfer of Control of License

Notice is hereby given that the United States Nuclear Regulatory Commission (Commission) is considering approval under 10 CFR 50.80 of the transfer of control of the license for Duane Arnold to IE Industries, Inc., a holding company. The current licensee, Iowa Electric Light and Power (IELP) will remain as holder of the license. By letter dated May 20, 1986, IELP informed the Commission that IE Industries, Inc. has been incorporated under the laws of the State of Iowa and its Registration Statement has been approved by the Securities and Exchange Commission. That letter also advised the Commission that IE Industries, Inc., will become the sole holder for IELP stock, and the current holders of shares of IELP common stock will become holders of shares of the common stock of IE Industries, Inc., on a share-for-share basis.

Pursuant to 10 CFR 50.80 the Commission may approve the transfer of control of a license, after notice to interested persons, upon the Commission's determination that the holder of the license following the transfer of control is qualified to have the control of the license and the transfer of the control is otherwise consistent with applicable provisions of law, regulations and orders of the Commission.

For further details with respect to the subject transfer, see letter from IELP, of May 20, 1986, available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC and at the Cedar Rapids Public Library, 500 First Street, SE, Cedar Rapids, Iowa 52401.

Dated at Bethesda, Maryland this 18 day of June 1986.

For the Nuclear Regulatory Commission.

Daniel R. Muller,
*Director, BWR Project Directorate #2,
Division of BWR Licensing.*

[FR Doc. 86-14224 Filed 6-23-86; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 30-02971 License No. 37-0089-01 EA-86-40]

In the Matter of Mercy Hospital; Wilkes Barre, Pennsylvania 18765; Orders To Show Cause Why the License Should Not Be Modified

I

Mercy Hospital, Wilkes Barre, Pennsylvania (the licensee/hospital) is the holder of specific byproduct material License No. 37-00897-01 (the license) issued by the issued by the Nuclear Regulatory Commission (the Commission or the NRC) pursuant to 10 CFR Parts 30 and 35. The license authorizes the use of radiopharmaceuticals to perform diagnostic and therapeutic procedures listed in Groups I-IV of Schedule A, 10 CFR 35.100. The license was originally issued on July 25, 1956; was most recently renewed on June 17, 1985; and is due to expire on June 30, 1990.

II

During an NRC inspection at the licensee's facility on July 17, 1985, the NRC inspectors attempted to ascertain the validity of an anonymous allegation received by the NRC Region I office that a diagnostic misadministration by Ms. Carol T. Carter, the licensee's Chief Nuclear Medicine Technician, had occurred at the facility on May 8, 1985 and was not reported to either the NRC or the patient's referring physician as required. In response to questions by the NRC inspectors during the July 1985 inspection, Ms. Carter told the NRC inspectors that the hospital had not had any misadministrations since June 1984.

Subsequently, in an interview conducted under oath with investigators from the NRC Office of Investigations (OI) on August 7, 1985 and in a sworn statement dated August 14, 1985 and provided to the investigators, Ms. Carter admitted that (1) a misadministration had occurred on May 8, 1985; (2) she deliberately was not truthful with NRC inspectors on July 17, 1985 when questioned regarding the misadministration; and (3) the reason for her actions was the fact that the Medical Director of Radiology, who is also the Radiation Safety Officer (RSO), had told her via a hospital radiologist not to report the misadministration.

III

On August 7, 1985, the NRC OI investigators conducted an interview under oath with Dr. Salvatore M. Imperiale, the RSO. During the interview, Dr. Imperiale admitted that he was informed in May 1985 by Ms. Carter via a hospital radiologist that a diagnostic misadministration had occurred at the hospital and that he

knew at the time that the misadministration was required to be reported to the NRC but Dr. Imperiale told his staff not to do anything because he did not think the incident was that serious. Dr. Imperiale also stated that he did not recall all the reasons behind his decision. Dr. Imperiale reiterated these statements in a sworn statement provided to the OI investigators on August 15, 1985.

IV

The willful violation of NRC requirements by Dr. Imperiale in deliberately not reporting the misadministration to the NRC and the patient's referring physician as required and the willful actions of Ms. Carter, Chief Nuclear Medicine Technician, in not being truthful with the NRC inspectors, raise questions whether the licensee will comply with Commission requirements and the conditions of the license while Dr. Imperiale and Ms. Carter have any responsibility for the performance or supervision of licensed activities.

V

Accordingly, pursuant to sections 81, 161b, and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202 and Parts 30 and 35, it is hereby ordered that the licensee shall:

Show cause, in a manner hereinafter provided, why License No. 37-00897-01 should not be modified to prohibit Dr. Salvatore M. Imperiale and Ms. Carol T. Carter from serving in any capacity involving the performance or supervision of any licensed activities.

VI

The licensee may show cause, within 25 days of the date of issuance of this Order, as required by section V above, by filing a written answer under oath or affirmation setting forth the matter of fact and law on which the licensee relies to demonstrate that prohibition of these two individuals from performance and supervision of licensed activities is not warranted. The licensee may answer, as provided in 10 CFR 2.202(d), by consenting to the entry of an order in substantially the form proposed in this Order, in which case the license will be modified in the manner stated in section V. If the licensee fails to file an answer within the specified time, the Director, Office of Inspection and Enforcement, may issue without further notice an Order modifying the license as described above.

VII

The licensee or any other person adversely affected by this Order may request a hearing within 25 days after

issuance of this Order. Any answer to this Order or any request for hearing shall be submitted to the Director, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Copies shall also be sent to the Executive Legal Director at the same address and to the Regional Administrator, U.S. Nuclear Regulatory Commission, Region I, 631 Park Avenue, King of Prussia, Pennsylvania 19406. If a hearing is requested, the Commission will issue an order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be:

Whether, on the basis of the matters set forth in this Order, License No. 37-00897-01 should be modified in the manner set forth in Section V of this Order.

For the Nuclear Regulatory Commission.
Dated: at Bethesda, Maryland the 17th day of June, 1986

James M. Taylor,
Director, Office of Inspection and Enforcement.
[FR Doc. 86-14227- Filed 6-23-86; 8:45 am]
BILLING CODE 7590-01-M

[Docket Nos. 50-275-OLA and 50-323-OLA]

Pacific Gas and Electric Co. (Diablo Canyon Nuclear Power Plant, Units 1 and 2); Assignment 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 assigned the following Panel members to serve as the Atomic Safety and Licensing Appeal Board for this operating license amendment proceeding:

Christine H. Kohl, Chairman
Gary J. Edles
Dr. Reginald L. Gotchy

Dated: June 18, 1986
C. Jean Shoemaker,
Secretary to the Appeal Board.
[FR Doc. 86-14234 Filed 6-24-86; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 30-15110 License No. 37-18452-01 EA 86-41]

In the Matter of Valley Radiology Associates, Inc.; Kingston, Pennsylvania; Order to Show Cause Why the License Should Not Be Modified

I

Valley Radiology Associates, Inc., Kingston, Pennsylvania (the licensee) is

the holder of specific byproduct material License No. 37-18452-01 (the license) issued by the Nuclear Regulatory Commission (the Commission or NRC) pursuant to 10 CFR Parts 30 and 35. The license authorizes the use of radiopharmaceuticals to perform diagnostic procedures listed in Groups I-III of Schedule A, 10 CFR 35.100, and also to perform in vitro studies. The license was originally issued on June 4, 1979, was most recently renewed on November 30, 1984, and is due to expire on December 31, 1989. Dr. Salvatore E. Imperiale is listed on the license as an authorized user of licensed material.

II

As a result of an NRC inspection and investigation at Mercy Hospital in Wilkes Barre, Pennsylvania, where Dr. Imperiale is also employed as the Medical Director of Radiology and the Radiation Safety Officer, the NRC determined that Dr. Imperiale knew that a diagnostic misadministration had occurred at the hospital in May 1985 and knew that the incident should have been reported to the NRC, but told his staff not to do anything regarding the reporting of the misadministration because he did not think the incident was that serious.

Dr. Imperiale admitted this in an interview conducted under oath with an NRC investigator on August 7, 1985 and in a sworn statement dated August 15, 1985, provided to the NRC investigators. During the interview, Dr. Imperiale also stated that he did not recall all his reasons for his decision.

III

The willful violation of NRC requirements by Dr. Imperiale, while performing licensed activities at Mercy Hospital, raises serious questions whether the licensee will comply with Commission requirements while Dr. Imperiale has any responsibility for the performance or supervision of licensed activities.

IV

Accordingly, pursuant to sections 81, 161b, and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202 and Parts 30 and 35, it is hereby ordered that the licensee shall:

Show cause, in a manner herein after provided, why License No. 37-18452-01 should not be modified to prohibit Dr. Salvatore M. Imperiale from serving in any capacity involving the performance or supervision of licensed activities.

V

The licensee may show cause, within 25 days of the date of issuance of this Order, as required by section IV above, by filing a written answer under oath or affirmation setting forth the matter of fact and law on which the licensee relies to demonstrate that prohibition of this individual from performance or supervision of licensed activities is not warranted. The licensee may answer, as provided in 10 CFR 2.202(d), by consenting to the entry of an order in substantially the form proposed in this Order. If the licensee fails to file an answer within the specified time, the Director, Office of Inspection and Enforcement, may issue without further notice an Order modifying the license as described above.

VI

The licensee or any other person adversely affected by this Order may request a hearing within 25 days after issuance of this Order. Any answer to this Order or any request for hearing shall be submitted to the Director, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Copies also shall be sent to the Executive Legal Director at the same address and to the Regional Administrator, U.S. Nuclear Regulatory Commission, Region I, 631 Park Avenue, King of Prussia, Pennsylvania 19406. If a hearing is requested, the Commission¹ will issue an order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be:

Whether, on the basis of the matters set forth in this Order, License No. 37-18452-01 should be modified in the manner set forth in Section IV of this Order.

Dated at Bethesda, Maryland, this 17th day of June 1986.

For the Nuclear Regulatory Commission.

James M. Taylor,

Director, Office of Inspection and Enforcement.

[FR Doc. 86-14228 Filed 6-23-86; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards; Meeting Agenda

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards will hold a meeting on July 10-12, 1986, in Room 1046, 1717 H Street, NW., Washington, DC. Notice of this meeting was published in the **Federal Register** on May 19, 1986.

Thursday, July 10, 1986

8:30 A.M.-8:45 A.M.: Report of ACRS Chairman (Open)—The ACRS Chairman will report briefly regarding items of current interest to the Committee.

8:45 A.M.-9:15 A.M. Requirements for Future Standard Plants (Open)—The members will hear and discuss a report by representatives of the NRC Staff and the Electric Power Research Institute regarding the joint effort to develop a set of applicable requirements for future standardized nuclear power plants.

9:15 A.M.-12:30 P.M. and 1:30 P.M.—2:30 P.M.: Proposed NRC Policy Statement Regarding Standardized Nuclear Power Plants (Open)—The members will consider the proposed NRC policy statement on standardized nuclear power plants. Representatives of the NRC Staff will make presentations and participate in the discussion to the degree considered appropriate.

2:30 P.M.-5:30 P.M.: TVA Nuclear Activities (Open)—The Committee will hear reports from representatives of the NRC Staff and the Tennessee Valley Authority regarding the proposed reorganization of the TVA nuclear organization to deal with nuclear power plant problems.

5:30 P.M.-6:30 P.M.: Nuclear Power Plant Auxiliary Systems (Open)—The members will hear a report from its subcommittee regarding provisions in nuclear power plants to provide protection against fires.

Friday, July 11, 1986

8:30 A.M.-1:30 A.M.: Davis-Besse Nuclear Power Plant, Unit 1 (Open/Closed)—The members will hear presentations from representative of the NRC Staff and the licensee as appropriate regarding the corrective action and restart of this unit following the loss of feedwater incident on June 9, 1985.

Portions of this session will be closed as necessary to discuss Proprietary Information applicable to this facility.

11:30 A.M.-1:00 P.M.: Technical Specifications for Nuclear Power Plants (Open)—The Committee will consider a proposed NRC policy statement regarding the nature of technical specifications for nuclear power plants. Representatives of the NRC Staff will brief the ACRS members regarding this matter.

2:00 P.M.—3:00 P.M.: Future ACRS Activities (Open/Closed)—The members will discuss anticipated ACRS

activity and proposed topics for consideration. This session may include a briefing regarding a postulated scenario for the nuclear power plant accident at the Chernobyl Nuclear Station.

Portions of this session will be closed as required to discuss classified information related to matters being discussed.

3:00 P.M.—5:30 P.M.: B&W Nuclear Power Plants (Open)—The members will hear reports for representatives of the NRC Staff and the B&W Owners Group regarding proposed plans for the evaluation of the long-term safety of B&W nuclear power plants.

5:30 P.M.—6:30 P.M.: Reactivation of Deferred or Cancelled Nuclear Power Plants (Open)—The members will hear a briefing regarding factors to be considered in the reactivation of deferred or cancelled nuclear power plants.

6:30 P.M.—7:00 P.M.: Nomination of ACRS Member (Closed)—The members will discuss the qualification of candidates proposed for appointment to the ACRS.

This session will be closed to discuss information the release of which would represent a clearly unwarranted invasion of personal privacy.

Saturday, July 12, 1986

8:30 A.M.—12:00 Noon: Preparation of ACRS Reports to the Nuclear Regulatory Commission (Open/Closed)—The members will discuss proposed reports to the NRC regarding matters considered during this meeting.

Portions of this session will be closed as required to discuss Proprietary Information applicable to the matters being discussed.

1:00 P.M.—2:30 P.M.: Activities of ACRS Subcommittees (Open)—ACRS subcommittee chairmen will report to the Committee regarding the status of designated subcommittee assignments including proposed revisions to NRC Regulatory Guides, NRC activities regarding chilled water systems in nuclear power plants, and the reliability and performance of nuclear power plant control room heating, cooling, and ventilating systems.

2:30 P.M.—3:30 P.M. Preparation of ACRS Reports to the NRC (Open/Closed)—The members will complete discussion of matters considered during this meeting.

Portions of this session will be closed as required to discuss Proprietary Information applicable to the matters being discussed.

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on

October 2, 1985 (50 FR 191). In accordance with these procedures, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Committee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS Executive Director as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements. Use of still, motion picture and television cameras during this meeting may be limited to selected portions of the meeting as determined by the Chairman. Information regarding the time to be set aside for this purpose may be obtained by a prepaid telephone call to the ACRS Executive Director, R.F. Fraley, prior to the meeting. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the ACRS Executive Director if such rescheduling would result in major inconvenience.

I have determined in accordance with subsection 10(d) Pub. L. 92-463 that it is necessary to close portions of this meeting as noted above to discuss Proprietary Information [5 U.S.C. 552b(c)(4)] applicable to the facilities being discussed, information the release of which would represent a clearly unwarranted invasion of personal privacy [5 U.S.C. 552b(c)(6)], classified data [5 U.S.C. 552b(c)(1)].

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 can be obtained by a prepaid telephone call to the ACRS Executive Director, Mr. Raymond F. Fraley (telephone 202/634-3265), between 8:15 A.M. and 5:00 P.M.

Dated: June 19, 1986

John C. Hoyle,
Advisory Committee Management Officer.
[FR Doc. 86-14230 Filed 6-23-86; 8:45 am]
BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Improved LWR Designs; Meeting

The ACRS Subcommittee on Improved LWR Designs will hold a meeting on July 9, 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:

Wednesday, July 9, 1986—8:30 A.M. until 12:00 Noon

The Subcommittee will be briefed and discuss the following topics: (1) The Standardization Policy Statement, (2) proposed changes to 10 CFR 50, and (3) the EPRI Advanced Light Water Requirements documents.

Oral statements may be presented by the members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, its consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on 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, Mr. Herman Alderman (telephone 202/634-1413) between 8:15 A.M. and 5:00 P.M. Persons planning to attend this meeting are urged to contact one of the above named individual one or two days before the scheduled meeting to be advised of any changes in schedules, etc., which may have occurred.

Dated: June 17, 1986.

Morton W. Libarkin,

Assistant Executive Director for Project Review.

[FR Doc. 86-14231 Filed 6-23-86; 8:45 am]
BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Metal Components; Meeting

The ACRS Subcommittee on Metal Components will hold a meeting on July 1 and 2, 1986, at Battelle Columbus Laboratory, Conference Room G, 505 King Avenue, Columbus, OH.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows: Tuesday, July 1, 1986—8:30 A.M. until the conclusion of business Wednesday, July 2, 1986—8:30 A.M. until the conclusion of business.

The Subcommittee will review the RFS degraded piping program being performed at the Battelle Columbus Laboratories.

Oral statement may be presented by members of the public with 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 members as far in advance as practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, its consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on 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, Mr. Elpidio Igne (telephone 202/634-1414) between 8:15 A.M. and 5:00 P.M. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., which may have occurred.

Dated: June 19, 1986.

Morton W. Libarkin,

Assistant Executive Director for Project Review.

[FR Doc. 86-14232 Filed 6-23-86; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Plant Operating Procedures, Meeting

The ACRS Subcommittee on Plant Operating Procedures will hold a meeting on July 1, 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: *Tuesday, July 1, 1986—1:00 P.M. until 5:00 P.M.*

The Subcommittee will review a "Proposed Commission Paper on Technical Specifications."

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of the 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, Mr. John O. Schiffgens (telephone 202/634-1413) between 8:15 A.M. and 5:00 P.M. Persons planning to attend this meeting are urged to contact one of 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: June 19, 1986.

Morton W. Libarkin,

Assistant Executive Director for Project Review.

[FR Doc. 86-14233 Filed 6-23-86; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 40-8027]

NRC Meetings Regarding Resumption of Operation for Sequoyah Fuels Corporation, Gore, OK

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of meeting.

SUMMARY: Meetings will be held by the Nuclear Regulatory Commission (NRC) to solicit information from members of the public about issues which they would like to have the NRC consider during its review of the proposal from Sequoyah Fuels Corporation to restart UF₆ production at the Sequoyah Fuels Facility in Gore, Oklahoma. Since an accident which occurred at the facility on January 4, 1986, involving rupture of a UF₆ cylinder, operation of the facility has been suspended.

DATES: July 8, 1986, 7 p.m. to 10 p.m. and July 9, 1986, 10 a.m. to 12 noon.

ADDRESS: Brooks-Cawhorne Gymnasium, Gore, Oklahoma.

FOR FURTHER INFORMATION CONTACT: William T. Crow, (301) 427-4309.

SUPPLEMENTARY INFORMATION: The scope of the meeting includes matters such as emergency response, effluents, and any other issues related to the resumption of operation of the UF₆ facility. Statements by the public are being limited to 3 minutes per individual and 6 minutes per group. The public meeting does not include issues associated with the two hearings pending before the Nuclear Regulatory Commission's Atomic Safety and Licensing Board (ASLB), namely, the applications relating to the proposed UF₆ to UF₄ production and solid waste disposal. Both of these matters will be dealt with in separate public hearings conducted by the ASLB.

Dated at Silver Spring, Maryland, this 17th day of June, 1986.

For the Nuclear Regulatory Commission.

Richard E. Cunningham,

Director, Division of Fuel Cycle and Material Safety, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 86-14226 Filed 6-23-86; 8:45 am]

BILLING CODE 7590-01-M

Governors' Designees Receiving Advance Notification of Transportation of Nuclear Waste

On January 6, 1982, the Nuclear Regulatory Commission (NRC) published in the Federal Register, as final, certain amendments to 10 CFR Parts 71 and 73 (effective July 6, 1982), which require advance notification to Governors or their designees concerning transportation of certain shipments of nuclear waste and spent fuel. The advance notification covered in Part 73 is for spent nuclear reactor fuel shipments and the notification for Part 71 is for large quantity shipments of radioactive waste (and of spent nuclear reactor fuel not covered under the final amendment to 10 CFR Part 73).

The following list updates the names, addresses and telephone numbers of those individuals in each State who are responsible for receiving information on nuclear waste shipments. The list will be published annually in the Federal Register on or about June 30, to reflect any changes in information.

INDIVIDUALS RECEIVING ADVANCE NOTIFICATION OF NUCLEAR WASTE SHIPMENTS

States	Part 71	Part 73
Alabama.....	Col. Byron Prescott, Director, Alabama Department of Public Safety, P.O. Box 1511, Montgomery, AL 36192-0501, (205) 261-4378.	Same.
Alaska.....	Mr. Bill Ross, Commissioner, Alaska Department of Environmental Conservation, Pouch O, Juneau, AK 99811, (907) 465-2600.	Do.
Arizona.....	Charles F. Tedford, Director, Arizona Radiation Regulatory Agency, 4814 South 40 Street, Phoenix, AZ 85040, (602) 255-4845, After hours: (602) 988-4662.	Do.
Arkansas.....	E.F. Wilson, Director, Radiation Control and Emergency Management Programs, Arkansas Department of Health, 4815 West Markham Street, Little Rock, AR 72201, (501) 661-2301, After hours: (501) 661-2138 or 661-2000.	Do.
California.....	L.M. Short, Chief, California Highway Patrol, P.O. Box 942898, Sacramento, CA 94298-0001, (916) 445-3253.	Do.

INDIVIDUALS RECEIVING ADVANCE NOTIFICATION OF NUCLEAR WASTE SHIPMENTS—Continued

States	Part 71	Part 73
Colorado.....	Captain Lonnie J. Westphal, Officer in Charge, Staff Services Branch, Colorado State Patrol, 1325 S. Colorado Blvd., Bldg. 700B, Denver, CO 80222, (303) 691-8107, After hours: (303) 757-9422.	Do.
Connecticut.....	The Honorable Stanley J. Pac, Commissioner, Department of Environmental Protection, State Office Building, 165 Capitol Avenue, Hartford, CT 06106, (203) 566-2110.	Do.
Delaware.....	Edward J. Steiner, Secretary, Department of Public Safety Highway Administration Building, P.O. Box 818, Dover, DE 19903, (302) 736-4321.	Do.
Florida.....	Harlan Keaton, Public Health Physicist Manager, Office of Radiation Control, Department of Health & Rehabilitative Services, P.O. Box 15490, Orlando, FL 32858, (305) 299-0580.	Do.
Georgia.....	Ken M. Coppeland, Director of the Office of Permits and Enforcement, Georgia Department of Transportation, 940 Virginia Avenue, Hapeville, GA 30354, (404) 656-5435.	Do.
Hawaii.....	James K. Ikeda, Deputy Director for Environmental Health, Department of Health, P.O. Box 3378, Honolulu, HI 96813, (808) 548-4139.	Do.
Idaho.....	Robert D. Funderburg, Manager, Radiation Control Section, Department of Health & Welfare Division of Environment, 450 W. State, 5th Floor, Statehouse, Boise, ID 83720, (208) 334-4107, After hours: (208) 362-5260.	Do.
Illinois.....	Dr. Terry Lash, Director, Illinois Department of Nuclear Safety, 1035 Outer Park Drive, 5th Floor, Springfield, IL 62704, (217) 546-8100.	Do.
Indiana.....	John T. Shettle, Superintendent, Indiana State Police, 301 State Office Building, 100 North Senate Avenue, Indianapolis, IN 46204, (317) 232-8248 (24 hours).	Do.
Iowa.....	John D. Crandall, Director, Office of Disaster Services, Hoover State Office Building, Des Moines, IA 50319, (515) 281-3231.	Do.

INDIVIDUALS RECEIVING ADVANCE NOTIFICATION OF NUCLEAR WASTE SHIPMENTS—Continued

States	Part 71	Part 73
Kansas.....	Leon H. Mannell, P.E. Administrator, Radiological Systems, The Adjutant General's Department, Division of Emergency Preparedness, P.O. Box C-300, Topeka, KS 66601, (913) 233-9253, Ext. 321.	Do.
Kentucky.....	Donald R. Hughes, Sr., Manager, Radiation Control, Department for Health Services, 275 East Main Street, Frankfort, KY 40621, (502) 564-3700.	Do.
Louisiana.....	Col. Wiley D. McCormick, Head, Louisiana State Police, 265 South Foster Drive, P.O. Box 66614, Baton Rouge, LA 70896, (504) 925-6117.	Do.
Maine.....	Chief of the State Police, Maine Dept. of Public Safety, Statehouse—Station #42, Augusta, ME 04333, (207) 289-2155.	Do.
Maryland.....	Major James A. Jones, Chief, Services Bureau, Maryland State Police, 1201 Reisterstown Road, Pikesville, MD 21208, (301) 486-3101.	Do.
Massachusetts.....	Robert M. Hallisey, Director, Radiation Control Program, Massachusetts Department of Public Health, 150 Tremont Street, 7th Floor, Boston, MA 02111, (617) 727-6214.	Do.
Michigan.....	James E. Cox, Captain, Commanding Officer, Operations Division, Michigan Department of State Police, 714 S. Harrison Road, East Lansing, MI 48823, (517) 337-6100.	Do.
Minnesota.....	John R. Kerr, Natural Disaster Planner, Minnesota Division of Emergency Services, B5 State Capitol, St. Paul, MN 55155, (612) 296-2233, After hours: (612) 778-0800.	Do.
Mississippi.....	James E. Maher, Director, Mississippi Emergency Management Agency, P.O. Box 4501, Fondren Station, Jackson, MS 39216, (601) 352-9100.	Do.
Missouri.....	Richard D. Ross, Director, State Emergency Management Agency, 1717 Industrial Drive, P.O. Box 116, Jefferson City, MO 65102, (314) 751-2321, After hours: (314) 751-2748.	Do.

INDIVIDUALS RECEIVING ADVANCE NOTIFICATION
OF NUCLEAR WASTE SHIPMENTS—Continued

States	Part 71	Part 73
Montana	Mr. Larry Lloyd, Chief, Occupational Health Bureau, Department of Health & Environmental Sciences, Room A113, Cogswell Bldg., Helena, MT 59620, (406) 444-3671.	Mr. George DeWolf, Administrator, Disaster & Emergency Services Division, 1100 North Last Chance Gulch, Helena, MT 59601 (406) 444-6111.
Nebraska	Col. Robert L. Tagg, Superintendent, Nebraska State Patrol, P.O. Box 94907, State House, Lincoln, NE 68509, (402) 471-2406 or (402) 471-4545.	Do.
Nevada	Stanley R. Marshall, Supervisor, Radiological Health Section, Bureau of Regulatory Health Services, Nevada Division of Health, 505 East King Street, Room 202, Carson City, NV 89710, (702) 885-5394.	Do.
New Hampshire	Richard M. Flynn, Commissioner, New Hampshire Dept. of Safety, James H. Hayes Building, Hazen Drive, Concord, NH 03305, (603) 271-3636 (24 hours).	Do.
New Jersey	Frank Cosolito, Assistant to the Director, Division of Environmental Quality, Department of Environmental Protection, Room 1109, CN-027, Trenton, NJ 08625, (609) 292-5383.	Do.
New Mexico	Michael F. Brown, Acting Chief, Radiation Protection Bureau, Environmental Improvement Division, P.O. Box 968, 1190 St. Francis Drive, Santa Fe, NM 87504-0968, (505) 827-2959. After hours (505) 982-4969.	Do.
New York	Donald A. DeVito, Director, State Emergency Mgmt. Office, Division of Military and Naval Affairs, Public Security Building, State Campus, Albany, NY 12226, (518) 457-2222.	Do.
North Carolina	Captain Walter K. Chapman, Director, Administrative Services, North Carolina Highway Patrol Headquarters, P.O. Box 27687, Raleigh, NC 27611, (919) 733-7952, After hours: (919) 733-3861.	Do.
North Dakota	Dana K. Mount, Director, Division of Environmental Engineering, North Dakota State Department of Health, 1200 Missouri Avenue, Rm 304, Box 5520, Bismarck, ND 58502-5520, (701) 224-2348, After hours: 1-800-472-2121.	Do.

INDIVIDUALS RECEIVING ADVANCE NOTIFICATION
OF NUCLEAR WASTE SHIPMENTS—Continued

States	Part 71	Part 73
Ohio	James R. Williams, Chief of Staff, Disaster Services Agency, 2825 Granville Road, Worthington, OH 43085, (614) 889-7157.	Do.
Oklahoma	The Honorable Paul W. Reed, Jr., Commissioner of Public Safety, Oklahoma Department of Public Safety, 3600 N. Eastern Avenue, Oklahoma City, OK 73111, (405) 424-4011.	DO.
Oregon	William T. Dixon, Administrator, Siting and Regulation, Oregon Department of Energy, 625 Marion Street N.E., Salem, OR 97310, (503) 378-6469.	DO.
Pennsylvania	George M. Johnson, Director, Response and Recovery, Pennsylvania Emergency Management Agency, P.O. Box 3321, Harrisburg, PA 17105, (171) 783-8150, After hours: (717) 783-8150.	DO.
Rhode Island	William A. Maloney, Associate Administrator, MotorCarriers, Division of Public Utilities and Carriers, 100 Orange Street, Providence, RI 02903 (401) 277-3500.	DO.
South Carolina	Heyward G. Shealy, Chief, Bureau of Radiological Health, South Carolina Department of Health & Environmental Control, 2600 Bull Street, Columbia, SC 29201, (803) 758-7806, After hours: (803) 758-5531.	DO.
South Dakota	Robert D. Gunderson, Division Director, Emergency and Disaster Services, Capitol Building, Basement, Pierre, SD 57501, (605) 773-3231.	DO.
Tennessee	John White, Assistant Deputy Director, Tennessee Emergency Management Agency, State Emergency Operations Center, 3041 Sidco Drive, Nashville, TN 37204, (615) 252-3300, After hours: 1-800-258-3300.	DO.
Texas	Dr. Robert Bernstein, Commissioner, Texas Department of Health, Bureau of Radiological Health, 1100 West 49th Street, Austin, TX 78756, (512) 458-7375.	Col. James B. Adams, Director, Texas Department of Public Safety, 5805 N. Lamar Blvd., Austin, TX 78752 (512) 465-2000.
Utah	Larry F. Anderson, Director, Bureau of Radiation Control, State Office Bldg., Rm 3253, P.O. Box 45500, Salt Lake City, UT 84145-0500, (801) 533-6734.	Do.

INDIVIDUALS RECEIVING ADVANCE NOTIFICATION
OF NUCLEAR WASTE SHIPMENTS—Continued

States	Part 71	Part 73
Vermont	Susan C. Crampton, Secretary, Vermont Agency of Transportation, 133 State Street, Montpelier, VT 05602, (802) 828-2657.	DO.
Virginia	Michael M. Cline, Deputy Director, Operations Division, Department of Emergency Services, Commonwealth of Virginia, 310 Turner Road, Richmond, VA 23225, (804) 323-2300.	DO.
Washington	Curtis P. Eschels, Chairman, Energy Facility Site Evaluation Council, Mail Stop PY-11, Olympia, WA 98504, (206) 459-8490.	DO.
West Virginia	Colonel W. F. Donohoe, Superintendent, Department of Public Safety, 725 Jefferson Road, South Charleston, WV 25309, (304) 746-2111.	Do.
Wisconsin	Colette Blum Meister, Administrator, State of Wisconsin/Division of Emergency Government, 4802 Sheboygan Ave., Room 99A, P.O. Box 7865, Madison, WI 53707, (608) 266-3232.	Do.
Wyoming	Julius E. Haes, Jr., Chief, Radiological Health Services, Department of Health & Social Services, Hathaway Building, Cheyenne, WY 82002, (307) 777-7956.	Do.
District of Columbia	Herbert T. Wood, Ph.D., Senior Public Health Advisor, Department of Consumer and Regulatory Affairs, Room 1014, 614 H Street, NW., Washington, DC 20001, (202) 727-7190, After hours: (202) 529-3349.	Do.
Puerto Rico	Santos Rohena, Jr., Chairman, Environmental Quality Board, P.O. Box 11488, Santurce, PR 00910, (809) 722-1175 or (809) 725-5140.	Do.
Guam	James B. Branch, Administrator, Guam Environmental Protection Agency, P.O. Box 2999, Agaña, Guam 96910, (671) 646-7579.	Do.
Trust Territory of the Pacific Islands	R. Kent Harvey, Attorney General, Trust Territory of the Pacific Islands, Saipan, CM 96950, Saipan 9325 or 9384.	Do.
Virgin Islands	Honorable Juan Luis, Governor, Government House, Charlotte Amalie, St. Thomas, Virgin Islands 00801, (809) 774-0001.	Do.
American Samoa	Mr. Pati Faiai, Government Ecologist, Environmental Protection Agency, Office of the Governor, Pago Pago, American Samoa 96799, (684) 633-2304.	Do.

INDIVIDUALS RECEIVING ADVANCE NOTIFICATION OF NUCLEAR WASTE SHIPMENTS—Continued

States	Part 71	Part 73
Commonwealth of the Northern Mariana Islands.	Nicolas M. Leon Guerrero, Director, Department of Natural Resources, Commonwealth of Northern Mariana Islands Government, Saipan, CM 96950, # 9830 or # 9834.	Do.

Questions regarding this matter should be directed to Mindy Landau at (301) 492-9880.

Dated at Bethesda, MD this 18th day of June, 1986.

For the Nuclear Regulatory Commission.
Donald Nussbaumer,
Acting Director, Office of State Programs.
 [FR Doc. 86-14223 Filed 6-23-86; 8:45 am]
 BILLING CODE 7590-01-M

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

White House Science Council (WHSC); Meeting

The White House Science Council, the purpose of which is to advise the Director, Office of Science and Technology Policy (OSTP), will meet on July 17 and 18, 1986 in Room 5104, New Executive Office Building, Washington, D.C. The meeting will begin at 8:00 p.m. on July 17, recess and reconvene at 8:00 a.m. on July 18. Following is the proposed agenda for the meeting:

(1) Briefing of the Council, by the Assistant Directors of OSTP, on the current activities of OSTP.

(2) Briefing of the Council by OSTP personnel and personnel of other agencies on proposed, ongoing, and completed panel studies.

(3) Discussion of composition of panels to conduct studies.

The July 17 session and a portion of the July 18 session will be closed to the public.

The briefing on some of the current activities of OSTP necessarily will involve discussion of material that is formally classified in the interest of national defense or for foreign policy reasons. This is also true for a portion of the briefing on panel studies. As well, a portion of both of these briefings will require discussion of internal personnel procedures of the Executive Office of the President and information which, if prematurely disclosed, would significantly frustrate the

implementation of decisions made requiring agency action. These portions of the meeting will be closed to the public pursuant to 5 U.S.C. 552b(c) (1), (2), and 9 (B).

A portion of the discussion of panel composition will necessitate the disclosure of information of a personal nature, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Accordingly, this portion of the meeting will also be closed to the public, pursuant to 5 U.S.C. 552b(c)(6).

Because of the security in the New Executive Office Building, persons wishing to attend the open portion of the meeting should contact Annie L. Boyd, Secretary, White House Science Council at (202) 456-7740, prior to 3:00 p.m. on July 15. Ms. Boyd is also available to provide specific information regarding time, place and agenda for the open session.

Jerry D. Jennings,

Executive Director, Office of Science and Technology Policy.

June 17, 1986.

[FR Doc. 86-14142 Filed 6-23-86; 8:45 am]

BILLING CODE 3170-01-M

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review

AGENCY: Railroad Retirement Board.

ACTION: In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the Board had submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

Summary of proposal(s)

(1) *Collection title: Application for Search of Census Records (For Railroad Retirement purposes only)*

(2) Form(s) submitted: G-256

(3) Type of request: Extension of the expiration date of a currently approved collection without any change in the substance or in the method of collection.

(4) Frequency of use: On occasion

(5) Respondents: Individuals or households

(6) Annual responses: 300

(7) Annual reporting hours: 50

(8) Collection description: Under the Railroad Retirement Act, an application for benefits based on age must be supported by proof of the age claimed. The application will obtain proof of an applicant's age from the

Bureau of Census when other evidence is unavailable.

(1) *Collection title: Employee's Certification*

(2) Form(s) submitted: G-346

(3) Type of request: Extension of the expiration date of a currently approved collection without any change in the substance or in the method of collection.

(4) Frequency of use: On occasion

(5) Respondents: Individuals or households

(6) Annual responses: 18,000

(7) Annual reporting hours: 1,500

(8) Collection description: Under section 2 of the Railroad Retirement Act, spouses of retired railroad employees may be entitled to an annuity. The collection obtains from the employee information about the employee's previous marriages, if any, to determine if any impediment exists to the marriage between the employee and his or her spouse.

Additional Information or Comments:

Copies of the proposed forms and supporting documents may be obtained from Pauline Lohens, the agency clearance officer (312-751-4692).

Comments regarding the information collection should be addressed to Pauline Lohens, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611 and the OMB reviewer, Judy McIntosh (202-395-6880), Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503.

Pauline Lohens,

Director of Information and Data Management.

[FR Doc. 86-14189 Filed 6-23-86; 8:45 am]

BILLING CODE 7905-01-M

SECURITIES AND EXCHANGE COMMISSION

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Cincinnati Stock Exchange, Inc.

June 18, 1986.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

The Cannon Group, Inc.

Common Stock, \$0.01 Par Value (File No. 7-8003)

The Chubb Corporation
 Capital Stock, \$1.00 Par Value (File No. 7-8004)

CNW Corporation
 \$2.125 Convertible Preferred Stock, \$1.00 Par Value (File No. 7-8005)

Erbament NV
 Common Stock, \$4.00 Par Value (File No. 7-9006)

ERC International, Inc.
 Common Stock, \$0.05 Par Value (File No. 7-9007)

Growth Stock Outlook Trust, Inc.
 Common Stock, \$0.10 Par Value (File No. 7-9008)

Leucadia National Corporation
 Common Stock, \$1.00 Par Value (File No. 7-9009)

Lilly (Eli) & Company
 Warrants (File No. 7-9010)

Milton Roy Company
 Common Stock, \$1.00 Par Value (File No. 7-9011)

Mylan Laboratories, Inc.
 Common Stock, \$0.50 Par Value (File No. 7-9012)

Pannill Knitting Co., Inc.
 Common Stock, \$0.01 Par Value (File No. 9-9013)

Radice Corporation
 Common Stock, \$0.20 Par Value (File No. 7-9014)

L.F. Rothschild, Unterberg, Towbin Holdings, Inc.
 Common Stock, \$1.00 Par Value (File No. 7-9015)

The Ryland Group, Inc.
 Common Stock, \$1.00 Par Value (File No. 7-9016)

TGI Friday's Inc.
 Common Stock, \$0.01 Par Value (File No. 7-9017)

York International Corporation
 Common Stock, \$0.01 Par Value (File No. 7-9018)

St. Joe Gold Corporation
 Common Stock, \$0.10 Par Value (File No. 7-9019)

Sterling Software, Inc.
 Common Stock, \$0.10 Par Value (File No. 7-9020)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested person are invited to submit on or before July 10, 1986, written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted

trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,
Acting Secretary.
 [FR Doc. 86-14207 Filed 6-23-86; 8:45 am]
BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Disaster Loan Area No. 2241]

Missouri; Declaration of Disaster Area

Cape Girardeau, New Madrid and Scott Counties and the adjacent Counties of Bollinger, Perry and Stoddard in the State of Missouri constitute a disaster area as a result of tornadoes, severe storms, high winds, and torrential rains causing severe flooding from May 15 and continuing through May 17, 1986. Applications for loans for physical damage may be filed until the close of business on August 15, 1986 and for economic injury until the close of business on September 2, 1986, at the address listed below:

Disaster Area 3 Office, Small Business Administration, 2306 Oak Lane, Suite 110, Grand Prairie, Texas 75051 or other locally announced locations.

The interest rates are:

	Percent
Homeowners with credit available elsewhere.....	8.000
Homeowners without credit available elsewhere.....	4.000
Businesses with credit available elsewhere.....	8.000
Businesses without credit available elsewhere.....	4.000
Businesses (EIDL) without credit available elsewhere.....	4.000
Other (nonprofit organizations including charitable and religious organizations)	10.500

The number assigned to this disaster is 224112 for physical damage and for economic injury the number is 641400. (Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Dated: June 16, 1986.
 Robert Webber,
Acting Administrator.
 [FR Doc. 86-14158 Filed 6-23-86; 8:45 am]
BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Advisory Circular on Cabin Pressurization Systems in Small Airplanes

Correction

In FR Document 86-12080 appearing on page 19648 in the issue of Friday, May 30, 1986, make the following correction:

In the date paragraph, change the date June 29, 1986, to July 29, 1986. This will change the comment period close date from June 29, 1986, to July 29, 1986.

Issued in Washington, DC, on June 17, 1986.

John H. Cassady,
Assistant Chief Counsel, Regulations and Enforcement Division.
 [FR Doc. 86-14131 Filed 6-23-86; 8:45 am]
BILLING CODE 4910-13-M

[Proposed Advisory Circular 25-XX]

Wing High Lift Devices

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of availability of proposed Advisory Circular (AC) 25-XX, and request for comments.

SUMMARY: This notice announces the availability of and requests comments on a proposed advisory circular (AC) pertaining to certification requirements for wing high lift devices. This notice is necessary to give all interested persons an opportunity to present their views on the proposed AC.

DATES: Comments must be received on or before September 22, 1986.

ADDRESS: Send all comments on the proposed AC to: Federal Aviation Administration, Attention: Transport Standards Staff, ANM-110, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. Comments may be inspected at the above address between 7:30 a.m. and 4:00 p.m. weekdays, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Jan Thor, Transport Standards Staff, at the address above, telephone (206) 431-2127.

SUPPLEMENTARY INFORMATION:

Comments Invited

A copy of the draft AC may be obtained by contacting the person named above under "FOR FURTHER INFORMATION CONTACT." Interested persons are invited to comment on the proposed AC by submitting such written

data, views, or arguments as they may desire. Commenters should identify AC 25-XX and submit comments, in duplicate, to the address specified above. All communications received on or before the closing date for comments will be considered by the Transport Standards Staff before issuing the final AC.

Background

For several years, special considerations have been given to wing high lift devices to ensure that malfunction or failure will not result in an unsafe condition. These considerations are consolidated and incorporated in this AC. Guidance information is provided for showing compliance with structural and functional safety standards for high lift devices and their operating systems. The intent of the requirements and some acceptable means of compliance are discussed.

Issued in Seattle, Washington on June 11, 1986.

Leroy A. Keith,

Manager, Aircraft Certification Division-ANM-100.

[FR Doc. 86-14132 Filed 6-23-86; 8:45 am]

BILLING CODE 4910-13-M

Air Traffic Procedures Advisory Committee; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1), notice is hereby given of a meeting of the Federal Aviation Administration (FAA) Air Traffic Procedures Advisory Committee (ATPAC) to be held from July 21, at 9 a.m., through July 25, 1986, at 4 p.m., at FAA headquarters, 800 Independence Avenue, SW., Washington, DC.

The agenda for this meeting is as follows: A continuation of the Committee's review of present air traffic control procedures and practices for standardization, clarification, and upgrading of terminology and procedures. It will also include:

1. Approval of minutes.
2. Discussion of agenda items.
3. Discussion of urgent priority items.
4. Report from Executive Director.
5. Old Business.
6. New Business.
7. Discussion and agreement of location and dates for subsequent meetings.

Attendance is open to the interested public, but limited to the space available. With the approval of the Chairperson, members of the public may present oral statements at the meeting.

Persons desiring to attend and persons desiring to present oral statements should notify, not later than July 18, 1986. Mr. Walter H. Mitchell, Executive Director, ATPAC, Air Traffic, Acting ATO-300, 800 Independence Avenue, SW., Washington, DC, 20591, telephone (202) 426-3725. Information may be obtained from the same source.

The next quarterly meeting of the FAA ATPAC is planned to be held from October 20 through October 24, 1986, in Washington, DC.

Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, DC, on June 16, 1986.

Walter H. Mitchell,

Executive Director, Air Traffic Procedures Advisory Committee.

[FR Doc. 86-14133 Filed 6-23-86; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement, Dallas County, TX

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Dallas County, Texas.

FOR FURTHER INFORMATION CONTACT:

Mr. William L. Hall, Jr., District Engineer, Federal Highway Administration, 826 Federal Office Building, Austin, Texas 78701, Telephone (512) 482-5988.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Texas State Department of Highways and Public Transportation (TSDHPT), will prepare an environmental impact statement (EIS) on a proposal to construct SH161 on new location in Dallas County, Texas. The proposed project would consist of a controlled-access freeway through the cities of Grand Prairie and Irving, Texas, from IH635 to IH20, a distance of approximately 18 miles. The construction of the freeway is considered necessary to provide north-south freeway access for projected traffic demand.

Alternatives under consideration include (1) taking no action, (2) a Transportation Systems Management (TSM) alternative and (3) location alternatives extending from SH360 in Tarrant County to FM1382/Belt Line Road in Dallas County. Within this corridor, alternative alignments include

(a) improvements to SH360, an existing roadway in Tarrant County; (b) upgrading existing Belt Line Road in Dallas County to freeway standards; and (c) the previously proposed corridor of SH161 in Dallas County. Other alignments will be considered within the context of the study corridor in addition to the above listed alignments.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, state, and local agencies, and to private organizations and citizens who have previously expressed an interest in this proposal. Two public meetings and one public hearing will also be held. Public notice will be given of the time and place of the meetings and hearing. The draft EIS will be available for public and agency review and comment. No formal scoping meeting is planned at this time.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

John J. Conrado,

Division Administrator, Austin, Texas.

[FR Doc. 86-14149 Filed 6-23-86; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

Debt Management Advisory Committee; Meeting

Notice is hereby given, pursuant to section 10 of Pub. L. 92-463, that a meeting will be held at the Federal Reserve Bank of New York on July 8, 1986 of the following debt management advisory committee:

Public Securities Association, U.S.

Government and Federal Agencies, Securities Committee

The agenda for the Public Securities Association U.S. Government and Federal Agencies Securities Committee meeting provides for a working session on July 8 and the preparation of a written report to the Secretary of the Treasury.

Pursuant to the authority placed in Heads of Departments by section 10(d) of Pub. L. 92-463, and vested in me by Treasury Department Order 101-5, I hereby determine that this meeting is concerned with information exempt from disclosure under section 552b(c)(4) and (9)(A) of Title 5 of the United States

Code, and that the public interest requires that such meetings be closed to the public.

My reasons for this determination are as follows. The Treasury Department requires frank and full advice from representatives of the financial community prior to making its final decision on major financing operations. Historically, this advice has been offered by debt management advisory committees established by the several major segments of the financial community, which committees have been utilized by the Department at meetings called by representatives of the Secretary. When so utilized, such a committee is recognized to be an advisory committee under Pub. L. 92-463. The advice provided consists of commercial and financial information given and received in confidence. As such debt management advisory committee activities concern matters which fall within the exemption covered by section 552b(c)(4) of Title 5 of the United States Code for matters which are "trade secrets and commercial or financial information obtained from a person and privileged or confidential."

Although the Treasury's final announcement of financing plans may not reflect the recommendations provided in reports of an advisory committee, premature disclosure of these reports would lead to significant financial speculation in the securities market. Thus, these meetings also fall within the exemption covered by section 552b(c)(9)(A) of Title 5 of the United States Code.

The Assistant Secretary (Domestic Finance) shall be responsible for maintaining records of debt management advisory committee meetings and for providing annual reports setting forth a summary of committee activities and such other matters as may be informative to the public consistent with the policy of section 552b of Title 5 of the United States Code.

Dated: June 18, 1986.

Charles O. Sethness,

Assistant Secretary (Domestic Finance).

[FR Doc. 86-14134 Filed 6-23-86; 8:45 am]

BILLING CODE 4810-25-M

[Department Circular—Public Debt Series—
No. 22-86]

**Treasury Notes of June 30, 1990,
Series P-1990**

Washington, June 18, 1986.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of Chapter 31 of Title 31, United States Code, invites tenders for approximately \$7,250,000,000 of United States securities, designated Treasury Notes of June 30, 1990, Series P-1990 (CUSIP No. 912827 TU 6), hereafter referred to as Notes. The Notes will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the yield of each accepted bid. The interest rate on the Notes and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of the Notes may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the Notes may be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

2. Description of Securities

2.1. The Notes will be dated June 30, 1986, and will accrue interest from that date, payable on a semiannual basis on December 31, 1986, and each subsequent 6 months on June 30 and December 31 through the date that the principal becomes payable. They will mature June 30, 1990, and will not be subject to call for redemption prior to maturity. In the event any payment date is a Saturday, Sunday, or other nonbusiness day, the amount due will be payable (without additional interest) on the next succeeding business day.

2.2. The Notes are subject to all taxes imposed under the Internal Revenue Code of 1954. The Notes are exempt from all taxation now or hereafter imposed on the obligation or interest thereof by any State, any possession of the United States, or any local taxing authority, except as provided in 31 U.S.C. 3124.

2.3. The notes will be acceptable to secure deposits of Federal public monies. They will not be acceptable in payment of Federal taxes.

2.4. Notes in registered definitive form will be issued in denominations of \$1,000, \$5,000, \$10,000, \$100,000 and \$1,000,000. Notes in book-entry form will be issued in multiples of those amounts. Notes will be issued in bearer form.

2.5. Denominational exchanges of registered definitive Notes, exchanges of Notes between registered definitive and book-entry forms, and transfers will be permitted.

2.6. The Department of the Treasury's general regulations governing United States securities apply to the Notes

offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20239, prior to 1:00 p.m., Eastern Daylight Saving time, Tuesday, June 24, 1986. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Monday, June 23, 1986, and received no later than Monday, June 30, 1986.

3.2. The par amount of Notes bid for must be stated on each tender. The minimum bid is \$1,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10%. Fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield.

3.3. A single bidder, as defined in Treasury's single bidder guidelines, shall not submit noncompetitive tenders totaling more than \$1,000,000. A noncompetitive bidder may not have entered into an agreement, nor make an agreement to purchase or sell or otherwise dispose of any noncompetitive awards of this issue prior to the deadline for receipt of tenders.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and are on the list of reporting dealers published by the Federal Reserve Bank of New York, may submit tenders for accounts of customers if the names of the customers and the amount for each customer are furnished. Others are permitted to submit tenders only for their own account.

3.5. Tenders for their own account will be received without deposit from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from all others must be accompanied by full payment for the

amount of Notes applied for, or by a guarantee from a commercial bank or a primary dealer of 5 percent of the par amount applied for.

3.6. Immediately after the deadline for receipt of tenders, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established, at a $\frac{1}{8}$ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.000. That stated rate of interest will be paid on all of the Notes. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance of their bids. Those submitting noncompetitive tenders will be notified only if the tender is not accepted in full, or when the price at the average yield is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of Notes specified in section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this section is final.

5. Payment and Delivery

5.1. Settlement for the Notes allotted must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on Notes allotted to institutional investors and to others whose tenders are accompanied by a guarantee as provided in section 3.5, must be made or completed on or before Monday, June 30, 1986. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Thursday, June 26, 1986. In addition, Treasury Tax and Loan Note Option Depositories may make payment for the Notes allotted for their own accounts and for accounts of customers by credit to their Treasury Tax and loan Note Accounts on or before Monday, June 30, 1986. When payment has been submitted with the tender and the purchase price of the Notes allotted is over par, settlement for the premium must be completed timely, as specified above. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the par amount of Notes allotted shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered definitive securities tendered in payment for the Notes allotted are not required to be assigned if the new Notes are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new Notes are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (Notes offered by this circular) in the name of (name and taxpayer identifying number)". Specific instructions for the issuance and delivery of the new Notes, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment must be delivered at the expense and risk of the holder.

5.4. Registered definitive Notes will not be issued if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (e.g., an individual's social security number or an employer identification number) is not furnished. Delivery of the Notes in registered definitive form will be made after the requested form of registration has been validated, the registered interest account has been established, and the Notes have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized, as directed by the Secretary of the Treasury, to receive tenders, to make allotments, to issue such notices as may be necessary, to receive payment for, to issue and deliver the Notes on full-paid allotments, and to maintain, service, and make payment on the Notes.

6.2. The Secretary of the Treasury may at any time supplement or amend provisions of this circular if such supplements or amendments do not adversely affect existing rights of holders of the Notes. Public announcement of such changes will be promptly provided.

6.3. The Notes issued under this circular shall be obligations of the United States, and, therefore, the faith of the United States Government is pledged to pay, in legal tender, principal and interest on the Notes.

John A. Kilcoyne,
Acting Fiscal Assistant Secretary.
[FR Doc. 86-14331 Filed 6-20-86; 1:33 pm]
BILLING CODE 4810-40-M

[Department Circular—Public Debt Series—
No. 23-86]

Treasury Notes of July 15, 1993, Series G-1993

Washington, June 18, 1986.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of Chapter 31 of Title 31, United States Code, invites tenders for approximately \$6,750,000,000 of United States securities, designated Treasury Notes of July 15, 1993, Series G-1993 (CUSIP No. 912827 TV 4), hereafter referred to as Notes. The notes will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the yield of each accepted bid. The interest rate on the Notes and the price equivalent of each accepted bid will be

determined in the manner described below. Additional amounts of the Notes may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the Notes may be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

2. Description of Securities

2.1. The Notes will be dated July 7, 1986, and will accrue interest from that date, payable on a semiannual basis on January 15, 1987, and each subsequent 6 months on July 15 and January 15 through the date that the principal becomes payable. They will mature July 15, 1993, and will not be subject to call for redemption prior to maturity. In the event any payment date is a Saturday, Sunday, or other nonbusiness day, the amount due will be payable (without additional interest) on the next succeeding business day.

2.2. The Notes are subject to all taxes imposed under the Internal Revenue Code of 1954. The Notes are exempt from all taxation now or hereafter imposed on the obligation or interest thereof by any State, any possession of the United States, or any local taxing authority, except as provided in 31 U.S.C. 3124.

2.3. The Notes will be acceptable to secure deposits of Federal public monies. They will not be acceptable in payment of Federal taxes.

2.4. Notes in registered definitive form will be issued in denominations of \$1,000, \$5,000, \$10,000, \$100,000, and \$1,000,000. Notes in book-entry form will be issued in multiples of those amounts. Notes will not be issued in bearer form.

2.5. Denominational exchanges of registered definitive Notes, exchanges of Notes between registered definitive and book-entry forms, and transfers will be permitted.

2.6. The Department of the Treasury's general regulations governing United States securities apply to the Notes offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20239, prior to 1:00 p.m., Eastern Daylight Saving time, Wednesday, June 25, 1986. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, June

24, 1986, and received no later than Monday, July 7, 1986.

3.2. The par amount of Notes bid for must be stated on each tender. The minimum bid is \$1,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10%. Fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield.

3.3. A single bidder, as defined in Treasury's single bidder guidelines, shall not submit noncompetitive tenders totaling more than \$1,000,000. A noncompetitive bidder may not have entered into an agreement, nor make an agreement to purchase or sell or otherwise dispose of any noncompetitive awards of this issue prior to the deadline for receipt of tenders.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and are on the list of reporting dealers published by the Federal Reserve Bank of New York, may submit tenders for accounts of customers if the names of the customers and the amount for each customer are furnished. Others are permitted to submit tenders only for their own account.

3.5. Tenders for their own account will be received without deposit from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from all others must be accompanied by full payment for the amount of Notes applied for, or by a guarantee from a commercial bank or a primary dealer of 5 percent of the par amount applied for.

3.6. Immediately after the deadline for receipt of tenders, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at

the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established, at a 1/8 of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 98.250. That stated rate of interest will be paid on all of the Notes. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance of their bids. Those submitting noncompetitive tenders will be notified only if the tender is not accepted in full, or when the price at the average yield is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of Notes specified in section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this section is final.

5. Payment and Delivery

5.1. Settlement for the Notes allotted must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on Notes allotted to institutional investors and to others whose tenders are accompanied by a guarantee as provided in section 3.5. must be made on or completed on or before Monday, July 7, 1986. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately

available to the Treasury; in Treasury bills, notes, or bonds maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Wednesday, July 2, 1986. In addition, Treasury Tax and Loan Note Option Depositories may make payment for the Notes allotted for their own accounts and for accounts of customers by credit to their Treasury Tax and Loan Note Accounts on or before Monday, July 1986. When payment has been submitted with the tender and the purchase price of the Notes allotted is over par, settlement for the premium must be completed timely, as specified above. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the par amount of Notes allotted shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered definitive securities tendered in payment for the Notes allotted are not required to be assigned if the new Notes are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new Notes are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (Notes offered by this circular) in the name of (name and taxpayer identifying number)". Specific instructions for the issuance and delivery of the new Notes, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment must be delivered at the expense and risk of the holder.

5.4. Registered definitive Notes will not be issued if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (e.g., an individual's social security number or an employer identification number) is not furnished. Delivery of the Notes in registered definitive form will be made after the requested form of registration has been validated, the registered

interest account has been established, and the Notes have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized, as directed by the Secretary of the Treasury, to receive tenders, to make allotments, to issue such notices as may be necessary, to receive payment for, to issue and deliver the Notes on full-paid allotments, and to maintain, service, and make payment on the Notes.

6.2. The Secretary of the Treasury may at any time supplement or amend provisions of this circular if such supplements or amendments do not adversely affect existing rights of holders of the Notes. Public announcement of such changes will be promptly provided.

6.3. The Notes issued under this circular shall be obligations of the United States, and, therefore, the faith of the United States Government is pledged to pay, in legal tender, principal and interest on the Notes.

Dated: , 1986

John A. Kilcoyne,

Acting Fiscal Assistant Secretary.

[FR Doc. 86-14330 Filed 6-20-86; 1:33 pm]

BILLING CODE 4810-40-M

Sunshine Act Meetings

Federal Register

Vol. 51, No. 121

Tuesday, June 24, 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).

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 86-14263 Filed 6-20-86; 9:39 am]

BILLING CODE 6712-01-M

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 86-14346 Filed 6-20-86; 3:28 am]

BILLING CODE 6714-01-M

CONTENTS

	Item
Federal Communications Commission	1
Federal Deposit Insurance Corporation	2
Federal Energy Regulatory Commission	3
International Trade Commission	4
Nuclear Regulatory Commission	5
Postal Rate Commission	6

I

FEDERAL COMMUNICATIONS COMMISSION

June 19, 1986.

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Thursday, June 26, 1986, which is scheduled to commence at 9:30 A.M., in Room 856, at 1919 M Street, NW., Washington, DC.

Agenda, Item No., and Subject

Common Carrier—1—Title: Amendment of the Commission's Rules for Rural Cellular Service (CC Docket No. 85-388). Summary: The Commission will consider whether to adopt a *Report and Order* in this proceeding which establishes defined boundaries for rural Cellular Service, sets up a program for filing and processing these applications and establishes other substantive requirements.

Mass Media—1—Title: Notice of Proposed Rule Making for the Low Power Television and Television Translator Service. Summary: The Commission will consider whether to propose rules to alter the application filing window procedures in the low power television and television translator service and to allow the modification of a low power television or television translator license or construction permit displaced by a full service television station or by the land mobile radio service to specify a new channel.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Judith Kurtich, FCC Office of Congressional and Public Affairs, Telephone number (202) 254-7674.

Issued: June 19, 1986.

2

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 4:47 p.m. on Thursday, June 19, 1986, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to:

(A)(1) receive bids for the purchase of certain assets of and the assumption of the liability to pay deposits made in First National Bank of Borger, Borger, Texas, which was closed by the Deputy Comptroller of the Currency, Office of the Comptroller of the Currency, on Thursday, June 19, 1986; (2) accept the bid for the transaction submitted by First National Bank of Borger, Borger, Texas, a newly-chartered national bank; and (3) provide such financial assistance pursuant to section 13(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(2)), as was necessary to facilitate the purchase and assumption transaction; and

(B) adopt a resolution making funds available for the payment of insured deposits made in the First National Bank of Chanute, Chanute, Kansas, which was closed by the Deputy Comptroller of the Currency, Office of the Comptroller of the Currency, on Thursday, June 19, 1986.

In calling the meeting, the Board determined, on motion of Chairman L. William Seidman, seconded by Mr. Robert J. Herrmann, acting in the place and stead of Director Robert L. Clarke (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: June 20, 1986.

3

FEDERAL ENERGY REGULATORY COMMISSION

June 18, 1986.

The following notice of meeting is published pursuant to section 3(a) of the Government in the Sunshine Act (Pub. L. No. 94-409), 5 U.S.C. 552B:

TIME AND DATE: June 25, 1986, 10:00 a.m.

PLACE: 825 North Capitol Street, NE., Room 9306, Washington, DC 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

* **Note.**—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary, Telephone (202) 357-8400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Division of Public Information.

Consent Power Agenda, 838th Meeting—June 25, 1986, Regular Meeting (10:00 a.m.)

CAP-1.

Project No. 2427-004, Woods Falls B. Hydro, Inc.

Project No. 8763-002, Power Mining, Inc.

CAP-2.

Project No. 2548-007, Georgia-Pacific Corporation

CAP-3.

Project No. 4349-005, Long Lake Energy Corporation

CAP-4.

Project No. 9668-002, Niagara Creek Associates

CAP-5.

Project No. 9778-001, Trafalgar Power, Inc.

CAP-6.

Project No. 3671-014, Borough of Central City and Allegheny Hydro Partners

CAP-7.

Project No. 5698-001, Triton Power Company.

Project No. 4332-002, Long Lake Energy Corporation

CAP-8.

Project No. 8256-003, Electro Technologies, Ltd.

Project No. 8244-002, Hydropool

CAP-9.
Project No. 6923-001, John C. Simmons

CAP-10.
Project No. 7149-002, Brazos River Authority

CAP-11.
Project No. 9026-001, Carex Hydro

CAP-12.
Project No. 2713-003, Niagara Mohawk Power Corporation

CAP-13.
Omitted

CAP-14.
Omitted

CAP-15.
Project No. 2833-002, Public Utility District No. 1 of Lewis County, Washington

CAP-16.
Project No. 9034-001, Jason M. Hines

CAP-17.
Project No. 8121-001, Warren B. Nelson

CAP-18.
Docket No. ER86-353-001, Baltimore Gas and Electric Company

CAP-19.
Docket Nos. ER86-243-001 and ER86-462-000, Tampa Electric Company

CAP-20.
Docket No. ER86-424-000, Middle South Energy, Inc.

CAP-21.
Docket No. ER86-372-001, Virginia Electric and Power Company

CAP-22.
Omitted

CAP-23.
Docket Nos. ER84-604-008 and 010, Southwestern Public Service Company

CAP-24.
Docket No. ER84-75-000, Southern California Edison Company

CAP-25.
Docket No. ER86-273-002, Kansas City Power & Light Company

CAP-26.
Docket No. ER86-239-001, New England Power Company

CAP-27.
Docket No. ER86-202-001, Montaup Electric Company

CAP-28.
Docket No. RE80-22-002, Commonwealth Edison Company

CAP-29.
Docket No. QF86-115-000, Third Imperial Geothermal Company

CAP-30.
Omitted

CAP-31.
Omitted

CAP-32.
Docket No. EL86-33-000, EUA Power Corporation

Consent Miscellaneous Agenda

CAM-1.
Docket No. FA84-46-001, Iowa-Illinois Gas and Electric Company

CAM-2.
Docket No. RM85-1-000, (Parts A-D), Regulation of Natural gas pipelines after partial wellhead decontrol (PGC Pipeline Co.)

CAM-3.
Docket No. RM79-76-099 (Louisiana-7), high-cost gas produced from tight formations

CAM-4.
Docket No. GP83-59-002, Texas Railroad Commission, William Perlman, Section 107 NGPA determination, ADA Cauthorn No. 4-1 Well, FERC No. JD82-41108

CAM-5.
Docket No. RO86-6-000, Erickson Refining Corporation

CAM-6.
Docket No. RO85-20-000, Benton Pruet d.b.a. P&R Trading Company

CAM-7.
Docket No. RO82-87-001, St. Louis Fuel and Supply Company, Inc. and Diesel Fuel Services, Inc.

CAM-8.
Docket No. RO82-75-001, Argo Petroleum Corporation, et al.

Consent Gas Agenda

CAG-1.
Omitted

CAG-2.
Omitted

CAG-3.
Docket No. RP 86-62-002, Northwest Pipeline Corporation

CAG-4.
Docket No. RP 86-77-000, Transwestern Pipeline Company

CAG-5.
Docket No. RP 86-79-000, Northern Natural Gas Company, Division of Internorth, Inc.

CAG-6.
Docket No. RP 86-82-000, Wyoming Interstate Company, Ltd.
Docket No. RP 86-95-000, Canyon Creek Compression Company
Docket No. RP 86-96-000, Trailblazer Pipeline Company

CAG-7.
Docket No. RP 86-83-000, United Gas Pipe Line Company

CAG-8.
Docket No. RP 86-84-000, Florida Gas Transmission Company

CAG-9.
Docket No. RP 86-85-000, Texas Gas Transmission Corporation

CAG-10.
Docket No. RP 86-86-000, Sabine Pipe Line Company

CAG-11.
Docket No. RP 86-87-000, Mountain Fuel Resources, Inc.

CAG-12.
Docket No. RP 86-88-000, Overthrust Pipeline Company

CAG-13.
Docket No. RP 86-89-000, Williston Basin Interstate Pipeline Company

CAG-14.
Docket No. RP 86-90-000, Black Marlin Pipeline Company

CAG-15.
Docket No. RP 86-91-000, Midwestern Gas Transmission Company

CAG-16.
Docket No. RP 86-92-000, Northwest Pipeline Corporation

CAG-16.
Docket No. RP 86-92-000, Northwest Pipeline Corporation

CAG-17.
Docket No. RP 86-93-000, United Gas Pipeline Company

CAG-18.
Docket No. RP 86-94-000, Sea Robin Pipeline Company

CAG-19.
Docket No. RP 86-97-000, Natural Gas Pipeline Company

CAG-20.
Docket No. RP 86-98-000, Michigan Gas Storage Company

CAG-21.
Docket No. RP 86-99-000, Granite State Gas Transmission, Inc.

CAG-22.
Docket No. RP 86-100-000 and 001, Tennessee Gas Pipeline Company, a division of Tenneco Inc.

CAG-23.
Docket No. RP 86-101-000, Superior Offshore Pipeline Company

CAG-24.
Docket No. RP 86-102-000, Equitable Gas Company Division of Equitable Resources, Inc.

CAG-25.
Docket No. RP 86-103-000, Great Lakes Gas Transmission Company

CAG-26.
Docket No. RP 86-105-000, ANR Pipeline Company

CAG-27.
Docket No. RP 86-106-000, Arkla Energy Resources, a division of Arkla, Inc.

CAG-28.
Docket No. RP 86-107-000, Algonquin Gas Transmission Company

CAG-29.
Docket No. RP 86-109-000, Kentucky West Virginia Gas Company

CAG-30.
Docket No. RP 86-110-000, Texas Eastern Transmission Corporation

CAG-31.
Docket No. RP 86-111-000, Transcontinental Gas Pipe Line Corporation

CAG-32.
Docket No. RP 86-112-000, Columbia Gas Transmission
Docket No. RP 86-108-000, Columbia Gulf Transmission Company

CAG-33.
Docket No. RP 86-113-000, Gas Transport, Inc.

CAG-34.
Docket No. RP 86-114-000, Southern Natural Gas Company

CAG-35.
Docket No. RP 86-115-000, Truckline Gas Company

CAG-36.
Docket No. RP 86-116-000, Panhandle Eastern Pipeline Company

CAG-37.
Docket No. RP 86-118-000, Consolidated Gas Transmission Corporation

CAG-38.
Docket No. RP 86-120-000, Gas Gathering Corporation

CAG-39.
Docket No. RP 86-121-000, Eastern Shore Natural Gas Company

CAG-40.
Docket No. CP 85-57-008, Natural Gas Pipeline Company of America

CAG-41.

Docket No. TA84-1-53-017 (PGA84-1), K N Energy, Inc.
CAG-42.
 Docket Nos. TA86-2-12-000 and 001 (PGA86-2), Distrigas Corporation and Distrigas of Massachusetts Corporation
CAG-43.
 Omitted
CAG-44.
 Docket Nos. TA86-3-1-000, 001 and RP86-124-000, Alabama-Tennessee Natural Gas Company
CAG-45.
 Docket Nos. TA86-3-4-000 and 001, Granite State Gas Transmission, Inc.
CAG-46.
 Docket Nos. TA86-3-8-000 and 001, South Georgia Natural Gas Company
CAG-47.
 Docket Nos. TA86-3-9-000 and 001 (PGA86-3 an IPR86-2), Tennessee Gas Pipeline Company, a division of Tenneco Inc.
CAG-48.
 Docket Nos. TA86-4-2-000 and 001 (PGA86-4), East Tennessee Natural Gas Company
CAG-49.
 Docket No. TA86-4-11-000 and 001, United Gas Pipe Line Company 50
CAG-50.
 Docket Nos. TA86-2-6-5-000 and 001 (PGA86-6 and IPR86-2), Midwestern Gas Transmission Company
CAG-51.
 Docket Nos. TA86-2-6-000 and 001, Sea Robin Pipe Line Company
CAG-52.
 Docket No. RP85-149-009, East Tennessee Natural Gas Company
CAG-53.
 Docket No. RP 86-62-001, Northwest Pipeline Corporation
CAG-54.
 Docket No. RP 86-63-001, Southern Natural Gas Company
CAG-55.
 Docket No. TA-86-3-43-003 and 004, Northwest Central Pipeline Corporation
CAG-56.
 Docket No. TA86-5-29-005, Transcontinental Gas Pipeline Corporation
CAG-57.
 Docket No. TA86-3-33-002, Panhandle Eastern Pipe Line Company
CAG-58.
 Docket Nos. TA86-3-33-002, 003, 004, TA85-2-33-003, 004, TA85-1-33-008, TA84-2-33-012 and TA84-1-33-010, El Paso Natural Gas Company
CAG-59.
 Docket Nos. RP82-71-017, TA83-1-59-006, TA84-1-59-005 and TA85-1-59-005, Northern Natural Gas Company, division of Internorth, Inc.
CAG-60.
 Docket No. TA86-1-52-002, Western Gas Interstate Company
CAG-61.
 Docket Nos. RP74-85-010 and 011, Western Gas Interstate Company
CAG-62.
 Docket No. RP85-149-008, East Tennessee Natural Gas Company
CAG-63.

Docket Nos. ST85-956-002, ST85-1572-002 and ST86-6-002, Acadian Gas Pipeline System
CAG-64.
 Docket No. ST79-23-005, Louisiana Intrastate Gas Pipeline RP
CAG-65.
 Docket Nos. ST86-912-000, ST86-913-000 and ST86-914-000, Producer's Gas Company
CAG-66.
 Docket No. IN83-1-058 (Phase II), Amoco Production Company, James C. Strom and South Texas Oil and Gas Producing Company
CAG-67.
 Docket Nos. CP86-83-001, CP86-106-001, CP86-107-001, CP86-108-001, CP86-131-001, CP86-132-001, CP86-133-001, CP86-134-001, CP86-135-001, CP86-136-001, CP86-137-001 and CP86-186-001, Natural Gas Pipeline Company of America
CAG-68.
 Docket Nos. CP84-258-002, CP86-216-001, 002, 003, CP86-217-001, 002, 003, CP86-222-001, 002, 003, CP86-223-001, 002, CP86-242-001, 002, CP86-243-001, 002, CP86-255-001, 002, 003, CP86-256-001, 002 and 003, Panhandle Eastern Pipe Line Company
CAG-69.
 Docket Nos. CP84-386-000 through 004, ANR Pipeline Company
 Docket Nos. CP86-394-001 through 003, Techstaff Transmission Company
CAG-70.
 Docket Nos. CP85-621-000, CP85-674-000, CP85-713-000, 001, CP85-714-000, 001, CP85-716-000, CP85-828-000, CP85-889-000, CP86-10-000, CP86-53-000 and CP86-85-000, ANR Pipeline Company
CAG-71.
 Docket Nos. CP85-608-000 and 005, National Fuel Gas Supply Corporation
CAG-72.
 Docket No. CP86-364-000, Seagull Interstate Corporation
CAG-73.
 Docket No. CP86-891-000, Valley Gas Transmission, Inc.
CAG-74.
 Docket No. CP86-356-000, Northern Natural Gas Company, Division of Internorth, Inc.
CAG-75.
 Docket No. CP85-186-003, Valero Interstate Transmission Company
 Docket Nos. CI85-206-001, CI85-207-001 and CI85-213-001, Shell Western E&P, Inc.

I. Licensed Project Matters

P-1.
 Project No 8712-000, Phillip Leavitt Young
P-2.
 Project No. 4586-001, Dennis V. McGrew, Thomas M. McMaster and Kenneth R. Koch

II. Electric Rate Matters

ER-1.
 Docket Nos. ER86-332-001, ER86-334-001 and ER86-316-001, Southern California Edison Company
ER-2.
 Docket No. ER84-450-000, Union Electric Company

ER-3.
 Docket No. EL86-19-000, New England Hydro-Transmission Corporation and New England Hydro-Transmission Electric Company, Inc.

ER-4.
 Docket Nos. QF 84-147-000 through 009, Alcon (Puerto Rico), Inc.

ER-5.
 Docket No. QF85-4-000, Fayette Manufacturing Corporation

ER-6.
 Omitted

ER-7. Docket No. QF85-210-000, Pynoyl Corporation

Miscellaneous Agenda

M-1.
 Reserved

M-2.
 Reserved

M-3. Docket No. CP86-34-000, Frank Spooner (Spirit Petroleum), Louisian Pacific M No. 1 well, JA Docket No. 79-2311, FERC No. JD80-34332

I. Pipeline Rate Matters

RP-1.
 Docket No. RP86-119-000, Tennessee Gas Pipeline Company, a Division of Tenneco Inc.

RP-2.
 Docket Nos. ST81-260-006, 007, CP82-206-003 and 004, Mustang Fuel Corporation

RP-3.
 Docket Nos. OR78-1-041, 042 and 043, Trans Alaska Pipeline System
 Docket No IS84-13-000, Sohio Pipe Line Company

II. Producer Matters

CI-1.
 Docket No. CI80-151-001, Mitchell Energy Corporation

CI-2.
 Docket No. CI78-1179-001, Dorchester Gas Producing Company

CI-3.
 Docket No. CI86-168-000, Tenngasco Corporation and Tenngasco Exchange Corporation

III. Pipeline Certificate Matters

CP-1.
 Docket No. CP86-414-000, Natural Gas Pipeline Company of America
 Docket No. CP84-67-008, Pelican Interstate Gas System

CP-2.
 Docket No. CP86-299-000, Colorado Interstate Gas Company
 Docket No. CP86-315-000, Northwest Pipeline Corporation

CP-3.
 Docket No. CP83-263-001, Northern Border Pipeline Company

CP-4.
 Docket No. RP86-74-000, Algonquin Gas Transmission Company v. Texas Eastern Transmission Corporation

Docket No. TC86-3-000, Texas Eastern Transmission Corporation CP-5.
Docket Nos. RP85-210-000 and CP86-116-000, Ringwood Gathering Company
Kenneth F. Plumb,
Secretary.
[FR Doc. 86-14244 Filed 6-19-86; 4:49 pm]
BILLING CODE 6717-01-M

4

INTERNATIONAL TRADE COMMISSION

[USITC SE-86-25]

TIME AND DATE: Wednesday, July 2, 1986, at 10:00 a.m.**PLACE:** Room 117, 701 E Street, NW., Washington, DC 20436.**STATUS:** Open to the public.**MATTER TO BE CONSIDERED:**

1. Agenda
2. Minutes
3. Ratifications
4. Petitions and Complaints:
 - a. Certain chromatogram analyzers and components thereof (Docket No. 1323)
5. Investigations 303-TA-17 and 18 (P), 701-TA-275/278 (P) and 731-TA-327/334 (Certain fresh cut flowers from Canada, Chile, Colombia, Costa Rica, Ecuador, Israel, Kenya, Mexico, Netherlands, and Peru)—briefing and vote.
6. Investigation 731-TA-335 (P) (Tubeless steel disc wheels from Brazil)—briefing and vote.
7. Investigation 731-TA-287 (F) (In-shell pistachio nuts from Iran)—briefing and vote.
8. Items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523-0161.

Kenneth R. Mason,
Secretary.

June 18, 1986.

[FR Doc. 86-14348 Filed 6-20-86; 3:43 pm]

BILLING CODE 7020-02-M

5

NUCLEAR REGULATORY COMMISSION**DATE:** Weeks of June 23, 30, July 7, and 14, 1986.**PLACE:** Commissioner's Conference Room, 1717 H Street, NW., Washington, DC.**STATUS:** Open and Closed.**MATTER TO BE CONSIDERED:****Week of June 23***Wednesday, June 25*

3:30 p.m.

Affirmation/Discussion and Vote (Public Meeting)

- a. Fitness for Duty of Nuclear Power Plant Personnel (Tentative)

Week of June 30—Tentative*Tuesday, July 1*

10:00 a.m.

Discussion of Management-Organization and Internal Personnel Matters (Closed—Ex. 2 & 6)

Wednesday, July 2

3:30 p.m.

Affirmation Meeting (Public Meeting) (if needed)

Week of July 7—Tentative*Tuesday, July 8*

10:00 a.m.

Discussion/Possible Vote on Full Power Operating License for Hope Creek (Public Meeting)

Wednesday, July 9

10:00 a.m.

Briefing on Accident Source Term Reassessment (NUREG-0956) (Public Meeting)

Thursday, July 10

2:00 p.m.

Affirmation Meeting (Public Meeting) (if needed)

Week of July 14—Tentative*Tuesday, July 15*

2:00 p.m.

Briefing by DOE on Status of High Level Waste Program (Public Meeting)

Thursday, July 17

10:00 a.m.

Briefing on Status of EEO Program (Public Meeting)

2:00 p.m.

Briefing on Near Term Operating Licenses (NTOL's) (Open/Portion May Be Closed—Ex. 5 & 7)

3:30 p.m.

Affirmation Meeting (Public Meeting) (if needed)

ADDITIONAL INFORMATION: Affirmation of "Diablo Canyon Stay Request" (Public Meeting) was held on June 19.

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.
June 19, 1986.

[FR Doc. 86-14345 Filed 6-20-86; 3:09 pm]

BILLING CODE 7590-01-M

6

POSTAL RATE COMMISSION**TIME AND DATE:** 10:00 a.m., Thursday, June 26, 1986.**PLACE:** Commission Conference Room, 1333 H Street, NW., Suite 300, Washington, DC.**STATUS:** Open.

MATTERS TO BE CONSIDERED: Consideration of final rule in the periodic reporting rules in Docket No. RM86-3.

CONTACT PERSON FOR MORE INFORMATION: Charles L. Clapp, Secretary, Postal Rate Commission, Room, 300, 1333 H Street, NW., D.C. 20268-0001, Telephone (202) 789-6840.
Charles L. Clapp,
Secretary.

[FR Doc. 86-14308 Filed 6-20-86; 12:01 pm]

BILLING CODE 7715-01-M

REGISTRATION
RECORDS

Tuesday
June 24, 1986

Part II

**Department of
Energy**

**Implementation of Procedures for DOE's
Management of the Low-Level
Radioactive Waste Surcharge Escrow
Account; Notice**

DEPARTMENT OF ENERGY**Implementation of Procedures for DOE's Management of the Low-Level Radioactive Waste Surcharge Escrow Account****AGENCY:** Office of Nuclear Energy, DOE.**ACTION:** Notice of procedures for the low-level radioactive waste escrow account.

SUMMARY: The Department of Energy (DOE) gives notice of procedures to be followed in complying with the provisions of law applicable to the Escrow Account for surcharge fees under Section 5(d) of the Low-Level Radioactive Waste Policy Amendments Act of 1985 ("the Act"), Pub. L. 99-240. Under the Act, a State with a regional disposal facility may impose surcharges for the disposal of low-level radioactive waste generated in a State which does not have a disposal site and is not a member of a regional compact with such a site. States collecting surcharge fees under the Act are required to transfer 25 percent of those fees to DOE. DOE is required to hold those fees in escrow and disburse them as (1) rebates to States or compact regions without disposal sites, if certain statutory milestones toward development of new disposal sites have been met, or (2) payments to a sited State if a non-member State or non-sited compact region has failed to meet a statutory milestone.

This notice describes: (1) the procedures to be followed by sited States in transferring surcharge fees to DOE for deposit in the Escrow Account; (2) the procedures which will apply to DOE's determinations to disburse monies from the Escrow Account; and (3) the procedures applicable to the annual report by non-member States or non-sited compact regions to DOE, itemizing expenditures of monies disbursed from the Escrow Account.

Comments: Interested persons are invited to submit written comments in response to this Notice. Send written comments to J.L. Smiley, Program Manager, Low-Level Waste Management Program, NE-24, U.S. Department of Energy, Washington, DC 20545 (301-353-4216); or Sandra Sherman, Attorney, Office of General Counsel, GC-31, U.S. Department of Energy, Washington, DC 20585 (202-252-6975).

FOR FURTHER INFORMATION CONTACT: J.L. Smiley, Program Manager, Low-Level Waste Management Program, NE-24, U.S. Department of Energy, Washington, DC 20545, (301) 353-4216.

SUPPLEMENTARY INFORMATION: The Department of Energy (DOE) today gives notice and an opportunity to comment with respect to the procedures applicable to deposits to and disbursements from the Escrow Account established under Section 5 of the Low-Level Radioactive Waste Policy Amendments Act of 1985 ("the Act"), Pub. L. 99-240. The notice also describes the procedures applicable to non-member States' and non-sited compact regions' rebate expenditure reports to DOE.

Section 5 of the Act gives the sited States (Washington, South Carolina, and Nevada), which host the three existing commercially operated low-level radioactive waste disposal sites, the authority to collect surcharges on wastes disposed at these sites that were generated in the non-sited compact regions (compact regions currently without disposal sites) and non-member States (States without disposal sites and who are not members of compact regions). Twenty-five percent of the amount collected by the sited States is to be transferred on a monthly basis for deposit in an Escrow Account held by DOE. The purpose of this Escrow Account is to provide monetary incentives for States to meet certain "milestones" in the Act towards establishing new disposal facilities for low-level radioactive waste. Not later than 30 days following each of the milestone dates, the Act provides for DOE to rebate the attributable amounts held in the Escrow Account (including accrued interest) to each non-sited compact region and non-member State that has met the requirements of the milestone. If a non-sited compact region or non-member State does not meet the milestone, the attributable amount(s) held in the Escrow Account (including accrued interest) will be returned to the sited State(s) that collected the original surcharge. These procedures specify how DOE will administer the Escrow Account, and are intended to encourage the timely receipt, disbursement, and reporting of rebate transactions. These procedures take effect at once, since the Act requires that payments from the Escrow Account commence not later than 30 days after July 1, 1986, the date of the first milestone. However, DOE invites interested persons to submit comments in response to this notice. DOE may revise these procedures in light of comments received. There is no deadline for submission of comments.

Non-sited compact regions and non-member States receiving rebates may use those rebates in accordance with the limitations established in section 5(d)(2)(E)(i) of the Act. Section

5(d)(2)(E)(ii)(I) of the Act requires the non-sited compact regions and non-member States receiving rebates to submit a report to DOE itemizing their rebate expenditures after each year that rebates are expended. DOE in turn must send a report to Congress that summarizes the non-member State and non-sited compact region reports received each year, and assesses State and regional compliance with the expenditure limitations cited in Section 5(d)(2)(E)(i) of the Act. This notice includes procedures for submitting such itemized information to DOE.

Administration of Escrow Account

A DOE Escrow Account has been established within the U.S. Department of Treasury. All surcharge deposits received by DOE from the sited States will be placed in that Account, and to the extent possible, will be invested in interest-bearing United States Government securities with the highest available yield. DOE will separately track the principal and interest attributed to each non-sited compact region or non-member State. DOE will issue reports to the sited States, non-sited compact regions, and non-member States to show deposits made to, and disbursements made from, the Escrow Account, on a quarterly basis and/or following each milestone date.

Receipt of Surcharges for Deposit

Each sited State is to submit to DOE 25 percent of the applicable collected surcharge for deposit in the Escrow Account within 20 calendar days following the end of the month in which waste was received at the disposal site. These deposits shall be submitted to the U.S. Department of Energy via wire transfer. Late deposits will be subject to a daily interest charge equivalent to the Treasury Department's Current Value of Funds Rate. At the time of the wire transfer, the sited State shall send the following verifying information, certified by a duly authorized State official, to the Office of Departmental Accounting and Financial Systems Development, Special Accounts and Payroll Division, MA-33.3, U.S. Department of Energy, Washington, DC 20545:

1. The name of the State(s) generating the waste.¹

¹ With regard to surcharges collected for low-level radioactive waste disposed during the period beginning January 1, 1990 and ending December 31, 1992, the Act provides, in some instances, for rebates directly to the generators from whom the surcharge was collected. For this period, the sited States shall identify the names, addresses, and surcharge amounts for each generator.

2. The name of the compact region, if applicable.

3. The specific surcharge transferred for each State.

4. The month in which waste was received at the site.

5. The date and amount of the wire transfer.

Disbursement of Rebates

The first milestone in the Act occurs on July 1, 1986. The Act provides that by that date each "non-member State shall ratify compact legislation or, by the enactment of legislation or the certification of the Governor, indicate its intent to develop a site for the location of a low-level radioactive waste disposal facility within such State."² With respect to States which are members of non-sited compact regions approved by Congress in Title II of the Act, DOE will rebate surcharge fees without seeking any further documentation on their part. All other States subject to surcharges are required to provide DOE with appropriate documentation of their compliance with the July 1, 1986 milestone.

With respect to any request for a rebate relating to any milestone, the Governor or authorized agency of the non-member State, or the executive director or chairman of the non-sited compact region, shall send a request to DOE for a rebate from funds held in escrow. The request shall be addressed to the United States Department of Energy, Attention: Manager, Low-Level Waste Management Program, NE-24, Washington, DC 20545. The request should state that the non-member State or non-sited compact region has met the applicable milestone requirements under section 5 (e)(1) of the Act, and provide supporting documentation consistent with those requirements. A copy of this rebate request shall be provided by the non-member State or non-sited compact region to the Governors (or their designees) of the sited States. A sited State may make a recommendation to DOE as to whether a non-member State or non-sited compact region has met the milestone requirements. Authorized representative(s) of the sited State(s) may send their recommendation to the DOE Low-Level Waste Program Manager. DOE may ask the non-member States or non-sited compact regions requesting rebates for further supporting information. DOE encourages early

² See also section 5(e)(1)(F), which provides for meeting the milestone by entering into a disposal agreement with a sited compact region.

submission of requests to facilitate timely disbursement of funds.

Submission of a request for a rebate after the milestone date, but prior to expiration of the 30-day period accorded to DOE for consideration of the request, could result in delayed disbursement.

DOE shall determine whether non-sited compact regions and non-member States have met the milestone requirements, and are therefore eligible to receive a rebate disbursement. DOE shall notify the sited States, non-sited compact regions, and non-member States of its determination.

Rebates of all surcharge deposits plus accrued interest will be disbursed via wire transfer to the non-sited compact regions and the non-member States meeting the milestone. For those non-sited compact regions and non-member States that do not meet the milestone, applicable surcharge deposits plus accrued interest will be wire-transferred to the sited States that collected the original surcharge. For a period not to exceed 60 days following the milestone date, all surcharges paid by generators to the sited States prior to the applicable milestone shall be rebated to appropriate non-sited compact regions and non-member States that have met the milestone if it can be documented that the waste was accepted for disposal by the sited State prior to the applicable milestone date. Late payments from sited States to the DOE will be subject to the aforementioned daily interest charge.

State and Region Expenditure Reports

Section 5(d)(2)(E) of the Act requires that not later than 6 months after receiving reports from the non-member States and non-sited compact regions, DOE must provide Congress an annual report assessing how such States and regions complied with the particular limitations on expenditure of rebates that were set forth in the Act. DOE therefore requests that non-member States and non-sited compact regions maintain adequate records concerning their use of these disbursements, since States are required to itemize their expenditures in reporting annually to DOE.

Section 5(d)(2)(E)(i) of the Act specifies limitations on the use of funds rebated to non-sited compact regions and non-member States from the DOE Escrow Account. The Act provides the following limitations:

Any amount paid under subparagraphs (B) or (C) may only be used to:

(I) establish low-level radioactive waste disposal facilities;

(II) mitigate the impact of low-level radioactive waste disposal facilities on the host State;

(III) regulate low-level radioactive waste disposal facilities; or

(IV) ensure the decommissioning, closure, and care during the period of institutional control of low-level radioactive waste disposal facilities. States with questions regarding use of the rebates may contact the DOE Program Manager.

Section 5(d)(2)(E)(ii)(I) of the Act requires non-sited compact regions and non-member States to submit a report to DOE itemizing their rebate expenditures after each year in which rebates are expended. This annual report shall be submitted to DOE by an authorized representative of each of the non-sited compact regions and non-member States by December 31, as required by the Act. Authorized representatives include Governors of non-member States, executive directors or commission chairmen of non-sited compact regions, or their designees. Reports are to itemize how all rebate funds were expended in a calendar year. A revised report, if necessary to reflect expenditures occurring towards the end of the reporting period, may be furnished to DOE by January 31 of the next year. DOE plans to provide reporting formats for the non-member States and non-sited compact regions to use in providing their annual itemized reports. Reports should be addressed to Program Manager, Low-Level Waste Management Program, NE-24, U.S. Department of Energy, Washington, DC 20545.

Paperwork Reduction Act

The information collection and record keeping requirements in this Notice are subject to the provisions of the Paperwork Reduction Act [44 U.S.C. 3504(H)] and the Office of Management and Budget's (OMB) implementing regulation, 5 CFR Part 1320, and have been cleared by OMB for DOE use under OMB Control Number 1910-0500 for the receipt of surcharges for deposit information collection and under OMB Control Number 1910-1000 for all others in this notice.

Issued in Washington, D.C. on June 20, 1986.

William R. Voigt, Jr.,

Director, Office of Remedial Action and Waste Technology, Office of Nuclear Energy.

[FR Doc. 86-14322 Filed 6-23-86; 8:45 am]

BILLING CODE 6450-01-M

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Federal Register

Vol. 51, No. 121

Tuesday, June 24, 1986

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Daily Federal Register

General information, index, and finding aids	523-5227
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Machine readable documents, specifications	523-3408

Code of Federal Regulations

General information, index, and finding aids	523-5227
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Laws	523-5230
------	----------

Presidential Documents

Executive orders and proclamations	523-5230
Public Papers of the President	523-5230
Weekly Compilation of Presidential Documents	523-5230

United States Government Manual	523-5230
---------------------------------	----------

Other Services

Library	523-4986
Privacy Act Compilation	523-4534
TDD for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, JUNE

19747-19816	2
19817-20244	3
20245-20436	4
20437-20606	5
20607-20792	6
20793-20952	9
20953-21130	10
21131-21322	11
21323-21496	12
21497-21726	13
21727-21876	16
21877-22056	17
22057-22266	18
22267-22484	19
22485-22790	20
22791-22920	23
22921-23032	24

CFR PARTS AFFECTED DURING JUNE

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

1 CFR		1011.....	20446
457.....	22880	1012.....	20446
500.....	22880	1013.....	20446
		1046.....	20446
3 CFR		1065.....	22271, 22923
Proclamations:		1093.....	20446
5496.....	19817	1094.....	20446
5497.....	19819	1096.....	20446
5498.....	20953	1097.....	20955
5499.....	21131	1098.....	20446
5500.....	21323	1099.....	20446
5501.....	21727	1136.....	19821
5502.....	22791	1421.....	21730, 21877
5503.....	22793	1425.....	21828
5504.....	22921	1446.....	21879
Administrative Orders:		1476.....	21326
Presidential Determinations:		1772.....	19822
No. 86-10 of June 3,		1941.....	22272
1986.....	22057	1943.....	22272
		1944.....	22924
5 CFR		1951.....	20465
550.....	21325	1955.....	22796
870.....	21497	1980.....	22272
871.....	21497	Proposed Rules:	
872.....	21497	52.....	22814
Proposed Rules:		907.....	20664
294.....	20833, 22526	908.....	20664
351.....	21177	927.....	22526
831.....	21560	966.....	22941
870.....	21368	1065.....	19846
873.....	21368	1076.....	22944
		8 CFR	
7 CFR		100.....	19824
2.....	22795	103.....	19824
26.....	20643	204.....	20794
27.....	22059	238.....	21509, 21510
28.....	22059	Proposed Rules:	
52.....	20437, 21133	103.....	22288
54.....	21134	9 CFR	
61.....	22059	318.....	21731
272.....	20793	Proposed Rules:	
273.....	20793	92.....	20834, 22529
301.....	21136, 21498, 21499,	145.....	20790
	22267	147.....	20790
400.....	20245	151.....	19846
417.....	20246	205.....	22814
418.....	21729	10 CFR	
419.....	21729	4.....	22880
427.....	21729	34.....	21736
429.....	21729	Proposed Rules:	
713.....	21828	2.....	21560
724.....	22268	19.....	21560
725.....	22268	20.....	21560
726.....	22268	21.....	21560
729.....	22485	30.....	22531
770.....	21828	40.....	22531
795.....	21828	50.....	22531
908.....	20645, 21726, 22496,	51.....	21560
	22795	60.....	22288
915.....	20955		
1006.....	20446		
1007.....	20446		

61..... 22531
 70..... 21560, 22531
 72..... 21560, 22531
 73..... 21560
 75..... 21560
 150..... 21560
 810..... 20978

12 CFR

210..... 21740
 265..... 19825
 330..... 21137
 611..... 21331, 21332
 620..... 21336
 621..... 21336
 622..... 21138
 623..... 21138
 794..... 22880

Proposed Rules:

330..... 20978
 709..... 19848

13 CFR

107..... 21484
 108..... 20764, 20781
 111..... 20247
 115..... 20922
 121..... 20795
 122..... 20248

14 CFR

21..... 20797
 25..... 20249
 39..... 20249-20251,
 21511-21515,
 21899-21901, 22796, 22926
 71..... 19825, 20801, 20802,
 21516, 21517, 21746,
 21901, 22064, 22796-
 22798, 22927
 75..... 21902, 21904
 93..... 21708
 97..... 20956
 105..... 21906

Proposed Rules:

Ch. I..... 21369
 1..... 21916
 21..... 20301, 21560-21562
 23..... 21560-21562
 25..... 21563
 27..... 21488
 29..... 21488
 39..... 19848, 19849,
 20304-20308, 20495,
 21563-21567, 21922-21924,
 22084, 22820, 22822, 22824
 43..... 21722
 61..... 21722
 71..... 20834, 21178, 21568-
 21570, 22301, 22825,
 22945
 73..... 21179
 75..... 20978
 91..... 20979, 21722,
 21925
 121..... 21563

15 CFR

10..... 22496
 373..... 22503
 375..... 22504
 377..... 20252
 385..... 20467, 20468
 399..... 20467, 20468, 22503
 981..... 20958

Proposed Rules:

371..... 22826

922..... 21369

16 CFR

13..... 20469, 20803,
 21907-21910
 303..... 20803, 20807
 455..... 20936

Proposed Rules:

13..... 20498, 20500, 20835,
 22301
 435..... 20991
 1700..... 21925

17 CFR

1..... 21149
 5..... 21149
 15..... 21343
 31..... 21149
 33..... 21344
 149..... 22880
 230..... 20254
 Proposed Rules:
 230..... 21378
 239..... 21378
 240..... 20504

18 CFR

35..... 22065
 37..... 22505
 154..... 22168
 157..... 22168
 270..... 22168
 271..... 22067, 22168
 282..... 22068
 284..... 22168
 410..... 20960
 1313..... 22880

Proposed Rules

271..... 22304
 410..... 21928

19 CFR

4..... 21152
 6..... 21152
 10..... 20810, 22513
 24..... 21152, 22513
 111..... 21152
 112..... 22513
 123..... 21152, 22513
 134..... 22513
 144..... 22513
 145..... 21152, 22513
 148..... 22513
 162..... 22513
 172..... 22513
 178..... 20810
 191..... 22513

20 CFR

395..... 20470
 404..... 21156
 416..... 21156

Proposed Rules:

10..... 20736
 404..... 22306
 416..... 21773
 601..... 20991
 655..... 20516

21 CFR

20..... 22458
 73..... 21911
 74..... 22928
 81..... 20786
 82..... 20786

110..... 22458
 118..... 22481
 177..... 22929
 430..... 20262
 436..... 22071
 441..... 22275
 442..... 20262
 455..... 22071
 510..... 19826, 19828, 22799
 522..... 20646, 21746, 22275
 558..... 19828, 22799
 740..... 20471
 1308..... 21911

Proposed Rules:

20..... 19851
 123..... 22482
 128e..... 22483
 128f..... 22482
 182..... 19851
 186..... 19851
 201..... 19853
 314..... 20310
 1306..... 21773
 1308..... 22085, 22946

22 CFR

41..... 21157
 42..... 21157
 51..... 20475, 22930
 144..... 22880
 510..... 20961
 530..... 22880
 1005..... 22880
 1600..... 22880

Proposed Rules:

508..... 20524

23 CFR

12..... 22931
 172..... 22800
 230..... 22800
 511..... 22800
 658..... 20817
 820..... 22801
 1309..... 22276

Proposed Rules:

655..... 20840, 21180

24 CFR

13..... 19829
 15..... 20476
 27..... 21517
 200..... 21866, 22801
 201..... 21159
 203..... 21159, 21866
 204..... 21866
 207..... 20264
 215..... 21850
 220..... 20264, 21866
 221..... 20264, 21866
 222..... 21866
 226..... 21866
 227..... 21866
 234..... 21159
 236..... 20264, 21850
 237..... 21866
 240..... 21866
 246..... 20264
 251..... 20264
 255..... 20264, 22933
 511..... 20220
 812..... 21300
 813..... 21300
 882..... 21300
 886..... 21850

Proposed Rules:

52..... 21570
 510..... 20312
 570..... 20312

25 CFR

63..... 21160
 64..... 21160
 67..... 21160
 68..... 21160
 71..... 21160
 72..... 21160
 74..... 21160
 77..... 21160
 700..... 22933
 720..... 22880

26 CFR

1..... 20274, 20480, 21518
 602..... 20646, 21518

Proposed Rules:

1..... 22947

27 CFR

4..... 20480, 21546
 5..... 21746
 19..... 21746

Proposed Rules:

4..... 21574
 9..... 19853-19856

28 CFR

16..... 20274, 20276, 21161
 60..... 22282
 544..... 21114

Proposed Rules:

2..... 21386
 64..... 22829

29 CFR

Ch. XXV..... 21163, 21748
 697..... 22517
 1613..... 22519
 1910..... 22612
 1926..... 22612
 2205..... 22880
 2608..... 22880
 2610..... 21547
 2622..... 21547
 2676..... 21548
 2706..... 22880

Proposed Rules:

1952..... 21574

30 CFR

16..... 22519
 17..... 22519
 256..... 21345
 402..... 20961
 935..... 20818
 944..... 20965
 955..... 22282

Proposed Rules:

250..... 20993
 256..... 20993
 774..... 21574
 901..... 19858, 20841
 916..... 22306
 917..... 21184
 931..... 20843
 934..... 22307
 935..... 22308
 938..... 22309
 943..... 22310

1220.....	22083
1241.....	19844
Proposed Rules:	
Ch. X.....	21780, 22536
171.....	19866, 22902
172.....	19866, 22902
173.....	19866, 22902
174.....	19866
176.....	19866
177.....	19866
178.....	19866
179.....	19866
192.....	19878, 21939
387.....	22086
571.....	20536, 21583, 21696, 22092
1165.....	22537

50 CFR

17.....	22521
91.....	20977
402.....	19926
611.....	20297, 20652, 21772, 22525
630.....	20297
649.....	22939
658.....	22525
661.....	19844, 21175
671.....	19845
672.....	20659, 20832, 21176, 21772, 22287
675.....	20652, 22525

Proposed Rules:

17.....	22092, 22321, 22838, 22949, 22955
20.....	20677
642.....	20847
651.....	20850
652.....	22321
654.....	21001

Sequoia National Park by portions of an existing hydroelectric project (June 19, 1986; 100 Stat. 641; 1 page) Price: \$1.00

S. 124 / Pub. L. 99-339

Safe Drinking Water Act Amendments of 1986 (June 19, 1986; 100 Stat. 642; 26 pages) Price: \$1.00

S.J. Res. 220 / Pub. L. 99-340

To provide for the designation of September 19, 1986, as "National P.O.W./M.I.A. Recognition Day" (June 19, 1986; 100 Stat. 668; 1 page) Price: \$1.00

S.J. Res. 310 / Pub. L. 99-341

To proclaim June 15, 1986, through June 21, 1986, as "National Agricultural Export Week" (June 19, 1986; 100 Stat. 669; 1 page) Price: \$1.00

S.J. Res. 347 / Pub. L. 99-342

To designate the week beginning June 22, 1986, as "National Homelessness Awareness Week" (June 19, 1986; 100 Stat. 670; 1 page) Price: \$1.00

LIST OF PUBLIC LAWS**Last List June 10, 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. 3570 / Pub. L. 99-336

Judicial Improvements Act of 1985 (June 19, 1986; 100 Stat. 633; 7 pages) Price: \$1.00

H.J. Res. 131 / Pub. L. 99-337

To designate the week beginning June 15, 1986, as "National Safety in the Workplace Week" (June 19, 1986; 100 Stat. 640; 1 page) Price: \$1.00

H.J. Res. 382 / Pub. L. 99-338

To authorize the continued use of certain lands within the