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# federal register

Thursday
May 1, 1986

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

## Selected Subjects

**Aviation Safety**
Federal Aviation Administration

**Communications Common Carriers**
Federal Communications Commission

**Courts**
Justice Department

**Food Additives**
Food and Drug Administration

**Freight**
Customs Service

**Government Securities**
Fiscal Service

**Labeling**
Food and Drug Administration

**Liquors**
Alcohol, Tobacco and Firearms Bureau

**Natural Gas**
Federal Energy Regulatory Commission

**Navigation (Water)**
Navy Department

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**How To Cite This Publication:** Use the volume number and the page number. Example: 51 FR 12345.

## THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

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

**WHO:** The Office of the Federal Register.

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

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

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

### WASHINGTON, DC

**WHEN:** May 15; at 9 am.

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

**RESERVATIONS:** Laurence Davey, 202-523-3517

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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.

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# Rules and Regulations

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

## DEPARTMENT OF AGRICULTURE

### Food and Nutrition Service

### 7 CFR Part 246

### Selected Provision of the Food Package Regulations for the Special Supplemental Food Program for Women, Infants and Children (WIC Program)

*Correction*

In FR Doc. 86-8723, beginning on page 13207, in the issue of Friday, April 18, 1986, make the following correction.

1. On page 13207, first column, in the summary seventeenth line, "VI" should read "IV", in the twentieth line "IV" should read "VI", and in the twenty-seventh line after "forth" insert "in".

2. On the same page, third column, first line, "in" should read "on".

3. On page 13208, first column, fifth line, "Program" should read "Programs".

4. On the same page, first column, § 246.10(c)(4)(i), fifth line, after "pasteurized" insert "fluid".

BILLING CODE 1505-01-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### 14 CFR Part 39

[Docket No. 86-NM-18-AD; Amdt. 39-5297]

### Airworthiness Directives; Boeing Model 747 Airplanes

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

**ACTION:** Final rule.

**SUMMARY:** This action publishes in the Federal Register and makes effective as to all persons an amendment adopting a new airworthiness directive (AD) which was previously made effective to all known U.S. owners and operators of certain Boeing Model 747 airplanes by individual telegrams. The AD requires repetitive inspections of the external fuselage skin for cracks adjacent to stringers 23 and 24A, between body station 240 and 400, and requires repetitive inspections of body frame structure in certain areas in the forward fuselage section. Failure of the skin and adjacent frames could result in depressurization of the fuselage.

**DATES:** Effective May 19, 1986. As to all persons except those persons to whom it was made immediately effective by telegraphic AD T86-03-51, issued February 16, 1986, which contained this amendment. Compliance as prescribed in the body of the AD, unless already accomplished.

**ADDRESSES:** The service bulletin specified in this AD may be obtained upon request to the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

**FOR FURTHER INFORMATION CONTACT:** Mr. Owen Schrader, Airframe Branch, ANM-120S; telephone (206) 431-2923. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

**SUPPLEMENTARY INFORMATION:** On January 31, 1986, the FAA issued Telegraphic AD T86-02-53 which requires repetitive inspections of the external fuselage skin for cracks adjacent to stringers 23 and 24A, on both the left and right side of the airplane, between body station 240 and 400, on airplanes which have accumulated 10,000 or more landings. The AD was prompted by the discovery of cracking of three adjacent frames on one airplane. This was an interim action pending development of further nondestructive inspection techniques. To date, the inspections have revealed no skin cracks. However, since issuance of AD T86-02-53, there were additional reports of cracked body frames in the nose section on twelve airplanes as a result of internal inspections of this area. These findings indicated that additional action was necessary to prevent possible cabin decompression.

The Boeing Company issued Service Bulletin 747-53A2265, dated February 14, 1986, that describes the specific inspection procedures to be used to inspect body frame structure and skin for cracking between stringer 34L up over the crown to stringer 34R between body stations 200 to 520.

On February 16, 1986, the FAA issued telegraphic AD T86-03-51, which superseded AD 86-02-53, and requires additional inspections of Boeing Model 747 series airplanes in accordance with Boeing Service Bulletin 747-53A2265.

Information collection requirements contained in this regulation have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96-511) and have been assigned OMB Control Number 2120-0056.

Since it was found that immediately corrective action was required, notice and public procedure thereon were impracticable and contrary to public interest, and good cause existed to make the AD effective immediately by individual telegrams issued February 16, 1986, to all known U.S. owners and operators of certain Boeing Model 747 airplanes. These conditions still exist and the AD is hereby published in the **Federal Register** as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

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 been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/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).

**List of Subjects in 14 CFR Part 39**

Aviation safety, Aircraft.

## Adoption of Amendment

## PART 39—[AMENDED]

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

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

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

2. By adding the following new airworthiness directive:

**Boeing:** Applies to Model 747 series airplanes, certificated in any category. To detect body structure cracking in the nose section that could lead to decompression, accomplish the following, unless already accomplished:

A. For airplanes that have accumulated 14,000 landings or more, within 25 landings after receipt of this AD perform an external close visual inspection of the fuselage skin lap splice at stringer 23 and the fuselage skin along stringer 24A between body stations 240 and 400 on both the left and right side of the fuselage. Repeat the inspections thereafter at intervals not to exceed 60 landings until inspected in accordance with paragraph D. or E., below.

**Note:** Per MSG–3, definition of close visual (detailed) inspection method: Close intensive visual inspections of highly defined structural details or locations searching for evidence of structural irregularity. Adequate lighting and, where necessary, inspection aids such as mirrors, etc., surface cleaning and access procedures may be required to gain proximity.

B. For airplanes that have accumulated 10,000 landings but less than 14,000 landings, within 50 landings after the receipt of this AD, perform an external close visual inspection of the fuselage skin lap splice at stringer 23 and the fuselage skin along stringer 24A between body station 240 and 400 on both the left and right side of the fuselage. Repeat the inspections thereafter at intervals not to exceed 120 landings until inspected in accordance with paragraph D. or E., below.

C. If, as a result of the inspections required in paragraphs A. and B., above, the fuselage skin is found cracked, a visual inspection for cracks of the frames from stringer 20 to stringer 28 from fuselage station 240 and 440 on both sides of the airplane must be made before further flight.

D. For airplanes, line numbers 88 through 603, perform a visual or X-ray inspection for cracking of the body structure and skins in the following areas: on the main deck between body stations 240 and 400 from the window belt to the floor, both left and right; between body stations 200 and 240 from stringer 13A to 14E; and at the body station 360 frame web at stringer 3L; in accordance with Boeing Service Bulletin 747–53A2265, dated February 14, 1986, or later FAA-approved revisions, in accordance with the following schedule:

1. On airplanes that have accumulated more than 14,000 landings as of the receipt of this AD, inspect within 100 landings after the receipt of this AD.

2. On airplanes that have accumulated 12,000 to 14,000 landings as of the receipt of this AD, inspect within 200 landings after the receipt of this AD.

3. On airplanes that have accumulated fewer than 12,000 landings as of the receipt of this AD, inspect within 14,000 landings after the receipt of this AD, or prior to the accumulation of 10,000 landings, whichever occurs later.

E. For airplanes, line numbers 1 through 87, perform a visual or X-ray inspection for cracking of the body structure and skins from body station 360 through 380 from stringer 23 to the main deck floor, in accordance with Boeing Service Bulletin 747–53A2265, dated February 14, 1986, or later FAA-approved revisions, in accordance with the schedule described in paragraph D., above.

F. Repeat the inspections required by paragraphs D. and E., above, at the following intervals:

1. If the immediately prior inspection was accomplished using visual methods, perform the next inspection within the next 3,000 landings.

2. If the immediately prior inspection was accomplished using X-ray methods, perform the next inspection within the next 1,500 landings.

G. If any cracking is found, repair prior to further flight in accordance with FAA-approved procedures, unless the provisions of Section III, Paragraph G., of Boeing Service Bulletin 747–53A2265, dated February 14, 1986, are met.

H. For the purpose of complying with this AD, the number of landings may be determined to equal the number of pressurization cycles where the cabin pressure was greater than 2.0 PSI.

I. Upon request of an operator, an assigned FAA Principal Maintenance Inspector, subject to prior approval of the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, may adjust the inspection time in this AD to permit compliance at an established inspection period of that operator, if the request contains substantiating data to justify the change for that operator.

J. Alternate means of compliance which provide an acceptable level of safety may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

K. Aircraft may be ferried unpressurized to a base for maintenance in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations.

L. Report a complete description of the findings of each inspection required by paragraphs D. and E., above, within 48 hours after that inspection to: The Boeing Commercial Airplane Company, Attention: Director, 747 Customer Support Engineering, P.O. Box 3707, Seattle, Washington, 98124–2207.

All persons affected by this directive who have not already received the appropriate service document from the manufacturer may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. This document may also be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective May 19, 1986. As to all persons, except those persons to whom it was made immediately effective by telegraphic AD T86-03-51, dated January 31, 1986.

This supersedes telegraphic AD T86-02-53, dated January 31, 1986.

Issued in Seattle, Washington, on April 23, 1986.

**David E. Jones,**

*Acting Director, Northwest Mountain Region.*

[FR Doc. 86-9704 Filed 4-30-86; 8:45 am]

BILLING CODE 4910-13-M

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## 14 CFR Part 39

**[Docket No. 86-NM-42-AD; Amdt. 39-5296]**

## Airworthiness Directives; Gates Learjet Model 55 Airplanes

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

**ACTION:** Final rule, request for comments.

**SUMMARY:** This action amends an existing airworthiness directive (AD) which currently applies to Gates Learjet Model 55 airplanes, except for those on which certain specified modifications have been accomplished. The existing AD requires increasing the minimum landing distances by inserting revised information in the Airplane Flight Manual (AFM) and provides for certain modifications which constitute terminating action for the landing distance increases. Modifications referenced as an exception in the existing AD have been determined to create an unsafe condition for airplanes on which thrust reversers have been installed. This revision to the AD expands the applicability of the existing AD to require those airplanes previously excepted to accomplish a modification. The FAA has determined that those incorrect modifications installed on airplanes equipped with thrust reversers may have the effect of shutting off anti-ice bleed air during flight if a thrust reverser unlock indication is experienced. This condition, if not corrected, could result in loss of wing anti-icing capability.

**DATES:** Effective May 19, 1986.

Comments must be received by May 19, 1986.

**ADDRESSES:** Send comments in duplicate to FAA, Northwest Mountain Region, Office of the Regional Counsel,

ANM-7, Attention: Airworthiness Rules Docket 86-NM-42-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. The applicable service information may be obtained from Gates Learjet Corporation, P.O. Box 7707, Wichita, Kansas 67277. This information may be examined at FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at FAA, Central Region, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas.

**FOR FURTHER INFORMATION CONTACT:** Bennett L. Sorensen, Aerospace Engineer, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 946-4433.

**SUPPLEMENTARY INFORMATION:** This amendment amends AD 85-22-08, Amendment 39-5166 (50 FR 45098; October 30, 1985), as amended by Amendment 39-5223 (AD 85-22-08R1). AD 85-22-08 originally required increasing the minimum landing distances by inserting revised information in the Airplane Flight Manual (AFM), and provided for certain modifications [Gates Learjet Service Bulletin (SB) 55-27-7, Airplane Modification Kit (AMK) 55-84-7A, or Airplane Accessory Kit (AAK 55-83-4)], to constitute a final action that restores the original landing distances. After issuing the original AD, the FAA determined that these modifications (SB 55-27-7 or AMK 55-84-7A) accomplished on airplanes equipped with thrust reversers may have had the hazardous effect of shutting off anti-ice bleed air during flight if a thrust reverser unlock indication is experienced. After the problem with the thrust reverser equipped airplanes was found, Gates Learjet issued SB 55-27-7A (dated December 12, 1985) and AMK 55-84-7B (dated December 12, 1985). These modifications accomplish the intent of SB 55-27-7 and AMK 55-84-7A (the modifications called out in the original AD) without creating the incidental unsafe condition.

The original AD was amended by Amendment 39-5223 in three areas: (1) To allow the correct modification (SB 55-27-7A or AMK 55-86-7B) to be installed as a terminating action for the AD for all affected Model 55 airplanes; (2) to allow SB 55-27-7 or AMK 55-84-7A to remain as a terminating action for non-thrust reverser-equipped airplanes; and (3) to require that thrust reverser-equipped airplanes have the incorrect modification (SB 55-27-7 or AMK 55-85-7A) removed. However, the applicability statement of the amended AD should have been revised to be consistent with the provisions of the amendment. Consequently, the removal of the incorrect modification was not required for thrust reverser-equipped airplanes, and those airplanes that had the incorrect modification were inadvertently excepted in the applicability statement. This amendment revises the applicability statement to properly exclude only those airplanes that have the correct modifications accomplished. It should be noted that Airplane Accessory Kit 55-83-4 (unchanged), referred to in AD 85-22-08 and AD 85-22-08R1, does not create the unsafe conditions and, therefore, continues to accomplish the intent of the original AD.

Since this situation is likely to exist or develop on other airplanes of the same type design, this amendment requires removal of the incorrect modifications from airplanes equipped with thrust reversers, by revising the provisions of the applicability statement of AD 85-22-08R1.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

Although this action is in the form of a final rule, which involves an emergency, and thus, was not preceded by notice and public procedure, interested persons are invited to submit such written data, views, or arguments as they may desire regarding this AD. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel, ANM-7, Attention: Airworthiness Rules Docket No. 86-NM-42-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. All communications received before the closing date will be considered by the Administrator, and the AD may be changed in light of the comments received.

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

**List of Subjects in 14 CFR Part 39**

Aviation safety, Aircraft.

**Adoption of the Amendment**

**PART 39—[AMENDED]**

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) 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 39-5223 (51 FR 3029; January 23, 1986), AD 85-22-08R1, to change the applicability statement as follows:

"**Gates Learjet Corporation:** Applies to Model 55 airplanes, serial numbers 55-003 through 55-086, except those incorporating Service Bulletin 55-27-7A, Airplane Modification Kit 55-84-7B, or Airplane Accessory Kit 55-83-4:"

This Amendment becomes effective May 19, 1986.

Issued in Seattle, Washington, on April 23, 1986.

**David E. Jones,**

*Acting Director, Northwest Mountain Region.*

[FR Doc. 86-9705 Filed 4-30-86; 8:45 am]

BILLING CODE 4910-13-M

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## DEPARTMENT OF ENERGY

## Federal Energy Regulatory Commission

## 18 CFR Part 271

**[Docket No. RM80-53]**

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

**AGENCY:** Federal Energy Regulatory Commission, DOE.

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

**SUMMARY:** Pursuant to the authority delegated by 18 CFR 357.307(l), the Director of the Office of Pipeline and Producer Regulation revises and publishes the maximum lawful prices prescribed under Title I of the Natural Gas Policy Act (NGPA) for the months of May, June and July, 1986. Section

101(b)(6) of the NGPA requires that the Commission compute and publish the maximum lawful prices before the beginning of each month for which the figures apply.

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

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

Publication of Prescribed Maximum Lawful Prices Under the Natural Gas Policy Act of 1978; Order of the Director, OPPR, Issued: April 23, 1986.

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

Pursuant to this requirement and § 375.307(l) of the Commission's regulations, which delegates the publication of such prices and inflation adjustments to the Director of the Office of Pipeline and Producer Regulation, the maximum lawful prices for the months of May, June, and July, 1986 are issued by the publication of the price tables for the applicable quarter. Pricing tables are found in § 271.101(a) of the Commission's regulations. Table I of § 271.101(a) specifies the maximum lawful prices for gas subject to NGPA sections 102, 103(b) (1) and (2), 105(b)(3), 106(b)(1)(B), 107(c)(5), 108 and 109. Table II of § 271.101(a) specifies the maximum lawful prices for sections 104 and 106(a) of the NGPA. Table III of § 271.102(c) contains the inflation adjustment factors. The maximum lawful prices and the inflation adjustment factors for the periods prior to May 1986 are found in the tables in §§ 271.101 and 271.102.

TABLE I—NATURAL GAS CEILING PRICES: MAXIMUM LAWFUL PRICE PER MMBTU FOR DELIVERIES

[Other than NGPA §§ 104 and 106(a)]

| Subpart of Part 271 | NGPA Section | Category of Gas | May 1986 | June 1986 | July 1986 |
|---|---|---|---|---|---|
| B | 102 | New Natural Gas, Certain OCS Gas [4] | $4.264 | $4.287 | $4.310 |
| C | 103(b)(1) | New Onshore Production Wells [5] | 3.099 | 3.106 | 3.113 |
| | 103(b)(2) | New Onshore Production Wells [5] | 3.682 | 3.697 | 3.712 |
| E | 105(b)(3) | Intrastate Existing Contracts | 4.212 | 4.232 | 4.252 |
| F | 106(b)(1)(B) | Alternative Maximum Lawful Price for Certain Intrastate Rollover Gas [1]. | 1.773 | 1.777 | 1.781 |
| G | 107(c)(5) | Gas Produced from Tight Formations [3] | 6.198 | 6.212 | 6.226 |
| H | 108 | Stripper Gas | 4.565 | 4.590 | 4.615 |
| I | 109 | Not Otherwise covered | 2.566 | 2.572 | 2.578 |

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

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

[4] Commencing January 1, 1985, the price of natural gas finally determined to be new natural gas under section 102(c) is deregulated. (See Part 272 of the Commission's regulations.)

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

TABLE II—NATURAL GAS CEILING PRICES: NGPA §§ 104 AND 106(a) (SUPART D, PART 271)

| Category of natural gas | Type of sale of contract | May 1986 | June 1986 | July 1986 |
|---|---|---|---|---|
| Maximum lawful price per MMBtu for deliveries made in: | | | | |
| Post-1974 gas | All producers | $2.566 | $2.572 | $2.578 |
| 1973-1974 Biennium gas | Small producer | 2.170 | 2.175 | 2.180 |
| | Large producer | 1.658 | 1.662 | 1.666 |
| Interstate Rollover gas | All producers | .954 | .956 | .958 |
| Replacement contract gas or recompletion gas. | Small producer | 1.217 | 1.220 | 1.223 |
| | Large producer | .035 | .937 | .939 |
| Flowing gas | Small producer | .681 | .619 | .620 |
| | Large producer | .518 | .519 | .520 |
| Certain Permian Basin gas | Small producer | .726 | .728 | .730 |
| | Large producer | .644 | .645 | .646 |
| Certain Rocky Mountain gas | Small producer | .726 | .728 | .730 |
| | Large producer | .618 | .619 | .620 |
| Certain Appalachian Basin gas | North subarea contracts dated after 10-7-69 | .587 | .588 | .589 |
| | Other contracts | .542 | .543 | .544 |
| Minimum rate gas [1] | All producers | .320 | .321 | .322 |

[1] Prices for minimum rate gas are expressed in terms of dollars per Mcf, rather than MMBtu.

## List of Subjects in 18 CFR Part 271

Natural gas.

**Raymond A. Beirne,**

*Acting Director, Office of Pipeline and Producer Regulation.*

## PART 271—[AMENDED]

18 CFR Part 271 is amended as follows:

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

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

### § 271.101 [Amended]

2. Section 271.101(a) is amended by inserting the maximum lawful prices for May, June, and July, 1986 in Tables I and II.

### § 271.102 [Amended]

3. Section 271.102(c) is amended by inserting the inflation adjustment for the months of May, June, and July, 1986 in Table III.

TABLE III—INFLATION ADJUSTMENT

| Month of delivery 1986 | Factor by which price in preceding month is multiplied |
|---|---|
| May | 1.00222 |
| June | 1.00222 |
| July | 1.00222 |

[FR Doc. 86-9455 Filed 4-30-86; 8:45 am]

BILLING CODE 6717-01-M

## DEPARTMENT OF THE TREASURY

## Customs Service

## 19 CFR Part 101

[T.D. 86-93]

## Change in Hours of Customs Service Provided at Neche, ND

**AGENCY:** U.S. Customs Service, Department of the Treasury.

**ACTION:** Change of hours of service.

**SUMMARY:** This document reduces the hours of service currently provided at the Customs port of entry at Neche, North Dakota, located on the U.S.-Canadian border, in the Pembina, North Dakota, Customs District.

Because the traffic at Neche does not justify the current 8:00 a.m. to midnight schedule, service between 8:00 a.m.-9:00 a.m. and 10:00 p.m.-midnight is being eliminated. The Customs port of Pembina, just 16 miles east of Neche, is in operation 24 hours daily and can easily absorb any additional workload.

This change will enable Customs to obtain more efficient use of its personnel, facilities, and resources. Further, it will not have any major adverse impact on industry, transportation, or the local population.

**EFFECTIVE DATE:** June 2, 1986.

**FOR FURTHER INFORMATION CONTACT:** Bernie Harris, Office of Inspection and Control, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, DC 20229 (202-566-8157).

**SUPPLEMENTARY INFORMATION:**

### Background

Section 101.6, Customs Regulations (19 CFR 101.6), provides that each Customs office shall be open for the transaction of Customs business between the hours of 8:30 a.m. and 5:00 p.m. on all days of

the year except Saturdays, Sundays, and national holidays. It also provides that services performed outside a Customs office generally shall be furnished between the hours of 8:00 a.m. and 5:00 p.m. However, because of local conditions, different but equivalent hours may be necessary to maintain adequate and efficient service.

The Customs port of entry of Neche, North Dakota, located on the U.S.-Canadian border in the Pembina, North Dakota, Customs District is currently open and staffed from 8:00 a.m. to midnight, daily. A recent survey showed that there is an average daily total of less than 10 trucks and other vehicles entering the U.S. through Neche from Canada during the hours of 8:00 a.m.–9:00 a.m. and 10:00 p.m.–midnight. The Customs port of entry at Pembina, North Dakota, which is 16 miles east of Neche, is open for operation 24 hours daily.

Due to the minimal traffic using the port of entry, and current budgetary constraints, Customs published a notice in the **Federal Register** on November 5, 1985 (50 FR 45957), proposing the elimination of those 3 hours of service at the port of Neche. The proposal was consistent with Customs nationwide efforts to obtain more efficient use of personnel, facilities, and resources, and would save one full-time position. In addition, the reduction in hours would not have any major adverse impact on industry, transportation, or the local residents because of the close proximity to Pembina which could easily absorb any additional workload. Public comments were invited on the proposal.

### Discussion of Comments

There were 21 responses to the proposal, including one containing a petition signed by 167 area residents. All of the commenters opposed the reduction; some for personal reasons, others for business reasons.

Personal reasons for opposing the change included the disruption to schedules, increased travel time, and the possible weakening of cultural and social ties between U.S. and Canadian neighbors.

Business reasons cited included inconvenience to shoppers and the possible negative impact the change might have on future economic growth.

Although Customs sympathizes with persons inconvenienced by the reduced hours, there does not appear to be a potential significant impact on either area residents or businesses. Eliminating the 3 hours specified is in keeping with Customs goal of using our limited resources as efficiently as possible. Customs realizes that every reduction in hours of service is an inconvenience to some person or business in the area affected. However, based on the minimal amount of traffic using Neche during the hours being eliminated, Customs believes the saving of one full-time position and the more efficient use of personnel, facilities, and resources is justified in this instance.

Accordingly, after consideration of the comments, and further review of the matter, Customs has determined that it is necessary to make the change as proposed.

### Change in Hours of Service

Customs service at the port of entry of Neche, North Dakota, will be provided between the hours of 9:00 a.m.–10:00 p.m. daily. No service will be provided from 8:00 a.m.–9:00 a.m., or from 10:00 p.m.–midnight.

### Drafting Information

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

**William von Raab,**

*Commissioner of Customs.*

Approved: April 8, 1986.

**Francis A. Keating II,**

*Assistant Secretary of the Treasury.*

[FR Doc. 86-9622 Filed 4-30-86; 8:45 am]

BILLING CODE 4820-02-M

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## 19 CFR Parts 115 and 178

[T.D. 86-92]

## Certification of Cargo Containers and Road Vehicles Pursuant to International Conventions

**AGENCY:** Customs Service, Treasury.

**ACTION:** Final rule.

**SUMMARY:** This document amends the Customs Regulations to reflect the transfer of functions concerning certification of containers and road vehicles for transportation under Customs seal, pursuant to international Customs conventions, from the Secretary of Transportation (acting through the Coast Guard) to the Secretary of the Treasury (acting through the Customs Service). This transfer is mandated by E.O. 12445 of October 17, 1983.

**EFFECTIVE DATE:** June 2, 1986.

**FOR FURTHER INFORMATION CONTACT:** Donald Reusch, Office of Regulations and Rulings (202-566-5706) or Arnold L. Sarasky, Office of Inspection and Control, (202-566-8648), U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, DC 20229.

**SUPPLEMENTARY INFORMATION:**

### Background

By Executive Order 11459, published in the **Federal Register** (34 FR 5057), March 11, 1969, the President designated the Secretary of Transportation to take all necessary actions to administer the approval and certification of containers and vehicles for International Transport of Goods Under Cover of TIR Carnets (TIR Convention), done at Geneva on January 15, 1959 (TIAS 6633), and the Customs Convention on Containers, done at Geneva on May 18, 1956 (TIAS 6634). Actual administration was undertaken by the Commandant of the U.S. Coast Guard and regulations setting forth the specific requirements are contained in title 49, Code of Federal Regulations, Parts 420 through 424 (49 CFR Parts 420 through 424).

On October 17, 1983, the President signed E.O. 12445, transferring the administration of approval and certification of containers and road vehicles to the Secretary of the Treasury. In addition to the two Conventions previously mentioned, the E.O. mandates the administration of a third, the Customs Convention on the International Transport of Goods Under Cover of TIR Carnets (TIR Convention), done at Geneva on November 14, 1975 (TIAS), which replaces the 1959 convention as to signatories to both conventions and to those conventions as modified, amended, or otherwise supplemented from time to time. Since the U.S. has recently acceded to the Customs Convention on Containers, 1972, provisions which supplement the 1956 convention are included in this document.

Under the certification program, containers (under the terms of the container convention), and containers and road vehicles (under the terms of the TIR convention), or proposed designs for such conveyances, may be submitted to various certifying authorities worldwide for approval. Three such certifying authorities, all named in the regulations, are designated by the Commissioner of Customs to perform the examination and certification functions for the U.S. The regulations set forth the specifics of the certification program, and the approval of a conveyance would merely expedite its movement along with its merchandise.

The regulations by which the Coast Guard administered this area did not reflect the provisions of the TIR Convention, 1975, or the Customs Convention on Containers, 1972, and did not distinguish between Convention provisions applicable to road vehicles and those applicable to containers. The five parts previously codified in the Coast Guard Regulations (49 CFR Parts 420–424), are re-designated as Subparts A through F of new Part 115, Customs Regulations (19 CFR Part 115). References to Commandant of the Coast Guard are changed to Commissioner of Customs, and section references within the regulations are changed to reflect the recodification.

The regulations do not include the Oceanographic Society, Inc., which was listed in § 421.1, Coast Guard Regulations (49 CFR 421.1), as a designated Certifying Authority. They cannot be located and are therefore presumed to no longer exist.

On May 15, 1985, Customs published a notice in the **Federal Register** (50 FR 20227), proposing to add the new Part 115 to the regulations and inviting the public to submit comments on the proposal by July 15, 1985.

After analysis of the comments received and further consideration of the matter, the proposal is being adopted with certain changes which have been prompted by suggestions submitted by the commenters. These changes will be discussed in the analysis of the comments received which follows.

**Analysis of Comments**

Three comments were received in response to the May 15, 1985, **Federal Register** notice. The comments were made in regard to specific sections of the proposed regulations, rather than in general terms.

Two commenters expressed concern over the wording of § 115.2(b) as concerns the physical location of certifying authorities. The proposal provided that a conveyance be presented for approval in a country where the owner is a resident or is established. This was said to be too restrictive, considering existing convention language.

We agree. Accordingly, the language of § 115.2(b) has been changed to permit presentation for approval to any certifying authority to whom an owner or operator is able to present a conveyance.

Two commentors discussed problems with § 115.3(a), which defines "certifying authority" for the purposes of Part 115. It is stated that the section should make it clear that such an "authority" be incorporated or established in the U.S., and be "qualified" to perform the tasks required. In line with these points, we have changed § 115.3(a) to reflect that a certifying authority must be a U.S. company which is competent to carry out all necessary responsibilities.

One commenter objects to the definition of a container as being fully or partially enclosed. This requirement is, however, a direct quote from Chapter I, Article 1(e)(i) of the TIR Convention.

One commenter inquired about the meaning of the phrase "an extended production run" in § 115.8(d), the section dealing with supplementary examinations of road vehicles approved by design type. We consider the phrase to mean a continuous production run of many units over a long period of time, as well as a new production run following the conclusion of a previous run.

Two commenters found a portion of § 115.9 to be cumbersome. The section provides for approval of containers under either of two international container conventions. The commenters believe that the potential need for separate certificates for each container certified could be burdensome and suggest that the possibility of a consolidated form be explored.

We do not believe that the adherence to both conventions will cause a problem. The requirements of both the 1975 TIR and the 1972 Container Conventions are virtually the same. Although there might have been some problem without the inclusion in the regulations of the 1972 Convention because the older convention did not provide for design type approval and reference to it was for information purposes, that problem will no longer exist with inclusion of the 1972 convention. Since the U.S. is a contracting party to both conventions, we believe that we must provide for possible utilization of either or both. In this regard, it is noted that the certificate of approval of both conventions is the same and that check boxes on the certificate and forms utilized by the certifying authority are all that is needed to avoid any possible problem. Insofar as there might be some small difference between the technical requirements of each convention, the certifying authority will normally be able to discharge its functions by complying with the requirements of either convention. We believe that we have made sufficient changes in the language of § 115.9 to eliminate any of the problem areas perceived by the commenters.

One commenter pointed out that § 115.10, relating to approval of containers, contains erroneous cross-references to sections of Part 115 dealing with road vehicles. These incorrect references have been deleted.

One party considers the § 115.11(a) grant of authority to the Commissioner to approve fees established by each certifying authority to be unwarranted. This provision is merely carried over from the long-standing regulations by which the Coast Guard administered this program.

The same commenter believes that as maximum limit should be placed on the length of time a certifying authority must maintain approval files. It is our position that the records should be maintained indefinitely since there may be a need to check, for example, a series of defects common to one production run of vehicles or containers.

A commenter points out certain inconsistencies in §§ 115.25, 115.26, and 115.27, in that in two sections "manufacturers" or "owners" may seek approval of containers by design type, where as "owners" are no mentioned in the third section. We have examined these provisions in light of the Container Convention which provides for "manufacturers" only, seeking such approval. Accordingly, we have deleted references to "owners" in those sections.

All of the commenters expressed problems with §§ 115.28(f), and 115.63(e), which contain identical language concerning the application for approval by design type of containers and road vehicles. Both sections would require a statement that the applicant is a resident of, or established in, the U.S.

Under a procedure which was not in existence when the May 15, 1985, notice was published, U.S. certifying authorities will now be authorized to approve containers and road vehicles manufactured in non-contracting countries. Accordingly, the provision to which the commenters took exception is no longer needed and has been deleted from §§ 115.28(f) and 115.63(e).

One commenter states that § 115.32(a)(2), (3), and (4), needs some adjustment. The section contains the information which must be displayed on a container's metal approval plate. It is stated that (a)(2) does not provide for the identity of the certifying authority, and that (a)(3) and (4) overlap each other. As to (a)(2), we agree, and have added language to provide for the inclusion of a two digit identifying code. As to (a)(3) and (a)(4), we disagree. Paragraph (a)(3) provides for the model or type of container, whereas (a)(4) provides for the manufacturer's serial number. Accordingly, no change has been made to § 115.32(a)(3) and (4).

A commenter notes that § 115.39, as proposed, gives the impression that containers manufactured in non-contracting countries may need to be physically produced in a country other than the place of manufacture in order to be inspected. We agree, and have changed the section to make it clear that a container may be submitted for inspection in the country of manufacture.

It is noted that § 115.40 makes no reference to the 1972 Convention on Containers. This was an oversight and the appropriate reference has been added to the section.

One party suggests that § 115.42 should require a container approval plate to contain a number assigned by the certifying authority if the manufacturer's number is unknown. We wish to point out that the manufacturer's number should always be available,

otherwise the acceptability of the approval plate itself would be in doubt.

Finally, a commenter points out our erroneous use of the word "containers" in § 115.66(a)(1). We have made the necessary correction by substituting the word "vehicles".

### Executive Order 12291

This document does not meet the criteria for a "major rule" as specified in section 1(b) of E.O. 12291. Accordingly, a regulatory impact analysis is not required.

### Paperwork Reduction Act

The collection of information requirements in the amendments are subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501). Therefore, they have been submitted to and approved by the Office of Management and Budget and assigned control number 1515-0145. Accordingly, Part 178, Customs Regulations (19 CFR Part 178), which lists the information collections contained in the regulations and the control numbers assigned by OMB, is being amended to include this control number.

### Regulatory Flexibility Act

Pursuant to section 3 of the Regulatory Flexibility Act (Pub. L. 96-353, 5 U.S.C. 301 *et seq.*), it is hereby certified that the regulations set forth in this document will not have a significant economic impact on a substantial number of small entities. Accordingly, it is not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604.

### Drafting Information

The principal author of this document was Larry L. Burton, Regulations Control Branch, Office of Regulations and Rulings, Customs Headquarters. However, personnel from other Customs offices participated in its development.

### List of Subjects

*19 CFR Part 115*

Cargo vessels, Coastal zone, Freight, Harbors, Maritime carriers, Vessels.

*19 CFR Part 178*

Reporting and recordkeeping requirements, Paperwork requirements, Collections of information.

### Amendments to the Regulations

Chapter I of title 19, Code of Federal Regulations (19 CFR Chapter I), is amended by adding a new Part 115 as set forth below and amending Part 178, Customs Regulations (19 CFR Part 178), in the following manner:

## PART 178—APPROVAL OF INFORMATION COLLECTION REQUIREMENTS

1. The authority citation for Part 178 continues to read as follows:

Authority: 5 U.S.C. 301, 19 U.S.C. 1624, 44 U.S.C. 3501 *et seq.*

2. Section 178.2 is amended by inserting the following in the appropriate numerical sequence according to the section number under the columns indicated:

**§ 178.2 Listing of OMB control numbers.**

| 19 CFR section | Description | OMB Control No. |
|---|---|---|
| Part 115 | Information to obtain certification that containers/road vehicles meet construction requirements. | 1515-0145 |

Title 19, Code of Federal Regulations, Part 115 is added to read as follows:

## PART 115—CARGO CONTAINER AND ROAD VEHICLE CERTIFICATION PURSUANT TO INTERNATIONAL CUSTOMS CONVENTIONS

**Subpart A—General**

115.1 Purpose.
115.2 Application.
115.3 Definitions.
115.4 Conflicting provisions.

**Subpart B—Administration**

115.6 Designated Certifying Authorities.
115.7 Designation of additional Certifying Authorities.
115.8 Certifying Authorities responsibilities—road vehicles.
115.9 Certifying Authorities responsibilities—containers.
115.10 Certificate of approval.
115.11 Establishment of fees.
115.12 Records maintained by Certifying Authority.
115.13 Records to be furnished Customs.
115.14 Meeting on program.
115.15 Reports by road vehicle or container manufacturer.
115.16 Notification of Certifying Authority by manufacturer.
115.17 Appeal to Commissioner of Customs.
115.18 Decision of Commissioner of Customs final.

**Subpart C—Procedures for Approval of Containers by Design Type**

115.25 General.
115.26 Eligibility.
115.27 Where to apply.
115.28 Application for approval.
115.29 Plan review.
115.30 Technical requirements for containers by design type.
115.31 Examination, inspection, and testing.
115.32 Approval plates.
115.33 Termination of approval.

**Subpart D—Procedures for Approval of Containers After Manufacture**

115.37 General.
115.38 Application.
115.39 Eligibility.
115.40 Technical requirements for containers.
115.41 Certificate of approval for containers approved after manufacture.
115.42 Approval plates.
115.43 Termination of approval.

**Subpart E—Procedures for Approval of Individual Road Vehicles**

115.48 General.
115.49 Application.
115.50 Eligibility.
115.51 Technical requirements.
115.52 Approval.
115.53 Certificate of approval.
115.54 Renewal of certificate.
115.55 Termination of approval.

**Subpart F—Procedures for Approval of Road Vehicles by Design Type**

115.60 General.
115.61 Eligibility.
115.62 Where to apply.
115.63 Application for approval.
115.64 Plan review.
115.65 Technical requirements for road vehicles by design type.
115.66 Examination, inspection, and testing.
115.67 Approval certificate.
115.68 Termination of approval.

Authority: 5 U.S.C. 301, 19 U.S.C. 66, 1624; E.O. 12445 of October 17, 1983.

### Subpart A—General

**§ 115.1 Purpose.**

This chapter establishes procedures for certifying containers and road vehicles in conformance with the Customs Convention on Containers (1956) (TIAS 6634), the Customs Convention on the International Transport of Goods Under Cover of TIR Carnets (1959) (TIAS 6633), the Customs Convention on the International Transport of Goods Under Cover of TIR Carnets, November 14, 1975 (TIAS), and the Customs Convention on Containers, 1972 (TIAS), by applying the procedures and technical conditions set forth in the annexes to these conventions.

**§ 115.2 Application.**

(a) Certification of containers and road vehicles for international transport under Customs seal is voluntary. This chapter does not require certification of containers and road vehicles.

(b) The Customs Convention on the International Transport of Goods Under Cover of TIR Carnets (TIR Convention), January 15, 1959 (20 UST 184, TIAS 6633), requires that the approval of road vehicles be made by competent authorities of the country in which the owner or carrier is a resident or is established, and that containers should be either similarly approved, or approved by the competent authority of the country where it is first used for transport under Customs seal. The Customs Convention on Containers, May 18, 1956 (20 UST 301, TIAS 6634),

requires that the approval of containers be made by competent authorities of the country in which the owner is a resident or is established or by those of the country where the container is used for the first time for transport under Customs seal. The TIR Convention, 1975, generally provides that a road vehicle, for which approval at a stage after manufacture is desired, shall be approved by the competent authority where the vehicle owner or operator is established or located, or where the vehicle is registered. Such approval under the TIR Convention, 1975, or, for containers, the Customs Convention on Containers, 1972, may be accomplished by the competent authority of the country in which the owner or operator is able to produce the conveyance. The 1975 TIR Convention and the Customs Convention on Containers, 1972, also provide that the Certifying Authority of the country of manufacture, if that country is a contracting party to the Convention, may approve a series of road vehicles or containers presented for design type approval. The procedures for applying for certification are contained in §§ 115.28, 115.38, 115.49, and 115.63 of this part.

**§ 115.3 Definitions.**

For the purpose of this part:

(a) *Certifying Authority.* "Certifying Authority" means a nonprofit firm or association, incorporated or established in the U.S., which the Commissioner finds competent to carry out the functions of this part and which he designates to certify containers and road vehicles for international transport under Customs seal.

(b) *Commissioner.* "Commissioner" means the Commissioner of Customs.

(c) *Container.* "Container" means an article of transport equipment (lift van, portable tank, or other similar structure).

(1) Fully or partially enclosed to constitute a compartment intended for containing goods;

(2) Of a permanent character and strong enough to be suitable for repeated use;

(3) Specifically designed to facilitate the carriage of goods by one or more modes of transport, without intermediate reloading;

(4) Designed for read handling, particularly its transfer from one mode of transport to another;

(5) Designed to be easily filled and emptied; and

(6) Having an internal volume of 1 cubic meter (35.3 cubic feet) or more.

(d) *Manufacturer.* "Manufacturer" means an organization or person constructing containers or road vehicles for certification in accordance with this chapter.

(e) *Prototype.* "Prototype" means a sample unit of a series of identical containers or road vehicles all built, so far as practical, under the same conditions.

(f) *Road vehicle.* "Road Vehicle", as defined in Chapter 1, Article 1 of the Customs Convention on the International Transport of Goods Under Cover of TIR Carnets (TIR Convention), November 14, 1975 (TIAS), means not only any power-driven road vehicle but also any trailer or semi-trailer designed to be coupled to it.

(g) *Customs and TIR/Container Plan.* "Customs and TIR/Container Plan" means the designer's drawing of a vehicle (for TIR purposes) or container (for TIR and Container Convention purposes) that illustrates each requirement in §§ 115.30, 115.40, 115.51, or 15.65, as appropriate to this part.

(h) The definitions in the subject Conventions shall be considered applicable to terms not specifically defined above.

**§ 115.4 Conflicting provisions.**

The provisions of the most recent TIR/Container Convention shall apply in the event of conflict between it and an earlier TIR/Container Convention covered by these regulations.

## Subpart B—Administration

**§ 115.6 Designated Certifying Authorities.**

(a) The American Bureau of Shipping, 45 Eisenhower Dr., Paramus, New Jersey 07652.

(b) International Cargo Gear Bureau, Inc., 17 Battery Place, New York, New York 10004.

(c) The National Cargo Bureau, Inc., One World Trade Center, Suite 2757, New York, New York 10048.

**§ 115.7 Designation of additional Certifying Authorities.**

(a) The Commissioner may designate as a Certifying Authority any nonprofit firm or association that he finds competent to carry out the functions of §§ 115.8 through 115.14 of this subpart.

(b) Any designation as Certifying Authority may be terminated by the Commissioner.

**§ 115.8 Certifying Authorities responsibilities—road vehicles.**

(a) *General.* Road vehicles may be approved individually or by design type.

(b) *Individual approval.* The Certifying Authority to whom a road vehicle is submitted for approval shall inspect such road vehicle produced in accordance with the general rules contained in Annex 3 of the TIR Convention, 1975.

(c) *Design type approval.* The Certifying Authority to whom a road vehicle is submitted for design type approval shall examine the drawings and detailed design specifications submitted with the application for approval. The Certifying Authority shall advise the applicant of any changes that must be made to the proposed design type in order that approval may be granted. The Certifying Authority shall examine one or more vehicles to confirm that such vehicles comply with the technical conditions contained in Annex 2 of the TIR Convention, 1975. The Certifying Authority shall notify the applicant of its decision to grant design type approval, and it shall issue an approval certificate complying with Annexes 3 and 4 of the TIR Convention, 1975.

(d) *Supplementary examinations.* If a road vehicle approved by design type is the subject of an extended production run under one certificate of approval, the Certifying Authority shall confirm by examination of one or more road vehicles during the manufacturing process, or by other means, that such vehicles continue to meet the approved drawings and detailed design specifications and the technical requirements of Annex 2 of the TIR Convention, 1975.

For the purposes of this section, an extended production run shall be considered a continuous run of many units over long periods of time, as well as a new run following the completion of a previous run.

**§ 115.9 Certifying Authorities responsibilities—containers.**

(a) *General.* Containers may be approved for transport under seal by design type at the manufacturing stage or, otherwise, at a stage subsequent to manufacture.

(b) *Design type approval.* The Certifying Authority to whom a container is submitted for design type approval shall examine the drawings and detailed design specifications submitted with the application for approval. The Certifying Authority shall advise the applicant of any changes that must be made to the proposed design type so that approval may be granted. The Certifying Authority shall examine one or more containers to confirm that such containers comply with the technical requirements of Part 1, Annex 7, TIR Convention, 1975, and Annex 4 of the Customs Convention on Containers, 1972. The Certifying Authority shall issue a certificate authorizing the

applicant to affix an approval plate, as described in Appendix 1 to Part II, Annex 7 of the TIR Convention, 1975, and Annex 5 of the Customs Convention on Containers, 1972, for all containers manufactured in conformity with the specifications of the type of container approved. This certificate shall comply with the model certificate in Appendix 2, Part II, Annex 7 of the TIR Convention, 1975, and Appendix 2 of Annex 5 of the Customs Convention on Containers, 1972.

(c) *After manufacture.* The Certifying Authority to whom containers are submitted for approval after manufacture, shall examine as many containers as necessary to ascertain that they comply with the technical conditions prescribed in Part 1, Annex 7, TIR Convention, 1975, and Annex 5 of the Customs Convention on Containers, 1972. The Certifying Authority shall issue a certificate of approval authorizing the applicant to affix an approval plate to the specific number or series of containers being approved. The certificate shall comply with the model certificate of approval in Appendix 3, Part II, Annex 7, TIR Convention, 1975, and Appendix 3, Annex 5, Customs Convention on Containers, 1972.

(d) *Supplementary examinations.* If a container approved by design type is the subject of an extended production run or several production runs under one certificate of approval, the Certifying Authority shall confirm by examination of one or more containers during the manufacturing process, or by other means, that such containers continue to meet the approved drawings and detailed design specifications and the technical requirements of Annex 7 of the TIR Convention, 1975, and Annex 4 of the Customs Convention on Containers, 1972. For the purposes of this section, an extended production run shall be considered as a continuous run of many units over long periods of time, as well as a new run following completion of a previous run.

**§ 115.10 Certificate of approval.**

A Certifying Authority shall issue a certificate of approval by design type for a specified number or unlimited series of containers that are approved in accordance with the procedures contained in §§ 115.29, 115.31, 115.38, and 115.41, and road vehicles that are approved in accordance with the procedures contained in §§ 115.49, 115.52, 115.63, and 115.66 of this part.

(a) *Road vehicles.* A Certifying Authority shall issue a certificate of approval conforming to the model in Annex 4 of the 1975 TIR Convention for vehicles submitted for individual or design type approval, if satisfied that the vehicles comply with the technical conditions prescribed in Annex 2 of the TIR Convention, 1975.

(b) *Containers.*—(1) *Approval after Manufacture.* A Certifying Authority shall issue a certificate of approval conforming to the model in Appendix 3, Part II to Annex 7 of the TIR Convention, 1975, and Appendix 3 to Annex 5 of the Customs Convention on Containers, 1972, for containers approved at a stage after manufacture, when it has been ascertained that the containers comply with the technical conditions prescribed in Annex 7 of the TIR Convention, 1975, and Annex 4 of the Customs Convention on Containers, 1972. The certificate shall be valid for the number of containers approved.

(2) *Design type approved.* A Certifying Authority shall issue a single certificate of approval conforming to the model in Appendix 2, Part II to Annex 7 of the TIR Convention, 1975, and Appendix 2 to Annex 5 of the Customs Convention on Containers, 1972, for containers approved by design type when it has been ascertained that the container type complies with the technical conditions prescribed in Annex 7 of the 1975 TIR Convention, and Annex 4 of the Customs Convention on Containers, 1972. The certificate shall be valid for all containers manufactured in conformity with the specifications of the type approved.

(c) *Provisions common to both approval procedures.* The certificate of approval issued pursuant to paragraphs (a) and (b) of this section shall be valid for either the specific number of containers approved, or for an unlimited series of containers of the approved type.

**§ 115.11 Establishment of fees.**

(a) Each Certifying Authority shall establish and file with the Commissioner a schedule of fees for the performance of the certification procedures under this chapter. The fees shall be based on the costs (including transportation expense) actually incurred by the Certifying Authority. The fees are subject to approval by the Commissioner before their use by the Certifying Authority.

(b) Each Certifying Authority shall make available a schedule of its fees approved by the Commissioner. In addition, the schedules of approved fees for all the Certifying Authorities are available from the Headquarters, U.S. Customs Service, Office of Inspection and Control, 1301 Constitution Avenue, NW., Washington, DC 20229.

**§ 115.12 Records maintained by certifying authority.**

(a) Each Certifying Authority shall maintain—

(1) A copy of each individual certificate of approval issued, together with a copy of the plans and the application to which the approval refers, along with any information submitted by the manufacturer and/or owner or operator for the certification of a container or a road vehicle.

(2) A record of each serial number assigned and affixed by the manufacturer to the road vehicles and containers manufactured under a design type approval, and containers approved at a stage after manufacture.

(b) The Commissioner may examine the Certifying Authority's files required by paragraph (a) of this section.

**§ 115.13 Records to be furnished Customs.**

Each Certifying Authority shall furnish the Headquarters, U.S. Customs Service, Office of Inspection and Control, 1301 Constitution Avenue, NW., Washington, DC 20229, unless waived by Customs;

(a) A copy of each issued certificate of approval for containers and road vehicles and a copy of the plans and application to which the approval refers;

(b) A copy of each issued individual approval for a container or road vehicle.

**§ 115.14 Meeting on program.**

If determined necessary by Customs, each Certifying Authority's representative for certification functions shall meet, after notice, with the Commissioner to review their administration of the certification program.

**§ 115.15 Reports by road vehicle or container manufacturer.**

Each manufacturer shall forward to the appropriate Certifying Authority, quarterly or when otherwise requested by that Authority:

(a) The registration number or other identifying information on road vehicles, or serial numbers assigned to containers manufactured under a certificate of approval by design type; and

(b) An attestation that each road vehicle or container to which a serial number was assigned was manufactured in full compliance with the certificate of approval by design type.

**§ 115.16 Notification of Certifying Authority by manufacturer.**

In order that the Certifying Authority can schedule an appropriate inspection, a manufacturer shall give notification to that Authority before each production

run of road vehicles or containers to be built pursuant either to plans approved by the Certifying Authority, or revised plans (approved or unapproved).

**§ 115.17 Appeal to Commissioner of Customs.**

(a) Any manufacturer, carrier, or owner may, within 30 days after he has been notified by a Certifying Authority of an adverse determination, including any review provided, appeal that determination to the Commissioner.

(b) Any determination which is appealed remains in effect pending a decision by the Commissioner.

**§ 115.18 Decision of Commissioner of Customs final.**

The decision of the Commissioner on any matter appealed to him is final.

## Subpart C—Procedures for Approval of Containers by Design Type

**§ 115.25 General.**

The Certifying Authority shall, at the request of a manufacturer, evaluate containers for approval by design type during the manufacturing stage.

**§ 115.26 Eligibility.**

Any manufacturer of containers to be manufactured in a type series from standard design and specifications so that each container has identical characteristics, may apply for approval by design type.

**§ 115.27 Where to apply.**

A manufacturer may apply for approval of a container by design type to a Certifying Authority of the country in which the container is manufactured if such country is a contracting party to the TIR Convention, 1975, or the Customs Convention on Containers, 1972.

**§ 115.28 Application for approval.**

Each application by a manufacturer or an owner for certification of a container by design type must include:

(a) Three copies, each no larger than 3 feet by 4 feet, of the customs and TIR/Container plan;

(b) Customs and TIR/Container plan number;

(c) Three copies of the specifications which include the following information:

(1) The name and address of the manufacturer and the owner; and

(2) A description of the container including the—

(i) Type of construction;

(ii) Dimensions;

(iii) Material of construction;

(iv) Coating system used;

(v) Identification marks and numbers; and

(vi) Tare weight;

(d) The location and date for inspection; and

(e) A statement signed by the manufacturer that:

(1) A container of the design type concerned is available for inspection and approval by the Certifying Authority before, during, and after the production run;

(2) Notification will be given to the Certifying Authority of each change in the design before adoption; and

(3) Each container will be marked with:

(i) The metal plate required in § 115.32;

(ii) The identification number or letter of the design type assigned by the manufacturer; and

(iii) The serial number of the container assigned by the manufacturer.

**§ 115.29 Plan review.**

(a) A manufacturer or owner who wants containers to be approved by design type must submit the plans and specifications for the container to the Certifying Authority.

(b) The Certifying Authority examining the plans and specifications submitted in accordance with paragraph (a) of this section shall:

(1) Approve the plans and specifications in accordance with the requirements of § 115.30 and arrange to inspect a container in accordance with § 115.31; or

(2) Advise the applicant of any necessary changes to be made for compliance with the requirements of § 115.30.

(c) If changes in the design of the container are made during production but after approval of the plans and specifications by the Certifying Authority and furnish it with "as-built" drawings of the container so that the plans can be reviewed and one or more containers inspected during the production stage to confirm that they continue to comply with the requirements of § 115.30.

**§ 115.30 Technical requirements for containers by design type.**

The plans and specifications of a container submitted in accordance with the requirements contained in §115.29, and the one or more containers inspected in accordance with the requirements of § 115.31, must comply with the requirements of Annex 7 of the Customs Convention on the International Transport of Goods Under Cover of TIR Carnets (TIR Convention), November 14, 1975 (TIAS), and Annex 4 of the Customs Convention on Containers (Container Convention), December 2, 1972. Copies of Annex 7 and Annex 4 may be obtained from the Headquarters, U.S. Customs Service, Office of Inspection and Control, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

**§ 115.31 Examination, inspection, and testing.**

(a) Before the issuance of a certificate of approval by design type, the Certifying Authority shall:

(1) Make a physical examination of one or more containers of the production series concerned;

(2) Assure itself as to the adequacy of the manufacturer's system to control quality of materials used, manufacturing methods, and finished containers; and

(3) Require the manufacturer to make available to the Certifying Authority records of material, including affidavits furnished by suppliers.

(b) The Certifying Authority shall conduct such examinations, inspections, and tests of the production run containers as it deems necessary.

**§ 115.32 Approval plates.**

The manufacturer shall affix, in a clearly visible place on or near one of the doors or other main openings of each container manufactured to the approved design, a metal approval plate measuring at least 20 by 10 centimeters (7.8 by 3.9 inches). The following shall be embossed on or stamped into the surface of the approval plate:

(a) "Approved for transport under Customs seal."

(b) "USA/(number of the certificate of approval)/(last two digits of year of approval)." (e.g. "USA/1600/84" means "United States of America certificate of approval number 1600, issued in 1984)." A two digit alpha suffix may be added to the certificate of approval number to identify the Certifying Authority, e.g., USA/1600–AB/85, USA/1600–IB/85.

(c) Identification of the type of container and of the number of the container in the type series.

(d) The serial number assigned to the container by the manufacturer (manufacturer's number).

**§ 115.33 Termination of approval.**

Any container, the essential features of which are changed, shall no longer be covered by the design type approval. Such a container may be made available to a Certifying Authority for inspection and individual approval in accordance with subpart D of the part. However, repairs in kind do not constitute a change of the essential features.

## Subpart D—Procedures for Approval of Containers After Manufacture

### § 115.37 General.

This subpart provides for the approval and certification of containers after manufacture, and for those altered so as to void their design type approval.

### § 115.38 Application.

A written request for approval of a container after manufacture may be made by the owner or operator to a Certifying Authority and must include the following:

(a) Three copies, each no longer than 3 feet by 4 feet, of the Customs and TIR/Container plan;

(b) Customs and TIR/Container plan number;

(c) Three copies of the specifications which include the following information:

(1) Type of container;

(2) Name and business address of applicant;

(3) Identification marks and numbers;

(4) Tare weight;

(5) Nominal overall dimensions in centimeters;

(6) Type of construction and essential particulars of structure (nature of materials, coating system used, parts which are reinforced, whether bolts are riveted or welded, and similar matters); and

(7) Proposed location and date for inspection of the container.

### § 115.39 Eligibility.

The owner or operator may submit containers to be approved after the manufacturing stage to:

(a) The Certifying Authority of the country of manufacture if such country is a contracting party to the Convention.

(b) The Certifying Authority of the country where the owner or operator is resident or established, when such Certifying Authority has representatives located in the country of manufacture, which is a noncontracting party to the Convention.

(c) The Certifying Authority of the country where a container is used for the first time for transport of merchandise under Customs seal or where it is otherwise physically located.

### § 115.40 Technical requirements for containers.

A container that is submitted for inspection for approval after manufacture, must comply with the requirements of Annex 7 of the Customs Convention on the International Transport of Goods Under Cover of TIR Carnets (TIR Convention), November 14, 1975 (TIAS) and Annex 4 of the Customs Convention on Containers (Container Convention), December 2, 1972. Copies of Annex 7 and Annex 4 may be obtained from the Headquarters, U.S. Customs Service, Office of Inspection and Control, 1301 Constitution Avenue, NW., Washington, DC 20229.

### § 115.41 Certificate of approval for containers approved after manufacture.

The Certifying Authority shall issue an individual certificate of approval for each container that meets the requirements in § 115.40.

### § 115.42 Approval plates.

(a) The owner or operator applicant shall, upon receipt of a certificate of approval from the Certifying Authority, affix an approval plate in the manner specified for containers approved by design type (see § 115.32).

(b) Although an entry is not required in the space provided for type identifiers on an approval plate for containers approved after manufacture, identification number and letters indicating that a series of containers comply with the same specifications may be placed in such space. This may be used to assist in the identification of a series of containers in which a common defect may be discovered subsequent to certification. In such case the approval number on the plate shall be altered by an addition to the second or third element of such number. The specific method of altering the approval number may be established by each Certifying Authority, for containers approved by it, and communicated to the U.S. Customs Service.

(c) Two possible methods of accomplishing this are:

(1) Placing an "X" in front of the numeric portion of the middle element of the approval number, e.g., USA/X123-IB/85.

(2) Placing a suffix at the end of the approval number, e.g, USA/123-AB/85-01.

### § 115.43 Termination of approval.

Approval of a container terminates upon a change in the container by a major repair or alteration of any of the essential features required in § 115.40. Repairs by replacement in kind do not constitute a change of the essential features.

## Subpart E—Procedures for Approval of Individual Road Vehicles

### § 115.48 General.

This subpart provides for the approval and certification of individual road vehicles that comply with the technical requirements in § 115.51.

### § 115.49 Application.

A written request for approval of an individual road vehicle may be made by the owner, or carrier to a Certifying Authority and must include:

(a) Three copies, each no larger than 3 feet by 4 feet, or the Customs and TIR plan;

(b) Customs and TIR plan number;

(c) Three copies of the specifications which include the following information:

(1) Type of vehicle;

(2) Name and business address of owner or operator;

(3) Name of the manufacturer;

(4) Chassis number;

(5) Engine number (if applicable);

(6) Registration number;

(7) Particulars of construction;

(8) Any photos or diagrams required by the Certifying Authority to facilitate approval; and

(9) A proposed place and date for inspection of the road vehicle.

### § 115.50 Eligibility.

A road vehicle may be submitted for inspection by its owner or operator to a Certifying Authority of the country in which the owner or operator is a resident or is established, or where the vehicle is registered.

### § 115.51 Technical requirements.

A road vehicle that is submitted for inspection for individual approval must comply with the requirements of Annex 2 of the Customs Convention on the International Transport of Goods Under Cover of TIR Carnets (TIR Convention), November 14, 1975, (TIAS). Copies of Annex 2 may be obtained from the Headquarters, U.S. Customs Service, Office of Inspection and Control, 1301 Constitution Avenue, NW., Washington, DC 20229.

### § 115.52 Approval.

The Certifying Authority shall issue a certificate of approval, valid for 2 years, to each road vehicle that complies with the applicable requirements in § 115.51.

### § 115.53 Certificate of approval.

A certificate of approval must be kept on the vehicle as evidence of approval.

### § 115.54 Renewal of certificate.

A certificate of approval may be renewed if the Certifying Authority determines by inspection every 2 years that the vehicle continues to comply with the applicable requirements in § 115.51.

### § 115.55 Termination of approval.

Approval of a road vehicle terminates:

(a) Upon expiration of the certificate of approval; or

(b) Upon a change in the road vehicle by a major repair or alteration of any of the essential features required in § 115.51. Repairs by replacement in kind do not constitute a change of the essential features.

## Subpart F—Procedures for Approval of Road Vehicles by Design Type

### § 115.60 General.

This subpart provides for the approval and certification of road vehicles manufactured by design type.

### § 115.61 Eligibility.

Any manufacturer of road vehicles which are being manufactured in a type series from a standard design and specifications, so that each road vehicle has identical characteristics, may apply for an approval by design type.

### § 115.62 Where to apply.

A manufacturer may apply for approval of a road vehicle by design type to a Certifying Authority of the country in which the road vehicle is manufactured, if such country is a contracting party to the TIR Convention, 1975.

### § 115.63 Application for approval.

Each application by a manufacturer for certification of a road vehicle by design type must include:

(a) Three copies, each no larger than 3 feet by 4 feet, of the Customs and TIR plan;

(b) Customs and TIR plan number;

(c) Three copies of the specifications which include the following information:

(1) The name and address of the manufacturer and the owner; and

(2) A description of the road vehicle including the:

(i) Particulars of construction;

(ii) Dimensions;

(iii) Construction materials; and

(iv) Marks and numbers, including chassis, engine, and registration numbers.

(d) A statement signed by the manufacturer that:

(1) It will present vehicles of the type concerned to the Certifying Authority which that Authority may wish to examine;

(2) Permit the Certifying Authority to examine further units at any time during or after the production run;

(3) Notify the Certifying Authority of each change in the design or specifications before adoption;

(4) Mark the road vehicles in a visible place with the identification number or letters of the design type and the serial number of the vehicle in the type series manufacturer's number; and

(5) Keep a record of vehicles manufactured according to the design type.

### § 115.64 Plan review.

(a) A manufacturer or owner who wants road vehicles to be approved by design type must submit the plans and specifications of the road vehicles to the Certifying Authority.

(b) The Certifying Authority that examines the plans and specifications submitted in accordance with paragraph (a) of this section shall:

(1) Approve the plans and specifications in accordance with the requirements of § 115.65 and arrange to inspect a road vehicle in accordance with § 115.66; or

(2) Advise the applicant of any necessary changes to be made for compliance with the requirements of § 115.65.

(c) If changes in design of the road vehicle are made during production but after approval of the plans and specifications by the Certifying Authority, the manufacturer shall immediately notify the Certifying Authority and furnish it with "as-built" drawings of the road vehicle so that the plans can be reviewed and one or more road vehicles inspected during the production stage to confirm that they continue to comply with the requirements of § 115.65.

### § 115.65 Technical requirements for road vehicles by design type.

The plans and specifications of a road vehicle that are submitted in accordance with the requirements contained in § 115.64, and the one or more road vehicles that are inspected in accordance with the requirements of § 115.66, must comply with the requirements of Annex 2 of the Customs Convention on the International Transport of Goods Under Cover of TIR Carnets (TIR Convention), November 14, 1975 (TIAS). Copies of Annex 2 may be obtained from the Headquarters, U.S. Customs Service, Office of Inspection and Control, 1301 Constitution Avenue, NW., Washington, DC 20229.

### § 115.66 Examination, inspection, and testing.

(a) Before the issuance of a certificate of approval by design type, the Certifying Authority shall:

(1) Make a physical examination of one or more vehicles of the production series concerned;

(2) Assure itself as to the adequacy of the manufacturer's system to control quality of materials used, manufacturing methods, and finished road vehicles; and

(3) Require the manufacturer to make available to the Certifying Authority records of materials, including affidavits furnished by suppliers.

(b) The Certifying Authority shall conduct such examinations, inspections, and testing of the production run road vehicles as it deems necessary.

### § 115.67 Approval certificate.

The holder of the approval certificate shall, before using the vehicle for the carriage of goods under the cover of a TIR Carnet, fill in as may be required on the approval certificate:

(a) The registration number given to the vehicle (item No. 1); or

(b) In the case of a vehicle not subject to registration, particulars of his name and business address (item No. 8). (See Annex 4 of the Convention for model of certificate of approval.)

### § 115.68 Termination of approval.

Any road vehicle whose essential features are changed shall no longer be covered by the design type approval. Such a road vehicle may be made available to a Certifying Authority for inspection and individual approval in accordance with subpart E of this part. However, repairs in kind do not constitute a change of the essential features.

**William von Raab,**

*Commissioner of Customs.*

Approved: April 17, 1986.

**Francis A. Keating, II,**

*Assistant Secretary of the Treasury.*

[FR Doc. 86-9621 Filed 4-30-86; 8:45 am]

BILLING CODE 4820-02-M

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

## Social Security Administration

## 20 CFR Part 404

**[Reg. Nos. 4 and 10]**

## Social Security Benefits and Supplemental Security Income; Cross Reference Corrections

*Correction*

In FR Doc. 86-6776, beginning on page 10615, in the issue of Friday, March 28, 1986, make the following correction:

On page 10616, in the first column, in amendatory instruction 3, the last line should read, "(c) from § 404.1501 to § 404.1505.".

BILLING CODE 1505-01-M

## Food and Drug Administration

## 21 CFR Part 176

[Docket No. 85F-0262]

## Indirect Food Additives; Paper and Paperboard Components

**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 cationic soy protein hydrolyzed (hydrolyzed soy protein isolate modified by treatment with 3-chloro-2-hydroxypropyltrimethylammonium chloride) in the manufacture of paper and paperboard used in the packaging of dry food. This action responds to a petition filed by Ralston Purina Co.

**DATES:** Effective May 1, 1986; objections by June 2, 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:** Edward J. Machuga, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C Street SW., Washington, DC 20204, 202-472-5690.

**SUPPLEMENTARY INFORMATION:** In a notice published in the **Federal Register** of June 25, 1985 (50 FR 26271), FDA announced that a petition (FAP 5B3865) had been filed by Ralston Purina Co., Checkerboard Square, St. Louis, MO 63164, proposing that § 176.180 *Components of paper and paperboard in contact with dry food* (21 CFR 176.180) be amended to provide for the safe use of cationic soy protein hydrolyzed (hydrolyzed soy protein isolate modified by treatment with 3-chloro-2-hydroxypropyltrimethylammonium chloride) in the manufacture of paper and paperboard used in the packaging of dry food.

FDA has evaluated the 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.

In accordance with § 171.1(b) (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(b), 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 abbreviated environmental assessment under 21 CFR 25.31a(b)(1).

Any person who will be adversely affected by this regulation may at any time on or before June 2, 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 Docket Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

### List of Subjects in 21 CFR Part 176

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 Director of the Center for Food Safety and Applied Nutrition, Part 176 is amended as follows:

## PART 176—INDIRECT FOOD ADDITIVES: PAPER AND PAPERBOARD COMPONENTS

1. The authority citation for 21 CFR Part 176 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. In § 176.180(b)(2) by alphabetically inserting a new item in the list of substances to read as follows:

**§ 176.180 Components of paper and paperboard in contact with dry food.**

* * * * *

(b) * * *

(2) * * *

| List of substances | Limitations |
|---|---|
| * * * | * * |
| Cationic soy protein hydrolyzed (hydrolyzed soy protein isolate modified by treatment with 3-chloro-2-hydroxypropyl-trimethylammonium chloride). | For use only as a coating adhesive, pigment structuring agent, and fiber retention aid. |
| * * * | * * |

Dated: April 18, 1986.

**Richard J. Ronk,**

*Acting Director, Center for Food Safety and Applied Nutrition.*

[FR Doc. 86-9722 Filed 4-30-86; 8:45 am]

BILLING CODE 4160-01-M

## DEPARTMENT OF THE TREASURY

## Bureau of Alcohol, Tobacco and Firearms

## 27 CFR Part 5

[T.D. ATF-228; re: Notice Nos. 486 & 505]

## Elimination of the 500 Milliliter Metric Standard of Fill for Distilled Spirits

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

**ACTION:** Treasury decision, final rule.

**SUMMARY:** This final rule eliminates the 500 ml size container from the metric standards of fill for distilled spirits. This reduces the total number of authorized metric standards of fill for distilled spirits from eight to seven. This action is in response to our analysis of the metric sizes and to comments on Notice No. 486 (September 23, 1983, 48 FR 43346). This action will be completed in a phase-out period ending June 30, 1989. Beginning July 1, 1989, importers and bottlers will no longer be able to import or bottle distilled spirits in 500 ml containers

although they may continue to sell existing stocks on hand.

**EFFECTIVE DATE:** June 2, 1986.

**FOR FURTHER INFORMATION CONTACT:** Edward A. Reisman, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue NW., Washington, DC 20226 (202-566-7626).

**SUPPLEMENTARY INFORMATION:**

## Summary

*375 and 500 milliliter standards of fill.* On September 23, 1983, ATF published Treasury Decision ATF-146 (48 FR 43319) adopting the 100 ml size and 375 ml size as standards of fill for distilled spirits. These two metric standards of fill became effective for use in interstate and foreign commerce on January 3, 1984. Concurrent with this Treasury decision, ATF published Notice No. 486 (48 FR 43346) relating to the 375 ml size and 500 ml size.

A major concern with the 375 ml and 500 ml sizes was the similarity in bottle size and shape even though the volumetric difference is 125 ml, or slightly over four fluid ounces. Because of this concern, ATF issued Notice No. 486 which requested comments on whether bottlers should be allowed the option of bottling their products in either the 375 ml size or 500 ml size, but not both; or whether the 500 ml size should be eliminated as a standard of fill for distilled spirits.

After carefully studying the issues, ATF has decided to phase-out the 500 ml metric standard of fill, for the following reasons:

1. The comments were overwhelmingly in favor of elimination of that size.

2. There have been reports of consumer confusion between the 375 ml and 500 ml sizes. Because of the closeness in fill and bottle shape, consumers are having difficulty distinguishing between the two sizes when purchasing distilled spirits products at retail.

3. Retailers and wholesalers strongly objected to the continuance of the 500 ml standard of fill. They claimed that even the members of the alcohol beverage industry were having difficulty distinguishing between the 375 ml and 500 ml sizes. These retail dealers and wholesalers also claimed that stocking both sizes was causing unnecessary additional costs in storage, handling and displaying. They said that the new 375 ml size filled the market need that was previously satisfied by the 500 ml size.

4. One of the purposes for adopting the metric standards of fill in the United States was to reduce the number of confusing bottle sizes available to the consumer. The new metric sizes were intended to offer consumers a rational range of size choices that were easy to distinguish on the store shelf and which could be easily differentiated.

Elimination of the 500 ml size helps prevent size proliferation in the number of metric sizes needed for distilled spirits products. This action eliminates one unnecessary size and leaves a simple rational set of metric bottle sizes to choose from.

Since the introduction of metric bottle sizes in the United States, two additional sizes, the 100 ml and 375 ml sizes, were added because there was strong industry and consumer demand for them. Although there was strong demand to add each of these new metric sizes, it has unfortunately resulted in size proliferation. Elimination of the 500 ml size will help to rectify the problem.

## Background

*500 ml Metric Standard of Fill.* The 500 ml size metric standard of fill was authorized by T.D. ATF-25 (January 6, 1976, 41 FR 1063). That Treasury decision established the original metric standards of fill for distilled spirits in the United States, effective January 1, 1980. The six original sizes were 1.75 liters, 1 liter, 750 ml, 500 ml, 200 ml and 50 ml. Prior to the Treasury decision the Bureau published a Notice of Proposed Rulemaking and Public Hearing in the **Federal Register** on July 16, 1975.

The Notice contained proposals made by both the Distilled Spirits Council of the United States and ATF. The sizes were adopted on the basis of evidence received at public hearings and in written comments.

*375 ml Metric Standard Of Fill.* The 100 ml and 375 ml sizes were authorized as metric standards of fill in 1984. In 1981, Bacardi Imports, Inc. petitioned ATF to allow the 375 ml size to be used in interstate and foreign commerce. This petition was supported by various segments of the distilled spirits industry. Bacardi Imports, Inc. maintained in their petition that there was a consumer demand for the 375 ml size and that it would facilitate the international market since Canada, the United Kingdom, and the European Economic Community (EEC) utilize the 375 ml size as one of their standards of fill.

ATF proposed the 375 ml size as a standard of fill for distilled spirits on August 16, 1982 (Notice No. 417; 47 FR 35521). 48 comments were received in response to that notice, of which 37 supported the 375 ml size and 11 were opposed. Seven of the supporters of the 375 ml size wanted industry members to have the option of bottling the 375 ml or 500 ml size but not both sizes. Nine of the supporters of the 375 ml size wanted the 500 ml size eliminated if the 375 ml size was adopted.

Based on these comments, ATF adopted the 375 ml size, effective January 3, 1984, but decided to air the possibility of eliminating or restricting the 500 ml size.

*Notice No. 486.* In Notice No. 486, September 23, 1983, ATF requested comment from all interested persons on the alternatives raised by the commenters during rulemaking on the 375 ml size. ATF requested comments on the the following specific issues:

(a) Would retention of the 500 ml size lead to consumer confusion or deception because of its similarity to the 375 ml size?

(b) Since there is only slightly over four fluid ounces difference between the 375 ml size and the 500 ml size, is there a need to have both sizes? Would the 375 ml size fulfill the market need for the 500 ml size?

(c) In the event the 500 ml size is eliminated as a standard of fill, what is a reasonable transition period to allow for a use-up of present inventories of this bottle size?

(d) Does the greater benefit to both industry and the consumer exist with both sizes in the market without qualification since it allows greater flexibility in bottling and wider size choices on purchase?

(e) Would repeat purchases negate any confusion or deception that may arise between the 375 ml size and 500 ml size? Does the option of having a purchase choice between the 375 ml size and the 500 ml size outweigh any confusion or deception that may arise?

*Extension of Comment Period.* The comment period for Notice No. 486 was scheduled to close on March 23, 1984, but was extended by Notice No. 505, March 21, 1984 (49 FR 10553) until January 2, 1985. ATF granted this extension at the request of The Distilled Spirits Council of the United States (DISCUS) and the National Association of Beverage Importers (NABI) who wanted a one year extension to give industry time to make an informed choice through market surveys based on consumer preferences and purchases.

*Analysis of Comments.* 133 comments were received. 108 of the comments generally were opposed to the retention of the 500 ml size. 24 wanted the 500 ml size retained. The majority (98) of the comments came from wholesalers and retailers.

SYNOPSIS OF COMMENTS

| | Rescind 500 | Retain 500 |
|---|---|---|
| Wholesalers and Retailers | 96 | 2 |
| U.S. Distillers | 4 | 6 |
| Foreign Distillers | 0 | 2 |
| Importers | 3 | 7 |
| Associations | 2 | 3 |
| State Authorities | 5 | 1 |
| Foreign Governments | 0 | 2 |

The National Liquor Stores Association and the Wine & Spirits Wholesalers of America wanted the 500 ml size rescinded. The National Association of Beverage Importers, the U.S. Metric Association and the Kentucky Wholesale Liquor Dealers wanted the 500 ml size retained. Six state authorities commented. Kentucky, Vermont, Wyoming, Arkansas and Massachusetts favored rescision of the 500 ml size while Iowa favored its retention. Two foreign governments, Germany and France, favored retention of the 500 ml size.

*Comments Favoring Elimination Of The 500 ml Size*

The basic objection to the 500 ml size was that the 375 ml and 500 ml sizes cause consumer confusion because both sizes have similar shapes and heights. Many commenters said the 375 ml size fulfills the market need for the 500 ml size. The majority of commenters said that there is no greater benefit to industry and consumers to have both sizes even though it would allow greater flexibility in bottling and permit wider consumer choices.

Most commenters said that the option of having a purchase choice between the 375 ml and 500 ml size does not outweigh any confusion or deception that may arise. Some commenters said that the 500 ml size was not a good seller and never a popular container size with the public as compared to other available metric sizes. Ten commenters responded to the question in the notice on a reasonable transition period to allow a use-up of the 500 ml size container. The time requested varied from three months to three years. The following are some specific comments on that issue:

A U.S. distiller said that the 500 ml size is too close to the 750 ml size and does not give the consumer enough of a choice.

A wholesaler stated that existence of both the 500 ml and 375 ml sizes will cause additional costs in storage, handling and displaying these smaller, yet similar quantity sized containers.

A wholesaler said that many wholesalers and retailers claim that adding new metric sizes adds increased inventories, often resulting in financial difficulties. A retail liquor dealer conducted a survey on the 375/500 ml size issue with 250 of their regular customers. The vote resulted in 214 in favor of only one size, the 375 ml, and 36 in favor of the other options.

A state commented that a proliferation in bottle sizes being introduced into the market will cause many customers to have a difficult time trying to compare prices and make economical purchases.

Another state said the introduction of the 375 ml size makes it necessary for the consumer to choose a new bottle size. The consumer would have to evaluate its cost from among a confusing number of container sizes so closely related in size and price that only the most discerning shoppers will choose wisely.

A retail liquor store association stated that the varying bottle shapes between the 375/500 ml sizes may be confusing and misleading to the consumer.

A wholesale liquor dealer association stated that due to space limitations, retailers can stock either the 375 or 500 ml size but not both.

A number of wholesalers said that the 375 ml size will present the best value to the consumer by being half the size of the 750 ml bottle. They also said it will also be easy for the consumer to distinguish by size and price between the 375 ml and 750 ml size. Many of them also claimed that there was no public demand for both the 375 ml and 500 ml sizes.

A wholesaler said that a recent survey of their key retail accounts has indicated that retailers will stock only one size because of inventory, shelf space and cost limitations.

Many retailers said that a consumer who wants one of those sizes is going to be satisfied with the other. Many of them said that the elimination of the 500 ml size would be in the best interest to all.

*Comments Favoring Retention of the 500 ml Size*

An importer said that retention of the 500 ml size would allow the consumer a wider range of size choices and that the enhanced competition should benefit both industry and consumers. They also said that most sales are made in size grouping and are clearly marked on the shelves in retail liquor stores. The importer noted that net content statements are required to appear in a legible manner on bottles.

One importer claimed that the exclusion of the 500 ml bottle size from the standards of fill would create a non-tariff trade barrier.

Another importer said the elimination of the 500 ml would unfavorably affect the ability to market proprietary brands of distilled spirits. In the past two years they have found increased demand by consumers for both the 500 ml and 375 ml size. They claim this is due to higher prices and the proliferation of imported proprietary products in the United States.

A bottler and wholesaler said that the elimination of the 500 ml would create a void because the difference in retail price between the 375 ml and 750 ml could be as much as $3.50. The same commenter said that the consumer would benefit from the higher degree of marketing flexibility achieved from the free use of both sizes on the market place. The commenter said that some industry members have a substantial investment in their bottle molds and in the equipment specially adapted for use with the 500 ml size. The commenter said that prohibiting the use of the 500 ml size would jeopardize these investments.

A foreign distiller claimed that both the 375 ml and 500 ml bottle sizes are required by various parts of the industry since they serve different purposes. The distiller said the ratio of size difference between the 375 ml and 500 ml size is exactly the same as that between the 750 ml and 1 liter sizes. In addition, the distiller claimed that the 500 ml size is a less expensive way of buying a recognizable brand of distilled spirits, whereas the 375 ml clearly is a small or half bottle. The distiller also said that by allowing both sizes, industry has greater flexibility and the consumer a wider choice to pick from. The distiller stated that familiarity with a product on repeat purchase should eliminate any possible confusion.

A U.S. distiller said that they continue to experience strong consumer demand for both sizes. They claim a greater benefit to both industry and consumers exists with both sizes in the market since it allows a greater flexibility in bottling and wider size choices on purchase. They also said that both sizes are critical to some brands of distilled spirits.

Another U.S. distiller said that the industry best serves the consumer with a broad selection of sizes to fit varied consumer needs.

A French government official stated that the 500 ml size makes an intermediate price for the consumer who can't afford, in a larger size, those expensive liqueurs in which France is well represented.

An association favored retention of the 500 ml size as a rational metric size and opposed introduction of the 375 ml size.

One commenter said that the elimination of the 500 ml size will create a higher retail price-point position between the 750 ml and 200 ml bottle for the 375 ml bottle. This would mean higher consumer cost per milliliter for the 375 ml bottle. The commenter concluded that the consumer's options are reduced and purchase costs increased because of the elimination of the 500 ml size.

An importer stated that the market place should dictate whether the 500 ml size remains a viable option for American consumers. They now oppose any regulations which restrict the ability to market both sizes.

*Conclusion*

Based on all the comments received, ATF believes that retention of the 500 ml size would lead to consumer confusion because of its similarity to the 375 ml size.

There is no need for both the 375 ml and 500 ml sizes since there is only a slight difference between the two, and the 375 ml size will fulfill the market need for the 500 ml size. A greater benefit does not exist to either industry or the consumer with both sizes on the market because of the confusion that may develop. While it is possible that future purchases may negate confusion or deception that may arise between the two sizes, it is also possible that they may not because of the closeness of size.

Two of the reasons for the conversion from U.S. measure to metric standards of fill were to reduce the large number of sizes available to the consumer and to eliminate consumer confusion over them.

The majority of comments from the wholesalers and retailers indicated their strong opposition to the 500 ml size not only because the potential confusion that might be experienced by the alcohol beverage industry and consumers but the concurrent use of the 500 ml size and the 375 ml size is creating expensive and complicated inventory problems (storage, handling, and displaying) for the entire wholesale/retail tier of the industry.

We do not feel that a non-tariff trade barrier is created by the phase-out of the 500 ml size because there is still available to bottlers in foreign countries the option of using the 375 ml size standard of fill. Therefore, there would not be differing bottling requirements for domestic and foreign bottlers. Of all the comments received (including those from importers and foreign governments), only one importer raised the non-tariff trade barrier issue.

ATF is rescinding the 500 ml standard of fill for distilled spirits. Since the majority of comments from the industry indicate that the existence of both the 500 ml and the new 375 ml size are creating confusion from the wholesale/retail industry level and the public, ATF believes the elimination of the 500 ml size is the best alternative.

*Effective Date:* ATF is making this regulation effective July 1, 1989. ATF believes this three year phase-out period will allow industry to make the necessary preparations to eliminate the 500 ml size container, prior to the mandatory phase-out date, will be authorized to be marketed after the mandatory date. No spirits may be imported into this country in the 500 ml size containers unless they are accompanied by a certificate of statement that they were bottled prior to the mandatory date.

*Regulatory Flexibility Act*

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

Accordingly, it was certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605 (b)), in the notice of proposed rulemaking leading to this final rule that regulations would not have a significant economic impact on a substantial number of small entities.

*Executive Order 12291*

It has been determined that this final rule is not a "major rule" within the meaning of Executive Order 12291, 45 FR 13193 (1981) because it will not have:

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

(b) It will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and

(c) It will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

*Paperwork Reduction Act*

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

*Drafting Information*

The principal author of this document is Edward A. Reisman of the FAA, Wine and Beer Branch.

**List of Subjects in 27 CFR Part 5**

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

**Authority and Issuance**

Part 5—Labeling and Advertising of Distilled Spirits is amended to read as follows:

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

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

**Par. 2.** Section 5.47a is amended by revising paragraph (a) (by qualifying the 500 ml size in the metric standards of fill) to read as follows:

**§ 5.47a Metric standards of fill (distilled spirits bottled after December 31, 1979).**

(a) *Authorized standards of fill.* The standards of fill for distilled spirits are the following:

1.75 liters
1.00 liter
750 milliliters
500 milliliters (Authorized for bottling until June 30, 1989)
375 milliliters
200 milliliters
100 milliliters
50 milliliters

* * * * *

**Par. 3** Section 5.53 is amended by adding a paragraph (b) providing for the importation of 500 ml bottles of distilled spirits bottled prior to July 1, 1989, to read as follows:

**§ 5.53 Certificate of nonstandard fill.**

* * * * *

(b) Distilled spirits imported in 500 ml containers shall not be released from Customs custody after June 30, 1989:

(1) Unless the distilled spirits are accompanied by a certificate issued by the government of the appropriate foreign country, stating that the distilled spirits were bottled or packed prior to July 1, 1989; or

(2) Unless the distilled spirits are being withdrawn from a Customs

bonded warehouse or foreign trade zone into which entered on or before June 30, 1989.

Signed: December 17, 1985.

**Stephen E. Higgins,**

*Director.*

Approved: April 11, 1986.

**Francis A. Keating II,**

*Assistant Secretary (Enforcement).*

[FR Doc. 86-9787 Filed 4-30-86; 8:45 am]

BILLING CODE 4810-31-M

## DEPARTMENT OF JUSTICE

## 28 CFR Part 21

**[Order No. 1133-86]**

## Witness Fees

**AGENCY:** Department of Justice.

**ACTION:** Final rule.

**SUMMARY:** This rule revises the regulations for the payment of fees and expenses of witnesses in order to rationalize the fee system for federal witnesses. The revision reflects the current attendance fee of $30 a day and establishes witness transportation and per diem expenses at the same rates as those received by Government employees. In addition, the revision delineates the various classes of aliens who are eligible and ineligible to receive the witness fees and expenses.

**EFFECTIVE DATE:** April 21, 1986.

**FOR FURTHER INFORMATION CONTACT:** James E. Williams, Associate Director, Finance Staff, on Telephone Number (202) 633-5538.

**SUPPLEMENTARY INFORMATION:** On October 25, 1985, the Department of Justice proposed to revise Part 21 of Title 28, Code of Federal Regulations to conform to 28 U.S.C. 1821. The revision contains a new section of definitions to ensure a common understanding of the applicable terms.

In addition, the procedure for computation of the fees and allowances of witnesses is stated in this Part. Fact witness travel is linked to the travel allowances of Government employees. However, it is considered impractical to have fact witnesses travel under the quarter day rule which applies to Government employees. A procedure has been devised to pay fact witnesses the approximate travel expenses Government employees would be entitled to for performing similar travel.

Finally, the Department of Justice revised the certification of attendance of witnesses to include United States Trustees, United States District Judges for criminal *in forma pauperis* proceedings, United States Parole Commission Hearing Examiners in parole proceedings, and the Executive Assistant or Administrative Officer of the President's Commission on Organized Crime.

Interested parties were invited to participate in these rule making proceedings by submitting written comments on the proposal. One comment was received and accepted regarding the designation of a highway mileage guide (Part 21.5). In addition, the reference to the President's Commission on Organized Crime was deleted because the Commission's term has expired. Other than those changes, this rule is the same as that proposed in the notice.

The Department of Justice has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; and will not have significant adverse effects on competition, employment, investment, productivity, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This is not a rule within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601-612.

### List of Subjects in 28 CFR Part 21

Courts, Government employees, Travel and transportation expenses.

By virtue of the authority vested in me, as Attorney General, by 28 U.S.C. 509 and 510, 5 U.S.C. 301 and 5751, and 8 U.S.C. 1103, Part 21 of Title 28, Code of Federal Regulations, is amended to read as follows:

1. The authority citation for Part 21 is added to read as follows:

**Authority:** 28 U.S.C. 509, 510, 1821-1825, 5 U.S.C. 301.

2. Part 21 is revised to read as follows:

## PART 21—WITNESS FEES

Sec.
21.1 Definitions.
21.2 Employees of the United States serving as witnesses.
21.3 Aliens.
21.4 Fees and allowances of fact witnesses.
21.5 Use of table of distances.
21.6 Proceedings *in forma pauperis*.
21.7 Certification of witness attendance.

### § 21.1 Definitions.

(a) *Agency Proceeding.* An agency process as defined by 5 U.S.C. 551 (5), (7) and (9).

(b) *Alien.* Any person who is not a citizen or nantional of the United States.

(c) *Judicial Proceeding.* Any action or suit, including any condemnation, preliminary, informational or other proceeding of a judicial nature. Examples of the latter include, but are not limited to, hearings and conferences before a committing court, magistrate, or commission, grand jury proceedings, pre-trial conferences, depositions, and coroners' inquests. It does not include information or investigative proceedings conducted by a prosecuting attorney for the purpose of determining whether an information or charge should be made in a particular case. The judicial proceeding may be in the District of Columbia, a State, or a territory or possession of the United States including the Commonwealth of Puerto Rico or the Trust Territory of the Pacific Islands.

(d) *Pre-trial Conference.* A conference between the Government Attorney and a witness to discuss the witness' testimony. The conference must take place after a trial, hearing or grand jury proceeding has been scheduled but prior to the witness' actual appearance at the proceeding.

(e) *Residence.* The term "residence" is not limited to the legal residence, but includes any place at which the witness is actually residing and at which the subpoena or summons is served. If the residence of the witness at the time of appearance is different from the place of subpoena or summons, the new place of residence shall be considered the witness' residence for computation of the transportation allowance; but, if the witness is on a business or vacation trip at the time of appearance, the witness shall be paid for travel from the place of service if this does not result in the witness being paid for more travel than is actually performed.

(f) *Summons.* An official request, invitation or call, evidenced by an official writing of the court, authority, or party responsible for the conduct of the proceeding.

### § 21.2 Employees of the United States serving as witnesses.

(a) *Applicability.* This section applies to employees of the United States as defined by 5 U.S.C. 2105, except those whose pay is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives.

(b) *Entitlement to Travel Expenses.*—(1) *Official Capacity.* An employee is entitled to travel expenses (in accordance with § 21.2(c)) in connection with any judicial or agency proceeding with respect to which the employee is summoned (and is authorized by the employee's agency to respond to such

summons), or is assigned by his or her agency: (i) To testify or produce official records on behalf of the United States, or (ii) to testify in his or her official capacity or produce official records on behalf of a party other than the United States. The witness appropriation of the Department of Justice is not available for expenses incurred under these conditions.

(2) *Unofficial Capacity, Federal Involvement.* An employee is entitled to travel expenses (in accordance with § 21.2(c)) in connection with any judicial or agency proceeding with respect to which the employee is summoned to testify on behalf of the United States. If an employee is summoned to testify on behalf of a party other than the United States, the employee's travel expenses shall be payable by the court, authority, or party which caused the employee to be summoned.

(3) *Unofficial Capacity, No Federal Involvement.* An employee who appears as a witness in any judicial proceeding in an unofficial capacity in which there is no Federal involvement is not authorized Government travel expenses and may retain reimbursement for expenses which he or she receives from the court, authority or party which caused the employee to be summoned.

(c) *Allowable Travel Expenses.* An employee qualifying for payment of travel expenses by virtue of being called in an official capacity or on behalf of the United States shall be paid at rates and in amounts allowable for other purposes under the provisions of 5 U.S.C. 5702–5705 and applicable regulations prescribed thereunder by the Administrator, General Services, and the employing agency. Such payment shall be reduced to the extent that the travel expenses are paid to the employee for his or her appearance by the court, authority, or party which caused the employee to be summoned as a witness in an official capacity on behalf of a party other than the United States.

(d) *Payment and Reimbursement.*—(1) *Payable by the Employing Agency.* If an employee serves as a witness, and the case involves the activity in connection with which he or she is employed, the travel expenses are payable from the appropriation of the employing agency. The Comptroller General has defined the extent to which the case must be related to the agency's activity as a condition to the agency's responsibility for payment in 23 Comp. Gen. 47, 49 (1943), which states "the employing agency is required to pay . . . the traveling expenses incurred by the witness only where the information or facts ascertained by the employee as part of his official duties forms the basis of the case, or where the proceeding is predicated upon a law that that agency is required to administer." In 39 Comp. Gen. 1, 2 (1959), the Comptroller General determined that if an employee testifies regarding facts and information he or she acquires in the course of his or her assigned duties, the employing agency is responsible for the payment of the employee's travel expenses. In these instances, the witness appropriation of the Department of Justice is not available for payment of expenses.

(2) *Payable by the Department of Justice.* If an employee appears on behalf of the United States in an unofficial capacity in a judicial proceeding involving the Department of Justice, the employee's travel expenses are payable by the Department of Justice. The employing agency may advance or pay the travel expenses of the employee and later obtain reimbursement from the Department of Justice by submitting an appropriate bill together with a copy of the approved advance or travel voucher.

(e) *Leave and Attendance Fee.*—(1) *Leave.* An employee is considered to be in official duty status when appearing as a witness in his or her official capacity or on behalf of the United States in an unofficial capacity. An employee is entitled to court leave when he or she appears as a witness in an unofficial capacity not on behalf of the United States, and the United States, the District of Columbia, or a State or local government is a party to the case. An employee must use annual leave or leave without pay to appear as a witness when the United States, the District of Columbia, or a State or local government is not a party.

(2) *Attendance Fee.* An employee who appears on behalf of the United States is not entitled to receive an attendance fee. An employee who appears on behalf of a party other than the United States while in official duty status or while on court leave should request an attendance fee from the court, authority, or party which caused the employee to be summoned. Such fee shall be remitted to the employing agency. An employee who must use annual leave or leave without pay to appear as a witness may retain an attendance fee which he or she receives.

**§ 21.3 Aliens.**

(a) *Aliens Entitled to Payment of $30 Per Day.* The following aliens are entitled to witness fees and allowances provided in § 21.4:

(1) Aliens lawfully admitted for permanent residence (documentary evidence: Form I–151 or Form 1–551, Alien Registration Receipt Card);

(2) Aliens lawfully admitted in one of the nonimmigrant categories described in 8 U.S.C. § 1101(a)(15) (documentary evidence: unexpired Form 1–94, Arrival-Departure Record). But see below § 21.3(b);

(3) Aliens admitted as refugees under 8 U.S.C. 1157 and aliens granted asylum under 8 U.S.C. 1158 (documentary evidence: Form I–94, Arrival Departure Record, indicating admission as refugee under 8 U.S.C. 1157 or granting asylum under 8 U.S.C. 1158, employment authorized);

(4) Aliens who have rendered themselves amenable to deportation proceedings, but have not admitted deportability or have not been determined to be deportable pursuant to Section 242 of the Immigration and Nationality Act (8 U.S.C. 1252).

(b) *Aliens Entitled to Payment of $1 Per Day.* An alien who is "excludable" in accordance with 8 U.S.C. § 1226, but whose removal is stayed by the Attorney General (in accordance with 8 U.S.C. 1227(d)) because: (1) The testimony of the alien is necessary on behalf of the United States in the prosecution of offenders against the United States, or (2) the testimony of the alien is necessary on behalf of an indigent criminal defendant in accordance with Rule 17(b) of the Federal Rules of Criminal Procedures, is entitled to a $1 per day witness fee. No other fees and allowances are authorized.

(c) *Aliens Not Entitled to Payment.* An alien who has been paroled into the United States for prosecution pursuant to 8 U.S.C. 1182(d)(5) (documentary evidence: Form I–94, Arrival-Departure Record, Parole Edition), or an alien who has admitted belonging to a class of aliens who are deportable, or an alien who has been determined pursuant to 8 U.S.C. 1252(b) to be deportable (documentary evidence: decision by a Special Inquiry Officer, Board of Immigration Appeals, or court), is prohibited from receiving fees and allowances in accordance with 28 U.S.C. 1821(e).

(d) *Doubtful Cases.* If the Immigration and Naturalization Service advises that the alien has admitted deportability, or that he or she was paroled into the United States for prosecution, or that deportation proceedings have been completed against the alien with a result favorable to the Government, no payment under 28 U.S.C. § 1821 may be made.

**§ 21.4 Fees and allowances of fact witnesses.**

The fees and allowances of fact witnesses, other than those covered by § 21.2, attending at any judicial proceeding, shall be a follows:

(a) *Fee.* A witness shall be paid an attendance fee of $30 per day for each day's attendance. A witness shall also be paid the attendance fee for the time necessarily occupied in going to and returning from the place of attendance. However, if both attendance and travel occur on the same day, a witness is entitled to only one fee.

(b) *Allowable Transportation Expenses.* A witness shall be entitled to transportation expenses based on the means of transportation reasonably utilized (based on the nature, duration, location and distance of travel) and the distance necessarily traveled from and to such witness' residence by the shortest practical route and the fastest means of transportation available in going to and returning from the place of attendance. Additional costs incurred (including attendance fees and subsistence allowances) because of a slower means of transportation must be justified for consideration.

(1) A witness who travels by regularly scheduled common carrier shall be paid for the actual expenses of transportation at the most economical rate reasonably available. A receipt or other evidence of actual cost shall be furnished.

(2) A witness who travels by privately owned vehicle shall be paid a transportation allowance equal to the mileage allowance paid for official travel of employees of the Federal Government under the provisions of 5 U.S.C. 5704. However, when two or more witnesses travel in the same privately owned vehicle, only the witness incurring the expense shall receive the mileage allowance.

(3) A witness incurring incidental transportation expenses, such as taxi fares between the place of attendance, residence or lodging and the carrier terminals; bridge, road and tunnel tolls; ferry fares; and parking fees shall be paid in full for such expenses. Receipts or other evidence of actual payment are required for *all parking fees* (if available) and all other single items costing more than $25.

(4) First-class travel by witnesses requires the same justification and approval required for first-class travel by employees of the Federal Government.

(c) *Subsistence Allowance.* A witness (other than a witness detained *in custody*) who is required to be away from his or her residence *overnight* is entitled to a subsistence allowance. A witness who *is not* required to be away from his or her residence overnight *is not* entitled to a subsistence allowance. The witness' subsistence allowance shall not exceed either the per diem rate or the actual subsistence allowance rate prescribed for Government employees for the place of attendance. These rates are established by the Administrator, General Services, for areas within the conterminous United States; the Secretary of Defense for areas of the United States other than conterminous; or the Secretary of State as published in the Standardized Regulations (Government Civilians, Foreign Areas) for foreign areas. The witness' subsistence allowance shall consist of a meal and miscellaneous expense portion and a lodging portion. *When an overnight stay is required,* the witness shall be entitled to: (1) The meal and miscellaneous expense portion for each day (or partial day) the witness is required to remain away from his or her residence and (2) the lodging portion for each night the witness is required to incur a lodging expense. The meal and miscellaneous expense portion shall be 50% of the authorized subsistence allowance rate rounded to the next whole dollar in an actual subsistence rate area, or 45% of the per diem rate rounded to the next whole dollar in a per diem area. The lodging portion shall be the difference between the meal and miscellaneous expense portion and the authorized rate.

(d) *Detained Witness Fee.* A witness (other than an alien covered by § 21.3) detained *in custody* pursuant to 18 U.S.C. 3149 for want of security for his or her appearance shall receive subsistence *in kind* and shall be paid a single daily attendance fee for each day the witness is detained. A witness in custody for purposes other than 18 U.S.C. 3149 is ineligible to receive the attendance and subsistence fees provided by this section.

**§ 21.5 Use of table of distances.**

Mileage payable to witnesses under 28 U.S.C. 1821 shall be computed on the basis of odometer readings or the highway distances as stated in the Rand McNally Standard Highway Mileage Guide or in any generally accepted highway mileage guide which contains a shortline nationwide table of distances. However, with respect to travel in areas for which no such highway mileage guide exists, mileage payable under 28 U.S.C. 1821 shall be based on the lesser of either (a) the route of travel actually employed or (b) a usually traveled route.

**§ 21.6 Proceedings in Forma Pauperis.**

28 U.S.C. 1915 provides for the commencement, prosecution or defense of any suit, action, or proceeding without prepayment of fees and costs. Witnesses shall attend as in other cases.

(a) *Civil Cases.* There are currently no provisions for payment of witnesses called by the indigent. If the indigent party prevails, witness fees and expenses may be taxed as costs in accordance with 28 U.S.C. 1920.

(b) *Criminal Cases.* Rule 17(b), Federal Rules of Criminal Procedure, requires that fact witnesses *subpoenaed* on behalf of an indigent defendant be paid in the same manner as witnesses called on behalf of the Government. The attendance must be certified by the presiding officer of the court. The expenses of Federal Government employees are treated in the same manner as they are treated when the employee is called by a Government attorney.

**§ 21.7 Certification of witness attendance.**

In any case in which the United States Department of Justice, or office or organization thereof, is a party, the Department of Justice shall pay all fees and allowances of witnesses, except for those witnesses as defined in § 21.2, paragraph (d)(1), on the certification of the following officials: The United States Attorney, an Assistant United States Attorney, a United States Trustee, or the United States Department of Justice attorney who actually conducts the case. In criminal proceedings *in forma pauperis* or in proceedings before a United States Commissioner, United States Magistrate or United States Parole Commission Hearing Examiner, the Department of Justice shall pay all fees and allowances of witnesses on the certification of the United States District Judge hearing the case or such Commissioner, Magistrate, or Hearing Examiner.

Dated: April 21, 1986.

**Edwin Meese III,**

*Attorney General.*

[FR Doc. 86-9822 Filed 4-30-86; 8:45 am]

BILLING CODE 4410-01-M

## DEPARTMENT OF THE TREASURY

### Fiscal Service

### 31 CFR Part 306

### General Regulations Governing United States Securities

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

**ACTION:** Final rule.

**SUMMARY:** This amendment permits the delivery by means other than registered mail of registered securities issued by the Department of the Treasury on all transactions except original issue. In cases other than original issue, shipments are made by the Department at the risk of, but not the expense of, the owner. Currently, these are sent by registered mail to establish receipt. However, unless the registered owner requests it and pays for it in advance, shipments are uninsured. Certified mail would serve the same purpose as registered mail in establishing whether the addressee received the package and would be at considerably less expense to the United States. While owners of securities being reissued in registered form have the option of requesting delivery by any means, the present regulations specify that in cases where owners make no special request, the Department will deliver the securities by registered mail. Registered mail was specified because, at the time the regulations were originally promulgated, the only way that the Department could establish whether an article mailed by it was received by the addressee was to send it by registered mail. Certified mail offers the same service at considerably less expense. Because the Department cannot anticipate what similar services may be offered by the Postal Service in the future, it believes the regulations should provide for the use of any means of delivery. Registered security owners will still be able to request that a certain form of delivery be used, including insured registered mail, if they make prior arrangements with the agency to which the original securities were presented.

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

**FOR FURTHER INFORMATION CONTACT:** Margaret Marquette, Attorney-Adviser, Divisions Office, Office of the Chief Counsel, Bureau of the Public Debt, (202) 447-9859.

**SUPPLEMENTARY INFORMATION:**

#### Executive Order 12291

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

#### Paperwork Reduction Act

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

#### Regulatory Flexibility Act

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

#### Administrative Procedure Act

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

The Department has determined that to maximize the savings which will be realized by using certified rather than registered mail for shipping securities, the new rule should be instituted at the earliest possible date.

#### List of Subjects in 31 CFR Part 306

Federal Reserve System Government securities.

### PART 306—[AMENDED]

Accordingly, 31 CFR Part 306 is amended as follows:

1. Authority citation for part 306 is revised to read as follows:

**Authority:** R.S. 3706; 40 Stat. 288, 502, 844, 1309; 42 Stat. 321; 46 Stat. 20; 48 Stat. 343; 49 Stat. 20; 50 Stat. 481; 52 Stat. 477; 53 Stat. 1359; 56 Stat. 189; 73 Stat. 622; 85 Stat. 5, 74 (31 U.S.C. 738a, 739, 752, 752a, 753, 754, 754a, and 754b); 96 Stat. 938, 939, 941, 942, 944 to 947 (31 U.S.C. 3102 to 3104, 3107, 3108, 3111, 3121 to 3123, 3125, 3129); 5 U.S.C. 301.

2. Section 306.3 is amended by revising paragraph (e) to read as follows:

**§ 306.3 Transportation charges and risks in shipment of securities.**

* * * * *

(e) Bearer securities issued on transactions other than original issue will be delivered by registered mail, covered by insurance, at the owner's risk and expense, unless called for in person by the owner or his agent. Registerd securities issued on such transactions will be delivered by certified mail or by any other means, at the risk of, but without expense to, the registered owner. Should delivery by a particular means be desired, advance arrangements should be made with the official agency to which the original securities were presented.

**Gerald Murphy,**

*Acting Fiscal Assistant Secretary.*

[FR Doc. 86-9757 Filed 4-30-86; 8:45 am]

BILLING CODE 4810-11-M

## DEPARTMENT OF DEFENSE

### Department of the Navy

### 32 CFR Part 706

### Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972; Amendment

**AGENCY:** Department of the Navy, DOD.

**ACTION:** Final rule.

**SUMMARY:** The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Secretary of the Navy has determined that USS MOBILE BAY (CG 53) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS without interfering with its special function as a naval cruiser. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

**EFFECTIVE DATE:** April 22, 1986.

**FOR FURTHER INFORMATION CONTACT:** Captain Richard J. McCarthy, JAGC, U.S. Navy Admiralty Counsel, Office of the Judge Advocate General Navy Department, 200 Stovall Street, Alexandria, VA 22332-2400, Telephone number: (202) 325-9744.

**SUPPLEMENTARY INFORMATION:** Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Secretary of the Navy has certified that USS MOBILE BAY (CG 53) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS: Annex I, section 3(a), pertaining to the location of the forward masthead light in the forward quarter of the ship, and Annex I, section 3(a), pertaining to the horizontal distance between the forward and aft masthead lights. Full compliance with the above-mentioned 72 COLREGS provisions would interfere with the special functions and purposes of the

vessel. The Secretary of the Navy has also certified that the above-mentioned lights are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this vessel in a manner differently from that prescribed herein will adversely affect the vessel's ability to perform its military functions.

**List of Subjects in 32 CFR Part 706**

Marine Safety, Navigation (Water), Vessels.

**PART 706—[AMENDED]**

Accordingly, 32 CFR Part 706 is amended as follows:

1. The authority citation for 32 CFR Part 706 continues to read:

Authority: 33 U.S.C. 1605.

**§ 706.2 [Amended]**

1. Table Five of § 706.2 is amended by adding the following vessel:

| Vessel | Number | Forward masthead light less than the required height above hull. Annex I, sec. 2(a)(i) | Aft masthead light less than 4.5 meters above forward masthead light. Annex I, sec. 2(a)(ii) | Masthead lights not over all other lights and obstructions. Annex I, sec. 2(f) | Vertical separation of masthead lights used when towing less than required by Annex I, sec. 2(a)(i) | Aft masthead lights not visible over forward light 1,000 meters ahead of ship in all normal degrees of trim. Annex I, sec. 2(b) | Forward masthead light not in forward quarter of ship. Annex I, sec. 3(a) | After masthead light less than ½ ship's length aft of forward masthead light. Annex I, sec. (3)(a) | Percentage horizontal separation attained |
|---|---|---|---|---|---|---|---|---|---|
| USS MOBILE BAY | CC 53 | | | | | | X | X | 38 |

Dated: April 22, 1986.

Approved:

**John Lehman,**

*Secretary of the Navy.*

[FR Doc. 86-9780 Filed 4-30-86; 8:45 am]

BILLING CODE 3810-AE-M

## GENERAL SERVICES ADMINISTRATION

### 48 CFR Parts 513 and 553

**[GSAR AC-86-4]**

### Revised Procedures For Use of the GSA Form 300, Order for Supplies and Services

*Correction*

In FR Doc. 86-8297 beginning on page 12704 in the issue of Tuesday, April 15, 1986, make the following correction on page 12706: In the second column, the name of the official who signed the document was misspelled and should have read "Richard H. Hopf III".

BILLING CODE 1505-01-M

# Proposed Rules

Federal Register
Vol. 51, No. 84
Thursday, May 1, 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.

## SMALL BUSINESS ADMINISTRATION

### 13 CFR Part 121

### Small Business Size Standards; Correction

**AGENCY:** Small Business Administration.

**ACTION:** Proposed rule correction.

**SUMMARY:** This document corrects an SBA notice to retain the 1,000-employee size standard for shipbuilding and ship repair activities which was published in the **Federal Register** on February 28, 1986, 51 FR 7077. This notice was mistakenly identified in the **Federal Register** as a proposed rule. This correction document changes the ACTION line to read "Decision not to Propose a Rule Change," as SBA believes that this wording would provide the clearest indication of SBA's intent to the general public.

**FOR FURTHER INFORMATION CONTACT:** Andrew Canellas, Director, Size Standard Staff, Small Business Administration, 1441 L Street, NW., Washington, DC 20416, (202) 653-6373.

The following correction is made in FR DOC. 86-4411 appearing on 7077 in the issue of February 28, 1986.

On Page 7077 the introductory section is corrected by revising it to read as follows:

## SMALL BUSINESS ADMINISTRATION

### Shipbuilding and Ship Repair Size Standards

**AGENCY:** Small Business Administration.

**ACTION:** Decision not to Propose a Rule Change.

Dated: April 22, 1986.

**Charles L. Heatherly,**

*Acting Administrator.*

[FR Doc. 86-9743 Filed 4-30-86; 8:45 am]

BILLING CODE 8025-01-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### 14 CFR Part 39

**[Docket No. 86-NM-30-AD]**

### Airworthiness Directives; McDonnell Douglas Model DC-10-10, -10F, -15, -30, -30F, -40, and KC-10A (Military) Series Airplanes

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This notice proposes a new airworthiness directive (AD) that would require modification of flight compartment crew seat life vests on certain McDonnell Douglas Model DC-10 and KC-10A (Military) series airplanes. This proposal is prompted by reports of holes in life vests caused by the life vest chafing against a metal plate sewn on the inside forward flap of the storage pouch. This proposed AD is needed to minimize the potential for damage to crew seat life vests that would render the vest useless in an emergency.

**DATE:** Comments must be received no later than June 23, 1986.

**ADDRESS:** Send comments on the proposal in duplicate to Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel, ANM-7, Attention: Airworthiness Rules Docket No. 86-NM-30-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. The applicable service information may be obtained from McDonnell Douglas Corporation, Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1-L65 (54-60). This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or 4344 Donald Douglas Drive, Long Beach, California.

**FOR FURTHER INFORMATION CONTACT:** Mr. Jerald R. Berube, Aviation Safety Inspector, Manufacturing Inspection Branch, ANM-180L, FAA Northwest Mountain Region, Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808; telephone (213) 514-6341.

**SUPPLEMENTARY INFORMATION:**

#### Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communication received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this Notice may be changed in light of the comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA/public contact concerned with the substance of this proposal will be filed in the Rules Docket.

#### Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the FAA, Northwest Mountain Region, Office of the Regional Counsel, ANM-7, Attention: Airworthiness Rules Docket No. 86-NM-30-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

#### Discussion

Two operators have reported several instances of holes in crew seat life vests. Investigation revealed that the holes in the life vests were caused by chafing of the vests against a metal plate (with two grommets installed) sewn on the inside forward flap of the storage pouch. Additional damage to the vests can be caused by the screws that attach the pouch to the seat back. Holes, if worn through both air compartments of a life vest, would render the vests useless in an emergency. The seats affected by this problem include those of the pilot, co-pilot, flight engineer, and first observer; model numbers 1056, 1057, and 1058; serial numbers 001 through 907, and 911; manufactured by Aircraft Mechanics, Inc.

Aircraft Mechanics, Inc. issued Service Bulletin 25-DL-10/678-24, dated

May 20, 1984, which describes inspection and modification of Aircraft Mechanics, Inc., seats, model numbers 1056, 1057, and 1058. This modification will minimize the potential for damage to crew seat life vests.

Since this condition is likely to exist or develop on other airplanes of the same type design, an airworthiness directive (AD) is being proposed which would require modification of crew seats on McDonnell Douglas DC-10 and KC-10A (Military) series airplanes in accordance with the service bulletin referred to above.

It is estimated that 194 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 3 manhours per airplane to accomplish the required action, and that the average labor cost would be $40 per manhour. Parts required for the modification would be provided by the seat manufacturer upon request. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $23,280.

For these reasons, the FAA has determined that this document: (1) Involves a proposed regulation which is not major under Executive Order 12291 and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities because few, if any, Model DC-10 and KC-10A (Military) series airplanes are operated by small entities. A copy of a draft regulatory evaluation prepared for this action is contained in the regulatory docket.

**List of Subjects in 14 CFR Part 39**

Aviation safety, Aircraft.

**The Proposed Amendment**

**PART 39—[AMENDED]**

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulation 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 11.85.

2. By adding the following new airworthiness directive:

**McDonnell Douglas:** Applies to McDonnell Douglas Model DC-10-10, -10F, -15, -30, -30F, -40 and KC-10A (Military) series airplanes, certificated in any category, equipped with Aircraft Mechanics, Inc., crew seats, model numbers 1056, 1057, and 1058, having serial numbers 001 through 907 and 911. Compliance required as indicated, unless previously accomplished.

To preclude the potential of damage to crew seat life vests, accomplish the following:

A. Within 12 months after the effective date of this AD inspect the life vest. If any signs of chafing are found, replace before further flight with a serviceable unit.

B. Within 12 months after the effective date of this AD, modify and re-identify the crew seat in accordance with the accomplishment instructions of Aircraft Mechanics, Inc., Service Bulletin 25-DC-10/678-24, dated May 20, 1984, or later revision approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region.

C. Alternate means of compliance which provide an acceptable level of safety may be used when approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region.

D. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

All persons affected by this proposal who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to the McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1-L65 (54-60). These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at 4344 Donald Douglas Drive, Long Beach, California.

Issued in Seattle, Washington, on April 23, 1986.

**David E. Jones,**

*Acting Director, Northwest Mountain Region.*

[FR Doc. 86-9706 Filed 4-30-86; 8:45 am]

BILLING CODE 4910-13-M

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**14 CFR Part 39**

**[Docket No. 86-NM-26-AD]**

## Airworthiness Directive; Sperry SPZ-7000 Digital Automatic Flight Control System

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This notice proposes to amend an existing airworthiness directive (AD) applicable to the Sperry SPZ-7000 Digital Automatic Flight Control System installed in any helicopter, including, but not limited to, Sikorsky and S.N.I.A.S. helicopters. The existing AD imposes a restriction on use of the Sperry SPZ-7000 Digital Automatic Flight Control Systems in the instrument landing system (ILS) mode, and includes terminating action for the restriction on Sikorsky helicopters. This amendment is needed to establish terminating action for the restriction on S.N.I.A.S. Model AS-365N helicopters.

**DATE:** Comments must be received no later than June 23, 1986.

**ADDRESSES:** Send comments on the proposal in duplicate to Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel, ANM-7, Attention: Airworthiness Rules Docket No. 86-NM-26-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. The applicable service information may be obtained from Sperry Flight Systems, Avionics Division, P.O. Box 29000, Phoenix, Arizona 85038. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at the Western Aircraft Certification Office, 15000 Aviation Boulevard, Hawthorne, California.

**FOR FURTHER INFORMATION CONTACT:** Mr. Richard Thompson, Aerospace Engineer, Systems & Equipment Section, ANM-173W, FAA, Northwest Mountain Region, Western Aircraft Certification Office; telephone (213) 297-1375. Mailing address: FAA, Northwest Mountain Region, Western Aircraft Certification Office, ANM-173W, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009-2007.

**SUPPLEMENTARY INFORMATION:**

**Comments Invited**

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communication received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this Notice may be changed in light of the comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

**Availability of NPRM**

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the FAA, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 86-NM-26-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

**Discussion**

This notice proposes to amend Airworthiness Directive (AD) 85-07-03 Amendment 39-5026 (50 FR 13015; April 2, 1985), which currently imposes a restriction on engagement of the Sperry SPZ-7000 Digital Automatic Flight Control System ILS mode of operation more than 2,000 feet above ground level. The AD was needed to preclude improper excursions from the glide slope during ILS approach. The SPZ-7000 Digital Automatic Flight Control Systems are known to be installed on helicopters, including, but not limited to, Sikorsky Model S-76A helicopters modified in accordance with Supplemental Type Certificate (STC) No. SH2218NM, and S.N.I.A.S. Model AS-365N helicopters modified in accordance with STC No. SH2215NM. The SPZ-7000 Digital Automatic Flight Control System installed in the Sikorsky helicopter has a FZ-700 computer, part number 7003138-902, as a component; the S.N.I.A.S. Model AS-365N helicopter has a FZ-700 computer, part number 7003138-901, installed in place of the part number 7003138-902. These different components are tailored to accommodate the helicopter flight and operational differences. Sperry corrected the problem in the Digital Automatic Flight Control Systems with the 7003138-902 computer and AD 85-07-03 was issued with terminating action for the restriction imposed on the Sikorsky helicopter.

Since issuing Amendment 39-5026, the manufacturer has developed a change (modification "F") to the Sperry SPZ-7000 Digital Automatic Flight Control System with FZ-700 computer, part number 7003138-901, which the FAA has determined corrects the glide slope tracking problem applicable to the S.N.I.A.S. Model AS-365N helicopter. Therefore, the FAA proposes to amend Amendment 39-5026 by removing the restriction on Sperry SPZ-7000 Digital Automatic Flight Control System with FZ-700 computer, part number 7003138-901 with modification "F" incorporated, installed in S.N.I.A.S. Model AS-365N helicopters modified in accordance with STC No. SH2215NM.

For other models of helicopters, incorporation of Sperry SPZ-7000 Digital Automatic Flight Control System with FZ-700 computer, part number 7003138-901 with modification "F," may be approved as terminating action for the restriction if the system's effectivity can be demonstrated as an alternate means of compliance, under paragraph C. of the AD.

It is estimated that five helicopters of U.S. registry would be affected by this AD, that it would take approximately two manhours per airplane to accomplish the required actions, and that the average labor cost would be $40 per manhour. Based on these figures, the total cost impact of the AD on the U.S. operators is estimated to be $400.

For these reasons, the FAA has determined that this document: (1) Involves a proposed regulation which is not major under Executive Order 12291 and (2) is not a significant rule pursuant to the DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities because there is essentially no expense involved in removing the restriction. A copy of a draft regulatory evaluation prepared for this action is contained in the regulatory docket.

**List of Subjects in 14 CFR Part 39**

Aviation safety, Aircraft, Air transportation, Safety.

**The Proposed Amendment**

**PART 39—[AMENDED]**

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

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

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

2. By amending Airworthiness Directive 85-07-03, Amendment 39-5026 (50 FR 13015; April 2, 1985), by revising paragraph B. to read as follows:

B. Installation of FZ-700 computers, P/N 7003138-902 with modification "E" incorporated, on Sikorsky S-76A helicopters; or P/N 7003138-901 with modification "F" incorporated, on S.N.I.A.S. Model AS-365N helicopters; constitutes terminating action for the requirement of paragraph A. of this AD.

All persons affected by this proposal who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to Sperry Flight Systems, Avionics Division, P.O. Box 29000, Phoenix, Arizona 85038. These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at the Western Aircraft Certification Office, 15000 Aviation Boulevard, Hawthorne, California 90250.

Issued in Seattle, Washington, on April 23, 1986.

**David E. Jones,**

*Acting Director, Northwest Mountain Region.*

[FR Doc. 86-9707 Filed 4-30-86; 8:45 am]

BILLING CODE 4910-13-M

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 180

[OPP-300145; FRL-3003-3]

### Pesticides; Technical Amendments to Definition and Interpretation of Certain Raw Agricultural Commodities

*Correction*

In FR Doc. 86-8504, beginning on page 12887, in the issue of Wednesday, April 16, 1986, make the following correction.

On page 12888, second column, fourth line, "180.3" should read "180.34".

BILLING CODE 1505-01-M

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 31

[CC Docket 86-111, FCC 86-146]

### Common Carrier Services; Separating Cost of Regulated Telephone Services From Cost of Nonregulated Activity

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** Telephone companies engage in both regulated and nonregulated activities. Rates for their regulated services are generally designed to cover costs and to provide an opportunity to earn a return on investment. Under the Communications Act of 1934, the Federal Communications Commission must assure that the rates for interstate telephone services are "just and reasonable." For rates to be reasonable, it is necessary that the expenses and investment for nonregulated activities be excluded from the rate regulation process. This Notice of Proposed Rulemaking is intended to develop rules for separating the costs of regulated

telephone services from the costs of other telephone company activities, so that only the cost of regulated service will be borne by the ratepayers for that service. The Commission seeks comment on (1) proposed cost allocation rules for allocating costs between regulated and nonregulated activities; (2) rules governing transactions between telephone companies and their affiliates; and (3) changes in the manner in which nonregulated activities are reflected in the prescribed accounts of telephone companies.

**DATES:** Comments are due on or before June 30, 1986, and reply comments are due on or before July 30, 1986.

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

**FOR FURTHER INFORMATION CONTACT:** Jane Jackson, Accounting and Audits Division, Common Carrier Bureau (202) 632-7500.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Notice of Proposed Rulemaking, CC Docket 86-111, adopted April 3, 1986, and released April 17, 1986. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

## Summary of Notice of Proposed Rulemaking

By this Notice we seek comment on methods of separating the costs of regulated telephone service from the costs of the nonregulated activities of telephone companies and their affiliates. We intend to (1) establish rules and standards for cost allocations; (2) establish rules for transactions between a regulated telephone company and its corporate affiliates; and (3) establish the accounting procedures, reporting requirements, and other mechanisms, needed for implementation and monitoring of the cost allocation and transfer pricing rules.

*Cost Allocations.* The essential elements of our cost allocation proposal are: (1) Cost allocation standards and guidelines, to be adopted by this Commission; (2) written cost allocation manuals, to be developed by the companies in accordance with our standards and guidelines; and (3) an oversight and enforcement mechanism which supplements our own audit capability with independent review of both the cost allocation manuals and of the manner in which companies implement the procedures set out in those manuals.

We seek comment on two alternative sets of cost allocation standards. Alternative #1 is based on relative use concepts similar to those which underlie the Jurisdictional Separations Manual (Part 67 of the Commission's Rules). Under Alternative #1, cost allocation manuals would be organized according to Part 31 accounting classifications. A draft model cost allocation manual of this type appears in Appendix 1 of the NPRM. We would require companies to file their manuals with this Commission and to implement them as soon as they are filed. The Common Carrier Bureau would conduct an initial review of each manual and would inform companies as soon as possible of deficiencies. Further review, which would include an opportunity for public comment, would be undertaken after the filing of the initial independent audit reports. A different procedure may be warranted if we decide to eliminate some or all of the existing separate subsidiary requirements for the provision of CPE and enhanced services. We intend to monitor the results of cost allocations, to include review of cost allocations in routine audit processes, and to require each company to submit each year the report of an independent auditor attesting that the company has designed and implemented its cost allocation manual in manner consistent with regulatory requirements.

The cost allocation standards proposed as Alternative #2 would rely on service-specific cost studies and demand forecasts to develop plant cost allocations based on projected utilization, rather than on actual relative use. Under Alternative #2, cost allocation manuals would be organized on a service-by-service basis rather than on an account-by-account basis. We would propose, as under Alternative #1, staff monitoring, Commission audits, and independent audits. Under Alternative #2, however, Commission staff would focus on comparing actual use and forecasted use in order to validate the allocation factors used to assign common costs to each of the various nonregulated activities.

We invite comment on all aspects of the basic proposals summarized above, and on the following specific cost allocation issues: use of fully distributed costing for nonregulated activities; time reporting procedures; the extent to which investment once allocated to nonregulated services should be permitted to enter the ratebase; treatment of combined marketing costs; treatment of overheads; allocation of depreciation reserves; treatment of common costs incurred in holding companies and other telephone company affiliates.

*Transactions with affiliates.* We seek comment on a proposal to add a new § 31.01-10 to the General Instructions of Part 31. Under the proposal, all transactions between the regulated activity and its affiliates would be recorded at market prices. If market prices are not determinative from prevailing price lists or tariffs, however, assets or services purchased by the regulated activity from an affiliated entity would be recorded on the regulated books at the lower of their cost or their fair market value. On the other hand, if assets or services not determinative from prevailing price lists or tariffs are sold by the regulated activity to the nonregulated activity the sale would be recorded on the regulated books at the higher of cost or fair market value. The proposed sections 31.01-10 would also require the allocation of income taxes between the regulated activity and its affiliates.

*Accounting for Nonregulated Activities.* We prescribe in Part 31 two accounts for nonregulated activities. Account 106 is an asset account entitled "Nonregulated Investment." Account 317 is a profit and loss account entitled "Income from Nonregulated Activities." Costs associated with nonregulated activities are initially recorded directly in the nonregulated set of accounts or in accounts for regulated operations. All nonregulated costs which are initially recorded in accounts for regulated operations, except for costs representing the nonregulated shares of investments in items of common plant, are transferred to Account 106 at the end of each month. We have not yet specified how companies should account for common plant investment; to do so is a goal of the instant proceeding.

It is our tentative conclusion that a single nonregulated accounting scheme may not be appropriate for every possible type of nonregulated activities. We therefore propose to amend Part 31 in such a way as to allow us to determine separately what should be the accounting treatment for each of the following types of nonregulated activity:

(1) *Incidental activities.* We propose to continue the traditional accounting treatment of incidental activities. We propose to adopt the following criteria for determing whether an activity is "incidental": (a) the activity should be an outgrowth of regulated operations; (b) the revenues from all incidental activities should not exceed .05% of the operating company's total revenues.

(2) *Activities never subject to tariff.* We propose to continue the current requirement that telephone companies engaged in these traditionally nonregulated activities maintain separate books of accounts and allocate to these activities a fully distributed share of common costs.

(3) *Preemptively detariffed services.* To date, this Commission has preemptively deregulated two categories of telephone company service, of CPE and of enhanced services. We propose to continue to require application of our nonregulated accounting and cost allocation rules for CPE and enhanced services.

(4) *Activities detariffed in the interstate jurisdiction only.* Recently this Commission detariffed interstate billing and collection services, but did not preempt state regulation of intrastate billing and collections. Pending adoption of generic cost allocation rules in the instant proceeding, we requested local exchange carriers to calculate the costs of interstate billing and collections in compliance with Parts 67 and 69 of our Rules.

We believe we should consider on a case-by-case basis the appropriate costing and accounting approach for each service we detariff. We have tentatively concluded that costs attributable to unregulated billing and collection for interstate services should be removed after, rather than before, investment and expenses have been apportioned in accordance with jurisdictional separation procedures. If this procedure is adopted, the Part 69 apportionment procedures could be used to determine costs attributable to an interstate billing and collection category. Other procedures such as marginal costing could also be used.

(5) *Services detariffed by a state.* Our current accounting rules, read literally, could treat detariffed basic services the same as any nonregulated activity. We believe that this result probably would not be appropriate, particularly for detariffed local exchange services such as Centrex. One approach we might take is to amend our rules for accounting for, and allocating costs to, nonregulated activities so that those rules do not apply to services deregulated by a state. Another approach might be to retain a requirement that our separate accounting and cost allocation rules be used for detariffed services, but to allow waivers of that requirement.

We propose two alternative mechanisms for separating the cost of common plant between regulated and nonregulated activities. The first is based on the existing "separate books of account" approach. All common expenses initially recorded in operating accounts would be credited to those accounts and debited to Account 106 just as they are now. Nonregulated use of common plant would be accounted for by compensating the regulated activities for that use. The compensation amount would be charged as an expense to Account 106 and credited as income to Account 526, other operating revenues, The amount of compensation would be calculated as follows: The carrier would follow cost allocation standards and procedures to determine how much of the investment in common plant would be attributed to nonregulated activities. The carrier would then apply the authorized interstate rate of return and income tax factors to that portion of investment.

Under alternative #2, a carrier would use operating accounts for all services provided through the telecommunications network and non-operating accounts (i.e., accounts 106 and 317) for its non-network (*e.g.*, real estate, CPE) services. Costs associated with non-network services will be treated the same way as they would be treated under alternative #1. After closing its books the carrier would assign and allocate the costs and revenues associated with the network services between its regulated and nonregulated operations, following the procedures set out in its cost allocation manual. Costs attributable to nonregulated services would be removed from operating accounts prior to jurisdictional separations, but would remain in the books of account for financial purposes. The carrier would routinely report the regulated and nonregulated network amounts to the Commission. We invite comment on all aspects of these accounting proposals.

We certify that the Regulatory Flexibility Act is not applicable to the rules we are proposing in the proceeding. We do recognize, however, that the proposals we have put forth for comment herein were developed with the larger telephone companies in mind. We therefore solicit comment on the extent to which any rules we adopt in this proceeding should include modifications or exceptions for small telephone companies.

The proposal contained herein has been analyzed with respect to the Paperwork Reduction Act of 1980 and found to impose new or modified requirements or burdens upon the public. Implementation of any new or modified requirement or burden will be subject to approval by the Office of Management and Budget as prescribed by the Act.

This is a nonrestricted notice and comment rulemaking proceeding, *see* 47 CFR 1.231.

Accordingly, it is ordered, pursuant to the provisions of section 4(i), 201(b), 218, 219, and 220(a) of the Communications Act of 1934, as amended, 47 U.S.C. Secs. 154(i), 201(b), 218, 219 and 220(a), that there is hereby instituted a notice of proposed rulemaking into the foregoing matters.

It is further ordered, that interested persons may file comments on the proposals discussed in this Notice on or before June 30, 1986. Reply comments shall be filed on or before July 30, 1986. In accordance with the provisions of § 1.419 of the Commission's Rules and Regulations, 47 CFR 1.419, an original and five (5) copies of all comments shall be furnished to the Commission. Copies of the comments will be available for public inspection in the Commission's Docket Reference Room, 1919 M Street, NW., Washington, DC.

It is further ordered, pursuant to Section 220(i), that the Secretary shall serve a copy of this Notice on each state commission.

Federal Communications Commission.

**William J. Tricarico,**

*Secretary.*

[FR Doc. 86-9138 Filed 4-30-86; 8:45 am]

BILLING CODE 6712-01-M

# Notices

Federal Register
Vol. 51, No. 84
Thursday, May 1, 1986

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

## DEPARTMENT OF AGRICULTURE

### Federal Grain Inspection Service

### Designation Renewal of Cedar Rapids Grain Service, Inc. (IA), et al

**AGENCY:** Federal Grain Inspection Service (FGIS), USDA.

**ACTION:** Notice.

**SUMMARY:** This notice announces the designation renewal of Cedar Rapids Grain Service, Inc. (Cedar Rapids), Champaign-Danville Grain Inspection Departments, Inc. (Champaign), and Springfield Grain Inspection Department (Springfield), as official agencies responsible for providing official services under the U.S. Grain Standards Act, as Amended (ACT).

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

**ADDRESS:** James R. Conrad, Chief, Review Branch, Compliance Division, Federal Grain Inspection Service, U.S. Department of Agriculture 1400 Independence Avenue, SW., Room 1647 South Building, Washington, DC 20250.

**FOR FURTHER INFORMATION CONTACT:** James R. Conrad, telephone (202) 447-8525.

**SUPPLEMENTARY INFORMATION:** This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Departmental Regulation 1512-1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

FGIS announced that Cedar Rapids', Champaign's, and Springfield's designations terminate on May 31, 1986, and requested applications for official agency designation to provide official services within specified geographic areas in the December 2, 1985, **Federal Register** (50 FR 49435). Applications were to be postmarked by January 2, 1986. Cedar Rapids and Champaign were the only applicants for their respective designations and each applied for designation renewal in the areas currently assigned to those agencies. FGIS received two applications for the Springfield area. Springfield applied for designation renewal in the area currently assigned to that agency, except for OK Grain Company, Litchfield, Montgomery County. Southern Illinois Grain Inspection Service, Inc. (Southern Illinois), Fairview Heights, Illinois, applied for designation for OK Grain Company, Litchfield, Montgomery County.

FGIS announced the applicant names and requested comments on the same in the February 3, 1986, **Federal Register** (51 FR 4203). Comments were to be postmarked by March 20, 1986. No comments were received regarding Cedar Rapids', Champaign's, and Springfield's designation renewal, or regarding Southern Illinois' designation.

FGIS evaluated all available information regarding the designation criteria in section 7(f)(1)(A) of the Act, and in accordance with section 7(f)(1)(B), determined that Cedar Rapids, Champaign, and Springfield are able to provide official services in the geographic area for which FGIS is renewing their designation. Effective June 1, 1986, and terminating May 31, 1989, Cedar Rapids and Campaign will provide official inspection services in their specified geographic area, which is the entire area previously described in the December 2 **Federal Register**.

Also effective those dates, Springfield will provide official inspection services to the entire geographic area it applied for in the February 3 **Federal Register**. FGIS also determined that Southern Illinois is able to provide official services in the geographic area for which it applied and FGIS is designating it. Effective June 1, 1986, and terminating September 30, 1987 (the termination of Southern Illinois' present designation), Southern Illinois will provide official inspection services to the area it applied for in the February 3 **Federal Register**. Southern Illinois' present designation is amended accordingly.

In another action, Schneider Inspection Service, Inc. (Schneider), requested amendment of its designation to delete a portion of its assigned geographic area. Champaign was named to provide service on an interim basis to that area until FGIS could decide which official agency to designate for the specified geographic area. FGIS requested applications for official agency designation in that portion of Iroquois County, Illinois, previously assigned to Schneider, in the September 20, 1985, **Federal Register** (50 FR 38147). Applications were to be postmarked by October 21, 1985, and Champaign was the only applicant.

FGIS announced the applicant name and requested comments on the same in the December 2, 1985, **Federal Register** (50 FR 49436). Comments were to be postmarked by January 16, 1986. No comments were received regarding Campaign's designation.

FGIS evaluated all available information regarding the designation criteria in section 7(f)(1)(A) of the Act, and in accordance with section 7(f)(1)(B), determined that Campaign is able to provide official services in the geographic area for which FGIS is designating it. In addition to the geographic area described in the December 2 **Federal Register**, effective June 1, 1986, and terminating May 31, 1989, Champaign will provide official inspection services in that portion of Iroquois County, which was previously described in the September 20 **Federal Register**.

A specified service point, for the purpose of this notice, is a city, town, or other location specified by an agency for the performance of official inspection of Class X or Class Y weighing services and where the agency and one or more of its inspectors or weighers is located. In addition to the specified service points within the assigned geographic area, an agency will provide official services not requiring an inspector or weigher to all locations within its geographic area.

Interested persons may contact the Review Branch, specified in the address section of this notice, to obtain a list of an agency's specified service points. Interested persons also may obtain a list of the specified service points by contacting the agency at the following address:

Cedar Rapids Grain Service, Inc., 1114-55th Avenue, S.W., Cedar Rapids, IA 52404;

Champaign-Danville Grain Inspection Department, Inc., 527 E. Main Street, Danville, IL 61832;

Springfield Grain Inspection Department, 1301 North Fifteenth Street, Springfield, IL 62702.

(Pub. L. 94-582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*))

Dated: April 23, 1986.

J.T. Abshier,

*Director, Compliance Division*

[FR Doc. 86-9749 Filed 4-30-86; 8:45 am]

BILLING CODE 3410-EN-M

## Request for Comments on Designation Applicants in the Geographic Area Currently Assigned to Fremont Grain Inspection Department, Inc. (NE) and Titus Grain Inspection, Inc. (IN)

**AGENCY:** Federal Grain Inspection Service (FGIS), USDA.

**ACTION:** Notice.

**SUMMARY:** This notice requests comments from interested parties on the applicants for official agency designation in the geographic area currently assigned to Fremont Grain Inspection Department, Inc. (Fremont), and Titus Grain Inspection, Inc. (Titus).

**DATE:** Comments to be postmarked on or before June 16,. 1986.

**ADDRESS:** Comments must be submitted, in writing, to Lewis Lebakken, Jr., Information Resources Staff, Resources Management Division, Federal Grain Inspection Service, U.S. Department of Agriculture, Room 1661 South Building, 1400 Independence Avenue, SW., Washington, DC 20250. All comments received will be made available for public inspection at the above address during regular business hours (7 CFR 1.27(b)).

**FOR FURTHER INFORMATION CONTACT:** Lewis Lebakken, Jr., telephone (202) 382-1738.

**SUPPLEMENTARY INFORMATION:** This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Departmental Regulation 1512-1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

FGIS requested applications for official agency designation to provide official services within specified geographic areas in the March 3, 1986, **Federal Register** (51 FR 7301). Applications were to be postmarked by April 2, 1986. Fremont and Titus were the only applicants for their respective designations and applied for designation renewal in the area currently assigned to those agencies.

This notice provides interested persons the opportunity to present their comments concerning the designation applicants. All comments must be submitted to the Information Resources Staff, Resources Management Division, specified in the address section of this notice.

Comments and other available information will be considered in making a final decision. Notice of the final decision will be published in the **Federal Register**, and the applicants will be informed of the decision in writing.

Pub. L. 94-582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*))

Dated: April 23, 1986.

J.T. Abshier,

*Director, Compliance Division.*

[FR Doc. 86-9750 Filed 4-30-86; 8:45 am]

BILLING CODE 3410-EN-M

## Request for Designation Applicants to Provide Official Services in the Geographic Area Currently Assigned to Cairo Grain Inspection Agency, Inc. (IL)

**AGENCY:** Federal Grain Inspection Service (FGIS), USDA.

**ACTION:** Notice.

**SUMMARY:** Pursuant to the provisions of the U.S. Grain Standards Act, as Amended (Act), official agency designations shall terminate not later than triennially and may be renewed according to the criteria and procedures prescribed in the Act. This notice announces that the designation of one agency will terminate, in accordance with the Act, and requests applications from parties, including the agency currently designated, interested in being designated as the official agency to provide official services in the geographic area currently assigned to the specified agency. The official agency is Cairo Grain Inspection Agency, Inc.

**DATE:** Applications to be postmarked on or before June 2, 1986.

**ADDRESS:** Applications must be submitted to James R. Conrad, Chief, Review Branch, Compliance Division, Federal Grain Inspection Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Room 1647 South Building, Washington, DC 20250. All applications received will be made available for public inspection at the above address during regular business hours.

**FOR FURTHER INFORMATION CONTACT:** James R. Conrad, telephone (202) 447-8525.

**SUPPLEMENTARY INFORMATION:** This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Departmental Regulation 1512-1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

Section 7(f)(1) of the Act specifies that the Administrator of FGIS is authorized, upon application by any qualified agency or person, to designate such agency or person to provide official services after a determination is made that the applicant is better able than any other applicant to provide official services in an assigned geographic area.

Cairo Grain Inspection Agency, Inc. (Cairo), 4007 Sycamore Street, Cairo, IL 62914, was designated under the Act as an official agency to provide inspection functions on November 1, 1983.

The official agency's designation terminates on October 31, 1986. Section 7(g)(1) of the Act states that official agencies' designations shall terminate not later than triennially and may be renewed according to the criteria and procedures prescribed in the Act.

The geographic area presently assigned to Cairo, in the States of Illinois, Kentucky, and Tennessee, pursuant to section 7(f)(2) of the Act, which may be assigned to the applicant selected for designation, is as follows:

In Illinois, the area includes Randolph County (southwest of State Route 150 from the Mississippi River north to State Route 3); Jackson County (southwest of State Route 3 southeast to State Route 149; State Route 149 east to State Route 13; State Route 13 southeast to U.S. Route 51; U.S. Route 51 south to Union County); and Alexander, Johnson, Hardin, Massac, Pope, Pulaski, and Union Counties.

In Kentucky, the area includes Ballard, Calloway, Carlisle, Fulton, Graves, Hickman, Livingston, Lyon, Marshall, McCracken, and Trigg Counties.

In Tennessee, the area includes Benton, Dickson, Henry, Houston, Humphreys, Lake, Montgomery, Obion, Stewart, and Weakley Counties.

The following locations, outside of the foregoing contiguous geographic area, are presently assigned to Cairo and are part of this geographic area assignment: Hopkinsville Elevator Company, Inc., Hopkinsville; and the L&N Railroad Siding on Alternate U.S. Route 41, 5 miles south of Hopkinsville, both in Christian County, Kentucky.

Exceptions to the described geographic area are the following locations situated inside Cairo's area which have been and will continue to be seviced by Memphis Grain and Hay Association: Continental Grain Co., Tiptonville; West Tennessee Soya, Tiptonville; and Planters Gin, Ridgely; all in Lake County, Tennessee.

Interested parties, including Cairo, are hereby given opportunity to apply for official agency designation to provide the official services in the geographic area, as specified above, under the

provisions of section 7(f) of the Act and section 800.196(d) of the regulations issued thereunder. Designation in the specified geographic area is for the period beginning November 1, 1986, and ending October 31, 1989. Parties wishing to apply for designation should contact the Review Branch, Compliance Division, at the address listed above for forms and information.

Applications and other available information will be considered in determining which applicant will be designated to provide official services in a geographic area.

(Pub. L. 94-582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*))

Dated: April 23, 1986.

**J.T. Abshier,**

*Director, Compliance Division.*

[FR Doc. 86-9751 Filed 4-30-86; 8:45 am]

BILLING CODE 3410-EN-M

## Soil Conservation Service

### Environmental Statements; Lick Creek Watershed, IL

**AGENCY:** Soil Conservation, USDA.

**ACTION:** Notice of finding of no significant impact.

**SUMMARY:** Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental statement is not being prepared for the Lick Creek Watershed, Sangamon and Morgan Counties, Illinois.

**FOR FURTHER INFORMATION CONTACT:** John J. Eckes, State Conservationist, Soil Conservation Service, 301 North Randolph Street, Champaign, Illinois 61820, Telephone (217) 398-5267.

**SUPPLEMENTARY INFORMATION:** The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impact on the environment. As a result of these findings, John J. Eckes, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project concerns are erosion, sedimentation, water quality, water quantity, and resource base degradation. The planned works of improvement include conservation tillage sytems, terraces, grassed waterways, grade stabilization structures, land use change, and field border strips.

The Notice of Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developing during the environmental assessment are on file and may be reviewed by contacting John J. Eckes.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register.**

(This activity is listed in the Catalog of Federal Domestic Assistance under No. 10.904—Watershed Protection and Flood Prevention—and is subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials.)

Dated: April 22, 1986

**John J. Eckes,**

*State Conservationist.*

[FR Doc. 86-9810 Filed 4-30-86; 8:45 am]

BILLING CODE 3410-16-M

### Watershed Project; Lick Creek Watershed, Tennessee

**AGENCY:** Soil Conservation Service, USDA.

**ACTION:** Notice of deauthorization of federal funding.

**SUMMARY:** Pursuant to the Watershed Protection and Flood Prevention Act, Pub. L. 83-566, and the Soil Conservation Service Guidelines (7 CFR 622), the Soil Conservation Service gives notice of the deauthorization of Federal funding for the Lick Creek Watershed project, Greene County, Tennessee, effective on April 14, 1986.

**FOR FURTHER INFORMATION CONTACT:** Donald C. Bivens, State Conservationist, Soil Conservation Service, 675 Estes Kefauver FB-USCH, 801 Broadway, Nashville, TN 37203, 615/736-5471.

(This activity is listed in the Catalog of Federal Domestic Assistance under No. 10.904—Watershed Protection and Flood Prevention—and is subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials.)

Dated: April 25, 1986.

**Billy K. Benson,**

*Deputy State Conservationist.*

[FR Doc. 86-9790 Filed 4-30-86; 8:45 am]

BILLING CODE 3410-16-M

### Watershed Projects; Oil Creek Watershed, Pennsylvania

**AGENCY:** Soil Conservation Service, USDA.

**ACTION:** Notice of Deauthorization of Federal Funding.

**SUMMARY:** Pursuant to the Watershed Protection and Flood Prevention Act, Pub. L. 83-566, and the Soil Conservation Service Guidelines (7 CFR Part 622); the Soil Conservation Service gives notice of the deauthorization of Federal funding for the Oil Creek Watershed project, Crawford, Erie, Venango, and Warren Counties, Pennsylvania, effective on April 14, 1986.

**FOR FURTHER INFORMATION CONTACT:** Mr. James H. Olson, State Conservationist, Soil Conservation Service, Federal Building, 228 Walnut Street, Harrisburg, Pennsylvania 17108, telephone (717) 782-4453.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program.) Executive order 12372 regarding intergovernmental review of Federal and Federally-assisted programs and projects is applicable.

Dated: April 22, 1986.

**James H. Olson,**

*State Conservationist.*

[FR Doc. 86-9718 Filed 4-30-86; 8:45 am]

BILLING CODE 3410-16-M

## DEPARTMENT OF COMMERCE

**[Docket Nos. 1625-01, 1625-02, 1625-03, 1625-04, and 1625-05]**

### Albert A. Goldberg, et al.; Order Vacating Temporary Denial Order

In the Matter of: Albert A. Goldberg, International Affiliates Co. Inc., National-Tronics Company, Sarfraz A. Mir and S.J. Enterprises; Respondents.

By a Temporary Denial Order issued November 19, 1981, 46 FR 57716 (November 25, 1981), upon request of the U.S. Department of Commerce, the following Respondents were temporarily denied all privileges of participating in any manner or capacity in the export or reexport of U.S.-origin commodities or technical data.

Albert A. Goldberg, President, International Affiliates Co., Inc.
and
National-Tronics Company, 134 West 32nd Street, New York, New York 10001
Sarfraz A. Mir, Managing Director, S.J. Enterprises, 15—Block 14 Super Market, F-6, Islamabad, Pakistan
and

37-B School Road, 58-3, Islamabad, Pakistan

S.J. Enterprises, 15—Block 14 Super Market, F-6, Islamabad, Pakistan and

P.O. Box 1361, Islamabad, Pakistan

The Temporary Denial Order extended its denial provisions also, because of relationships of ownership or of affiliation with the Respondents, to the following business organizations.

Gorez Corporation Inc., 134 West 32nd Street, New York, New York 10001

Inter-Tronics Co., Inc., 134 West 32nd Street, New York, New York 10001

ITL Corporation Inc., 134 West 32nd Street, New York, New York 10001

S.J. Enterprises, 10 Wahbat Road, Lahore, Pakistan

S.J. Enterprises, 13-A, Mohammad Ali Housing Society, Miran Mohammad Shad Road, Carachi, Pakistan.

By Order of February 3, 1982, 47 FR 6681 (February 16, 1982), one more business organization was added to this list: K.S. and Associates, 37-B School Road, F/8-1, Islamabad, Pakistan.

The Respondents moved to vacate the Temporary Denial Order, and various filings ensured. The Department has now filed a statement that it does not oppose a vacating of the Temporary Denial Order as to Sarfraz A. Mir, S.J. Enterprises, and K.S. and Associates. Further, the Department's filing noted that Albert A. Goldberg died in 1985 and that National-Tronics Company and International Affiliates Co., Inc. no longer exist, and suggested that, as to these three Respondents, and as to the business organizations related to them, it would now be approrpiate to vacate the Temporary Denial Order.

Based on these representations made by the Department and on a review of the whole record, I conclude that the public interest for which the Temporary Denial Order was issued no longer requires that it be maintained, and that it should be vacated.

Accordingly, it is hereby ordered that, effective immediately, the November 19, 1981 Temporary Denial Order is vacated.

A copy of this Order Vacating the Temporary Denial Order shall be published in the **Federal Register**.

Dated: April 25, 1986.

**Thomas W. Hoya,**

*Admininstrative Law Judge.*

[FR Doc. 86-9783 Filed 4-30-86; 8:45 am]

BILLING CODE 3510-DT-M

## DEPARTMENT OF COMMERCE

### International Trade Administration

## DEPARTMENT OF THE INTERIOR

### Office of the Secretary

**[Docket No. 51185-6041]**

### Allocation of Duty-Exemptions for Calendar Year 1986 Among Watch Producers Located in the Virgin Islands and Guam

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce; and Office of the Secretary, Department of the Interior.

**ACTION:** Allocation of duty-exemptions for calender year 1986 among producers located in the Virgin Islands and Guam.

**SUMMARY:** This action allocates 1986 duty-exemptions for watch producers located in the Virgin Islands and Guam pursuant to Pub. L. 97-446.

**FOR FURTHER INFORMATION CONTACT:** Faye Robinson, (202) 377-1660.

**SUPPLEMENTARY INFORMATION:** Pursuant to Pub. L. 97-446, the Departments of the Interior and Commerce (the Departments) share responsibility for the allocation of duty exemptions among watch assembly firms in the insular possessions and the Northern Mariana Islands. The Departments established for 1986 a total quantity of watches and watch movements which could be entered free of duty from the insular possessions and the Northern Mariana Islands of 6,500,000 units, 4,500,000 of which could be allocated to Virgin Islands producers, 1,000,000 to Guam producers, 500,000 to American Samoa producers and 500,000 to Northern Mariana Islands producers (51 FR 14980).

The criteria for the calculation of the 1986 duty-exemption allocations among insular producers are set forth in § 303.14 of the regulations (15 CFR Part 303) as amended on April 22, 1986 (51 FR 14980).

The Departments have verified the data submitted on application form ITA-334P by producers in the territories and inspected the current operations of all producers in accordance with § 303.5 of the regulations.

The verification established that in calendar year 1985 the Virgin Islands watch assembly firms shipped 2,554,334 watches and watch movements into the customs territory of the United States under General Headnote 3(a) of the Tariff Schedules of the United States. The dollar amount of corporate income taxes paid by Virgin Islands producers during calendar year 1985, less penalty payments and refunds and subsidies, plus the creditable wages paid by the industry during calendar year 1985 to residents of the territory totalled $4,162,086.

There is only one producer in Guam. Publication of the Guam data, accordingly, would disclose competitively sensitive information.

The calendar year 1986 Virgin Islands annual allocations set forth below are based on the data verified by the Departments in the Virgin Islands and Guam and are made in accordance with the formula governing the allocation of the duty-exemptions set forth in § 303.14 of the regulations. The allocations reflect: (1) Adjustments made in data supplied on the producers' annual application forms (ITA Form-334P) as a result of the Departments' verification; and in the Virgin Islands allocation (2) Reallocation of duty-exemptions which have been voluntarily reliquished by some producers pursuant to § 303.6(b)(2) of the regulations.

The duty-exemption allocations for calendar year 1986 in the Virgin Islands are as follows:

| Name of firm | Annual allocation |
|---|---|
| 1. Belair Quartz, Inc | 500,000 |
| 2. Hampden Watch Co., Inc | 300,000 |
| 3. Master Time Co., Inc | 650,000 |
| 4. Progress Watch Co., Inc | 900,000 |
| 5. Unitime, Industries, Inc | 610,000 |
| 6. Tropex, Inc | 450,000 |

The duty-exemption allocation for Guam is as follows:

| Name of firm | Annual allocation |
|---|---|
| Timewise Ltd | 500,000 |

**John L. Evans,**

*Deputy to the Deputy Assistant Secretary for Import Administration, Department of Commerce.*

**Kittie J. Baier,**

*Deputy Assistant Secretary for Territorial and International Affairs, Department of Interior.*

[FR Doc. 86-9785 Filed 4-30-86; 8:45 am]

BILLING CODE 3510-DS-M, 4310-10-M

## DEPARTMENT OF COMMERCE

### International Trade Administration

**[A-588-505]**

### Dynamic Random Access Memory Semiconductors of 256 Kilobits and Above (256K and Above DRAMs) From Japan; Postponement of Final Antidumping Duty Determination

**AGENCY:** International Trade

Administration, Import Administration Commerce.

**ACTION:** Notice of Postponement of Final Antidumping Duty Determination.

**SUMMARY:** This notice informs the public that we have received requests from all of the respondents in this investigation to postpone the final determination, as permitted in section 735(a)(2)(A) of the Tariff Act of 1930, ("the Act") (19 U.S.C. 1673d(a)(2)(A)). Based on these requests, we are postponing our final determination as to whether sales of 256K and above DRAMs from Japan have occurred at less than fair value until not later than August 1, 1986. We are also postponing our public hearing from April 18, 1986 until May 16, 1986.

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

**FOR FURTHER INFORMATION CONTACT:** Stephen Munroe, Office of Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 377-2923.

**SUPPLEMENTARY INFORMATION:** On December 6, 1985, the Department of Commerce ("the Department") initiated an antidumping duty investigation under section 732(a) of the Act, to determine whether 256K and above DRAMs from Japan were being, or were likely to be, sold at less than fair value within the meaning of section 731 of the Act, and whether these imports are materially injuring, or are threatening material injury to a United States industry, or are materially retarding the establishment of a United States industry (50 FR 51450, December 17, 1985). On January 22, 1986, the International Trade Commission determined that there is a reasonable indication that imports of 256K and above DRAMs are materially injuring, or are threatening to materially injure a U.S. industry (51 FR 4661, Feb. 6, 1986). On March 19, 1986, we published a preliminary determination of sales at less than fair value with respect to this merchandise (51 FR 9475). The notice stated that if the investigation proceeded normally, we would make our final determination by May 27, 1986.

Pursuant to section 735(a)(2)(A) of the Act, all of the respondents in this investigation requested an extension of the final determination date. The respondents are qualified to make such a request because they account for a significant proportion of exports of the merchandise to the United States. If exporters who account for a significant proportion of exports of the merchandise under investigation properly request an extension after an affirmative preliminary determination, we are required, absent compelling reasons to the contrary, to grant the requests.

Accordingly, we are granting the requests and postponing our final determination until not later than August 1, 1986.

**Public Comment**

In accordance with § 353.47 of our regulations (19 CFR 353.47), if requested, we will hold a public hearing to afford interested parties an opportunity to comment on this preliminary determination at 10 a.m. on May 16, 1986, at the U.S. Department of Commerce, Room B-841, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary, Import Administration, Room B-099, at the above address within 10 days of this notice's publication. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, prehearing briefs, or supplements to prehearing briefs that have previously been submitted, in at least 10 copies must be submitted to the Deputy Assistant Secretary by May 9, 1986. Oral presentations will be limited to issues raised in the briefs. All written views should be filed in accordance with 19 CFR 353.46.

This notice is published pursuant to section 735(d) of the Act.

The United States International Trade Commission is being advised of this postponement, in accordance with section 735(d) of the Act.

Dated April 25, 1986.

**Gilbert B. Kaplan,**

*Deputy Assistant Secretary for Import Administration.*

[FR Doc. 86-9786 Filed 4-30-86; 8:45 am]

BILLING CODE 3510-05-M

## Application for Duty-Free Entry of Scientific Articles: Correction

In FR Doc. 86-5507 appearing at page 8691 in the **Federal Register** of March 13, 1986, Docket Number 86-125 is corrected to read: INSTRUMENT: Electron Microscope, Model JEM-100SX.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

**Frank W. Creel,**

*Director, Statutory Import Programs Staff.*

[FR Doc. 86-9784 Filed 4-30-86; 8:45 am]

BILLING CODE 3510-DS-M

## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

### Changes to the Textile Category System

April 25, 1986.

The CORRELATION, Textile and Apparel Categories with the Tariff Schedules of the United States, Annotated, provides for placement of Tariff Schedules of the United States Annotated (T.S.U.S.A.) numbers in the Textile Category System. On March 31, 1986, the 484e Committee approved the following amendments to the T.S.U.S.A., reflecting certain administrative changes requiring changes to the CORRELATION. These changes are cited in the list which follows this notice.

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

**FOR FURTHER INFORMATION CONTACT:** Martin Walsh, International Agreements and Monitoring Division, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, DC 20230 (202) 377-4212.

**Leonard A. Mobley,**

*Acting Chairman, Committee for the Implementation of Textiles Agreements.*

| Category | | Mar. 1, 1986 changes to the correlation<br>New T.S.U.S.A. numbers effective Mar. 1, 1986 |
|---|---|---|
| 340 | Change | 381.0520 to:<br>381.0522 with two or more colors in the warp and/or the filling.<br>381.0524 Other. |
| | Change 381.5635 to: | 381.5637 with two or more colors in the warp and/or the filling.<br>381.5639 Other. |
| 640 | Change 381.3130 to: | 381.3132 with two or more colors in the warp and/or the filling.<br>381.3134 Other. |
| | Change 381.3140 to: | 381.3142 with two or more colors in the warp and/or the filling.<br>381.3144 Other. |
| | Change | 381.3150 to:<br>381.3152 with two or more colors in the warp and/or the filling.<br>381.3154 Other. |
| | Change | 381.9545 to:<br>381.9547 with two or more colors in the warp and/or the filling.<br>381.9549 Other. |

[FR Doc. 86-9742 Filed 4-23-86; 8:45 am]

BILLING CODE 3510-DR-M

## COMMODITY FUTURES TRADING COMMISSION

### Public Information Collection Requirement Submitted to Office of Management and Budget for Review

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Notice of information collection.

**SUMMARY:** The Commodity Futures Trading Commission has submitted the following information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1980, 44 U.S.C. Chapter 35.

**ADDRESS:** Persons wishing to comment on this information collection should contact Katie Lewin, Office of Management and Budget, Room 3235, NEOB, Washington, DC 20503, (202) 395-7231. Copies of the submission are available from Joseph G. Salazar, Agency Clearance Officer, 2033 K Street NW., Washington, DC 20581, (202) 254-9735.

Title: Rules Relating to the Activities of Commodity Pool Operators and Commodity Trading Advisors
Control Number: 3038-0005
Action: Extension
Respondents: Businesses, including small businesses
Estimated Annual Burden: 102,315 hours
Estimated Number of Respondents: 4,625.

Issued in Washington, DC, on April 28, 1986.

**Jean A. Webb,**

*Secretary of the Commission.*

[FR Doc. 86-9781 Filed 4-30-86; 8:45 am]

BILLING CODE 6351-01-M

## CONSUMER PRODUCT SAFETY COMMISSION

### Steering Committee on Methylene Chloride; Meeting

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Notice of meeting.

**SUMMARY:** The Commission announces the third meeting of the Steering Committee on Methylene Chloride. The Commission's staff is working with this committee to assist industry, consumer interest representatives, and other interested parties in developing ways to reduce consumer exposure to methylene chloride, a chemical used in certain paint strippers, spray paints, and other consumer products. The meeting is open to the public, and all persons attending are invited to participate in the meeting.

**DATE:** The meeting will be May 16, 1986, at 8:00 a.m.

**ADDRESS:** The meeting will be at the National Paint and Coatings Association, 1500 Rhode Island Avenue, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Ms. Sandy Bradshaw, Office of Program Management, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 492-6554.

Dated: April 29, 1986.

**Sadye E. Dunn,**

*Secretary, Consumer Product Safety Commission.*

[FR Doc. 86-9888 Filed 4-30-86; 8:45 am]

BILLING CODE 6355-01-M

## DEPARTMENT OF DEFENSE

### Office of the Secretary

### Defense Science Board; Closed Meeting

**ACTION:** Notice of Advisory Committee Meeting.

**SUMMARY:** The Defense Science Board will meet in closed session on 14-15 May 1986 in the Pentagon, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense. At this meeting the Board will discuss interim findings and tentative recommendations resulting from onging Task Force activities associated with Strategic, Tactical, Intelligence/Command, Control and Communications, and Technology Issues. The Board will also discuss plans for future consideration of scientific and technical aspects of specific strategies, tactics, and policies as they may affect the U.S. national defense posture.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92-463, as amended (5 U.S.C. App. II, (1982)), it has been determined that this DSB Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1982), and that accordingly these meetings will be closed to the public.

April 25, 1986.

**Patricia H. Means,**

*OSD Federal Register Liaison Officer Department of Defense.*

[FR Doc. 86-9754 Filed 4-30-86; 8:45 am]

BILLING CODE 3810-01-M

### Department of the Air Force

### Determinations of Active Military Service and Discharge; Civilian or Contractual Personnel

Under the provisions of section 401 of Pub. L. 95-202 and DOD Directive 1000.20, "Determinations of Active Military Service and Discharge: Civilian or Contractual Personnel," the Secretary of the Air Force, acting in accordance with authority delegated by the Secretary of the Defense, determined on April 18, 1986, that the service of the group known as "Stevedore Superintendents Who Served with the U.S. Army Transportation Corps during the Period October 1944 to November 1945" shall not be considered active military service in the Armed Forces of the United States for all laws administered by the Veterans Administration.

**FOR FURTHER INFORMATION CONTACT:** Lt Col Michael Dandar or Lt Col Mary Todd: (202) 692-4744. Office of the Secretary of the Air Force Personnel Council (SAF/MIPC), the Pentagon, Washington, DC 20330-1440.

**Patsy J. Conner,**

*Air Force Federal Register Liaison Officer.*

[FR Doc. 86-9818 Filed 4-30-86; 8:45 am]

BILLING CODE 3910-01-M

### Cancellation of Intent To Prepare an Environmental Impact Statement for a Proposed Military Operations Area (MOA) Near Lake Louise, Alaska

The Alaskan Air Command has suspended activities for the establishment of a military flight training area west of Lake Louise, Alaska. The additional military operations area was proposed in 1982 when the Alaskan Air Command was to receive a training system known as Air Combat Maneuvering Instrumentation. The system uses ground-based sensors to track and record aircraft flight maneuvers, and provides a highly accurate, three-dimensional video display of all maneuvers during air combat training.

The uncertainty over federal funding and the system's high cost has made near term acquisition of the system for Alaska very questionable. For this reason, the Alaskan Air Command has suspended current efforts to establish Lake Louise Military Operations Area. Another notice of intent to prepare an EIS will be published when the proposal becomes financially feasible.

For further information contact: Lt. Col. T.G. Tilma, Chief, Public Affairs, HQ AAC/PA, Elmendorf AFB, AK 99506-5001, telephone (907) 552-2226.

Patsy J. Conner,

*Air Force Federal Register Liaison Officer.*

[FR Doc. 86-9819 Filed 4-30-86; 8:45 am]

BILLING CODE 3910-01-M

## Department of the Navy

### Secretary of the Navy's Advisory Board on Education and Training (SABET); Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. app.), notice is hereby given that the Secretary of the Navy's Advisory Board on Education and Training (SABET) will meet at the Sheraton Hotel on Orme, Columbia Pike Road, Washington, DC on 10, 11, 12 June 1986.

The purpose of SABET is to advise the Secretary of the Navy on policy concerning all facets of education and training for Navy and Marine Corps personnel. This meeting is a follow on to the November meeting which provided an overview of the Naval Medical Command. Follow-on policy issues related to military medicine will be discussed.

The meeting will commence at 2:30 p.m. on 10 June to review the agenda. Regular sessions will run 11 June from 8:00 a.m. until 5:00 p.m. The 12 June executive session will commence at 8:30 a.m. and terminate at 11:00 a.m. All sessions are open to the public.

For further information concerning this meeting, contact Mrs. Carol Osborn (Code 00A1), Professional Assistant to the Principal Civilian Advisory on Education and Training, CNET, Naval Air Station, Pensacola, Florida 32508, telephone (904) 452-4394.

Dated: April 28, 1986.

William F. Roos, Jr.,

*Lieutenant, JAGC, U.S. Naval Reserve Federal Register Liaison Officer.*

[FR Doc. 86-9779 Filed 4-30-86; 8:45 am]

BILLING CODE 3810-AE-M

## DEPARTMENT OF EDUCATION

### Agency Information Collection Activities Under OMB Review

**AGENCY:** Department of Education.

**ACTION:** Notice of Proposed Information Requests.

**SUMMARY:** The Director, Information Resources Management Service invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1980.

**DATES:** Interested persons are invited to submit comments on or before June 2, 1986.

**ADDRESSES:** Written comments should be addressed to the Office of Regulatory Affairs, Attention: Desk Officer, Department of Education, Office of Management and Budget, 726 Jackson Place, NW., Room 3208, New Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collection requests should be addressed to Margaret B. Webster, Department of Education, 400 Maryland Avenue, SW., Room 4074, Switzer Building, Washington DC 20202.

**FOR FURTHER INFORMATION CONTACT:** Margaret B. Webster (202) 426-7304.

**SUPPLEMENTARY INFORMATION:** Section 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with an agency's ability to perform its statutory obligations.

The Director, Information Resources Management Service publishes this notice containing proposed information collection requests to the submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Agency form number (if any); (4) Frequency of the collection; (5) The affected public; (6) Reporting burden; and/or (7) Recordkeeping burden; and (8) Abstract. OMB invites public comment at the address specified above. Copies of the requests are available from Margaret Webster at the address specified above.

Dated: April 28, 1986.

George P. Sotos,

*Director, Information Resources Management Service.*

#### Office of Special Education and Research

Type of Review: New
Title: Longitudinal Study of a Sample of Handicapped Students
Agency Form Number: B20-15P
Frequency: Annually
Affected Public: Individuals or households; State or local governments; Non-profit institutions
Reporting Burden:
Responses: 10,355
Burden Hours: 4,223
Recordkeeping Burden:
Recordkeepers: 0
Burden Hours: 0
Abstract: The study will collect data on the education, employment, and independent living status of a sample of handicapped youth while in school and upon entering adult life. Results will inform the Department and Congress about the transitional progress of handicapped students from special education to work. The affected public includes handicapped youth, parents, local educational agencies, and vocational rehabilitation agencies.

#### Office of Postsecondary Education

Type of Review: Extension
Title: Performance Report and Financial Status Report Forms for the Veterans' Cost of Instruction Payments Program
Agency Form Number: 269-1, 269-2
Frequency: Annually
Affected Public: Non-profit institutions
Reporting Burden:
Responses: 800
Burden Hours: 800
Recordkeeping Burden:
Recordkeepers: 800
Burden Hours: 800
Abstract: The Performance and Financial Status Report forms are needed by the Department of Education to monitor and close out grants awarded under the Veterans' Cost-of-Instruction Payments Program.

[FR Doc. 86-9776 Filed 4-30-86; 8:45 am]

BILLING CODE 4000-01-M

## Office of Special Education and Rehabilitative Services

### Application Notice for Transmittal of Applications for the National Institute of Handicapped Research Fellowships for Fiscal Year 1986

**AGENCY:** Department of Education.

**ACTION:** Application Notice for Transmittal of Applications for the National Institute of Handicapped Research Fellowships for Fiscal Year 1986.

**Programmatic and Fiscal Information**

The Secretary invites applications for new research fellowships in selected priority areas for fiscal year 1986 under the National Institute of Handicapped Research.

The secretary has determined that there are specific area in which research is needed, and has set aside funds to provide fellowship assistance for research in these specific areas.

The Secretary expects to award one Distinguished Fellowship in each of the priority areas that are included in the Notice of Final Funding Priorities for Research Fellowships under the National Institute of Handicapped Research that was published on April 25, 1986 at 51 FR 15663–15665.

Potential applicants are advised to consult the Notice of Final Funding Priorities for Research Fellowships for a detailed description of the scope of the research to be included in each of these priorities.

NIHR expects to make approximately $300,000 available to award six fellowships under this program. NIHR expects to award stipends of up to $50,000 plus $1,500 for expenses in connection with the fellowship, to each successful applicant. All awards will be for a one-year period.

However, these estimates do not bind the U.S. Department of Education to any specific number of awards or to the amount of any award unless that amount is otherwise specified by statute or regulations.

**Closing Date for Transmittal of Applications**

Applications for new awards must be mailed or hand-delivered on or before July 3, 1986.

Applications sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention: (CFDA No. 84.133F), 400 Maryland Avenue, SW., Washington, DC 20202.

Each late applicant will be notified that its application will not be considered.

Applications that are hand-delivered must be taken to the U.S. Department of Education, 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, DC time) daily, except Saturdays, Sundays, and Federal holidays.

*Applicable Regulations:* Regulations applicable to this program include the following:

(a) The regulations governing the Research Fellowship Program of the National Institute of Handicapped Research in 34 CFR Part 356.

(b) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Parts 74, 75, 77, and 78.

**Application Forms:**

Application forms and further information are expected to be available within one week from the date of this notice. These may be obtained by writing to or calling the National Institute of Handicapped Research, U.S. Department of Education, 400 Maryland Avenue, SW., Switzer Office Building, Mailstop 2304, Washington, DC 20202, (Attention: Fellowship Unit), Telephone (202) 732–1207. Deaf and hearing impaired individuals may call (202) 732–1198 for TTY services. Requests should refer to applications for Fellowships, 84.133F.

*Further Information:* For further information contact Ms. Rheable Edwards, National Institute of Handicapped Research, U.S. Department of Education, 400 Maryland Avenue, SW., Switzer Office Building, Room 3070, Washington, DC 20202, Telephone (202) 732–1200; deaf and hearing impaired individuals may call (202) 732–1198 for TTY services.

*Program Authority:* (29 U.S.C. 762).

(Catalog of Federal Domestic Assistance No. 84.133F, National Institute of Handicapped Research)

Dated: April 25, 1986.

**Madeleine Will,**

*Assistant Secretary of Education, Special Education and Rehabilitative Services*

[FR Doc. 86–9777 Filed 4–30–86; 8:45 am]

BILLING CODE 4000-01-M

## National Institute of Handicapped Research; Transmittal of Applications for New Research and Demonstration Projects and Knowledge Dissemination and Utilization Projects for Fiscal Year 1986; Correction

**AGENCY:** Department of Education.

**ACTION:** Correction Notice.

**SUMMARY:** An application notice establishing closing dates for the transmittal of applications for new awards under the Research and Demonstration Program and the Knowledge Dissemination and Utilization Projects Program of the National Institute of Handicapped Research was published in the **Federal Register** on April 11, 1986 at 51 FR 12542. That notice was in error in setting the anticipated period of support and the approximate funding level for a Research and Demonstration project in Financing Home Care for Seriously Disabled and Chronically Ill Children. NIHR expects to award up to $175,000 per year for up to three years for that priority area.

**FURTHER INFORMATION:** For further information contact Betty Jo Berland, National Institute of Handicapped Research, U.S. Department of Education, 400 Maryland Avenue, SW., Switzer Office Building, Room 3070, Washington, DC 20202, Telphone (202) 732–1139; deaf and hearing impaired individuals may call (202) 732–1198 for TTY services.

*Program Authority:* (29 U.S.C. 762).

(Catalog of Federal Domestic Assistance No. 84.133, National Institute of Handicapped Research)

Dated: April 28, 1986.

**Madeleine Will,**

*Assistant Secretary for Special Education and Rehabilitative Services.*

[FR Doc. 86–9778 Filed 4–30–86; 8:45 am]

BILLING CODE 4000-01-M

## DEPARTMENT OF ENERGY

### Office of Energy Research

### Magnetic Fusion Advisory Committee; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770), notice is hereby given of the following meeting:

Name: Magnetic Fusion Advisory Committee.

Date and Time: Wednesday, May 21, 1986, 9:00 am–5:00 pm, Thursday, May 22, 1986, 9:00 am–3:00 pm.

Location: Argonne National Laboratory, Building 203, Auditorium, 9700 South Cass Avenue, Argonne, Illinois 60439.

Contact: Rosalie H. Weller, Office of Fusion Energy, Office of Energy Research (ER–50), U.S. Department of Energy, Mail Stop G–236, Washington, DC 20545, Phone: (301)–353–3347.

Purpose of the Committee: To provide advice to the Secretary of Energy on the Department's Magnetic Fusion Energy Program, including periodic reviews of elements of the program and recommendations of changes based on scientific and technological advances or other factors; advice on long-range plans, priorities, and strategies to

demonstrate the scientific and engineering feasibility of fusion; advice on recommended appropriate levels of funding to develop those strategies and to help maintain appropriate balance between competing elements of the program.

**Agenda Outline**

*Wednesday, May 21, 1986—9:00 AM*

1. Status Report on CIT Engineering and Proposal Planning—Furth, Schmidt (PPPL)
2. Report of Panel XVI on Mirror Program
   A. Review of Charge—Ribe (Univ. of Washington)
   B. Panel Findings/Recommendations—Forsen (Bechtel)
3. MFAC Comments

Lunch

4. Public Comment
5. MFAC Discussion of Panel XVI Findings and Recommendations
6. Presentation on ANL Fusion Program—Baker (ANL)

Adjourn 5:00 PM

*Thursday, May 22, 1986—9:00 AM*

1. Panel XVI—MFAC Response
2. Status Report on International Collaboration
   A. Recent Progress—Clarke (DOE)
   B. TWP Meeting—Gottlieb (Grumman)
3. Briefing by Panel XV on the Technical Planning Activity
   A. Review of Charge—Ribe (Univ. of Washington)
   B. Summary of Initial TPA Review—Weitzner (NYU)

Lunch

4. MFAC Comments
5. Public Comment
6. Other Business

Adjourn 3:00 PM

Public Participation: The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Rosalie Weller at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. The Chairperson of the Committee is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Minutes: Available for public review and copying approximately 30 days following the meeting at the Public Reading Room, Room 1E190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, between 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC, on April 28, 1986.

**J. Robert Franklin,**

*Deputy Advisory Committee Management Officer.*

[FR Doc. 86-9812 Filed 4-30-86; 8:45 am]

BILLING CODE 6450-01-M

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## Federal Energy Regulatory Commission

**[Docket No. CP86-424-000]**

## Crown Zellerbach Corp. and Gaylord Container Limited; Errata Notice and Notice of Application

April 23, 1986.

April 18, 1986.

In paragraph four of notice published April 24, 1986 (51 FR 15536), change "May 12, 1986" to "May 5, 1986". Sentence should read, "Any person desiring to be heard or to make any protest with reference to said application should on or before May 5, 1986, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10).

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 86-9645 Filed 4-30-86; 8:45 am]

BILLING CODE 6717-01-M

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## Office of Hearings and Appeals

## Issuance of Decisions and Orders; Week of March 10 Through March 14, 1986

During the week of March 10 through March 14, 1986, the decisions and orders summarized below were issued with respect to applications for relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

**Remedial Order**

*Oklahoma Refining Co., 3/10/86; HRO—0302, KRD—0006, KRH—0006*

On February 13, 1986, the Economic Regulatory Administration (ERA) of the Department of Energy filed a Motion to Withdraw the Proposed Remedial Order (PRO) issued to Oklahoma Refining Company on May 31, 1985. After considering the ERA's motion and the firm's response, the OHA determined there was good cause to permit the ERA to withdraw the PRO without prejudice to the issuance of a new PRO. Specifically, the dismissal order found that granting the request to withdraw in order to permit ERA to perform additional investigation would allow the agency to correct possible errors in its legal or factual analysis prior to judicial review. The determination also found that Oklahoma Refining would not be prejudiced by the withdrawal of the PRO.

**Request for Modification and/or Rescission**

*Economic Regulatory Administration, 3/10/86; KRR—0007*

The Economic Regulatory Administration (EPA) sought reconsideration of a denial of its Motion to Place Documents under Seal in a decision and order issued by the Office of Hearings and Appeals on February 11, 1986, in connection with enforcement proceedings against National Hydrocarbons Group, Inc. ERA wished to prevent disclosure of data from 1980 indicating how title to crude oil shipped through the Shell Ship Shoal pipeline passed from one entity to another. The Office of Hearings and Appeals held that ERA had not provided a compelling reason for reconsideration of the previous decision, and the possibility of competitive harm from release of the data was no longer sufficient reason to prevent public disclosure of the data. Accordingly, the Motion was denied.

**Motions for Discovery**

*Edwin Milton Jones, Jr., Dennis Van Matthew, 3/14/86; HRD—0015, HRD—0228*

On August 2, 1984, Edwin Milton Jones, Jr. (Jones) and Dennis Van Matthew (Matthew) filed Motions for Discovery in connection with their respective Statement of Objections to a Proposed Remedial Order (PRO) issued to them by the Economic Regulatory Administration (ERA) on April 24, 1984. In the PRO, the ERA alleges that Jones and Matthew, acting as officers of Southwest Petrochem, Inc. (Petrochem) violated the "anti-layering" provisions of 19 CFR Part 212, Subpart L. In their Motions for Discovery, Jones and Matthew sought extensive discovery pertaining to: (1) The Petrochem audit and (2) documents which relate to ERA's preparation of the PRO. In addition, Jones and Matthew sought to depose a principal DOE auditor identified in the PRO. The OHA concluded that Jones' and Matthew's Motions for Discovery should be granted to the extent that their requests encompassed final audit workpapers which underlie the PRO's allegations. The OHA denied Jones' and Matthew's broad requests as being irrelevant to discover documents that encompassed materials beyond the scope on the ERA's audit of Petrochem. Furthermore, the OHA concluded that Jones and Matthew had sought ERA's production of documents principally to support their legal interpretation of the layering rule, rather than to address material factual issues in dispute. Finally, the OHA held that Jones and Matthew had failed to make the requisite showing for the granting of a deposition by demonstrating that they were unable to obtain the information sought through one of the other discovery means. Jones and Matthew were granted permission to

supplement their present Motions for Discovery, however, in the event that ERA failed to provide them with the final audit workpapers showing the manner in which the overcharges alleged in the PRO were calculated.

*Thriftway Co., 3/10/86; KRD-0004*

The Thriftway Company filed a Motion for Discovery in connection with a Proposed Remedial Order (PRO) which the Economic Regulatory Administration (ERA) issued to the firm on June 28, 1985. The PRO alleges that Thriftway violated 10 CFR 211.67(e)(2) (1976) in its claim for small refiner bias entitlements for crude oil processed by another refiner pursuant to a processing agreement. Thriftway requested administrative record and contemporaneous construction discovery from the ERA, as well as admissions and answers to interrogatories from two other companies involved in the transactions at issue. The DOE found that (i) only the publicly available administrative record was relevant to Thriftway's claims; (ii) that the circumstances did not warrant the extraordinary device of contemporaneous construction discovery; and (iii) that proof of facts which Thriftway sought to prove through discovery from the other parties to the transaction would not aid Thriftway in its defense of the ERA's charges. The DOE therefore denied Thriftway's Motion for Discovery.

**Interlocutory Order**

*Economic Regulatory Administration, 3/13/86; KRZ-0027*

In connection with a Proposed Remedial Order (PRO) issued to Consolidated Materials, Inc., Stonewalk Corporation (Stonewalk), Jahncke Service, Inc. and CLB Enterprises, Inc., on February 28, 1986, the Economic Regulatory Administration (ERA) filed a Motion to Amend the PRO and a Motion to John Donald E. Baxter to the PRO proceedings. In considering the motions, the Office of Hearings and Appeals (OHA) determined that ERA had not presented a *prima facie* case of personal liability in the Motion to Join Mr. Baxter. Specifically, OHA found that ERA had not demonstrated that Mr. Baxter controlled either Stonewalk's organization or its operations at the time of the violation alleged in the PRO proceeding, or shown that Mr. Baxter had enjoyed substantial benefit as a result of the alleged violations. OHA also found that even if the PRO recipients are insolvent, as alleged, that fact in itself would not support joinder. Accordingly, OHA denied ERA's Motion to Join and its Motion to Amend the PRO.

**Refund Applications**

*Gulf Oil Corp./Stuart Gulf Service Station, et al., 3/13/86; RF40-01124, et al.*

The DOE issued a Decision and Order concerning five Applications for Refund filed by retailers and resellers that were direct purchasers of Gulf Oil Corporation petroleum products. Each firm applied for a refund based on the procedures outlined in *Gulf Oil Corp.*, 12 DOE ¶ 85,048 (1984), governing the disbursement of settlement funds received from Gulf pursuant to a 1978 consent order. In accordance with those procedures, each applicant demonstrated that it would not have been required to pass through to customers a cost reduction equal to the refund claimed. After examining the applications and supporting documentation submitted by the applicants, the DOE concluded that they should receive a total refund of $12,354, consisting of $10,467 in principal and $1,887 in interest.

*Little America Refining Co./Towne Pump Stations, 3/12/86; RF112-160*

The DOE granted a refund from the Little America Refining Company (Larco) deposit escrow account to Towne Pump Stations. The applicant, a retailer of Larco covered products, submitted a claim for less than $5,000, and was therefore not required to submit a detailed showing of injury. Accordingly, the DOE granted Towne Pump Stations a refund of $870, representing $584 principal and $286 in interest.

*MAPCO, Inc./Northern Illinois Gas Co., 3/13/86; RF108-1*

Northern Illinois Gas Company (NI-Gas), an ultimate consumer who converted natural gas liquids into pipeline-quality synthetic natural gas at its Aux Sable SNG refining plant, filed an Application for Refund in the MAPCO special refund proceeding based upon the principles and procedures set forth in *Peoples Energy Corp., et al.* In considering the application, the DOE determined that of the purchase volumes specified in the refund application, 1,302,908,418 gallons of ethane and 335,874 gallons of butane were not relevant since ethane was not a covered product and the butane purchases had occurred after butane was decontrolled effective January 1, 1980. On the basis of the remaining purchase volumes, NI-Gas was found to be entitled to a refund consisting of $1,189,810.94 in principal of $900,689.35 in accrued interest.

*National Helium Corp./IN., National Helium Corp./MO., National Helium Corp. FL, 3/13/86; RQ3-259, RQ3-260, RQ3-261*

The Office of Hearings and Appeals (OHA) of the Department of Energy (DOE) issued a Supplemental Order authorizing the DOE's Office of the Controller to disburse National Helium funds previously approved in *National Helium Corp./Missouri*, 13 DOE ¶ 85,255 (1985), to the States of Indiana, Missouri and Florida. The OHA authorized total disbursements in principal and interest of $30,036 to Indiana and $3,568 each to Missouri and Florida.

*National Helium Corp./OH, 3/13/86; RQ3-258*

The Office of Hearings and Appeals (OHA) of the Department of Energy (DOE) issued a Supplemental Order authorizing the DOE's Office of the Controller to disburse National Helium funds previously approved in *National Helium Corp./Ohio,*, 13 DOE ¶ 85,255 (1985), to the State of Ohio. the OHA authorized a total disbursement of $576,445.03 in principal and interest to Ohio.

*Standard Oil Co. (IN)/Northville Industries Corp., 3/12/86; RF21-12578, RF21-12579*

Northville Industries Corporation filed two applications in which it sought refunds of a portion of the funds obtained by the DOE through a consent order entered into with Standard Oil Company (Indiana) (Amoco). Having purchased Amoco petroleum products on an irregular basis during the consent order period, the DOE determined that Northville had been a spot purchaser during the consent order period. In view of the rebuttable presumptions in *Amoco* against refunds to spot purchasers, the firm's applications were denied.

*Standard Oil Co. (IN)/Runnfeldt & Belmont Service Station, 3/13/86; RF21-3818*

The DOE issued a Decision and Order granting a refund from the Standard Oil Company (Indiana) (Amoco) deposit fund escrow account to the Runnfeldt & Belmont Service Station, a retailer of Amoco motor gasoline. The firm applied for a refund based upon the presumption of injury outlined in *Office of Special Counsel*, 10 DOE ¶ 85,048 (1982). In considering the application, the DOE concluded that the firm should receive a refund based upon the total volume of its motor gasoline purchases. The total refund granted to Runnfeldt & Belmont is $2,019.

**Dismissals**

The following submissions were dismissed:

| Company name | Case No. |
|---|---|
| Chevron USA, Inc | RF125-9 |
| Michael Caolo & Associates | RF125-8 |

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, Room 1E-234, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

**George B. Breznay,**

*Director, Office of Hearings and Appeals.*

April 16, 1986.

[FR Doc. 86-9803 Filed 4-30-86; 8:45 am]

BILLING CODE 6450-01-M

## Cases Filed; Week of March 28 Through April 4, 1986

During the Week of March 28 through April 4, 1986, the exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within 10 days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, DC 20585.

**George B. Breznay,**

*Director, Office of Hearings and Appeals.*

April 21, 1986.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of Mar. 28 through Apr. 4, 1986]

| Date | Name and location of applicant | Case No. | Type of submission |
|---|---|---|---|
| Mar. 28, 1986 | National Helium/Missouri, Webster/Missouri, Vickers Energy/Missouri Jefferson City, Missouri. | RM3-21, RM48-22, RM1-23 | Request for modification/rescission in second stage refund proceedings. If granted: The November 5, 1985 and the March 13, 1986 Decisions and Orders (Case Nos. RQ3-197, RQ3-260, RQ48-198 and RQ1-199) issued to Missouri would be modified regarding the state's refund application submitted in the National Helium, Webster Oil and the Vickers Energy second stage refund proceedings. |
| Mar. 31, 1986 | Listo Petroleum, Inc., Washington, DC | KRD-0140, KRH-0140 | Request for evidentiary hearing and motion for discovery. If granted: Discovery would be granted and an evidentiary hearing would be convened in connection with the statement of objections submitted by Listo Petroleum, Inc. in response to the Proposed Remedial Order (Case No. KRO-0140) issued to Listo Petroleum, Inc. |
| Apr. 1, 1986 | Keystone Fuel Oil Company, Washington, DC | KER-0009 | Request for modification/rescission. If granted: The March 26, 1986, Decision and Order (Case No. HEE-0104) issued to Keystone Fuel Oil Company by the Office of Hearings and Appeals would be modified regarding the firm's request for exception relief. |
| Apr. 3, 1986 | Mountain Fuel Supply Company, Washington, DC | KEF-0025 | Implementation of special refund procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V in connection with March 25, 1985 Stipulation of settlement issued to Mountain Fuel Supply Company. |
| Do. | UPG, Inc. Washington, DC | KEF-0026 | Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, In connection with the December 31, 1985 Consent Order entered into with UPG, Inc. |
| Apr. 4, 1986 | LARCO/Wiles Oil Company, Salt Lake City, Utah | RR112-1 | Request for modification in the Larco refund proceeding. If granted: The March 5, 1986 Decision and Order (Case No. RF112-11) issued to Wiles Oil Company would be modified regarding the firm's application for refund submitted in the Little American Refining Company (LARCO) refund proceeding. |

Refund Applications Received

[Week of Mar. 28 to Apr. 4, 1986]

| Date received | Name of refund proceeding/name of refund applicant | Case No. |
|---|---|---|
| 03/27/86 | Allied Materials/Wisconsin Electric. | RF194-7 |
| 03/28/86 | MacMillian/Delta Petroleum Co | RF217-2 |
| 03/28/86 | Mobil/Donald Brohjanal Mobil | RF225-421 |
| 03/28/86 | Mobil/Rosedale Garage, Inc | RF225-401 |
| 03/28/86 | Mobil/Fred Harz & Son | RF225-443 |
| 03/28/86 | Sid Richardson/Pellett Petroleum. | RF26-32 |
| 03/28/86 | Gulf/Crescent Oil Co | RF40-3134 |
| 03/28/86 | Belcher/Ray Kelley & Son | RF227-18 |
| 03/28/86 | Crystal/K-H Oil, Inc | RF234-7 |
| 03/28/86 | Crystal/Attaway's Service | RF234-8 |
| 03/28/86 | Sigmor/U.S. Air, Inc | RF242-1 |
| 03/28/86 | Vickers Energy/Missouri | RQ1-289 |
| 03/31/86 | Petrolane/Shawgo Gas Service | RF203-4 |
| 03/31/86 | Quaker State/Robert Cole Trucking. | RF213-202 |
| 03/31/86 | Quaker State/Washington County. | RF213-201 |
| 03/31/86 | Eastern N.J./Hyman Zeik | RF232-295 |
| 03/31/86 | Eastern N.J./Piscataway Associates. | RF232-296 |
| 03/31/86 | Eastern N.J./Wilson R. Kaplen | RF232-297 |
| 03/31/86 | Eastern N.J./Wilson R. Kaplen | RF232-299 |
| 03/31/86 | Mobil/David E. Ingraham | RF225-402 |
| 03/31/86 | Mobil/Baldwin Service Station | RF225-403 |
| 03/31/86 | Mobil/M.G. Mobil | RF225-405 |
| 03/31/86 | Mobil/Shawmont Servicenter | RF225-406 |
| 03/31/86 | Mobil/Lane Service Station | RF225-407 |
| 03/31/86 | Mobil/Roy Kramer Mobil | RF225-408 |
| 03/31/86 | Mobil/E.D. Dinkins & Son | RF225/409 |
| 03/31/86 | Mobil/Masad Nakamura | RF225-410 |
| 03/31/86 | Mobil/Dorfestown Mobil | RF225-411 |
| 03/31/86 | Mobil/Bob's Mobil Service | RF225-412 |
| 03/31/86 | Mobil/Mehnan Bastajuan | RF225-413 |
| 03/31/86 | Mobil/Avon Service Station | RF225-414 |
| 03/31/86 | Eastern N.J./The Towers | RF232-298 |
| 03/31/86 | Eastern N.J./Wayne Village | RF232-300 |
| 03/31/86 | Eastern N.J./Huguenot Apartments. | RF232-301 |
| 03/31/86 | Belcher/D. Petracone & Son Co. | RF227-22 |
| 03/31/86 | Belcher/Bonsari Oil, Inc | RF227-23 |

Refund Applications Received—Continued

[Week of Mar. 28 to Apr. 4, 1986].

| Date received | Name of refund proceeding/name of refund applicant | Case No. |
|---|---|---|
| 03/31/86 | Belcher/McCarthy Bros. Fuel Co. | RF227-24 |
| 03/31/86 | Belcher/Shanahan Fuel Co | RF227-25 |
| 03/31/86 | Belcher/Stanley Witek | RF227-21 |
| 03/31/86 | Belcher/R.H. Clark & Sons | RF227-19 |
| 03/31/86 | Belcher/Cernak Fuel | RF227-20 |
| 03/31/86 | Mobil/Odis E. Wilkinson | RF225-415 |
| 03/31/86 | Mapco/Shawgo Gas Service | RF108-12 |
| 03/31/86 | Sid Richardson/Shawgo Gas Service. | RF26-33 |
| 03/31/86 | Mobil/RJP Service Gas Service | RF225-416 |
| 03/31/86 | Mobil/W.L. Bartley, Inc., et al | RF225-417 thru RF225-419 |
| 03/31/86 | Mobil/Mastillowe Bros | RF225-420 |
| 03/31/86 | Mobil/Beaulier Oil Co | RF225-422 |
| 03/31/86 | Mobil/Darlene Contreras | RF225-428 |
| 03/31/86 | Martin/United States Steel Corp | RF240-6 |
| 04/01/86 | Post/John F. Otto, Inc | RF229-5 |
| 04/01/86 | Eastern N.J./Davanne Realty, et al. | RF232-302 thru RF232-311 |
| 04/01/86 | Eastern N.J./Garry Holding Corp. | RF232-312 |
| 04/01/86 | Martin/Spruce Oil Corp | RF240-7 |
| 04/01/86 | Eastern N.J./Wilson Kaplen | RF232-313 |
| 04/01/86 | Quaker State/Kenneth Eddy | RF213-203 |
| 04/01/86 | Eastern N.J./Leland Gardens | RF232-314 |
| 04/01/86 | Mobil/Energy Retailers, Inc | RF225-423 |
| 04/01/86 | Mobil/Scott Van Derzeo | RF225-425 |
| 04/01/86 | Mobil/Eddie's Super Service Station. | RF225-424 |
| 04/01/86 | Mobil/Mitchell's Mobil Gas | RF225-426 |
| 04/01/86 | Mobil/Joseph Bernat | RF225-427 |
| 04/02/86 | General Equities/Feno's Auto Body. | RF224-4 |
| 04/02/86 | Mobil/East Clairmont Mobil | RF225-429 |
| 04/02/86 | Mobil/Clarence White | RF225-430 |
| 04/02/86 | Belcher/A-C Motor Express | RF227-26 |
| 04/02/86 | Martin/Tiger Petroleum Products. | RF240-8 |
| 04/03/86 | Mobil-Daly City Mobil | RF225-431 |
| 04/03/86 | Mobil/Casper Mobil Service | RF225-437 |

Refund Applications Received—Continued

[Week of Mar. 28 to Apr. 4, 1986]

| Date received | Name of refund proceeding/name of refund applicant | Case No. |
|---|---|---|
| 04/03/86 | Belcher/Davis Fuel Co | RF227-27 |
| 04/03/86 | Belcher/John M. Matera Oil Co | RF227-28 |
| 04/03/86 | Eastern N.J./Briarcliffe Village | RF232-316 |
| 04/03/86 | Eastern N.J./Mayflower Apartments. | RF232-315 |
| 04/03/86 | Mobil/Elmwood Service Station | RF225-432 |
| 04/03/86 | Mobil/Cardillos Service Station | RF225-433 |
| 04/03/86 | Mobil/James Petrozello Co., Inc | RF225-434 |
| 04/03/86 | Mobil/Raymond Dalton Taylor | RF225-435 |
| 04/03/86 | Mobil/Jake O. Davis | RF225-436 |
| 04/04/86 | Mobil/Landwehr Mobil | RF225-438 |
| 04/04/86 | Mobil/Fred M. Simmons | RF225-439 |
| 04/04/86 | Mobil/William R. Hall Service Station. | RF225-440 |
| 04/04/86 | Mobil/Erwin H. Ford | RF225-441 |
| 04/04/86 | Mobil/Express Service Station | RF225-442 |
| 04/04/86 | Quaker State/Illinois Independent Oil Co. | RF213-204 |

[FR Doc. 86-9802 Filed 4-30-86; 8:45 am]

BILLING CODE 6450-01-M

## Objection to Proposed Remedial Order Filed; Period of March 24 Through April 4, 1986

During the period of March 24 through April 4, 1986, the notice of objection to proposed remedial order listed in the Appendix to this Notice was filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of

Energy will conduct concerning the proposed remedial order described in the Appendix to this Notice must file a request to participate pursuant to 10 CFR 205.194 within 20 days after publication of this Notice. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests to participate in this proceeding should be filed with the Office of Hearings and Appeals, Department of Energy, Washington, DC 20585

Dated: April 21, 1986.

**George B. Breznay,**

*Director, Office of Hearings and Appeals.*

*Ted True, Inc., Dallas, Texas; KRO-0270, Crude Oil*

On April 1, 1986, Ted True, Inc. and Mr. Ted True, president, 1201 Elm Street, Suite 5377, Dallas, Texas 75270 filed a Notice of Objection to a Proposed Remedial Order which the DOE Houston District Office of Enforcement issued to the firm on February 28, 1986. In the PRO the Houston District found that during the period June 1979 through November 1980, the firm miscertified barrels of crude oil in violation of 10 CFR 212.131(b)(1).

According to the PRO the violation resulted in $944,771.00 of overcharges.

[FR Doc. 86-9807 Filed 4-30-86; 8:45 am]

BILLING CODE 6450-01-M

## Implementation of Special Refund Procedures

**AGENCY:** Office of Hearings and Appeals, DOE.

**ACTION:** Notice of implementation of special refund procedures.

**SUMMARY:** The Office of Hearings and Appeals of the Department of Energy solicits comments concerning the appropriate procedures to be followed in refunding to adversely affected parties $33,690.23 obtained as a result of a Consent Order which the DOE entered into with Quarles Petroleum, Inc., a reseller-retailer of petroleum products located in Fredericksburg, Virginia. The money is being held in escrow following the settlement of enforcement proceedings brought by the DOE's Economic Regulatory Administration.

**DATE AND ADDRESS:** Comments must be filed within 30 days of publication of this notice in the **Federal Register** and should be addressed to the Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585. All comments should conspicuously display a reference to case number HEF-0158.

**FOR FURTHER INFORMATION CONTACT:** Walter J. Marullo, Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 252-6602.

**SUPPLEMENTARY INFORMATION:** In accordance with section 205.282(b) of the procedural regulations of the Department of Energy, 10 CFR 205.282(b), notice is hereby given of the issuance of the Proposed Decision and Order set out below. The Proposed Decision sets forth procedures and standards that the DOE has tentatively formulated to distribute to adversely affected parties $33,690.23 plus accrued interest obtained by the DOE under the terms of a Consent Order entered into with Quarles Petroleum, Inc. (Quarles). The funds were provided to the DOE by Quarles to settle all claims and disputes between the firm and the DOE regarding the manner in which the firm applied the federal price regulations with respect to its sales of motor gasoline during the period January 2, 1979, through September 30, 1979.

OHA proposes that a two-stage refund process be followed. In the first stage, OHA has tentatively determined that a portion of the consent order funds should be distributed to firms and individuals that purchased Quarles motor gasoline during the consent order period. In order to obtain a refund, each claimant will be required to submit a schedule of its monthly purchases of Quarles motor gasoline and to demonstrate that it was injured by Quarles' pricing practices. The specific requirements for proving injury are set forth in the following Proposed Decision and Order.

Applications for Refund should not be filed at this time. Appropriate public notice will be given when the submission of claims is authorized.

Some residual funds may remain after all meritorious first-stage claims have been satisfied. OHA invites interested parties to submit their views concerning alternative methods of distributing any remaining funds in a subsequent proceeding.

Any member of the public may submit written comments regarding the proposed refund procedures. Such parties are requested to submit two copies of their comments. Comments should be submitted within 30 days of publication of this notice. All comments received in this proceeding will be available for public inspection between 1:00 and 5:00 p.m., Monday through Friday, except federal holidays, in the Public Reference Room of the Office of Hearings and Appeals, located in Room 1E-234, 1000 Independence Avenue, SW., Washington, DC 20585.

Dated: April 18, 1986.

**George B. Breznay,**

*Director, Office of Hearings and Appeals.*

### Proposed Decision and Order of the Department of Energy

*Implementation of Special Refund Procedures*

April 18, 1986.

Name of firm: Quarles Petroleum, Inc.

Date of filing: October 13, 1983.

Case number: HEF-0158.

Under the procedural regulations of the Department of Energy (DOE), the Economic Regulatory Administration (ERA) may request that the Office of Hearings and Appeals (OHA) formulate and implement special procedures to distribute funds received as a result of an enforcement proceeding in order to remedy the effects of actual or alleged violations of the DOE regulations. See 10 C.F.R. Part 205, Subpart V. In accordance with the provisions of Subpart V, on October 13, 1983, ERA filed a Petition for the Implementation of Special Refund Procedures in connection with a consent order entered into with Quarles Petroleum, Inc. (Quarles).

### I. Background

Quarles is a "reseller-retailer" of refined petroleum products as that term was defined in 10 CFR 212.31 and is located in Fredericksburg, Virginia. A DOE audit of Quarles' records revealed possible violations of the Mandatory Petroleum Price Regulations. 10 CFR Part 212, Subpart F. The audit alleged that between January 2, 1979, and September 30, 1979, Quarles committed possible pricing violations in its sales of motor gasoline.

In order to settle all claims and disputes between Quarles and the DOE regarding the firm's sales of motor gasoline during the period covered by the audit, Quarles and the DOE entered into a consent order on October 21, 1981. The consent order refers to ERA's allegations of overcharges, but notes that there was no finding that violations occurred. Additionally, the consent order states that Quarles does not admit that it violated the regulations.

Under the terms of the consent order, Quarles was required to deposit $33,690.23 into an interest-bearing escrow account for ultimate distribution

by the DOE. Quarles remitted this sum on April 5, 1982.[1]

## II. Proposed Refund Procedures

The procedural regulations of the DOE set forth general guidelines to be used by OHA in formulating and implementing a plan of distribution for funds received as a result of an enforcement proceeding. 10 CFR Part 205, Subpart V. The Subpart V process may be used in situations where the DOE is unable to identify readily those persons who likely were injured by alleged overcharges or to ascertain readily the amount of such persons' injuries. For a more detailed discussion of Subpart V and the authority of OHA to fashion procedures to distribute refunds, *see Office of Enforcement*, 9 DOE ¶ 82,508 (1981), and *Office of Enforcement*, 8 DOE ¶ 82,597 (1981) (*Vickers*).

Our experience with Subpart V cases leads us to believe that the distribution of refunds in this proceeding should take place in two stages. In the first stage, we will accept claims from identifiable purchers of motor gasoline who may have been injured by Quarles' pricing practices during the period January 2, 1979, through September 30, 1979. If any funds remain after all meritorious first-stage claims have been paid, they may be distributed in a second-stage proceeding. *See, e.g., Office of Special Counsel*, 10 DOE ¶ 85,048 (1982) (*Amoco*).

### *A. Refunds to Identifiable Purchasers*

In the first stage of the Quarles refund proceeding, we propose to distribute the funds currently in escrow to claimants who demonstrate that they were injured by Quarles' alleged overcharges. As we have done in many prior refund cases, we propose to adopt certain presumptions and findings which will be used to help determine the level of a purchaser's injury.

The presumptions and findings we plan to adopt in this case are used to permit claimants to participate in the refund process without incurring inordinate expenses and to enable OHA to consider the refund applications in the most efficient way possible in view of the limited resources available. First, we plan to adopt a presumption that the alleged overcharges were dispersed evenly in all of Quarles' sales of motor gasoline made during the consent order period. In the past, we have referred to a refund process that uses this presumption as a volumetric method. Second, we propose to adopt a presumption of injury with respect to small claims. Third, we plan to adopt a presumption that spot purchasers were not injured by the alleged overcharges. Finally, we are making proposed findings that end users, certain types of regulated firms, and cooperatives were injured by Quarles' pricing practices.

The pro rata, or volumetric, refund presumption assumes that alleged overcharges by a consent order firm were spread equally over all gallons of product covered by the consent order. In the absence of better information, this assumption is sound because the DOE price regulations generally required a regulated firm to account for increased costs on a firm-wide basis in determining its prices. This presumption is rebuttable, however. A claimant which believes that it incurred a disproportionate share of the alleged overcharges may submit evidence proving this claim in order to receive a larger refund. *See, e.g., Sid Richardson Carbon and Gasoline Co. and Richardson Products Co./Siouxland Propane Co.*, 12 DOE ¶ 85,054 at 88,164 (1984), and cases cited therein.

Under the volumetric method we plan to adopt, a claimant will be eligible to receive a refund equal to the number of gallons of Quarles motor gasoline that it purchased during the consent order period times the volumetric factor. The volumetric factor is the average per gallon refund and in this case equals $0.003662 per gallon.[2] In addition, successful claimants will receive a proportionate share of the accrued interest.

The second presumption we plan to use is that purchasers of Quarles motor gasoline seeking small refunds were injured by the firm's pricing practices. There are a variety of reasons for adopting this presumption. *See, e.g., Uban Oil Co.*, 9 DOE ¶ 82,541 (1982). These firms were in the chain of distribution where the alleged overcharges occurred and therefore bore some impact of the alleged overcharges, at least initially. In order to support a specific claim of injury, a firm would have to compile and submit detailed factual information regarding the impact of alleged overcharges which took place many years ago. This procedure is generally time-consuming and expensive. With small claims, the cost to the firm of gathering the necessary information and the cost to OHA of analyzing it could exceed both the expected refund and the benefits from any additional precision. As a result, without simplified procedures injured parties could effectively be denied the opportunity to receive a refund.

Under the small-claims presumption, a claimant who is a reseller or retailer would not be required to submit any additional evidence of injury beyond volumes of Quarles motor gasoline purchased if its refund claim is below a certain sum. Several factors determine the value of this threshold. For example, the cost to the applicant and the government of compiling and analyzing information sufficient to show injury should not exceed the amount of any relevant refund. In this case, where the refund amount is fairly low and the early months of the consent order period are many years past, $5,000 is a reasonable value for the threshold. *See Texas Oil & Gas Corp.*, 12 DOE ¶ 85,069 at 88,210 (1984); *Office of Special Counsel*, 11 DOE ¶ 85,226 (1984) (*Conoco*), and cases cited therein.

A reseller or retailer which claims a refund in excess of $5,000 will be required to document its injury. While there are a variety of methods by which a firm might make such a showing, a firm is generally required to demonstrate (i) that it maintained a "bank" of unrecovered costs, in order to show that it did not pass the alleged overcharges through to its own customers, and (ii) that market conditions were the reason that it did not pass through those increased costs.[3]

A modification of the standard injury requirement is necessary in this proceeding because for 6½ months of the 9-month Quarles consent order period, retailers of motor gasoline were not required to compute MLSPs with reference to May 15, 1973 selling prices and increased costs. *See* 10 CFR 212.93; 45 FR 29546 (1980). Instead, effective July 16, 1979, a retailer was required to calculate its MLSP under a fixed-margin approach set forth in the new rule. Unrecouped increased product costs could no longer be banked for later recovery. *Id.* Consequently, retailers were not required to maintain or compute cost banks during the 6½ month period. As a result, any

[1] The total value of the Quarles escrow account stood at $49,025.34 as of March 31, 1986.

[2] This figure is computed by dividing the $33,690.23 received from Quarles by the 9,200,389 gallons of motor gasoline sold by the firm during the consent order period.

[3] This injury requirement reflects the nature of the petroleum price regulations in effect beginning on August 19, 1973, and ending on July 16, 1979 for retailers, and on May 1, 1980 for resellers. Under the original rules, a reseller or retailer of motor gasoline was required to calculate its maximum lawful selling price (MLSP) by summing its selling price on May 15, 1973, with increased costs incurred since that time. A firm which was unable to charge its MLSP in a particular month could "bank" any unrecovered increased product costs, so that those costs could be recouped in a later month, if possible. *See* 10 CFR 212.93; 45 FR 29546 (1980).

requirement that a retailer claimant make a demonstration of injury like that contemplated for resellers, *i.e.*, based on unrecovered cost banks, would effectively eliminate all non-threshold retailer claimants for a portion of the consent order period. Therefore, in this proceeding, we will allow retailers which lack banks subsequent to July 16, 1979 to file a claim for a refund which exceeds $5,000.[4] However, like resellers, retailers will be required for the entire consent order period to show that market conditions prevented them from recovering those increased product costs, *e.g.*, through a demonstration of reduced profit margins, decreased market shares, depressed sales volumes or competitive disadvantage.[5]

If a reseller or retailer made only spot purchases, we propose that it should not receive a refund since it is unlikely to have been injured. As we have previously stated with respect to spot purchasers:

> [T]hose customers tend to have considerable discretion in where and when to make purchases and would therefore not have made spot market purchases of [the firm's product] at increased prices unless they were able to pass through the full amount of [the firm's] quoted selling price at the time of purchase to their own customers.

*Vickers*, 8 DOE at 85,396–97. We believe the same rationale applies in the present case. Therefore, we propose that firms which made only spot purchases of Quarles motor gasoline not receive refunds unless they present evidence which rebuts the spot purchaser presumption and establishes the extent to which they were injured as a result of their purchases of Quarles motor gasoline during the consent order period.

As noted above, we have concluded that end users were injured by the alleged overcharges. Unlike regulated firms in the petroleum industry, members of this group generally were not subject to price controls during the consent order period. They were therefore not required to base their pricing decisions on cost increases or to keep records which would show whether they passed through cost increases. An analysis of the impact of the alleged overcharges on the final prices of goods and services which were not covered by the petroleum price regulations would therefore be beyond the scope of a special refund proceedings. *See Office of Enforcement*, 10 DOE ¶ 85,072 (1983) (*PVM*); *see also Texas Oil & Gas Corp.*, 12 DOE at 88,209, and cases cited therein.[6]

In addition, we propose that firms whose prices for goods and services are regulated by a governmental agency or by the terms of a cooperative agreement not be required to demonstrate that they absorbed the motor gasoline overcharges alleged by ERA. In the case of regulated firms, *e.g.*, public utilities, any overcharges incurred as a result of Quarles' alleged violations of the DOE regulations would routinely be passed through to the utilities' customers. Similarly, any refunds received by such firms would be reflected in the rates they were allowed to charge their customers. Refunds to agricultural cooperatives would likewise directly influence the prices charged to their member customers. Consequently, we propose adding such firms to the class of claimants that are not required to show that they did not pass through to their customers cost increases resulting from alleged overcharges. *See, e.g., Office of Special Counsel*, 9 DOE ¶ 82,538 (1982) (*Tenneco*), *and Office of Special Counsel*, 9 DOE ¶ 82,545 at 85,244 (1982) (*Pennzoil*). Instead, those firms should provide with their application a full explanation of the manner in which refunds would be passed through to their customers and how the appropriate regulatory body or membership group will be advised of the applicant's receipt of any refund money. Sales by cooperatives to nonmembers, however, will be treated the same as sales by any other reseller.

As in previous cases, only claims for at least $15 will be processed. This minimum has been adopted in prior refund cases because the cost of processing claims for refunds of less than $15 outweighs the benefits of restriction in those situations. *See, e.g., Urban Oil Co.*, 9 DOE at 85,225. *See also* 10 CFR 205.286(b). The same principle applies here.

If valid claims exceed the funds available in the escrow account, all refunds will be reduced proportionately. Actual refunds will be determined after analyzing all appropriate claims.

*B. Application for Refund*

Any purchaser claiming a portion of the consent order funds will be required to file an Application for Refund pursuant to 10 CFR 205.283. In its application, a claimant must include a schedule of its monthly purchases of Quarles motor gasoline as well as all relevant information necessary to support its claim in accordance with the presumptions and findings outlined above. A claimant must also state whether it has previously received a refund, from any source, with respect to the alleged overcharges underlying this proceeding. Each applicant must also state whether there has been a change in ownership of the firm since that audit period. If there has been a change in ownership, the applicant must provide the names and addresses of the other owners, and should either state the reasons why the refund should be paid to the applicant rather than to the other owners or provide a signed statement from the other owners indicating that they do not claim a refund. Finally, an applicant should report whether it is or has been involved as a party in DOE enforcement or private actions filed under § 210 of the Economic Stabilization Act. If these actions have been concluded the applicant should furnish a copy of any final order issued in the matter. If the action is still in progress, the applicant should briefly describe the action and its current status. The applicant must keep OHA informed of any change in status while its Application for Refund is pending. *See* 10 CFR 205.9(d).

*C. Distribution of Remaining Consent Order Funds*

In the event that money remains after all meritorious claims have been satisfied, residual funds could be distributed in a number of ways in a subsequent proceeding. However, we will not be in a position to decide what should be done with any remaining funds until the initial stage of this refund proceeding has been completed. We encourage the submission by interested parties of proposals which address alternative methods of distributing any remaining funds.

It is therefore ordered that:

The refund amount remitted to the Department of Energy by Quarles Petroleum, Inc. pursuant to the Consent Order executed on October 21, 1981, will be distributed in accordance with the foregoing decision.

[FR Doc. 86-9804 Filed 4-30-86; 8:45 am]

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[4] The cost bank requirement ahs been relaxed in other instances involving the change in the pricing regulations for motor gasoline. *See* Tenneco Oil Company/United Fuels Corporation, 10 DOE ¶ 85,005 at 88,017 n.1 (1982).

[5] Resellers or retailers who claim a refund in excess of $5,000 but who cannot establish that they did not pass through the price increases will be eligible for a refund of up to the $5,000 threshold, without being required to submit evidence of injury beyond purchase volumes. Firms potentially eligible for greater refunds may choose to limit their claims to $5,000. *See* Vickers, 8 DOE at 85,396. *See also* Ofice of Enforcement, 10 DOE ¶ 85,029 at 88,122 (1982).

[6] If a firm is both a spot purchaser and an end user, it will be treated as an end user and will not be required to make any showing of injury beyond that required of other end users.

## Implementation of Special Refund Procedures

**AGENCY:** Office of Hearings and Appeals, DOE.

**ACTION:** Notice of Implementation of Special Refund Procedures.

**SUMMARY:** The Office of Hearings and Appeals of the Department of Energy announces the procedures for disbursement of $172,193.63 (plus accrued interest) obtained as a result of a Consent Order which the DOE entered into with Elm City Filling Stations, Inc. of New Haven, Connecticut (Case No. HEF-0067). The fund will be available to customers who purchased No. 6 residual fuel oil from Elm during the consent order period.

**DATE AND ADDRESS:** Applications for refund of a portion of the consent order fund must be filed no later than 90 days after publication of this notice in the **Federal Register** and should be addressed to: Elm Consent Order Refund Proceeding, Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585. All applications should conspicuously display a reference to Case No. HEF-0067.

**FOR FURTHER INFORMATION CONTACT:** Richard W. Dugan, Associate Director, Office of Hearings and Appeals, 1000 Independence Avenue SW., Washington, DC 20585, (202) 252-2860.

**SUPPLEMENTARY INFORMATION:** In accordance with § 205.282(c) of the procedural regulations of the Department of Energy, 10 CFR 205.282(c), notice is hereby given of the issuance of the Decision and Order set out below. The Decision and Order relates to a Consent Order entered into by Elm City Filling Stations, Inc. of New Haven, Connecticut. The Consent Order settled possible pricing violations with respect to the firm's sales of No. 6 residual fuel oil to customers during the November 1, 1973 through December 31, 1973 consent order period.

The Office of Hearings and Appeals previously issued a Proposed Decision and Order which tentatively established a two-stage refund procedure and solicited comments from interested parties concerning the proper disposition of the consent order fund. The Proposed Decision and Order discussing the distribution of the consent order funds was issued on July 3, 1985. 50 FR 28633 (July 15, 1985).

As the Decision and Order indicates, applications for refunds from the consent order fund may now be filed. Applications will be accepted provided they are postmarked no later than 90 days after publication of this Decision and Order in the **Federal Register**.

Applications will be accepted from customers who purchased No. 6 residual fuel oil from Elm during the consent order period. The specified information required in an application for refund is set forth in the Decision and Order. The Decision and Order reserves the question of the proper distribution of any remaining consent order funds until the first-stage claims procedure is completed.

Dated: April 17, 1986.

**George B. Breznay,**

*Director, Office of Hearings and Appeals.*

### Decision and Order of The Department of Energy

*Special Refund Procedures*

April 17, 1986.

Name of firm: Elm City Filling Stations, Inc.

Date of filing: October 13, 1983.

Case number: HEF-0067

In accordance with the procedural regulations of the Department of Energy (DOE), 10 CFR Part 205, Subpart V, the Economic Regulatory Administration (ERA) of the DOE filed a Petition for the Implementation of Special Refund Procedures with the Office of Hearings and Appeals (OHA) On October 13, 1983. The petition requests that the OHA formulate and implement procedures for the distribution of funds received pursuant to a Consent Order entered into by the DOE and Elm City Filling Stations, Inc. (Elm) of New Haven, Connecticut.

### I. Background

Elm is a "reseller" of "No. 6 residual fuel oil" as these terms were defined in 10 CFR 212.31. On January 2, 1979, a Proposed Remedial Order (PRO) was issued to Elm Subsequently, the OHA issued a Remedial Order (RO) to Elm. which found violations of the Mandatory Petroleum Price Regulations in the amount of $219,797 with respect to the firm's sales of No. 6 residual fuel oil during the two-month period November 1, 1973 through December 31, 1973. *Elm City Filling Stations, Inc.*, 8 DOE ¶ 83,031 (1981) (*Elm City*). In order to settle all claims and disputes between Elm and the DOE regarding these sales, Elm and the DOE entered into a Consent Order on September 1, 1981, in which Elm agreed to remit $141,454 to the DOE. The Consent Order states that the ERA alleges pricing violations and that Elm does not admit that it committed any such violations. Elm's payments, which total $172,193.63 ($141,454 in principal plus $30,739.63 in interest accrued prior to the completion of payments), are currently being held in an interest-bearing escrow account pending distribution by the DOE.

On July 3, 1985, the OHA issued a Proposed Decision and Order (PD&O) setting forth a tentative plan for the distribution of the consent order fund. 50 FR 28633 (July 15, 1985). We stated in the PD&O that the basic purpose of a special refund proceeding is to make restitution for injuries that were suffered as a result of alleged or adjudicated violations of the DOE regulations. In order to effect restitution in this proceeding, we proposed to establish a claims procedure whereby applications for refund would be accepted from customers who can demonstrate that they were injured as a result of Elm's pricing practices during the November 1, 1973 through December 31, 1973 period (hereinafter known as the consent order period). A copy of the PD&O was published in the **Federal Register** on July 15, 1985, and comments were solicited regarding the proposed refund procedures. We have received comments for Ultramar Petroleum, Inc. (Ultramar), successor-in-interest to Metropolitan Petroleum, Inc., which was identified in the Elm audit as a direct purchaser of Elm residual fuel oil. These comments will be addressed in Section III A. of this Decision.

### II. Jurisdiction and Authority

The procedural regulations of the DOE set forth general guidelines by which the OHA may formulate and implement a plan of distribution for funds received as a result of an enforcement proceeding. 10 CFR Part 205, Subpart V. The DOE policy is to use the Subpart V process in order to distribute such funds. For a more detailed discussion of Subpart V and the authority of the OHA to fashion procedures to distribute refunds obtained as part of settlement agreements, *see Office of Enforcement*, 9 DOE ¶ 82,553 (1982); *Office of Enforcement*, 9 DOE ¶ 82,508 (1981); *Office of Enforcement*, 8 DOE ¶ 82,597 (1981) *(Vickers)*. As we stated in the PD&O, we have reviewed the record in the present case and have determined that a Subpart V proceeding is an appropriate mechanism for distributing the Elm consent order fund. We will therefore grant the ERA's petition and assume jurisdiction over this fund.

### III. Refund Procedures

Other than Ultramar's comments, which we consider below, we have not received any adverse comments regarding our proposed refund procedures. We have thus determined

that those procedures should be adopted.

The distribution of refunds will take place in two stages. In the first stage refund monies will be refunded to customers who purchased Elm No. 6 residual fuel oil during the consent order period and who demonstrate that they were injured by Elm's pricing practices. Such purchasers must file claims and document their purchases in order to be eligible for a portion of the consent order fund.

After meritorious claims are paid in the first stage, a second stage may become necessary to distribute any remaining funds. *See generally Office of Special Counsel*, 10 DOE ¶ 85,048 (1982) *(Amoco)*. However, we will not discuss second stage refund procedures in this Decision and Order.

*A. Refund Claimants*

Information in the ERA audit file indicates that there were only three direct purchasers of No. 6 residual fuel oil from Elm during the consent order period, each of which resold the fuel oil to other petroleum marketers and to end-users: Amerada Hess Corporation (Hess), Metropolitan Petroleum, Inc. (Metropolitan), and JOC Oil Company (JOC). According to the RO and other documents in the audit file, JOC and Metropolitan were allegedly overcharged $7,339 and $212,458, respectively, but Hess was not overcharged. Hess is thus ineligible for a refund in this proceeding.

In the PD&O, we tentatively found JOC and Metropolitan to be spot purchasers of the Elm No. 6 residual fuel oil. This finding was based on the fact that JOC and Metropolitan were not regular customers of Elm, and that during the consent order period, each firm made only one purchase of No. 6 residual fuel oil from Elm.[1] Based on this finding, we proposed to establish the rebuttable presumption that JOC and Metropolitan were not injured by Elm's pricing practices during the consent order period. As we have previously stated regarding spot purchasers, these customers tend to have considerable discretion as to where and when to make purchases. The rationale behind our presumption that spot purchasers do not experience injury derives from this concept of choice which characterizes spot purchase transactions. It would appear that, under normal circumstances, a customer would not choose to make a spot market purchase of a firm's high priced product unless it were able to pass through to its own customers the full amount of the firm's quoted selling price at the time of purchase. *See Vickers*, 8 DOE at 85,396–97; *Amoco*, 10 DOE at 88,200; *JOC Oil, Inc./Tenneco Oil Co.*, 13 DOE ¶ 85,312 (1985). Accordingly, we shall adopt the spot purchaser presumption proposed in the PD&O.

We further stated in the PD&O that, in order to rebut the presumption that they were not injured, JOC and Metropolitan would be required to submit evidence to establish that they absorbed the alleged overcharges and that they had no choice as to where and when they made the purchase upon which their refund claim is based. In its comments regarding the PD&O, Ultramar does not contest our finding that its predecessor, Metropolitan, was a spot purchaser of the Elm product. The firm does, however, object to the requirement that it show that Metropolitan's spot purchase was not the result of a discretionary decision to maximize profits. In this regard the firm contends that the length of time since the consent order period precludes it from locating contemporaneous documentation (e.g., telephone memoranda) which might illustrate any unsuccessful attempts by Metropolitan to obtain product from other firms in order to continue its business operations. We recognize that the type of showing which the firm describes might be difficult due to the passage of time. But the difficulty should not be exaggerated. The showing required to rebut the spot purchaser presumption is simply that the firm, as a result of the transaction(s) in question, experienced injury to the extent of suffering actual economic harm. Generally, firms do not engage in a transaction which is disadvantageous if they have another option. In certain cases where we have granted refunds to spot purchasers, applicants have successfully rebutted the spot purchaser presumption by showing that they did not have another option. *See, e.g., Waller Petroleum Co./Wooten Oil Co.*, 13 DOE ¶ 85,110 (1985); *OKC Corp./Pester Refining Co.*, 11 DOE ¶ 85,158 (1983). However, we have not insisted on a detailed explanation if the applicant can make a clear and convincing showing of injury without it and the requested refund is relatively small. *McCarty Oil Co./Watkins Oil Co.*, 13 DOE ¶ 85,213 (1985) (selling price 2¢ per gallon less than purchase price—$2,055 refund). Accordingly, Ultramar may submit any information to demonstrate that Metropolitan was injured by Elm's alleged overcharges and that it did not subsequently recover the additional costs associated with the alleged overcharges.[2]

In the event that JOC and/or Metropolitan/Ultramar fails to rebut the spot purchaser presumption, other firms may be eligible for a refund. As we have indicated, since they were spot purchasers, it is likely that JOC and Metropolitan passed on some or all of the Elm alleged overcharges to their respective customers. Consequently, downstream customers may have been injured by Elm's pricing practices during the consent order period, and they may apply for a refund in this proceeding. Any such applicant must show that it purchased Elm's products and was adversely affected by Elm's alleged overcharges.

*B. Showing of Injury*

In order to qualify for a refund, any claimant who resold the Elm No. 6 residual fuel oil purchased from JOC or Metropolitan must show that during the consent order period it would have maintained its prices for the product at the same level had the alleged overcharges not occurred. Accordingly, any such reseller of Elm fuel oil should show that during the consent order period, market conditions would not permit it to increase its prices to pass through the additional costs associated with the alleged overcharges. *Office of Enforcement*, 10 DOE ¶ 85,056 (1983); *Office of Enforcement*, 10 DOE ¶ 85,029 (1982). In addition, a reseller must show that it had a "bank" of unrecovered costs in order to demonstrate that it did not subsequently recover these costs by increasing its prices. As we noted in the PD&O, however, the maintenance of a bank will not automatically establish injury. *See Tenneco Oil Co./Chevron U.S.A., Inc.*, 10 DOE ¶ 85,014 (1982).

In the PD&O, we also proposed to adopt presumptions which have been used in many prior refund cases. The presumptions proposed in the PD&O, and being adopted here, will enable the OHA to consider the refund applications in the most efficient way possible in view of the limited resources available. *See* 10 CFR 205.282(e).

[1] Elm's sales to JOC and Metropolitan occurred on November 20, 1973, and December 31, 1973, respectively. *See Elm City*, 8 DOE at 86,287.

[2] In its comments, Ultramar has submitted detailed information about the injury allegedly suffered by Metropolitan as a result of Elm's pricing practices and requests that it be granted a refund without any further proceedings. We cannot approve this request. Ultramar must file a timely Application for Refund. We will make a determination upon the merit of the firm's arguments only after receipt of such an application.

1. Applicants Claiming a Refund of $5,000 or Less

As stated in the PD&O, we recognize that making a detailed showing of injury may be too complicated and burdensome for resellers who purchased relatively small amounts of No. 6 residual fuel oil from Metropolitan or JOC. For example, such firms may have limited accounting and data-retrieval capabilities and may therefore be unable to produce the records necessary to prove that they did not pass on the alleged overcharges to their own customers. We also are concerned that the cost to the applicant and to the government of compiling and analyzing information sufficient to make a detailed showing of injury not exceed the amount of the refund to be gained. In the past we have adopted a small claims presumption to assure that the costs of filing and processing refund applications do not exceed the benefits. *See, e.g., Aztex Energy Co.*, 12 DOE ¶ 85, 116 (1984); *Marion Corp.*, 12 DOE ¶ 85,014 (1984) (*Marion*). We will adopt such a presumption in this case. Therefore, any reseller applicant claiming a refund of $5,000 or less, based upon the volumetric refund amounts in this proceeding (*see* n.3, *infra*), need not make a detailed showing of injury in order to be eligible to receive a refund.

2. Spot Purchasers

As we have stated with regard to Metropolitan and JOC's status as spot purchasers, resellers that made spot purchasers of fuel oil from Metropolitan or JOC will be ineligible to receive a refund unless they can make a showing that rebuts the presumption that they were not injured. Since the small claims procedure was not intended as a means by which applicants otherwise presumed to be ineligible for refunds could receive monies, the spot purchaser presumption also applies to claims below $5,000, *See Stinnes Interoil, Inc./ Exxon Co., U.S.A.*, 13 DOE ¶ 85,159 (1985).

3. End-Users

In the PD&O, we made a finding that end-users and ultimate consumers of Elm No. 6 residual fuel oil (purchased from JOC or Metropolitan) whose businesses are unrelated to the petroleum industry were injured by the alleged overcharges settled in the Elm Consent Order. Unlike regulated firms in the petroleum industry, members of this group generally were not subject to price controls during the time covered by the Consent Order, and thus were not required to keep records which justified selling price increases by reference to cost increases. For these reasons, an analysis of the impact of the alleged overcharges on the final price of non-petroleum goods and services would be beyond the scope of a special refund proceeding. *See Office of Enforcement*, 10 DOE ¶ 85,072 (1983); *see also Texas Oil & Gas Corp.*, 12 DOE ¶ 85,069 (1984), and cases cited therein. We have received no comments objecting to this finding. We will therefore adopt our proposal that end-users of No. 6 residual fuel oil need only document their purchase volumes from JOC or Metropolitan that can be traced to Elm to make a showing that they were injured by the alleged overcharges.

*C. Calculation of Refund Amounts*

We must further determine the proper method for dividing the consent order fund among successful applicants. As we proposed in the PD&O, we will use the information contained in the ERA audit file to divide the Elm consent order fund into two pools, one for JOC and its customers and one for Metropolitan and its customers, in proportion to the amount JOC and Metropolitan were allegedly overcharged by Elm. To calculate the size of these pools, the amount of alleged overcharges experienced by each of the two direct customers (JOC and Metropolitan) is divided by the total alleged overcharges found in the RO ($219,797). This fraction is then multiplied by the amount of funds remitted by Elm to the DOE ($172,193.63). The share of the Elm consent order fund initially attributable to each of the two direct customers is thus $5,749 for JOC ([$7,339 ÷ $219,797] × $172,193.63) and $166,444 for Metropolitan ([$212,458 ÷ $219,797] × $172,193.63). This methodology has been used in prior Subpart V proceedings where the ERA audit was very narrow in scope, the Consent Order was limited to the same product and time period as the audit, and the consent order firm had very few customers during this period. *See, e.g., Marion.*

If JOC and/or Metropolitan/Ultramar fail to establish eligibilty for a refund, these funds will then be available for distribution to each firm's customers in proportion to the amount they purchased from JOC or Metropolitan. *Cf. Office of Special Counsel*, 11 DOE ¶ 85,226 (1984). This distribution scheme presumes that the alleged overcharges by Elm that were passed on by JOC and/or Metropolitan were dispersed equally in these firms' sales. The OHA has referred to this presumption in the past as a volumetric refund amount. In the absence of better information, this assumption is sound because the DOE price regulations generally required a regulated firm to account for increased costs on a firm-wide basis in determining its prices.

To determine the volumetric factors for JOC and Metropolitan's customers, the share of the Elm consent order fund attributable to each of the two direct customers is divided by the total amount of No. 6 residual fuel oil sold by that firm during the Elm consent order period.[3] *See Conoco Inc./Banco Properties, Inc.*, 12 DOE ¶85,117 at 88,362 (1984). This results in a refund amount for each gallon of No. 6 residual fuel oil purchased from JOC or Metropolitan during the consent order period.[4] The interest which has accrued on the money in the Elm escrow account will be added to the refund of each successful claimant in proportion to the size of its refund.

**v. Application for Refund Procedures**

We have determined that the procedures described in the PD&O are the most equitable and efficacious means of distributing the Elm consent order fund. Accordingly, we shall now accept applications for refund from eligible customers who purchased Elm No. 6 residual fuel oil during the consent order period. There is no official application form. Applications for Refund should be written or typed on business letterhead or personal stationery. The following information should be included in all Applications for Refund:

1. The name of the consent order firm: Elm City Filling Stations, Inc., the case number: HEF-0067, and the applicant's name should be prominently displayed on the first page.

2. The name, position title, and telephone number of a person who may be contacted by us for additional information concerning the Application.

3. The manner in which the applicant used the Elm No. 6 residual fuel oil, i.e., whether it was a reseller or end-user.

[3] If a determination is made that Metropolitan/ Ultramar and /or JOC is eligible to receive a portion of the Elm consent order fund, the volumetric refund amount for downstream customers of that firm will be based on the share of the Elm consent order fund attributable to that firm minus the refund granted to that firm.

[4] In the event that a downstream customer is able to document that the No. 6 residual fuel oil it purchased from JOC or Metropolitan was supplied entirely by Elm and no refund is granted to its direct supplier (JOC or Metropolitan), the downstream purchaser's per gallon volumetric refund amount will be based on the amount of Elm residual fuel oil it purchased. These volumetric amounts are equal to $0.005595 for JOC's customers ($5,749 ÷ 1,027,459 gallons) and $0.18578 for Metropolitan's customers ($166,44 ÷ 895,906 gallons).

4. A statement of whether the applicant was in any way affiliated with Elm, and in the case of downstream purchasers, JOC or Metropolitan. If so, the applicant should state the nature of the affiliation.

5. A statement of whether there has been any change in ownership of the entity that purchased No. 6 residual fuel oil from Elm, JOC or Metropolitan since the end of the consent order period. Is so, the name and address of the current (or former) owner should be provided.

In addition, JOC and Metropolitan/Ultramar should include the information requested in items 6 and 7.

6. In order to rebut the spot purchaser presumption that it was not injured, the firm should submit evidence to demonstrate that it experienced actual economic harm as a result of the Elm alleged overcharges.

7. It should also submit evidence to establish that it did not pass through the alleged overcharge to its customers, state whether it maintained banks of unrecouped product cost increases, and furnish the OHA with quarterly bank calculations from the date of purchase through June 1 1976, the date residual fuel oil was decontrolled.

Downstream purchasers of Elm No. 6 residual fuel oil should submit the information requested in items 8 through 10.

8. The applicant should demonstrate that it was either a regular customer or JOC or Metropolitan, or rebut the presumption that it was not injured by its spot purchase of the fuel oil.

9. The volume of fuel oil that the applicant purchased from JOC or Metropolitan for which it is claiming it was injured by the alleged overcharges. The applicant must explain why it believes that this volume of fuel oil was originally supplied by Elm either to JOC in November 1973 or to Metropolitan in December 1973.

10. If the applicant is a reseller who wishes to claim a refund in excess of $5,000 it should also:

(a) state whether it maintained banks of unrecouped product cost increases and furnish the OHA with quarterly bank calculations from the date of purchase through June 1, 1976, the date residual fuel oil was decontrolled, and

(b) submit evidence to establish that it did not pass through the alleged overcharges to its customers. For example, a firm may compare the prices it paid for JOC or Metropolitan No. 6 residual fuel oil with the prices paid for that product by its competitors to show that price increases to recover alleged overcharges were infeasible.

Finally, all applications should include:

11. A statement of whether the applicant is or has been involved as a party in any DOE or private Section 210 enforcement actions, or as a party in any legal proceeding with Elm, JOC or Metropolitan. If these actions have been terminated, the applicant should furnish a copy of any final order issued in the matter. If the action is ongoing, the applicant should describe the action and its current status. The applicant is under a continuing obligation to keep the OHA informed of any change in status during the pendency of its Application for Refund. *See* 10 CFR 205.9(d).

12. The following signed statement:

I swear (or affirm) that the information submitted is true and accurate to the best of my knowledge and belief.

All Applications for Refund must be filed in duplicate and must be received within 90 days after publications of this Decision and Order in the **Federal Register.** A copy of each Application will be available for public inspection in the Public Reference Room of the Office of Hearings and Appeals, Forrestal Building, Room 1E-234, 1000 Independence Avenue, SW., Washington, DC. Any applicant that believes that its Application contains confidential information must so indicate on the first page of its Application and submit two additional copies of its Application from which the material alleged to be confidential has been deleted, together with a statement specifying why the information is alleged to be privileged or confidential.

All Applications should be sent to: Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585.

It is therefore ordered that:

(1) Applications for Refund from the funds remitted to the Department of Energy by Elm City Filling Stations, Inc. pursuant to the Consent.Order executed on September 1, 1981 may now be filed.

(2) All Applications must be filed no later than 90 days after publication of this Decision and Order in the **Federal Register.**

Dated: April 17, 1986.

**George B. Breznay,**

*Director, Office of Hearings and Appeals.*

[FR Doc. 86-9805 Filed 4-30-86; 8:45 am]

BILLING CODE 6450-01-M

## Implementation of Special Refund Procedures

**AGENCY:** Office of Hearings and Appeals, DOE.

**ACTION:** Notice of Proposed Implementation of Special Refund Procedures and Solicitation of Comments.

**SUMMARY:** The Office of Hearings and Appeals of the Department of Energy solicits comments concerning the appropriate procedures to be followed in refunding $21,082,535.86 in consent order funds to members of the public. This money is being held in escrow following the settlement of enforcement proceedings brought by the Economic Regulatory Administration of the Department of Energy involving Marathon Petroleum Company.

**DATE AND ADDRESS:** Comments must be filed in duplicate within 30 days of the date of publication of this Notice in the **Federal Register** and should be addressed to: Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585. All comments should conspicuously display a reference to the Case Number KEF-0021.

**FOR FURTHER INFORMATION CONTACT:** Virginia A Lipton, Assistant Director, Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 252-2400.

To receive final decision or refund application forms contact: Marcia B. Proctor, Chief, Docket and Publications Branch, Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 252-4924.

**SUPPLEMENTARY INFORMATION:** In accordance with the procedural regulations of the Department of Energy, 10 CFR 205.282(b), notice is hereby given of the issuance of the Proposed Decision and Order set out below. The Proposed Decision relates to a January 30, 1986 consent order between the DOE and Marathon Petroleum Company. That consent order settled certain disputes between the firm and the DOE concerning Marathon's possible violations of DOE regulations in its sales of crude oil and refined petroleum products. The consent order covers the period January 1, 1973 through January 27, 1981.

The Proposed Decision sets forth the procedures and standards that the DOE has tentatively formulated to distribute the contents of an escrow account in the amount of $21,082,535.86, funded by Marathon pursuant to the consent order. The DOE has tentatively divided the consent order fund into two pools; one relating to Marathon crude oil sales and the other relating to Marathon sales of

refined products. Under the DOE's tentative procedures, purchasers of Marathon refined products may file claims for refunds from the escrow fund. The amount of the refund available to an applicant will generally be a pro rata or volumetric share of the Marathon consent order fund. The Proposed Decision provides that in order to receive a portion of its allocable share, a claimant must furnish the DOE with evidence that it was injured by the allegedly unlawful prices for covered products charged by Marathon. However, the Proposed Decision indicates that no separate, detailed showing of injury will be required of end-users of the relevant product, or of firms which file refund claims in amounts of $5,000 or less. The Proposed Decision further indicates that an applicant that maintained banks of unrecovered costs and whose claim, if granted, would result in a refund greater than $5,000 but less than $50,000 may elect to receive a refund based on 35 percent of its allocable share. The Proposed Decision also sets forth a suggested application format which claimants may use and solicits comments regarding the suggested format. The Proposed Decision notes that after all applications for refunds based on refined product purchases have been processed, some funds may remain. The Office of Hearings and Appeals therefore invites interested parties to submit comments concerning alternative methods of distributing any remaining refined product funds in a subsequent proceeding.

With regard to the portion of the consent order fund attributable to Marathon's alleged crude oil violations, the decision proposes to place the money into a pool of crude oil moneys for distribution pursuant to the DOE's Statement of Restitutionary Policy for crude oil claims.

Until a final Decision and Order is issued, no claims for refund can be accepted. Applications for Refund therefore should not be filed at this time. Appropriate public notice, including notice published in the **Federal Register**, will be given when the submission of claims is authorized. The deadline for filing such claims will be no less than 90 days from publication of such notice in the **Federal Register**.

Any member of the public may submit written comments regarding the proposed refund procedures. Commenting parties should submit two copies of their comments. Comments should be submitted within 30 days of publication of this notice in the **Federal Register**, and should be sent to the address set forth at the beginning of this notice. All comments received will be available for public inspection between the hours of 1:00 p.m. and 5:00 p.m., Monday through Friday, except federal holidays, in the Public Reference Room of the Office of Hearings and Appeals, located in Room 1E-234, 1000 Independence Avenue, SW., Washington, DC 20585.

Dated: April 18, 1986.

**George B. Breznay,**

*Director, Office of Hearings and Appeals.*

**Proposed Decision and Order**

*Implementation of Special Refund Procedures*

April 18, 1986.

Name of Firm. Marathon Petroleum Company

Date of Filing: March 26, 1986

Case Number: KEF-0021

On March 26, 1986, the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) filed a petition with the Office of Hearings and Appeals (OHA), requesting that the OHA formulate and implement procedures for distributing funds obtained through the settlement of enforcement proceedings involving Marathon Petroleum Company (Marathon). *See* 10 CFR Part 205, Subpart V. This proposed decision contains OHA's tentative plan for distributing these funds to qualified refund applicants. Section I below outlines the approach to be used in connection with applicants that purchased crude oil from Marathon. The decision then discusses the considerations applicable for the preparation of refund applications related to purchases of Marathon refined petroleum products. This discussion appears at Section II of this decision. Section II(A) sets forth specific requirements applicable to each of the various types of claimants that are likely to file applications in connection with purchases of Marathon refined products. A claimant should take particular note of those requirements applicable to its particular circumstances. The specific application requirements are followed at Section II(B) by a discussion of general requirements which apply to all refund applications involving refined petroleum products. Since the procedures set forth in this decision are in proposed form, no refund applications should be filed at this time. A final determination will be issued at a later date announcing that the filing of Marathon refund applications is authorized.

During the period covered by the settlement agreement, Marathon was engaged in the production, sale and refining of crude oil, as well as in the sale of refined petroleum products. DOE audits of Marathon's operations revealed possible regulatory violations in the firm's application of the federal petroleum price and allocation regulations. In order to settle claims and disputes between Marathon and the DOE, the parties entered into a consent order which became final on January 30, 1986.[1] Under the terms of the consent order, Marathon remitted $21,082,535.86 to the DOE in settlement of alleged violations occurring between January 1, 1973 and January 27, 1981 (the consent order period). These funds are being held in an escrow account established with the United States Treasury pending a determination of their proper distribution. Because the consent order resolves alleged violations involving both sales of crude oil and refined products, we propose to divide the fund into two pools. *See Standard Oil Co. (Indiana).* 10 DOE ¶ 85,048 (1982) *(Amoco).* According to information set forth in the **Federal Register** Notice announcing the proposed Marathon consent order, it appears that approximately 40 percent of the aggregate amount of the alleged violations settled by the consent order concern Marathon's production and sales of crude oil. 50 F.R. 34901, 34902 (August 28, 1985). We therefore propose that this same percentage of the principal contained in the Marathon excrow account, or $8,344,014, be set aside as a pool of crude oil funds. We further propose that the remaining 60 percent of the Marathon funds, or $12,649,522 be made available for distribution to claimants who demonstrate that they were injured by Marathon's alleged violations in sales of refined petroleum products.

**I. Proposed Refund Procedures for Crude Oil Claims**

Marathon, like other producers of crude oil, was subject to the Mandatory Petroleum Price Regulations set forth in 6 CFR Part 150 and 10 CFR Part 212.[2] To

[1] Section 501 of the Marathon consent order resolves all pending and potential civil and administrative claims by the DOE against Marathon, which certain enumerated exceptions. See consent order section 501(a) through (g).

[2] The DOE regulations, in effect from August 19, 1973 until January 27, 1981, governed prices charged in crude oil sales to first purchasers by defining ceiling prices for various tier classifications of crude oil. The regulations pertmitted producers to sell certain crude oil, such as crude oil produced from a "striper well property," at market price levels. When a producer sold crude oil, it was required to certify in writing to the purchaser the respective volumes of crude oil belonging to each tier

Continued

the extent that Marathon miscertified old crude oil as new or stripper well crude oil, the impact of the violations was spread throughout the domestic refining industry by the operation of the Entitlements Program, 10 CFR 211.67. *See, e.g., Union Oil Co.* v. *DOE*, 688 F.2d 797 (Temp. Emer. Ct. App. 1982), *cert. denied*, 459 U.S. 1202 (1983). Based on the OHA's report to the District Court in the Stripper Well Exemption Litigation, *see Report of the Office of Hearings and Appeals, In re: The Department of Energy Stripper Well Exemption Litigation*, MDL No. 378 (D. Kan., filed June 21, 1985), 6 Fed. Energy Guidelines ¶ 90,507 at 90,620 (1985) (the OHA Stripper Well Report), the DOE announced that the Department would maintain overcharges associated with such violations in escrow to afford Congress the opportunity to select the means of making indirect restitution. *See* Statement of Restitutionary Policy, 50 FR 27400 (July 2, 1985). The OHA will pool the Marathon funds attributable to alleged crude oil violations with other crude oil funds for distribution in accordance with departmental policies. *See* 50 FR at 27400–02.

## II. Proposed Refund Procedures for Refined Product Refund Claims

With regard to the remainder of the Marathon settlement fund, $12,649,522, we propose to implement a two-stage refund proceeding in which purchasers of Marathon refined petroleum products will be afforded an opportunity to submit refund applications during the initial stage. From our experience with Subpart V proceedings, we believe that potential claimants will fall into the following categories: (1) End-users, i.e., consumers who used Marathon refined products; (2) regulated non-petroleum industry entities which used Marathon products in their businesses, or cooperatives which purchased Marathon products in their businesses; and (3) refiners, resellers or retailers who resold Marathon refined products.

In establishing the procedures which will govern the Marathon Special Refund Proceeding, we are adopting certain presumptions which will permit claimants to participate in the refund process without incurring inordinate expense and enable OHA to consider refund applications in the most efficient manner possible.[3] *American Pacific International*, No. HEF–0316, (February 11, 1986) (Proposed Decision) (hereinafter cited as *API*). First, we will adopt a presumption that the alleged overcharges were dispersed equally in all sales of refined product made by Marathon during the consent order period and that refunds should therefore be made on a pro rata or volumetric basis. In the absence of better information, a volumetric refund assumption is sound because the DOE price regulations generally required a regulated firm to account for increased costs on a firm-wide basis in determining its prices.

Under the volumetric refund approach we are adopting, a claimant will be eligible to receive a refund equal to the number of gallons purchased times the per gallon refund amount, plus accrued interest. In the present case, we have set the per gallon refund amount at $.00042 per gallon. We derived this figure by dividing the consent order funds available for distribution to non-crude oil claimants ($12,649,522) by the number of gallons of covered products other than crude oil which Marathon indicated to us that it sold from September 1973 through the date of decontrol of the relevant product (29,983,247,000). However, we also recognize that some claimants may have been disproportionately overcharged. Therefore, any purchaser may file a refund application based on a claim that it suffered a disproportionate share of the alleged overcharges. *See Sid Richardson Carbon and Gasoline Co.*, 12 DOE ¶ 85,054 at 88,164 (1984).

We also propose to adopt a number of presumptions concerning injury. These presumptions will excuse certain categories of refund applicants from proving that they were injured by Marathon's alleged overcharges, thus simplifying the refund process for these applicants. We will discuss these presumptions and the showing which each type of applicant must make in Section II(A) below.

### *(A) Specific Application Requirements for Each Category of Refund Applicants.*

(1) Refund Applications of End-Users

We propose to adopt a finding that end-users and ultimate consumers whose businesses are unrelated to the petroleum industry were injured by Marathon's alleged refined product overcharges. Unlike regulated firms in the petroleum industry, end-users generally were not subject to price controls during the consent order period and were not required to keep records which justified selling price increases by reference to cost increases. For these reasons, an analysis of the impact of the alleged overcharges on the final prices of non-petroleum goods and services would be beyond the scope of a special refund proceeding. *See Texas Oil & Gas Corp.*, 12 DOE ¶ 85,069 at 88,209 (1984). We propose, therefore, that end-users of Marathon products need only document that they were ultimate consumers of a specific amount of Marathon products to make a sufficient showing that they were injured by the alleged overcharges.

(2) Refund Applications of Cooperatives and Regulated Firms

We also will not require firms whose prices for goods and services are regulated by a government agency or by the terms of a cooperative agreement to demonstrate injury as a result of alleged overcharges on refined products. Although such firms, e.g., public utilities and agricultural cooperatives, generally would have passed overcharges through to their customers, they generally would pass through any refunds as well. Therefore, we will require such applicants to certify that they will pass any refund received through to their customers, to provide us with a full explanation of how they plan to accomplish this restitution, and to explain how they will notify the appropriate regulatory body or membership group of their receipt of the refund money. *See Office of Special Counsel*, 9 DOE ¶ 82,538 at 85,203 (1982). We note, however, that a cooperative's sales of Marathon products to non-members will be treated in the same manner as sales by other resellers.

(3) Refund Applications of Resellers, Retailers and Refiners

*a. Refiners, Resellers and Retailers Seeking Refunds of $5,000 or Less:* We propose to adopt a presumption, as we have in many previous cases, that purchasers seeking small refunds were injured by Marathon's pricing practices. *See, e.g., Uban Oil Co.*, 9 DOE ¶ 85,224–25 (1982). The cost to the applicant of gathering evidence of injury to support a small refund claim could exceed the expected refund. Consequently, without simplified procedures, some injured parties would be denied an opportunity to obtain a refund. Under the small-claims presumption, a claimant seeking total refunds of $5,000 or less will not be required to submit any evidence of injury beyond establishing the volume of Marathon products it purchased during the settlement period. *See Texas Oil & Gas Corp.*, 12 DOE ¶ 85,069 at 88,210 (1984).

*b. Refiners, Resellers, and Retailers Seeking Larger Refunds:* Refiners,

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classification in each purchase. When a refiner processed the crude oil, it was required to report these certifications to the DOE to enable the agency to administer the Crude Oil Entitlements Program, 10 CFR 211.67.

[3] The Subpart V regulations specifically authorize the use of presumptions in special refund proceedings. *See* 10 CFR Part 205, Subpart V.

resellers and retailers seeking refunds greater than $5,000 will be expected to provide a more detailed injury showing. We have tentatively adopted a further presumption for refiner, reseller or retailer applicants whose claims, if granted, would result in a total refund greater than $5,000, but less than $50,000, excluding interest (medium range claimants). Based on our review of prior cases, we believe that it is a reasonable presumption that firms that sold Marathon refined products and that maintained banks of unrecovered costs were likely to have experienced some injury as a result of the alleged overcharges. *E.g., Mobil Oil Corp.*, 13 DOE ¶ 85,339 (1985) (*Mobil*); *Amoco*, 10 DOE ¶ 85,048 (1982). In *Mobil*, for example, we found that wholesalers of motor gasoline generally absorbed alleged overcharges in 35 to 45 percent of their sales of Mobil product, and that retailers absorbed alleged overcharges in approximately 20 to 30 percent of their Mobil sales. *Id.* at 88,853. In *Amoco*, we determined that motor gasoline wholesalers absorbed 34 percent of alleged Amoco overcharges and that retailers absorbed 40 percent of the alleged overcharges. *Id.* at 88,212. Amoco middle distillate resellers were found to have been injured in 38 percent of their Amoco sales. *Id.* at 88,216. These percentage figures were derived in part by referring to national average price data. We know of no peculiarities with respect to Marathon's pricing of product that would lead us to conclude that the presumption of injury percentages concerning product resellers used in *Amoco* and *Mobil* cannot reasonably be applied to the present Marathon proceeding. Accordingly, we shall refer to these figures to arrive at an appropriate presumption of injury level for medium range Marathon claimants. The injury percentages in *Amoco* and *Mobil* range between 20 and 45 percent. *Mobil*, 13 DOE at 88,853; *Amoco*, 10 DOE at 88,222–23. We have tentatively decided to adopt an injury presumption of 35 percent in the Marathon refund proceeding. We believe that this presumption represents a reasonable injury level for medium range claimants. Accordingly, any medium range claimant may elect to receive a refund based on 35 percent of its total allocable or volumetric share. In order to receive a refund based on this 35 percent presumption, an applicant will be required to substantiate the volume of product it purchased from Marathon and demonstrate the existence of banks of unrecouped costs at levels at least equal to the refund claimed, beginning with the first month of the period for which a refund is claimed through the date on which that product was decontrolled.[4] However, any medium range claimant may elect not to receive a refund based on this presumption and may, instead, prove the extent of its injury using the criteria set forth below for larger refund claimants.

A large refund applicant in this general category, one whose total claims, if granted, would result in a refund of $50,000 or more excluding interest, will be required to provide an even more detailed showing of injury. In order to show that it did not pass along the alleged overcharges to its own customers, it also will be required to demonstrate that it maintained a bank of unrecovered product costs beginning with the first month of the period for which a refund is claimed through the date on which that product was decontrolled. In addition, a claimant must specifically show that market conditions would not permit it to pass through those increased costs. *See Panhandle Eastern Pipeline Co./I.V. Cole Petroleum Co.*, 10 DOE ¶ 85,051 at 88,265 (1983). For periods in which the DOE regulations did not require retailers or resellers to compute cost banks, a retailer or reseller will only be required to show that market conditions prevented it from recovering increased costs. Such a showing might be made though a demonstration of lowered profit margins, decreased market share, or depressed sales volume during the period of purchases from Marathon. *API*, slip op. at 7.

(4) Applicants Seeking Refunds Based on Allocation Claims

We also recognize that we may receive claims alleging Marathon allocation violations. Such claims are based on the consent order firm's alleged failure to furnish petroleum products that it was obliged to supply to the claimant under the DOE allocation regulations. *See* 10 CFR Part 211. We will evaluate refund applications based on allocation claims by referring to standards such as those set forth in *OKC Corp./Town & Country Markets, Inc.*, 12 DOE ¶ 85,094 (1984), and *Aztex Energy Co.*, 12 DOE ¶ 85,116 (1984).

[4] However, using the volumetric figure of .00042 per gallon and the 35 percent medium range presumption, an applicant that purchased 34,015,000 gallons of Marathon product would receive a refund of $5,000. Such a claimant may elect to limit his claim to $5,000 under the small claims threshold and would therefore not need to submit bank information.

*(B) General Refund Application Requirements*

In addition to the specific requirements outlined above, all applications for refund must be in writing and signed by the applicant. An application must make reference to the Marathon Petroleum Company Special Refund Proceeding (Case No. KEF–0021). Each applicant must submit a monthly purchase schedule for Marathon refined petroleum products during the period in which the relevant product was controlled. If an applicant purchased Marathon refined petroleum products from a reseller, it must establish its basis for belief that the products originated with Marathon and identify the reseller from whom the product was purchased.

We will establish a rebuttable presumption that claimants who made only spot purchases from Marathon were not injured. Spot purchasers tend to have considerable discretion in where and when to make purchases and generally would not have made spot market purchases from Marathon at increased prices unles they were able to pass through the full amount of the selling price to their own customers. *See Office of Enforcement*, 8 DOE ¶ 82,597 (1981).

Therefore, a firm which made only spot purchases from Marathon will not receive a refund unless it presents evidence rebutting the spot purchaser presumption and establishing the extent to which it was injured as a result of its spot purchases from Marathon.

In the Appendix to this decision, we hav set forth a suggested form for applications filed by gasoline retailer claimants and one for other applicants. Gasoline retailer applicants using the suggested form must file a separate form for *each gasoline station* for which a refund is requested. All other applicnts using the suggested form must file a separate form for *each product* for which a refund is requested. We will accept all applications that contain the information necessary to process a claim, whether or not the suggested form is used. We request comments and questions with respect to these proposed forms during the 30 day comment period.

All applications for refund must be filed in duplicate. A copy of each application will be available for public inspection in the Public Reference Room of the Office of Hearings and Appeals, Forrestal Building, Room 1E–234, 1000 Independence Avenue, SW., Washington, DC 20585. Any applicant that believes that its application contains confidential information must

so indicate on the first page of its application and submit two additional copies of its application from which the confidential information has been deleted, together with a statement specifying why any such information is privileged or confidential. Applications should be sent to: Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585.

Applications for Refund should not be filed at this time. Detailed procedures for filing Applications for Refund will be provided in a final Decision and Order. Before distributing any portion of the consent order fund, we intend to publicize the distribution process, to solicit comments on the proposed refund procedures and to provide dan opportunity for any affected party to file a claim. Comments regarding the tentative distribution process set forth in this Proposed Order should be filed with the Office of Hearings and Appeals within 30 days of publication of this Proposed Order in the **Federal Register.**

*(C) Distribution of the Remainder of the Consent Order Funds Attributable to Marathon's Refined Product Sales*

In the event that money remains after all first stage claims have been disposed of, undistributed funds attributable to Marathon's alleged refined product violations could be distributed in a number of different ways. For example, the funds may be distributed through plans formulated by state governments to benefit consumers who were likely injured by Marathon's alleged overcharges. *See, e.g., Northeast Petroleum Industries,* 11 DOE ¶ 85,199 (1983). However, we will not be in a position to decide what should be done with any remaining funds until the first stage refund procedure is completed. We encourage the submission of comments containing proposals for alternative distribution schemes.

It is therefore ordered that:

The refund amount remitted to the Department of Energy by Marathon Petroleum Company pursuant to the consent order made final on January 30, 1986, will be distributed in accordance with the foregoing Decision.

**APPENDIX**

**Gas Station Form**

*OHA Use Only*

GAS STATION FILING FOR MOTOR GASOLINE

Suggested Format for Application for Marathon Refund—KEF-0021

(Separate Application for Each Gas Station Please)

1. Name of Gas Station: _____

Street address of gas station during refund period: _____

2. To whom should refund check be made out? _____

Address to which check should be sent: _____

Contact Person: _____

Telephone: (_____) _____

3. Total gallonage for which refund is requested (from page 3): _____

4. Was the product you bought Marathon-branded? _____ Yes _____ No

5. Were you supplied by Marathon directly _____ Yes _____ No

If yes, please provide information on sales representative in Item 6 and provide Marathon customer number here _____.

6. Immediate supplier(s) during refund period name(s): _____

Address: _____

Telephone: (_____) _____

7. If the total refund requested by the firm and all affiliated entities for all products exceeds $5,000, attach information on banks of unrecovered costs as well as the required injury showing. (See Decision for injury showing requirements.)

8. Have you been a party or are you currently a party in a DOE enforcement action or private § 210 action? _____ Yes _____No

If yes, please attach an explanation. (See final Decision for specific details.)

9. Have you or a related firm filed any other application for refund involving any Marathon product? If yes, attach an explanation. _____ Yes _____No

10. Have you or a related firm authorized any individual(s) other than those identified on this form to file an application on your behalf? If yes, attach an explanation. _____ Yes _____No

I swear (or affirm) that the information contained in this application and its attachments is true and correct to the best of my knowledge and belief. I understand that anyone who is convicted of providing false information to the federal government may be subject to a jail sentence, a fine, or both, pursuant to 18 U.S.C. § 1001. I understand that the information contained in this application is subject to public disclosure. I have enclosed a duplicate of this entire application form which will be placed in the OHA Public Reference Room.

Date _____

Signature of Applicant _____

Title _____

Name of Applicant: _____

MONTHLY PURCHASE VOLUMES OF MOTOR GASOLINE

[KEF-0021]

| | 1973 | 1974 | 1975 | 1976 | 1977 | 1978 | 1979 | 1980 | 1981 |
|---|---|---|---|---|---|---|---|---|---|
| January | ..... | | | | | | | | ..... |
| February | ..... | | | | | | | | ..... |
| March | | | | | | | | | ..... |
| April | | | | | | | | | ..... |
| May | | | | | | | | | ..... |
| June | | | | | | | | | ..... |
| July | | | | | | | | | ..... |
| August | | | | | | | | | ..... |
| September | | | | | | | | | ..... |
| October | | | | | | | | | ..... |
| November | | | | | | | | | ..... |
| December | | | | | | | | | ..... |
| Yearly Total | | | | | | | | | |

Suggested Format for Application for Marathon Refund—KEF-0021

(Separate Application for Each Product Please)

1. Name of Purchaser:

Address during refund period:

2. To whom should refund check be made out?

Address to which check should be sent:

Contact Person:

Telephone: (_____) _____

3. (a). Total gallonage for which refund is requested (from page 3): _____

(b). Product (e.g., diesel, propane):

4. Was the product you bought Marathon-branded? _____ Yes _____ No

5. Were you supplied by Marathon directly? _____ Yes _____ No

If yes, please provide information on sales representative in Item 7 and provide Marathon customer number here _____.

If no to Items 4 and 5, explain why you believe the product was sold by Marathon.

6. Did you firm resell the product? _____ Yes _____ No

If no, describe the nature of your business. _____.

If yes, and total refund requested by the firm and all affiliated entities for all Marathon products exceeds $5,000, attach information on banks of unrecovered costs as well as the required injury showing. (See Decision for injury showing requirements.)

7. Immediate supplier(s) during refund period name(s):

Address:

Telephone: (_____) _____

8. Have you been a party or are you currently a party in a DOE enforcement action or private § 210 action? _____ Yes _____ No

If yes, please attach an explanation. (See final Decision for specific details.)

9. Have you or a related firm filed any other application for refund invovling any Marathon product? If yes, attach an explanation. _____ Yes _____ No

10. Have you or a related firm authorized any individual(s) other than those identified on this form to file an application on your behalf? If yes, attach an explanation. _____ Yes _____ No

11. Were you a consignee agent? _____ Yes _____ No

I swear (or affirm) that the information contained in this application and its attachments is true and correct to the best of my knowledge and belief. I understand that anyone who is convicted of providing false information to the federal government may be subject to a jail sentence, a fine, or both, pursuant to 18 U.S.C. § 1001. I understand that the information contained in this application is subject to public disclosure. I have enclosed a duplicate of this entire application form which will be placed in the OHA Public Reference Room.

Date

Signature of Applicant

Title

Name of Applicant:

MONTHLY PURCHASE VOLUMES OF _____ (PRODUCT)

[KEF-0021]

| | 1973 | 1974 | 1975 | 1976 | 1977 | 1978 | 1979 | 1980 | 1981 |
|---|---|---|---|---|---|---|---|---|---|
| January | ..... | | | | | | | | |
| February | ..... | | | | | | | | ..... |
| March | | | | | | | | | ..... |
| April | | | | | | | | | ..... |
| May | | | | | | | | | ..... |
| June | | | | | | | | | ..... |
| July | | | | | | | | | ..... |
| August | | | | | | | | | ..... |
| September | | | | | | | | | ..... |
| October | | | | | | | | | ..... |
| November | | | | | | | | | ..... |
| December | | | | | | | | | ..... |
| Yearly Total | | | | | | | | | |

GRAND TOTAL FOR THIS PRODUCT: _____ GALLONS ($.00042 per gallon)

Do not include any purchase of product after that product's date of decontrol.

*Product and Date Decontrolled

Butane and Natural Gasoline—January 1, 1980
Aviation Gas and Jet Fuel—February 26, 1979
Naphthas—September 1, 1976
Naptha-Based Jet Fuel—October 1, 1976
Middle Distillates—July 1, 1976
Residual Fuel—June 1, 1976

[FR Doc. 86-9806 Filed 4-30-86; 8:45 am]

BILLING CODE 6450-01-M

## ENVIRONMENTAL PROTECTION AGENCY

[OPTS-44015; FRL-30111-4]

## TSCA Chemical Testing; Receipt of Test Data

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** This notice announces the data submissions received by EPA during the second quarter of 1986 from negotiated testing programs accepted by EPA in lieu of requiring testing under section 4 of the Toxic Substances Control Act (TSCA). These submissions include results of certain studies and tests on five chemical substances or groups of chemicals.

**FOR FURTHER INFORMATION CONTACT:** Edward A. Klein, Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-543, 401 M St., SW., Washington, DC 20460, Toll free: (800-424-9065). In Washington, DC: (554-1404). Outside the USA: (Operator-800-554-1404).

**SUPPLEMENTARY INFORMATION:** Section 4(d) of TSCA requires the EPA to issue a notice in the **Federal Register** reporting on any test data received pursuant to test rules promulgated under section 4(a). Although not required by section 4(d), EPA also periodically publishes

notices of receipt of data from negotiated testing programs and other industry programs the conduct of which led EPA not to require testing through test rules.

**I. Test Data Submissions**

This notice announces test data submissions received during the second quarter of 1986 from such industry testing programs under TSCA.

*A. Alkyl Phthalates*

On January 14, 1986, EPA received from the Chemical Manufacturers Association (CMA) the results of 21-day feeding studies in rats on di(heptyl, nonyl, undecyl) phthalate (CAS No. 3648-20-2) and butyl benzyl phthalate (CAS No. 85-68-7). On February 10, 1986, EPA received from CMA the results of similar studies on di-(2-ethylhexyl) adipate (CAS No. 103-23-1), di-isononyl phthalate (CAS No. 28553-12-0), di-isodecyl phthalate (CAS No. 26761-40-0), and di-(n-hexyl, n-octyl, n-decyl) phthalate (CAS No. 2572458-7). On March 4, 1986, EPA received from CMA the results of a similar study with di-n-butyl phthalate (CAS No. 84-74-2). On March 4, 1986, EPA received from Eastman Kodak Co. the final report for a study of the early life stage toxicity of di(2-ethylhexyl) terepthalate (CAS No. 6422-86-2) to rainbow trout (*Salmo gairdneri*) eggs in a flow-through system.

*B. Hydroquinone*

On March 6, 1986, Eastman Kodak Co. submitted to EPA the study, Blood Elimination Kinetics of U$^{14}$C-hydroquinone (CAS No. 123-31-9) administered by intragastric intubation, intratracheal instillation, or intravenous injection to male Fischer 344 rats.

*C. Hexafluoropropylene*

On February 3, 1986, Du Pont submitted to EPA a mutagenicity study on hexafluoropropylene (CAS No. 116-15-4), using the CHO/HGPRT assay.

*D. Tris (2-Ethylhexyl) Trimellitate*

On January 23, 1986, CMA submitted to EPA a final report on the determination of octanol/water coefficient of tris (2-ethylhexyl) trimellitate (TOTM) (CAS No. 3319-31-1).

On March 21, 1986, CMA submitted to EPA a study on the shake flask biodegradation of $^{14}$C-TOTM.

*E. Acrylamide*

On February 21, 1986 EG&G Bionomics Marine Research Laboratory submitted to the EPA a study on the acute toxicity of acrylamide (CAS No. 79-06-1) to mysid shrimp (*Mysidopsis bahia*).

**II. Public Record**

EPA has established a public record for this quarterly receipt of data notice (docket number OPTS-44015). This record includes copies of all studies reported in this notice. The record is available for inspection from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays, in the OPTS reading room, E-107, 401 M St., SW., Washington, DC 20460.

Dated: April 25, 1986.

**Joseph J. Merenda,**

*Director, Existing Chemical Assessment Division.*

[FR Doc. 86-9768 Filed 4-30-86; 8:45 am]

BILLING CODE 6560-50-M

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**[OPTS-140076; FRL-3011-9]**

## Access to Confidential Business Information by Syracuse Research Corporation

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** EPA has authorized Syracuse Research Corporation (SRC) of Syracuse, New York for access to information which has been submitted to EPA under various sections of the Toxic Substances Control Act (TSCA). Some of the information may be claimed or determined to be confidential business information (CBI).

**DATE:** Access to the confidential data submitted to EPA will occur no sooner than 10 working days after the date of publication of this notice in the **Federal Register.**

**FOR FURTHER INFORMATION:** Edward A. Klein, Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-543, 401 M St., SW., Washington, DC 20460, Toll-free: (800-424-9065), In Washington, DC: (554-1404), Outside the USA: (Operator-202-554-1404).

**SUPPLEMENTARY INFORMATION:** Under TSCA, EPA must determine whether the manufacture, processing, distribution in commerce, use, or disposal of certain chemical substances or mixtures may present an unreasonable risk of injury to human health or the environment. New chemical substances, i.e., those not listed on the TSCA Inventory of Chemical Substances, are evaluated by EPA under section 5 of TSCA. Existing chemical substances, i.e., those listed on the TSCA Inventory, are evaluated by the Agency under sections 4, 6, 7, and 8 of TSCA.

EPA has selected SRC, Merrill Lane, Syracuse, N.Y., to perform work under contract number 68-03-3228 in support of the Agnecy's activities under section 4 of TSCA. Specifically, SRC will assist the Agency in identifying chemical substances for which required testing under section 4(a) is appropriate. To provide this assistance, SRC personnel will be given access to TSCA data on chemical substances relating to environmental fate and transport, pharmokinetics, carcinogenicity, mutagenicity, teratogenicity, chronic toxicity, and aquatic toxicity.

The data derived from the section 4(a) required testing will be used by the Office of Toxic Substances to determine whether regulatory action under sections 5, 6, or 7 of TSCA is necessary to prevent or reduce unreasonable risks to human health or the environment. It will also be used by the Office of Research and Development to identify substances for possible inclusion in the Land Disposal Prohibition under section 3004 of the Solid Waste Disposal Act.

In accordance with 40 CFR 2.306(j), EPA had determined that SRC personnel will require access to CBI submitted to EPA under all reporting sections of TSCA to perform work successfully under TSCA. SRC was previously cleared for section 4, 5, and 8 of TSCA CBI access under contract number 68-02-4209, announced in the **Federal Register** of January 28, 1985, (50 FR 3835). EPA is issuing this notice to inform submitters of information under all reporting sections of TSCA that EPA may provide access to TSCA CBI to SRC on a need-to-know basis. All access to TSCA CBI under this contract will take place at either EPA Headquarters or SRC. Clearance for access to TSCA CBI under this contract is scheduled to expire on September 30, 1988.

SRC has been authorized for access to TSCA at its facilities under the EPA "Contractor Requirements for the Control and Security of TSCA Confidential Business Information" security manual. EPA has approved SRC's security plan and has performed the required inspections of their facilities and has found them to be in compliance with the requirements of the manual. SRC personnel will be required to sign non-disclosure agreements and

will be briefed on appropriate security procedures before they are permitted access to TSCA CBI. All CBI materials reviewed by SRC personnel under this contract at the contractor's facilities listed above will be returned to EPA upon completion of their review.

Dated: April 28, 1986.

**Don R. Clay,**

*Director, Office of Toxic Substances.*

[FR Doc. 86-9927 Filed 4-30-86; 8:45 am]

BILLING CODE 6560-50-M

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[OPTS-140074; FRL-3011-3]

## Access to Confidential Business Information by the Dynamac Corporation

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** EPA has authorized the Dynamac Corporation (Dynamac) of Rockville, Maryland for access to information which has been submitted to EPA under sections 4 and 8 of the Toxic Substances Control Act (TSCA). Some of the information may be claimed or determined to be confidential business information (CBI).

**FOR FURTHER INFORMATION CONTACT:** Edward A. Klein, Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm E-543, 401 M St., SW., Washington, DC 20460, Toll-free (800-424-9065). In Washington, DC: (554-1404). Outside the USA: (Operator-202-554-1404).

**SUPPLEMENTARY INFORMATION:** Under TSCA, EPA must determine whether the manufacture, processing, distribution in commerce, use, or disposal of certain chemical substances or mixtures may present an unreasonable risk of injury to human health or the environment. New chemical substances, i.e., those not listed on the TSCA Inventory of Chemical Substances, are evaluated by EPA under section 5 of TSCA. Existing chemical substances, i.e., those listed on the TSCA Inventory, are evaluated by the Agency under sections 4, 6, 7, and 8 of TSCA.

The Interagency Testing Committee (ITC) is required by section 4(e) of TSCA to recommend to the EPA Administrator chemical substances and mixtures which should be given priority consideration for the promulgation of testing rules. In making its recommendations, ITC must consider, among other relevant factors, the quantities of chemicals manufactured, the extent of human and environmental exposure, the existence of data concerning effects on health and environment, and similarity to chemicals known to have adverse health or environmental effects. To accomplish this, ITC required the assistance of outside experts.

Under Contract No. 68-02-4251, Dynamac, 11140 Rockville Pike, Rockville, MD, will perform reviews of information which may be helpful to ITC in making its recommendations. In previous notices published in the **Federal Register** of December 6, 1982, (47 FR 54865) and October 12, 1983 (48 FR 46429), the EPA announced that under other EPA contracts Dynamac would be authorized for access to CBI submitted under section 8(b) of TSCA to perform functions similar to those under this contract.

Pursuant to 40 CFR 2.306(j), EPA has determined that under EPA Contract No. 68-02-4251, Dynamac will require access to CBI submitted to EPA under sections 4 and 8 of TSCA in order to support the ITC in making determinations on the need for further testing of chemicals.

EPA is issuing this notice to inform all submitters of information under sections 4 and 8 of TSCA that EPA may provide Dynamac access to these CBI materials at its facilities and at EPA Headquarters on a need-to-know basis. All access to TSCA CBI under this contract will take place at either EPA Headquarters or Dynamac. Upon completing review of the CBI materials, Dynamac will return all transferred materials to EPA. Clearance for access to TSCA CBI under this contract is scheduled to expire on February 28, 1987.

Dynamac has been authorized for access to TSCA CBI at its facilities under the EPA "Contractor Requirements for the Control and Security of TSCA Confidential Business Information" security manual. EPA has approved Dynamac's security plan and has performed the required inspections of their facilities and has found them to be in compliance with the requirements of the manual.

Dynamac personnel will be required to sign non-disclosure agreements and will be briefed on appropriate security procedures before they are permitted access to TSCA CBI.

Dated: April 24, 1986.

**D.R. Clay,**

*Director, Office of Toxic Substances.*

[FR Doc. 86-9770 Filed 4-30-86; 8:45 am]

BILLING CODE 6560-50-M

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[OPTS-51617; FRL-2997-6]

## Certain Chemicals Premanufacture Notices; E.I. du Pont de Nemours and Co., Inc., et al.

*Correction*

In FR Doc. 86-7633, beginning on page 12549, in the issue of Friday, April 11, 1986, make the following corrections.

1. On page 12549, in the Dates caption, under "Written Comments by", fourth line, "May 21, 1986" should read "May 22, 1986".
2. On the same page, second column, second and third lines above "Address", "86-910" should read "86-810" and "86-12" should read "86-812".
3. On page 12553, third column, under "P86-769", eighth line, "Confidential" should read "No exposure anticipated."

BILLING CODE 1505-01-M

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[OPTS-51618; FRL-3001-2]

## Certain Chemicals Premanufacture Notices; Modified Monocyclic Polyester

*Correction*

In FR Doc. 86-8143, beginning on page 12557, in the issue of Friday, April 11, 1986, make the following correction.

On page 12558, second column, under "P86-824", last paragraph, second line, "108" should read "10".

BILLING CODE 1505-01-M

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[OW-FRL-3010-8]

## Water Quality Criteria; Request for Comments

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of request for comments on ambient aquatic life water quality criteria documents.

**SUMMARY:** EPA announces the availability for public comment, and provides summaries of three ambient aquatic life water quality criteria documents. When published in final form after the review of public comments, these water quality criteria may form the basis for enforceable standards. These criteria are published pursuant to section 304(a)(1) of the Clean Water Act.

**DATE:** Written comments should be submitted to the person listed directly below by June 30, 1986.

**FOR FURTHER INFORMATION CONTACT:** Dr. Frank Gostomski, Criteria and Standards Division (WH-585), U.S. Environmental Protection Agency, 401 M

Street, SW., Washington, DC 20460. (202) 245-3030.

## Availability of Documents

This notice contains summaries of three documents containing proposed ambient water quality criteria for the protection of aquatic life and its uses. Copies of the complete criteria documents may be obtained upon request from the person listed above. These documents are 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 St., SW., Washington, DC 20460. As provided in 40 CFR Part 2, a reasonable fee may be charged for copying services. Copies of these documents are also available for review in the EPA Regional Office libraries. A list of the proposed documents is presented below:

1. Ambient Water Quality Criteria for Selenium.
2. Ambient Water Quality Criteria for Parathion.
3. Ambient Water Quality Criteria for Toxaphene.

**SUPPLEMENTARY INFORMATION:**

## Background

Section 304(a)(1) of the Clean Water Act (33 U.S.C. 1314(a)(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 the 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), EPA announced the publication of 64 individual ambient water quality criteria documents for pollutants listed as toxic under section 307(a)(1) of the Clean Water Act. A document addressing 2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD) was announced on February 15, 1984 (49 FR 5831) completing the coverage of the 65 priority pollutants listed in 307(a)(1). Nine ambient water quality criteria documents, including revision of seven of the 1980 documents, were released on July 29, 1985 (50 FR 30784). A bacteriological ambient water quality criteria document was published on March 7, 1986 (51 FR 8012).

Today EPA is announcing the availability for public comment of three proposed individual ambient aquatic life water quality criteria documents. Two of the documents, selenium and toxaphene, upon final publication will update and revise appropriate sections of the 1980 criteria documents. The other, parathion, will update criteria from the 1976 Red Book.

The documents announced today will not contain information on the effects of these pollutants on human health. EPA anticipates the release of a water quality advisory on parathion to specifically address human health concerns. Advisories will also be issued to update the human health section of the 1980 ambient water quality criteria documents for selenium and toxaphene if a review of the available information indicate that such a revision is necessary. Both the criteria documents announced today and the water quality advisories addressing human health may form the basis for enforceable standards, when published in final form.

Dated: April 21, 1986.

**Edwin L. Johnson,**

*Acting Assistant Administrator for Water.*

## Appendix A—Summary of Water Quality Criteria

### *1. Selenium*

#### Freshwater Aquatic Life

The procedures described in the "Guidelines for Deriving Numerical National Water Quality Criteria for the Protection of Aquatic Organisms and Their Uses" indicate that, except possibly where a locally important species is very sensitive, freshwater aquatic organisms and their uses should not be affected unacceptably if the four-day average concentration of acid-soluble selenium (IV) does not exceed 26 ug/L more than once every three years on the average and if the one-hour average concentration does not exceed 190 ug/L more than once every three years on the average. However, field data indicate that solely using the Guidelines to predict a selenium criterion may be under protective. If species such as the channel catfish and various sunfishes are as sensitive as some data indicate they might be, the criterion should be less than 10 ug/L. The Criteria and Standards Division recommends that the four-day average concentration of acid-soluble selenium (IV) should not exceed 10 ug/L more than once every three years on the average and the one-hour average concentration should not exceed 190 ug/L more than once every three years on the average.

#### Saltwater Aquatic Life

The procedures described in the "Guidelines for Deriving Numerical National Water Quality Criteria for the Protection of Aquatic Organisms and Their Uses" indicate that, except possibly where a locally important species is very sensitive, saltwater aquatic organisms and their uses should not be affected unacceptably if the four-day average concentration of acid-soluble selenium (IV) does not exceed 93 ug/L more than once every three years on the average and if the one-hour average concentration does not exceed 300 ug/L more than once every three years on the average. If selenium (IV) is more toxic to saltwater organisms in the field than in the laboratory, this criterion will not adequately protect saltwater organisms.

EPA believes that "acid-soluble" is probably the best measurement at present for expressing criteria for metals and the criteria for selenium (IV) were developed on this basis. However, at this time, no EPA approved method for such a measurement is available to implement criteria for metals through the regulatory programs of the Agency and the States. The Agency is considering development and approval of a method for a measurement such as "acid-soluble." Until one is approved, however, EPA recommends applying criteria for metals using the total recoverable method. This has two impacts: (1) Certain species of some metals cannot be measured because the total recoverable method cannot distinguish between individual oxidation states, and (2) in some cases these criteria might be overly protective when based on the total recoverable method.

The allowed average excursion frequency of three years is the Agency's best scientific judgment of the average amount of time it will take an unstressed aquatic ecosystem to recover from a pollution event in which exposure to selenium (IV) exceeds the criterion. Stressed systems, for example one in which several outfalls occur in a limited area, would be expected to require more time for recovery. The resiliences of ecosystems and their abilities to recover differ greatly, however, and site-specific criteria may be established if adequate justification is provided.

Use of criteria for developing water quality-based permit limits and for designing waste treatment facilities requires selection of an appropriate wasteload allocation model. Dynamic models are preferred for the application of these criteria. Limited data or other considerations might make their use impractical, in which case one must rely on a steady-state model. The Agency recommends the interim use of 1Q5 or

1Q10 for the Criterion Maximum Concentration (CMC) design flow and 7Q5 or 7Q10 for the Criterion Continuous Concentration (CCC) design flow in steady-models for unstressed and stressed systems respectively. These matters are discussed in more detail in the Technical Support Document for Water Quality-Based Toxics Control (U.S. EPA, 1985).

*2. Parathion*

Freshwater Aquatic Life

The procedures described in the "Guidelines for Deriving Numerical National Water Quality Criteria for the Protection of Aquatic Organisms and Their Uses" indicate that, except possibly where a locally important species is very sensitive, freshwater aquatic organisms and their uses should not be affected unacceptably if the four-day average concentration of parathion does not exceed 0.013 ug/L more than once every three years on the average and if the one-hour average concentration does not exceed 0.065 ug/L more than once every three years on the average.

Saltwater Aquatic Life

The procedures described in the "Guidelines for Deriving Numerical National Water Quality Criteria for the Protection of Aquatic Organisms and Their Uses" require the availability of specified data for the derivation of a criterion. Very few of the required data are available concerning effects of parathion on saltwater species. Consequently, no criterion can be derived for saltwater.

The allowed average excursion frequency of three years is the Agency's best scientific judgment of the average amount of time it will take an unstressed aquatic ecosystem to recover from a pollution event in which exposure to parathion exceeds the criterion. Stressed systems, for example one in which several outfalls occur in a limited area, would be expected to require more time for recovery. The resiliences of ecosystems and their abilities to recover differ greatly, however, and site-specific criteria may be established if adequate justification is provided.

Use of criteria for developing water quality-based permit limits and for designing waste treatment facilities requires selection of an appropriate wasteload allocation model. Dynamic models are preferred for the application of these criteria. Limited data or other considerations might make their use impractical, in which case one must rely on a steady-state model. The Agency recommends the interim use of 1Q5 or 1Q10 for the Criterion Maximum Concentration (CMC) design flow and 7Q5 or 7Q10 for the Criterion Continuous Concentration (CCC) design flow in steady-state models for unstressed and stressed systems respectively. These matters are discussed in more detail in the Technical Support Document for Water Quality-Based Toxics Control (U.S. EPA, 1985).

*3. Toxaphene*

Freshwater Aquatic Life

The procedures described in the "Guidelines for Deriving Numerical National Water Quality Criteria for the Protection of Aquatic Organisms and Their Uses" indicate that, except possibly where a locally important species is very sensitive, freshwater aquatic organisms and their uses should not be affected unacceptably if the four-day average concentration of toxaphene does not exceed 0.0002 ug/L more than once every three years on the average and if the one-hour average concentration does not exceed 0.73 ug/L more than once every three years on the average. If the channel catfish is as sensitive as some data indicate, it will not be protected by this criterion.

Saltwater Aquatic Life

The procedures described in the "Guidelines for Deriving Numerical National Water Quality Criteria for the Protection of Aquatic Organisms and Their Uses" indicate that, except possibly where a locally important species is very sensitive, saltwater aquatic organisms and their uses should not be affected unacceptably if the one-hour average concentration of toxaphene does not exceed 0.019 ug/L more than once every three years on the average. If the four-day average concentration of toxaphene exceeds 0.002 ug/L more than once in a three-year period, the edible portions of consumed species should be analyzed to determine whether the concentration of toxaphene exceeds the FDA action level of 5 mg/kg.

The allowed average excursion frequency of three years is the Agency's best scientific judgment of the average amount of time it will take an unstressed aquatic ecosystem to recover from a pollution event in which exposure to toxaphene exceeds the criterion. Stressed systems, for example one in which several outfalls occur in a limited area, would be expected to require more time for recovery. The resiliences of ecosystems and their abilities to recover differ greatly, however, and site-specific criteria may be established if adequate justification is provided.

Use of criteria for developing water quality-based permit limits and for designing waste treatment facilities requires selection of an appropriate wasteload allocation model. Dynamic models are preferred for the application of these criteria. Limited data or other considerations might make their use impractical, in which case one must rely on a steady-state model. The Agency recommends the interim use of 1Q5 or 1Q10 for the Criterion Maximum Concentration (CMC) design flow and 7Q5 or 7Q10 for the Criterion Continuous Concentration (CCC) design flow in steady-state models for unstressed and stressed systems respectively. These matters are discussed in more detail in the Technical Support Document for Water Quality-Based Toxics Control (U.S. EPA, 1985).

[FR Doc. 86-9771 Filed 4-30-86; 8:45 am]
BILLING CODE 6560-50-M

## FEDERAL RESERVE SYSTEM

### Norwest Corp.; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be

accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 16, 1986.

A. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Norwest Corporation*, Minneapolis, Minnesota; to acquire McKinney Wudel Insurance Service, Rapid City, South Dakota and thereby engage in general insurance agency activities pursuant to section 4(c)(8)(G) of the Bank Holding Company Act. These activities will be conducted in Rapid City, South Dakota.

Board of Governors of the Federal Reserve System, April 25, 1986.

**James McAfee,**

*Associate Secretary of the Board.*

[FR Doc. 86-9776 Filed 4-30-86; 8:45 am]

BILLING CODE 6210-01-M

## IBT Bankshares, Inc., et al.; Formations of: Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than May 23, 1986.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street NW., Atlanta, Georgia 30303:

11. *IBT Bankshares, Inc.*, Gretna, Louisiana; to become a bank holding company by acquiring 100 percent of the voting shares of Investors Bank and Trust Company, Gretna, Louisiana.

B. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Community Financial Corp.*, Avilla, Indiana; to become a bank holding company by acquiring 80 percent of the voting shares of Community State Bank, Avilla, Indiana.

Board of Governors of the Federal Reserve System, April 25, 1986.

**James McAfee,**

*Associate Secretary of the Board.*

[FR Doc. 86-9764 Filed 4-30-86; 8:45 am]

BILLING CODE 6210-01-M

# DEPARTMENT OF HEALTH AND HUMAN SERVICES

## Family Support Administration

## Planned Secondary Resettlement (PSR) of Refugees; Availability of Grants for Fiscal Year 1987

**AGENCY:** Office of Refugee Resettlement (ORR), FSA, HHS.

**ACTION:** Notice of application due dates and panel review dates for Fiscal Year 1987.

**SUMMARY:** On May 13, 1985, the Office of Refugee Resettlement (ORR) published a notice in the **Federal Register** (50 FR 20038) which announced the availability of funding for grants to assist interested refugees to make planned secondary resettlements to favorable communities. This notice amends the May 13 notice by establishing the following schedule of proposal due dates and corresponding panel review dates for the remainder of Fiscal Year 1986 and for Fiscal Year 1987.

| *Application Due Dates* | *Panel Review Dates* |
|---|---|
| July 15, 1986 | July 29, 1986 |
| September 29, 1986 | October 21, 1986 |
| December 16, 1986 | January 20, 1987 |
| April 6, 1987 | April 28, 1987 |
| July 13, 1987 | July 29, 1987 |

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

**FOR FURTHER INFORMATION CONTACT:** Toyo Biddle, (202) 245-1966.

Dated: April 21, 1986.

**Philip Holman,**

*Acting Director, Office of Refugee Resettlement.*

[FR Doc. 86-9748 Filed 4-30-86; 8:45 am]

BILLING CODE 4190-11-M

## Food and Drug Administration

**[Docket No. 86M-0032]**

## Medical Devices; Iolab Corp.; Premarket Approval of Model 91-50 Anterior Chamber Intraocular Lens; Correction

**AGENCY:** Food and Drug Administration.

**ACTION:** Notice; correction.

**SUMMARY:** The Food and Drug Administration (FDA) is correcting the docket number in the heading of the notice that announced its approval of an application for the premarket approval of the model 91-50 Anterior Chamber Intraocular Lens.

**FOR FURTHER INFORMATION CONTACT:** Agnes Black, Regulations Editorial Staff (HFC-222), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-2994.

**SUPPLEMENTARY INFORMATION:** In FR Doc. 86-3303, appearing on page 5607 in the **Federal Register** of Friday, February 14, 1986, the docket number in the heading is changed to read "[Docket No. 86M-0032]."

Dated: April 22, 1986.

**John C Villforth,**

*Director, Center for Devices and Radiological Health.*

[FR Doc. 86-9721 Filed 4-30-86; 8:45 am]

BILLING CODE 4160-01-M

## Office of Human Development Services

## Advisory Board on Child Abuse and Neglect; Meeting

Agency Holding the Meeting: National Center on Child Abuse and Neglect, Children's Bureau, Administration for Children, Youth and Families, Office of Human Development Services, Department of Health and Human Services.

Time and Date: The Advisory Board on Child Abuse and Neglect will meet from 8:30 a.m.-6 p.m., June 4-5, 1986. In addition, the Committee on Indian Child Welfare will meet from 8:30 a.m.-5:30 p.m. on June 3 and from 8:30-11 a.m. on June 6, 1986. The Publications Review Committee will review books from 8:30 a.m.-5:30 p.m. on June 3 and from 8:30 a.m.-3 p.m. on June 6, 1986. The

Committee on Private Sector Involvement and the Hearings Committee will meet during the 2-day Board meeting.

Place: The Board will meet in Room 800 of the Humphrey Building, 200 Independence Ave., SW., Washington, DC 20201. The Committee on Indian Child Welfare will meet in Room 405-A of the Humphrey Building. Members of the Publications Review Committee may pick up books for review in Room 252 of the Capitol Holiday Inn, 550 C Street, SW., Washington, DC 20201.

Status: The Board and committee meetings are open to the public. However, because of security precautions at all Government buildings, persons wishing to attend who do not have Government identification should call the contact person below for information about access to the building.

Matters to be Considered: Public Health Response to Child Abuse and Neglect; Victim Assistance Program, National Sheriff's Association; Evaluation of Emergency Foster Care Case Practice and Interpreting Foster Care Entry Rates; Child Abuse and Neglect in the Military; Private Sector Involvement; Child Abuse Regulations; Fiscal Years 1986 and 1987 Coordinated Discretionary Grants Program of the Office of Human Development Services; Child Abuse Legislative Proposal; and Committee Reports. The Board will also have the opportunity to meet with Child Abuse and Neglect State Liaison Officers and Directors of the new National Resource Centers. These groups are meeting at the same time.

Contact Person for More Information: Patricia B. Wood, Special Assistant, Office of the Associate Commissioner, Children's Bureau, Box 1182, Washington, DC 20013, (202) 755-7447 or 755-7600.

Dated: April 25, 1986.

**Carolyn Garnett,**

*HDS Committee Management Officer.*

[FR Doc. 86-9747 Filed 4-30-86; 8:45 am]

BILLING CODE 4130-01-M

## National Institutes of Health

### Division of Research Resources; General Clinical Research Centers Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the General Clinical Research Centers (GCRC) Committee, Division of Research Resources (DRR), June 11-13, 1986, First Floor Conference Room, American Inn of Bethesda, 8130 Wisconsin Avenue, Bethesda, MD 20814.

The meeting will be open to the public on June 12, from 9:00 a.m. to approximately 11:00 a.m. during which time there will be comments by the Director, DRR; an update of the GCRC Program; and reports on the Clinical Associate Physician Program; the diffusion of the CLINFO System; possible new technologies for GCRCs; and clinical research data management. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.C. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on June 11 from approximately 6:00 p.m. to recess and on June 12 from approximately 11:00 a.m. to recess and from approximately 8:00 a.m. to adjournment on June 13 for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. James Augustine, Information Officer, Division of Research Resources, Bldg. 31, Rm., 5B-10, National Institutes of Health, Bethesda, Maryland 20892, (301) 496-5545, will provide a summary of the meeting and a roster of the Committee members upon request. Dr. Ephraim Y. Levin, Executive Secretary of the General Clinical Research Centers Review Committee, Bldg. 31, Room 5B51, National Institutes of Health, Bethesda, Maryland 20892, (301) 496-6595, will furnish program information upon request.

(Catalog of Federal Domestic Assistance Program No. 13.333, Clinical Research, National Institutes of Health)

Dated: April 24, 1986.

**Betty J. Beveridge,**

*NIH Committee Management Officer.*

[FR Doc. 86-9731 Filed 4-30-86; 8:45 am]

BILLING CODE 4140-01-M

### National Eye Institute National Advisory Eye Council; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Advisory Eye Council, National Eye Institute, June 2-3, 1986, Building 31, Conference Room 6, National Institutes of Health, Bethesda, Maryland.

The meeting will be open to the public from 9:00 a.m. until approximately 12:00 noon on Monday, June 2. Following opening remarks by the Director, National Eye Institute, there will be presentations by the staff of the Institute concerning Institute programs and the various research assistance mechanisms.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from approximately 12:00 noon until recess on Monday, June 2, and from 9:00 a.m. to adjournment on Tuesday, June 3, for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable materials, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Kay Valeda, Committee Management Officer, National Eye Institute, Building 31, Room 6A03, National Institutes of Health, Bethesda, Maryland 20892, (301) 496-4903, will provide summaries of meetings and rosters of committee members.

Dr. Ronald G. Geller, Associate Director for Extramural and Collaborative Programs, National Eye Institute, Building 31, Room 6A03, National Institutes of Health, Bethesda, Maryland 20892, (301) 496-4903, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Programs, No. 13.867, Retinal and Choroidal Diseases Research; 13.868, Corneal Diseases Research; 13,869, Cataract Research; 13.870, Glaucoma Research; and 13.871, Sensory and Motor Disorders of Visual Research; National Institutes of Health.)

Dated: April 24, 1986.

**Betty J. Beveridge,**

*Committee Management Officer, NIH.*

[FR Doc. 86-9729 Filed 4-30-86; 8:45 am]

BILLING CODE 4140-01-M

### National Eye Institute; Vision Research Review Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Vision Research Review Committee, National Eye Institute, June 23-24, 1986, Conference Room 8, Building 31, National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public on June 23 from 8:30 a.m. to 9:30 a.m. for opening remarks and discussion of program guidelines. Attendance by

the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from 9:30 a.m. on June 23 until recess and on June 24 from 8:30 a.m. until adjournment for the review, discussion and evaluation of individual grant applications.These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Kay Valeda, Committee Management Officer, National Eye Institute, Building 31, Room 6A–03, National Institutes of Health, Bethesda, Maryland 20892, (301) 496–4903, will provide summaries of the meeting and rosters of committee members.

Dr. Catherine Henley, Review and Special Projects Officer, Extramural and Collaborative Programs, National Eye Institute, Building 31, Room 6A–06, National Institutes of Health, Bethesda, Maryland 20892, (301) 496–5561, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.867, Retinal and Choroidal Diseases Research; 13.867, Corneal Diseases Research; 13.869, Cataract Research 13.870, Glaucoma Research; and 13.871, Sensory and Motor Disorders Visual Research; National Institutes of Health.)

Dated: April 24, 1986.

**Betty J. Beveridge,**

*Committee Management Officer, NIH.*

[FR Doc. 86–9738 Filed 4–30–86; 8:45 am]

BILLING CODE 4140–01–M

## National Institute of Environmental Health Sciences; National Advisory Environmental Health Sciences Council; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Advisory Environmental Health Sciences Council, June 2–3, 1986, in Building 31C, Conference Room 9, National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public on June 2 from 9 a.m. to approximately 12 noon for the report of the Director, NIEHS, and for discussion of the NIEHS budget, program policies and issues, recent legislation, and other items of interest. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552b(c)(9)(B), Title 5, U.S. Code, the Council meeting will be closed to the public on June 2, from 1:00 p.m. to approximately 2:00 p.m. for discussion and preparation of comments Council wishes to submit to the Director, NIH, for inclusion in the biennial report to the Congress.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public June 2, from approximately 2:00 p.m. to adjournment on June 3, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. Robert Mayfield, Extramural Program, NIEHS, P.O. Box 12233, Research Triangle Park, North Carolina 27709, (919) 541–7648, FTS 629–7628, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.112, Characterization of Environmental Health Hazards; 13.113, Biological Response to Environmental Health Hazards; 13.114, Applied Toxicological Research and Testing; 13.115, Biometry and Risk Estimation; 13.894, Resource and Manpower Development, National Institutes of Health.)

Dated: April 24, 1986.

**Betty J. Beveridge,**

*Committee Management Officer, NIH.*

[FR Doc. 86–9730 Filed 4–30–86; 8:45 am]

BILLING CODE 4140–01–M

## National Heart, Lung, and Blood Institute; Clinical Trials Review Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Clincial Trials Review Committee, National Heart, Lung, and Blood Institute, June 22–25, 1986, at the Holiday Inn Crowne Plaza, 1750 Rockville Pike, Rockville, Maryland 20852.

This meeting will be open to the public on June 22, from 7:00 p.m. to approximately 7:30 p.m. to discuss administrative details and to hear a report concerning the current status of the National Heart, Lung, and Blood Institute. Attendance by the public is limited to space availble.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552(c)(6), Title 5, U.S. Code, and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on June 22 from approximately 7:30 p.m. to recess, and from 8:00 a.m. on June 23 to adjournment on June 25, for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with these applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Therefore, this meeting is concerned with matters exempt from mandatory disclosure under section 552b(c)(4) and 552b(c)(6) of Title 5, U.S. Code.

Ms. Terry Bellicha, Chief, Public Inquiries Reports Branch, National Heart, Lung, and Blood Insitute, Building 31, Room 4A–21, National Institutes of Health, Bethesda, Maryland 20892, phone (301) 496–4236, will provide a summary of the meeting and a roster of the Committee members.

Dr. Norman S. Braveman, Contracts, Clincial Trials and Training Review Section, Division of Extramural Affairs, National Heart, Lung, and Blood Institute, Westwood Building, Room 550B, Bethesda, Maryland 20892, phone (301) 496–7361, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.837, Heart and Vascular Diseases Research; 13.838, Lung Diseases Research; 13.839, Blood Diseases and Resources Research, National Institutes of Health)

Dated: April 24, 1986.

**Betty J. Beveridge,**

*NIH Committee Management Officer.*

[FR Doc. 86–9737 Filed 4–30–86; 8:45 am]

BILLING CODE 4140–01–M

## National Heart, Lung, and Blood Institute; Heart, Lung, and Blood Research Review Committee A; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Heart, Lung, and Blood Research Review Committee A, National Heart, Lung, and Blood Institute, National Institutes of Health, on June 26, 1986, in Building 31, Conference Room 7, 9000 Rockville Pike, Bethesda, Maryland 20892.

This meeting will be open to the public on June 26, 1986 from 8:30 a.m. to approximately 9:30 a.m. to discuss administrative details and to hear

reports concerning the current status of the National Heart, Lung, and Blood Institute. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code, and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on June 26, from approximately 9:30 a.m. until adjournment, for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Terry Bellicha, Chief, Public Inquiry Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland 20892, (301) 496-4236, will provide a summary of the meeting and a roster of the committee members.

Dr. Peter M. Spooner, Executive Secretary, Heart, Lung, and Blood Research Review Committee A, Westwood Building, Room 554, National Institutes of Health, Bethesda, Maryland 20892, phone (301) 496-7265, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.837, Heart and Vascular Diseases Research; 13.838, Lung Diseases Research; National Institutes of Health)

Dated: April 24, 1986.

**Betty J. Beveridge,**

*NIH Committee Management Officer.*

[FR Doc. 86-9740 Filed 4-30-86; 8:45 am]

BILLING CODE 4140-01-M

## National Heart, Lung, and Blood Institute; Heart, Lung, and Blood Research Review Committee B; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Heart, Lung, and Blood Research Review Committee B, National Heart, Lung, and Blood Institute, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20892, on June 26, 1986, in Building 31, Conference Room 9.

This meeting will be open to the public on June 26, from 8:30 a.m. to approximately 10:00 a.m. to discuss administrative details and to hear reports concerning the current status of the National Heart, Lung, and Blood Institute. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code, and section 10(d) Pub. L. 92-463, the meeting will be closed to the public on June 26, from approximately 10:00 a.m. to adjournment for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Terry Bellicha, Chief, Public Inquiry Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland 20892, (301) 496-4236, will provide a summary of the meeting and a roster of the committee members.

Dr. Louis M. Ouellette, Executive Secretary, NHLBI, Westwood Building, Room 554, National Institutes of Health, Bethesda, Maryland 20892, phone (301) 496-7915, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.837, Heart and Vascular Diseases Research; and 13.839, Blood Diseases and Resources Research, National Institutes of Health)

Dated: April 24, 1986.

**Betty J. Beveridge,**

*NIH Committee Management Officer.*

[FR Doc. 86-9739 Filed 4-30-86; 8:45 am]

BILLING CODE 4140-01-M

## National Heart, Lung, and Blood Institute; Research Manpower Review Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Research Manpower Review Committee, National Heart, Lung, and Blood Institute, National Institutes of Health on June 22-24, 1986, at the Holiday Inn Crowne Plaza Hotel, 1750 Rockville Pike, Rockville, Maryland 20852.

This meeting will be open to the public on June 22, 1986, from 7:00 p.m. until recess, to discuss administrative details and to hear reports concerning the current status of the National Heart, Lung, and Blood Institute.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code, and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on June 23 and 24, from 8:00 a.m. until adjournment for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Terry Bellicha, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland 20892, phone (301) 496-4236, will provide a summary of the meeting and a roster of the committee members.

Dr. Robert M. Chasson, Executive Secretary, NHLBI, Westwood Building, Room 550, Bethesda, Maryland 20892, phone (301) 496-7361, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.837, Heart and Vascular Diseases Research; 13.838, Lung Diseases Research; and 13.839, Blood Diseases and Resources Research, National Institutes of Health)

Dated: April 24, 1986.

**Betty J. Beveridge,**

*NIH Committee Management Officer.*

[FR Doc. 86-9736 Filed 4-30-86; 8:45 am]

BILLING CODE 4140-01-M

## National Institute on Aging; Aging Review Subcommittee A; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Aging Review Subcommittee A, National Institute on Aging, on June 17 and 18, 1986, to be held in Building 31, Conference Room 10, National Institutes of Health, Bethesda, Maryland, 20892.

The meeting will be open to the public from 8:30 a.m. to 9:00 a.m. on June 17 for introductory remarks. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on June 17 from 9:00 a.m. to adjournment on June 18 for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. June C. McCann, Committee Management Officer, NIA, Building 31, Room 2C05, National Institutes of Health, Bethesda, Maryland, 20892, (301/496-5898), will provide summaries of meetings and rosters of Committee members as well as substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.866, Aging Research, National Institutes of Health)

Dated: April 24, 1986.

**Betty J. Beveridge,**

*NIH Committee Management Officer.*

[FR Doc. 86-9735 Filed 4-30-86; 8:45 am]

BILLING CODE 4140-01-M

## National Institute on Aging; Geriatrics Review Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Geriatrics Review Committee, National Institute on Aging, on June 11, 12, and 13, 1986, to be held in Building 31, Conference Room 4, National Institutes of Health, Bethesda, Maryland, 20892.

The meeting will be open to the public from 8:30 a.m. to 9:00 a.m. on June 11 for introductory remarks. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on June 11 from 9:00 a.m. to adjournment on June 13 for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. June McCann, Committee Management Officer, NIA, Building 31, Room 2C05, National Institutes of Health, Bethesda, Maryland, 20892, (301/496-5898), will provide summaries of meetings and rosters of Committee members as well as substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.866, Aging Research, National Institutes of Health)

Dated: April 24, 1986.

**Betty J. Beveridge,**

*NIH Committee Management Officer.*

[FR Doc. 86-9734 Filed 4-30-86; 8:45 am]

BILLING CODE 4140-01-M

## National Institute of Child Health and Human Development; National Advisory Child Health and Human Development Council; Meeting

Pursuant to Pub. L. 92-463, notice if hereby given of the meeting of the National Advisory Child Health and Human Development Council, June 2-3, 1986, in Building 31, Conference Room 10, National Institutes of Health, Bethesda, Maryland, and the meeting of the Subcommittee on Planning on June 2 from 8:30 a.m. to 9:30 a.m. in Building 31, Room 2A03.

The Council meeting will be open to the public on June 2 from 9:30 a.m. until 3:00 p.m. The agenda includes a report by the Director, NICHD, and a presentation by the Demographic and Behavioral Sciences Branch, Center for Population Research. The meeting will be open on June 3 immediately following the review of applications if any policy issues are raised which need further discussion. The Subcommittee meeting will be open on June 2 from 8:30 a.m. to 9:30 a.m. to discuss program plans and the agenda for the next Council meeting. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552b(c)(9)(B), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on June 2 from 3:00 p.m. to 5:00 p.m. for discussion and preparation of comments Council wishes to submit to the Director, NIH, for inclusion in the biennial report to the Congress.

In accordance with the provision set forth in section 552(c)(4) and 552b(c)(6), Title 5, U.S. Code the meeting will be closed to the public on June 3 from 8:30 a.m. to completion of the review, discussion, and evalution of individual grant applications. The applications and the discussions could reveal confidential trade secrets or commerical property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Marjorie Neff, Council Secretary, NICHD, Landow Building, Room 6C08, National Institutes of Health, Bethesda, Maryland 20205, Area Code 301, 496-1485, will provide a summary of the meeting and a roster of Council members as well as substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.864, Population Research, and 13.865, Research for Mothers and Children, National Institutes of Health.)

Dated: April 24, 1986.

**Betty J. Beveridge,**

*Committee Management Officer, NIH.*

[FR Doc. 86-9732 Filed 4-30-86; 8:45 am]

BILLING CODE 4140-01-M

## NIDR Special Grants Review Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Institute of Dental Research Special Grants Review Committee, June 9-10, 1986, in Conference Room 3, Building 31A, National Institutes of Health, Bethesda, Maryland. The meeting will be open to the public from 9:00 a.m. to 9:30 a.m. June 9 for general discussions. Attendance by the public is limited to space available.

In accordance with provisions set forth in section 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 9:30 a.m. June 9 to adjournment June 10 for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. H. George Hausch, Executive Secretary, NIDR Special Grants Review Committee, NIH, Westwood Building, Room 507, Bethesda, MD 20892, (telephone 301/496-7658) will provide a summary of the meeting, roster of committee members and substantive program information upon request.

(Catalog of Federal Domestic Assistance Program Nos. 13.21—Diseases of the Teeth and Supporting Tissues: Caries and Restorative Materials; Periodontal and Soft Tissue Diseases; 13-122—Disorders of Structure, Function, and Behavior: Craniofacial Anomalies, Pain Control, and Behavioral Studies; 13-845—Dental Research Institutes; National Institute of Health.

Dated: April 24, 1986.

**Betty J. Beveridge,**

*NIH Committee Management Officer.*

[FR Doc. 86-9733 Filed 4-30-86; 8:45 am]

BILLING CODE 4140-01-M

# Public Health Service

## Privacy Act of 1974; Addition of Routine Uses to an Existing System of Records

**AGENCY:** Public Health Service, HHS.

**ACTION:** Notification of the addition of new routine uses to an existing system of records.

**SUMMARY:** In accordance with the requirements of the Privacy Act, the Public Health Service (PHS) is publishing a notice to add five new routine uses to, and to revise one routine use of, system of records 09-15-0019, entitled "Health and Medical Records System, HHS/HRSA/IHS."

**DATES:** PHS invites interested persons to submit comments on the proposed new routine uses and the revised routine use on or before June 2, 1986.

PHS will adopt these routine uses without further notice 30 days after the date of publication unless comments are received which would result in a contrary determination.

**ADDRESS:** Please address comments to the Indian Health Service (IHS) Privacy Act Coordinator, Health Resources and Services Administration (HRSA), Room 6A-30, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857. We will make comments received available for public inspection at the above address during normal business hours, 8:30 a.m.-5:00 p.m.

**FOR FURTHER INFORMATION CONTACT:** Mr. Aaron Handler, IHS Privacy Act Coordinator, HRSA, Room 6A-30, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443-1180. This is not a toll-free number.

**SUPPLEMENTARY INFORMATION:** IHS currently maintains the Health and Medical Records System to provide a description of patients' illnesses, treatments administered, and the results achieved. Over time, the records serve as a medical history of the total health care and medical treatment provided to the subject individuals by IHS and its contract health care providers. The system also supports authorized research and statistical evaluations.

A. We are adding five new routine uses as follows:

1. The first proposed new routine use (number eight) will permit disclosure of information regarding suspected cases of physical child abuse and neglect to members of community child protective teams (comprised of representatives of tribes, Bureau of Indian Affairs (BIA), a child protective service agency, IHS, and the judicial systems such as local, State, and tribal and law enforcement officers (State, county, Tribal or local)) for the purposes of establishing a diagnosis, formulating a treatment plan, monitoring the plan, investigating reports of suspected physical child abuse and neglect, and making recommendations to the appropriate court of competent jurisdiction. Many American Indian and Alaska Native communities have established a permanently organized team of persons from various professions and agencies that plan and coordinate services to families in which physical child abuse or neglect occur. Members of child protective teams are required to keep information supplied by fellow members confidential. Each time a child's status is to be reviewed by non-IHS staff members of the child protective team, a notation that such a review has occurred will be documented in the progress notes of the child's health record. The proposed new routine use will assist members of the child protective team to make informed decisions designed to protect the health and safety of the subject children.

2. The second proposed new routine use (number ten) will permit disclosure to the BIA of the Department of Interior and its contractors for the identification of American Indian and Alaska Native handicapped children, in order to carry out the Education for All Handicapped Children Act of 1975 (20 U.S.C. 1401 et. seq.). The purpose of this disclosure is to assist BIA to provide a suitable educational program for such handicapped children by eliminating any need for that agency to conduct duplicate medical evaluations at additional cost to the Federal Government.

3. The third proposed new routine use (number eleven) will permit disclosure to an IHS contractor for the purpose of computerized data entry or maintenance of records contained in this system. In certain health care facilities locations, IHS does not employ staff or equipment required for the performance of such data processing requirements and, therefore, must rely on the use of a contractor to perform these activities. The contractor will be required to maintain Privacy Act safeguards with respect to the receipt and processing of such records. IHS staff will monitor the implementation of the safeguards and all other provisions of the Privacy Act.

4. The fourth proposed new routine use (number twelve) will permit disclosure of a patient's medical history and other relevant information to health care providers under contract to IHS (including tribal contractors) in order to enable the contractor to provide appropriate health services to that individual in an informed manner. Contract care is used when IHS facilities and staff are not available, are not qualified to provide required emergency and/or specialty care, or are overloaded. The contractors will be required to maintain Privacy Act safeguards with respect to the receipt of medical information. IHS staff will monitor the contractors' implementation of these safeguards and all other applicable provisions of the Privacy Act.

5. The fifth proposed new routine use (number thirteen) will permit disclosure to the State of Alaska, Department of Health and Social Services (DHSS) in response to its request, of patient care summaries, portions of immunization registers, disease indices and other computer-generated medical summaries. This information will assist DHSS in its provision of health care to Alaska Natives and its other patients. IHS will supply this information through the Patient Care Information System (PCIS), an automated health and medical records management system, which is in effect in three of IHS' Area Offices (Anchorage, Alaska; Billings, Montana; and Tucson, Arizona). The State of Alaska, DHSS, has requested that medical records information which its staff will provide on PCIS forms for both IHS and non-IHS patients be entered into the PCIS system. On a cost reimbursement basis, IHS will provide to the State of Alaska computer-generated medical summaries of this health and medical information.

B. We are revising routine use number 9 (litigation routine use) to be consistent with guidance issued May 24, 1985, by the Office of Management and Budget on disclosures of Privacy Act records during litigation. This routine use has been limited to disclosure of records to the Department of Justice for the purpose of defending the Department in litigative action. The revision broadens the routine use to permit disclosure of records to a court or other tribunal, or to another party before such tribunal. It also permits the Department to disclose records for purposes of prosecution if such action is compatible with the purpose for which the information was collected.

C. we are making additional minor revisions at this time to improve the clarity and specificity of the system notice, and to incorporate normal updating changes. For example:

1. We are adding an introductory notation at the beginning of the "Routine Uses" section which indicates that in certain specified instances disclosures of portions of records indicating the diagnosis, prognosis, referral or treatment of alcohol and drug abuse can be made without prior patient consent pursuant to the Confidentiality of Alcohol and Drug Abuse Patient Record Statutes and Regulations (42 U.S.C. 290dd-3, 42 U.S.C. 290ee-3, and 42 CFR

Part 2). The notation also indicates that in all other instances prior to the release of alcohol or drug abuse patient information, written consent of the patient must be obtained. The routine use regarding release of alcohol and drug abuse information (formerly routine use number 8) has been deleted. Routine use number seven and the proposed new routine use number eight have been revised to conform to this introductory statement.

2. We have added a statement at the beginning of the "Routine Uses" section that states that "Individuals acting *in loco parentis* to minors as well as parents, legal guardians, and custodians may act on behalf of the subject individual for purposes of giving consent for disclosures to others when it is determined that the subject individual is a minor who is unable or cannot exercise with appropriate understanding, the right of consent by himself or herself. This statement was found in the "Notification Procedure" section; it has now been moved to be included in the introductory statement to the "Routine Uses" section.

3. We have revised the "Categories of Individuals" section to clarify that both IHS beneficiaries and nonbeneficiaries are being treated at IHS facilities.

4. We have added more specificity to the "Categories of Records" section and are listing items of information contained in the PCIS and third-party reimbursement records.

5. We have revised the "Safeguards" section to include automated data processing safeguards.

6. We have updated the "System Managers and Address" section (Appendix I), to incorporate address changes since the last publication and have deleted the "Attn." reference in Appendix I, which referred the reader (inappropriately) to the Privacy Act Coordinators in each IHS Area/Program Office, since these individuals are not system managers. In addition, we are adding the title and location of the Policy-Coordinating Official.

This system notice was last published in the **Federal Register** on November 29, 1983 (48 FR 53892–53897). We are republishing the system notice in its entirety below to incorporate the proposed changes.

The following notice is written in the present, rather than future tense, in order to avoid the unnecessary expenditure of public funds to republish the notice after the new routine uses have become effective.

Dated: April 24, 1986.

**Wilford J. Forbush,**

*Deputy Assistant Secretary for Health Operations and Director, Office of Management, PHS.*

**09-15-0019**

**SYSTEM NAME:**

Health and Medical Records Systems, HHS/HRSA/IHS.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

Indian Health Service (IHS) hospitals, health centers, school health centers, health stations, field clinics, Service Units, Area and Program Offices (Appendix 1), and Regional Federal Records Centers (Appendix 2). Automated records, including Patient Care Information System (PICS) records, are stored at the Data Processing Service Center, IHS, located in Albuquerque, New Mexico (Appendix 1). Records may also be located at hospitals and offices of health care providers who are under contract to IHS. A current list of contractor sites is available by writing to the appropriate System Manager (Area or Service Unit Director) at the address shown in Appendix 1.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals, including both IHS beneficiaries and nonbeneficiaries, who are examined/treated on an inpatient and/or outpatient basis by IHS staff and/or contract (including tribal contract) health care providers.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

1. Health and medical records containing: Examination, diagnostic and treatment data; proof of eligibility; social data such as name, address, date of birth, tribe; case records for special programs such as: Dental, social service, mental health, nursing; and laboratory test results. 2. Follow-up registers of individuals with specific health conditions or a particular health status such as: Tumors, communicable diseases, hospital commitment, suspected and confirmed physical child abuse and neglect, immunizations, self-destructive behavior, or handicap. 3. Logs of individuals provided health care by staffs of specific hospital components such as: Surgery, emergency, obstetric delivery, x-ray and laboratory. 4. Operation and/or disease indices for particular hospitals which list each relevant patient by the operation or disease. 5. Monitoring strips and tapes such as fetal monitoring strips and EEG and EKG tapes. 6. In the Anchorage, Alaska; Billings, Montana, and Tucson, Arizona Area Offices automated patient medical records and maintained in the Patient Care Information System (PCIS) which provides for structured patient medical summaries to IHS and contract health care providers, such as: Name; beneficiary code; Social Security Number (SSN) (voluntary); address; tribe; date of birth; and examination, diagnostic and treatment results. 7. Third-party reimbursement records containing name, address, date of birth, date of admission and Medicare or Medicaid claim numbers, SSN (voluntary), health plan name, insurance number, employment status, and other relevant claim information necessary to process and validate third-party reimbursement claims.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Section 321 of the Public Health Service Act, as amended, (42 U.S.C. 248), "Hospitals, Medical Examinations and Medical Care." Section 327A of the Public Health Service Act, as amended, (42 U.S.C. 254a–1), "Hospital-Affiliated Primary Care Centers." Indian Self Determination and Education Assistance Act (25 U.S.C. 450). Snyder Act (25 U.S.C. 13). Indian Health Care Improvement Act (25 U.S.C. 1601 et. seq). Construction of Community Hospitals Act (25 U.S.C. 2005–2005f). Idnian Health Service Transfer Act (42 U.S.C. 2001–2004).

**PURPOSES:**

The purposes of this system are:

1. To provide a description of a patient's illness, the treatment administered and results achieved, and to plan for future care of the patient.

2. To provide IHS program officials with statistical data upon which the health care program is evaluated and modified to meet future needs.

3. To serve as a means of communication among members of the health care team who contribute to the patient's care by integrating information from field visits with that from IHS facilities which have provided treatment.

4. To serve as the official documentation of health care rendered.

5. To contribute to continuing education of IHS staff to improve their competency to deliver health care services.

6. For disease surveillance purposes. For example:

(a) The Centers for Disease Control may use those records for their monitoring of various communicable

diseases among persons residing within the United States; and

(b) The National Institutes of Health may use these records for their review of the prevalence of particular diseases (i.e., malignant neoplasms, diabetes mellitus, arthritis, metabolism and digestive diseases) for various ethnic groups of the Nation.

7. To compile and provide aggregated program statistics. Upon request of other components of the Department, IHS will provide statistical information, from which individual identifiers have been removed, such as:

(a) To the National Center for Health Statistics, for its dissemination of aggregated health statistics for various ethnic groups;

(b) To the Assistant Secretary for Population Affairs to keep a record of the number of sterilizations provided through the use of Federal funds;

(c) To the Health Care Financing Administration for the documentation of IHS health care covered by the Medicare and Medicaid programs for third-party reimbursement; and

(d) To the Bureau of Support Services, Health Care Financing Administration, to determine the prevalence of end-stage renal disease among the American Indian and Alaska Native population and to coordinate the care of American Indian and Alaska Native patients with this condition.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

If a portion of a health or medical record indicates a diagnosis, prognosis, referral, or treatment of alcohol or drug abuse, then the Confidentiality of Alcohol and Drug Abuse Patient Records Regulations, 42 CFR Part 2 apply. In general under these regulations, the only disclosures of a diagnosis, prognosis, referral or treatment of alcohol or drug abuse which may be made without patient consent are: (1) To met medical emergencies (42 CFR Part D, Sec. 2.51), (2) for research, audit, evaluation and examination (42 CFR Part D, Secs. 2.52, 2.53, 2.54 and 2.56), (3) for supervision and regulation of narcotic maintenance and detoxification programs (42 CFR Part D, Sec. 2.55), (4) pursuant to a court order (42 CFR 2.61–2.67), and (5) pursuant to a qualified service organization agreement, as defined in 42 CFR 2.11. In all other situations, written consent of the patient is required prior to disclosure of alcohol or drug abuse information under the routine uses listed below.

Individuals acting *in loco parentis* to minors, as well as parents, legal guardians, and custodians may act on behalf of the subject individual for purposes of giving consent for disclosures to others when it is determined that the subject individual is a minor who is unable to or cannot exercise with appropriate understanding, the right of consent by himself or herself.

1. Records may be disclosed to State, local or other authorized organizations which provide health services to American Indians and Alaska Natives, or provide third-party reimbursement of fiscal intermediary functions, for the purpose of planning for or providing such services, billing or collecting third-party reimbursements and reporting results of medical examination and treatment.

2. Records may be disclosed to Federal and non-Federal school systems which serve American Indians and Alaska Natives for the purpose of student health maintenance.

3. Records may be disclosed to organizations deemed qualified by the Secretary to carry out quality assessment, medical audits, or utilization review.

4. Records may be disclosed to authorized organizations, such as the United States Office of Technology Assessment, or individuals for conduct or analytical and evaluation studies sponsored by the IHS.

5. Records may be disclosed to a congressional office in response to an inquiry from that office made at the request of the subject individual.

6. A record may be disclosed for a research purpose, when the Department:

(a) Has determined that the use or disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained;

(b) Has determined that the research purpose (1) cannot be reasonably accomplished unless the record is provided in individually identifiable form, and (2) warrants the risk to the privacy of the individual that additional exposure of the record might bring;

(c) Has required the recipient to—(1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and (2) remove or destroy the information that identifies the individual at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research or health nature for retaining such information, and (3) make no further use or disclosure of the record except—(A) in emergency circumstances affecting the health or safety of any individual, (B) for use in another research project, under these same conditions, and with written authorization of the Department, (C) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or (D) when required by law;

(d) Has secured a written statement attesting to the recipient's understanding of, and willingness to abide by these provisions.

7. Information regarding the commission of crimes or the reporting of occurrences of communicable diseases, suspected or confirmed physical child abuse or neglect, births, or deaths, etc., may be disclosed by health providers and facilities to State and local agencies as required by State and local law. The disclosure of patient information or alcohol or drug abuse for purposes of criminal investigations or prosecution of the patient must be authorized by court order issued under 42 CFR 2.65.

8. Information regarding suspected cases of physical child abuse or neglect may be disclosed to members of community child protective teams (comprised of representatives of tribes, Bureau of Indian Affairs, a child protective service agency, the judicial system(s) (local, State, tribal), law enforcement officers (State, county, Tribal or local)) and IHS for the purposes of establishing a diagnosis, formulating a treatment plan, monitoring the plan, investigating reports of suspected physical child abuse or neglect and making recommendations to the appropriate court of competent jurisdiction. The disclosure of patient information on alcohol or drug abuse for purpose of criminal investigation or prosecution of the patient for suspected child abuse or neglect must be authorized by a court order issued under 42 CFR 2.65.

9. The Department may disclose information from this system of records to the Department of Justice, to a court or other tribunal, or to another party before such tribunal, when:

(a) HHS, or any component thereof; or

(b) Any HHS employee in his or her official capacity; or

(c) Any HHS employee in his or her individual capacity where the Department of Justice (or HHS, where it is authorized to do so) has agreed to represent the employee; or

(d) The United States or any agency thereof where HHS determines that the

litigation is likely to affect HHS or any of its components,

is a party to litigation or has an interest in such litigation, and HHS determines that the use of such records by the Department of Justice, the tribunal, or the other party is relevant and necessary to the litigation and would help in the effective representation of the governmental party, provided, however, that in each case, HHS determines that such disclosure is compatible with the purpose for which the records were collected.

10. Records may be disclosed to the Bureau of Indian Affairs and its contractors for the identification of American Indian and Alaska Native handicapped children to permit that Bureau to carry out the Education for All Handicapped Children Act of 1975 (20 U.S.C. 1401 et seq.).

11. Records may be disclosed to an IHS contractor for the purpose of computerized data entry or maintenance of records contained in this system. The contractor shall be required to maintain Privacy Act safeguards with respect to the receipt and processing of such records.

12. Records may be disclosed to a health care provider under contract to IHS (including tribal contractors) to permit the contractor to obtain health and medical information about the subject individual in order to provide appropriate health services to that individual. The contractor shall be required to maintain Privacy Act safeguards with respect to the receipt and processing of such records.

13. Records may be disclosed to the State of Alaska, Department of Health and Social Services (DHSS) (which supplies part or all of this information to IHS), in response to its request for patient summaries, portions of immunization registers, disease indices and other computer-generated medical summaries. This information assists DHSS in its provision of health care to the subject individual. Disclosure to the State of Alaska's DHSS is limited to information concerning its patients.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

File folders, ledgers, card files, microfiche, microfilm, punch cards, computer tapes, disk packs and automatic files.

**RETRIEVABILITY:**

Indexed by name, record number, and SSN and cross-indexed. SSN is supplied on a voluntary basis.

**SAFEGUARDS:**

1. *Authorized Users.* Access is limited to authorized IHS personnel and IHS contractors and subcontractors in the performance of their duties. Authorized personnel include: Medical records personnel, health care providers, authorized researchers, medical audit personnel, and health care team members.

2. *Physical Safeguards.* Records are kept in locked metal filing cabinets or in a secured room at all times when not actually in use during working hours and at all times during nonworking hours. Magnetic tapes, disks, other computer equipment and other forms of personal data are stored in areas where fire and life safety codes are strictly enforced.

Telecommunication equipment (computer terminals, modems and disks) of the Patient Care Information System (PCIS) are maintained in locked rooms during nonworking hours. Combinations on door locks are changed periodically and whenever a PCIS employee resigns, retires or is reassigned.

3. *Procedural Safeguards.* Within each facility a list of personnel or categories of personnel having a demonstrable need for the records in the performance of their duties has been developed and is maintained. Procedures have been developed and implemented to review one-time requests for disclosure to personnel who may not be on the authorized user list. Proper charge-out procedures are followed for the removal of all records from the area in which they are maintained. Persons who have a need to know are entrusted with records from this system of records and are instructed to safeguard the confidentiality of these records. They are to make no further disclosure of the records except as authorized by the system manager and permitted by the Privacy Act, and to destroy all copies or to return such records when the need to know has expired. Procedural instructions include the statutory penalties for noncompliance.

The following automated information systems (AIS) security procedural safeguards are in place for automated health and medical records maintained in the Patient Care Information System. A profile of automated systems security is maintained. Security clearance procedures for screening individuals, both Government and contractor personnel, prior to their participation in the design, operation, use or maintenance of IHS automated information systems are implemented. The use of current passwords and log-on codes are required to protect sensitive automated data from unauthorized access. Such passwords and codes are changed periodically. An automated audit trail is maintained. Only authorized IHS Data Processing Service Center staff may modify automated files in batch mode. Personnel at remote terminal sites may only retrieve automated data. Such retrievals are password protected.

Privacy Act requirements and specified Automated Information System security provisions are specifically included in contracts and agreements and the system manager or his/her designee oversee compliance with these contract requirements.

4. *Implementing Guidelines.* DHHS Chapter 45–13 and supplementary Chapter PHS.hf:45–13 of the General Administration Manual; and Part 6, "ADP Systems Security," of the DHHS Information Resources Management Manual.

**RETENTION AND DISPOSAL:**

Patient listings which may identify individuals are maintained in IHS Area and Program Offices permanently. Inactive records are held at the facility which provided health services from three to seven years and then are transferred to the appropriate Federal Records Center. Monitoring strips and tapes (i.e., fetal monitoring strips and EEG and EKG tapes) which are not stored in the patient's official medical record, are stored at the health facility for one year and are then transferred to the appropriate Federal Records Center. (See Appendix 2 for Federal Record Center addresses.) Records are retained at the Regional Federal Record Centers for 25 years. Disposal methods include burning or shredding of hard copy and erasing of magnetic media.

**SYSTEM MANAGER(S) AND ADDRESS:**

Policy-Coordinating Official: Director, Division of Clinical and Environmental Health Services Indian Health Service 5600 Fishers Lane, Room 6A55 Rockville, Maryland 20857

See Appendix 1. The IHS Area/Program Office Directors and Service Unit Directors listed in Appendix 1 are System Managers.

**NOTIFICATION PROCEDURE:**

*General Procedure.* Requests must be made to the appropriate System Manager (IHS Area/Program Office Director or Service Unit Director). An individual who requests a copy of, or access to, a medical record shall at the time the request is made designate in writing a responsible representative who will be willing to review the record

and inform the subject individual of its contents at the representative's discretion. Such a representative may be an IHS health professional. When an individual is seeking to obtain information about himself/herself which may be retrieved by a different name or identifier than his/her current name or identifier, he/she shall be required to produce evidence to verify that he/she is the person whose record he/she seeks.

No verification of identity shall be required where the record is one which is required to be disclosed under the Freedom of Information Act.

*Requests In Person.* Identification papers with current photographs are preferred but not required. If a subject individual has no identification but is personally known to the designated agency employee, such employee shall make a written record verifying the subject individual's identity. If the subject individual has no identification papers, the responsible system manager or designated agency official shall require that the subject individual certify in writing that he/she is the individual whom he/she claims to be and that he/she understands that the knowing and willful request or acquisition of records concerning an individual under false pretenses is a criminal offense subject to a $5,000 fine. If an individual is unable to sign his/her name when required, he/she shall make his/her mark and have the mark verified in writing by two additional persons.

*Requests By Mail.* Written requests must contain the name and address of the requester, his/her date of birth and at least one piece of information which is also contained in the subject record, and his/her signature for comparison purposes. If the written request does not contain sufficient information, the System Manager shall inform the requester in writing that additional, specified information is required to process the request.

*Requests By Telephone.* Since positive identification of the caller cannot be established, telephone requests are not honored.

*Parents and Legal Guardians.* Parents of minor children and legal guardians of legally incompetent individuals shall verify their own identification in the manner described above, as well as that relationship to the individual whose record is sought. A copy of the child's birth certificate or court order establishing legal guardianship may be required if there is any double regarding the relationship of the individual to the patient.

**RECORDR ACCESS PROCEDURES:**

Same as Notification Procedures. Requesters should also provide a reasonable decription of the record being sought. Requesters may also request an accounting of disclosures that have been made of their record, if any.

**CONTESTING RECORD PROCEDURES:**

Write to the appropriate IHS Area/Program Office Director or Service Unit Director at his/her address specified in Appendix 1, and specify the information being contested, the corrective action sought, and the reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

**RECORD SOURCE CATEGORIES:**

Patient and/or family members, IHS health care personnel, contract health care providers, State and local health care provider organizations, and Medicare and Medicaid funding agencies.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**Appendix 1—System Managers and IHS Locations Under Their Jurisdiction Where Records are Maintained**

Director, Aberdeen Area Indian Health Service, Federal Building, 115 Fourth Avenue, SE, Aberdeen, South Dakota 57401
Director, Rapid City Service Unit, Rapid City Indian Hospital, Rapid City, South Dakota 57701
Director, Cheyenne River Service Unit, Eagle Butte Indian Hospital, Eagle Butte, South Dakota 57625
Director, Fort Berthold Service Unit, Minni-Tohe Indian Health Center, New Town, North Dakota 58763
Director, Fort Totten Service Unit, Fort Totten Indian Health Center, Fort Totten, North Dakota 58335
Director, Pine Ridge Service Unit, Pine Ridge Indian Hospital, Pine Ridge, South Dakota 57770
Officer in Charge, Wanblee Indian Health Center, Wanblee, South Dakota 57577
Director, Rosebud Service Unit, Rosebud Indian Hospital, Rosebud, South Dakota 57570
Director, Sisseton-Wahpeton Service Unit, Sisseton Indian Hospital, Sisseton, South Dakota 57262
Director, Flandreau Indian School Health Center, Flandreau, South Dakota 57028
Director, Wahpeton Indian School Health Centr, Wahpeton, North Dakota 58075
Director, Standing Rock Service Unit, Fort Yates Indian Hospital, Fort Yates, North Dakota 58538
Director, McLaughlin Indian Health Center, McLaughlin, South Dakota 57642
Director, Turtle Mountain Service Unit, Belcourt Indian Hospital, Belcourt, North Dakota 58316
Director, Omaha-Winnebago Service Unit, Winnebago Indian Hospital, Winnebago, Nebraska 68071
Director, Yankton-Wagner Service Unit, Wagner, South Dakota 57380
Director, Pierre Service Unit, Ft. Thompson Indian Health Station, Ft. Thompson, South Dakota 57339
Director, Pierre Indian School Health Center, c/o Ft. Thompson Indian Health Station, Ft. Thompson, South Dakota 57339
Director, Lower Brule Indian Health Center, Lower Brule, South Dakota 57548
Director, Bemidji Program Office; Indian Health Service, 203 Federal Building, Bemidji, Minnesota 56601
Director, Eastern Michigan Service Unit, Kincheloe Indian Health Center, Kincheloe, Minnesota 49788
Director, Greater Leach Lake Service Unit, Cass Lake Indian Hospital, Cass Lake, Minnesota 56633
Director, Inger Indian Health Station, Inger Route, Deer River, Minnesota 56636
Director, Squaw Lake Indian Health Station, Squaw Lake, Minnesota 56681
Director, Ball Club Indian Health Station, Ball Club, Minnesota 56622
Director, Onigum Indian Health Station, Star Route, Walker, Minnesota 56484
Director, Red Lake Service Unit, Red Lake Indian Hospital Red Lake, Minnesota 56671
Director, Ponemah Indian Health Station, Ponemah, Minnesota 56666
Director, White Earth Service Unit, White Earth Indian Health Center, White Earth, Minnesota 56591
Director, Naytahwaush Indian Health Station, Naytahwaush, Minnesota 56566
Director, Pine Point Indian Health Station, White Earth, Minnesota 56591
Director, Alaska Area Native Health Service, P.O. Box 7-741, Anchorage, Alaska 99510
Director, Anchorage Service Unit, PHS, Alaska Native Medical Center, P.O. Box 7-741, Anchorage, Alaska 99510
Director, Alaska Native Health Center, St. George Island, Alaska 99660
Director, Alaska Native Health Center, St. Paul Island, Alaska 99660
Director, Barrow Service Unit, Barrow Alaska Native Hospital, Barrow, Alaska 99723
Director, Bristol Bay Area Service Unit, Bristol Bay Area Alaska Native Hospital, Dillingham, Alaska 99576
Director, Interior Alaska Service Unit, Alaska Native Health Center, 1638 Cowles Street, Fairbanks, Alaska 99701
Director, PHS Alaska Native Health Center, Tanana, Alaska 99777
Director, Fort Yukon Alaska Native Health Center, Fort Yukon, Alaska 99740
Director, Southeast Area Regional Health Center, 3272 Hospital Drive, Juneau, Alaska 99801
Director, Kotzebue Service Unit, Kotzebue Alaska Native Hospital, Kotzebue, Alaska 99752
Director, Mt. Edgecumbe Service Unit, Mt. Edgecumbe Alaska Hospital, 222 Tongass Drive, Sitka, Alaska 99835

Director, Ketchikan Alaska Native Health Center, 3289 Tongass Avenue, Kethikan, Alaska 99901
Director, Annette Island Service Unit, Metlakatla Alaska Native Health Center, Box 428, Metlakatla, Alaska 99926
Director, Yukon-Kuskokwim-Delta Service Unit, Yukon-Kuskokwim-Delta Regional Hospital, Indian Health Service, Bethel, Alaska 99559
Director, Albuquerque Area Indian Health Service, 500 Gold Avenue, SW., Albuquerque, New Mexico 87102-0097
Director, Albuqerque Service Unit, Albuquerque Indian Hospital, 801 Vassar Drive, NE., Albuquerque, New Mexico 87106
Director, Isleta Indian Health Center, P.O. Box 429, Isleta, New Mexico 87022
Director, Jemez Indian Health Center, P.O. Box 256, Jemez Pueblo, New Mexico 87024
Chief Dental Program, IHS Dental Training Center, Southwestern Indian Polytechnical Inst., 9168 Coors Road, NW., P.O. Box 25927, Albuquerque, New Mexico 87125
Director, Indian School Health Center, Southwestern Indian Polytechnical Inst., 9168 Coors Road, NW., P.O. Box 25927, Albuquerque, New Mexico 87125
Director, Sandia Indian Health Station, Sandia, New Mexico 87047
Director, Santa Ana Indian Health Station, P.O. Box 580, Bernalillo, New Mexico 87004
Director, Zia Indian Health Station, General Delivery, San Ysidro, New Mexico 87053
Director, Mescalero Service Unit, Mescalero Indian Hospital, P.O. Box 210, Mescalero, New Mexico 88340
Director, Santa Fe Service Unit, Santa Fe Indian Hospital, 1700 Cerrillos Road, Santa Fe, New Mexico 87501
Director, Dulce Indian Health Center, Dulce, New Mexico 87528
Director, Taos Indian Health Center, Taos, New Mexico 87571
Director, Santa Clara Indian Health Center, P.O. Box 1322, Espanola, New Mexico 87532
Director, Santo Domingo Indian Health Station, Santo Domingo, New Mexico 87052
Director, San Juan Indian Health Station, San Juan, New Mexico 87566
Director, Cochiti Indian Health Station, Cochiti, New Mexico 87041
Director, San Felipe Indian Health Station, General Delivery, San Felipe Pueblo, New Mexico 87001
Director, Southern Colorado-Ute Service Unit, P.O. Box 778, Ignacio, Colorado 81137
Director, Ignacio Indian Health Center, Ignacio, Colorado 81137
Director, Towaoc Indian Health Center, Towaoc, Colorado 81334
Director, White Mesa Indian Health Station, General Delivery, Towaoc, Colorado 81334
Director, Zuni-Ramah Service Unit, Zuni Indian Hospital, Zuni, New Mexico 87327
Director, Acoma-Canoncito-Laguna Service Unit, Acoma-Canoncito-Laguna Indian Hospital, P.O. Box 130, San Fidel, New Mexico 87049
Director, Laguna Indian Health Center, P.O. Box 199, New Laguna, New Mexico 87038
Director, Canoncito Indian Health Station, c/o Acoma-Canoncito-Laguna Indian Hospital, P.O. Box 130, San Fidel, New Mexico 87049
Director, Billings Area Indian Health Service, P.O. Box 2143, Billings, Montana 59103
Director, Blackfeet Service Unit, Browning, Indian Hospital, Browning, Montana 59417
Director, Heart Butte Indian Health Station, Heart Butte, Montana 59448
Director, Crow Service Unit, Crow Indian Hospital, Crow Agency, Montana 59022
Director, Lodge Grass Indian Health Center, Lodge Grass, Montana 59050
Director, Pryor Indian Health Station, Pryor, Montana 59066
Director, Flathead Service Unit, St. Ignatius Indian Health Center, St. Ignatius, Montana 59865
Director, Polson Indian Health Center, 320-B 4th Avenue East, Polson, Montana 59860
Director, Fort Belknap Service Unit, Harlem Indian Hospital, Harlem, Montana 59526
Director, Hays Indian Health Station, Hays, Montana 59527
Director, Fort Peck Service Unit, Poplar Indian Health Center, Poplar, Montana 59255
Director, Wolf Point Indian Health Center, Wolf Point, Montana 59201
Director, Wind River Service Unit, Fort Washakie Indian Health Center, Fort Washakie, Wyoming 82514
Director, Arapahoe Indian Health Center, Arapahoe, Wyoming 82510
Director, Northern Cheyenne Service Unit, Lame Deer Indian Health Center, Lame Deer, Montana 59043
Director, Rocky Boy's Service Unit, Rocky Boy's Indian Health Center, Box Elder, Montana 59521
Director, Navajo Area Indian Health Service, P.O. Box G, Window Rock, Arizona 86515
Director, Chinle Service Unit, Chinle, Comprehensive Health Facility, P.O. Box P.H., Chinle, Arizona 86503
Director, Tasilee Indian Health Center, P.O. Box 467, Tasilee, Arizona 86556
Director, Many Farms Indian School Health Center, c/o Chinle Comprehensive Health Facility, P.O. Box P.H., Chinle, Arizona 86503
Director, Pinon Indian Health Station, Pinon, Arizona 86510
Director, Rock Point Indian Health Station, c/o Chinle Comprehensive Health Facility, P.O. Box P.H., Chinle, Arizona 86503
Director, Crownpoint Service Unit, Crownpoint Indian Hospital, Crownpoint, New Mexico 87313
Director, Pueblo Pintado Clinic, c/o Community Health Services, Crownpoint Indian Hospital, Crownpoint, New Mexico 87313
Director, Fort Defiance Service Unit, Fort Defiance Indian Hospital, Fort Defiance, Arizona 86504
Medical Officer in Charge, Toyei Indian Health Clinic, Fort Defiance, Arizona 86504
Director, Gallup Service Unit, Gallup Indian Medical Center, Gallup, New Mexico 87301
Medical Officer in Charge, Tohatchi Indian Health Center, Gallup, New Mexico 87301
Director, Dzilth-Na-O-Dith-Le Indian Health Center, Star Route 4, P.O. Box 5400, Bloomfield, New Mexico 87413
Director, Sansostee Indian Health Clinic, c/o Shiprock Indian Hospital, Field Health, Shiprock, New Mexico 87420
Director, Todalena Indian Health Clinic, c/o Shiprock Indian Hospital, Field Health Shiprock, New Mexico 87420
Medical Officer in Charge, Fort Wingate Indian School Health Center, Fort Wingate, New Mexico 87316
Director, Kayenta Service Unit, Kayenta Indian Health Center, Kayenta, Arizona 86033
Director, Inscription House Indian Health Center, P.O. Box 7397, Shonto, Arizona 86054
Director, Dennhotso Indian Health Center, c/o Kayenta Indian Health Center, Kayenta, Arizona 86033
Director, Shiprock Service Unit, Shiprock Indian Hospital, Shiprock, New Mexico 87420
Director, Teec Nos Pos Indian Health Center, P.O. Drawer D., Teec Nos Pos, Arizona 86514
Director, Tuba City Service Unit, Tuba City Indian Hospital, Tuba City, Arizona 86405
Director, Winslow Service Unit, Winslow Indian Health Center, P.O. Box 40, Winslow, Arizona 86047
Director, Dilkon Indian Health Center, P.O. Box 40, Winslow, Arizona 86047
Director, Leupp Indian School Health Center, c/o Winslow Indian Health Center, P.O. Drawer 40, Winslow, Arizona 86047
Director, Leupp Indian Health Center, c/o Winslow Indian Health Center, Community Health Services, Winslow, Arizona 86047
Director, Oklahoma City Area Indian Health Service, 215 Dean A. McGee Street NW, Oklahoma City, Oklahoma 73102-3477
Director, Ada Service Unit, Ada Indian Hospital, 1001 North Country Club Drive, Box 1564, Ada, Oklahoma 74820
Director, Wewoka Indian Health Center, Wewoka, Oklahoma 74884
Director, Tishomingo Indian Health Center, Tishomingo, Oklahoma 73460
Director, Claremore Service Unit, Claremore Indian Hospital, Claremore, Oklahoma 74017
Director, Delaware District (Jay) Indian Health Center, Jay, Oklahoma 74346
Director, Miami Indian Health Center, P.O. Box 1498, Miami, Oklahoma 74354
Director, Locust Grove Indian Health Station, Locust Grove Oklahoma 74352
Director, Clinton Service Unit, Clinton Indian Hospital, Clinton, Oklahoma 73601
Director, Watonga Indian Health Center, P.O. Box 878, Watonga, Oklahoma 73772
Director, Concho Indian Health Center, Concho, Oklahoma 73022
Director, Kansas Service Unit, Holton Indian Health Center, Holton, Kansas 66436
Facility Director, Lawrence (Haskell) Indian Health Center, Lawrence, Kansas 66044
Director, Lawton Service Unit, Lawton Indian Hospital, Lawton, Oklahoma 73501
Director, Anadarko Indian Health Center, Anadarko, Oklahoma 73005
Director, Riverside Indian Health Station, Anadarko, Oklahoma 73005
Director, Carnegie Indian Health Center, Carnegie, Oklahoma 73015
Director, Pawnee Service Unit, Pawnee Indian Health Center, Pawnee, Oklahoma 74058

Director, Pawhuska Indian Health Center, Pawhuska, Oklahoma 74056
Director, White Eagle Indian Health Center, Route 4, Ponca City, Oklahoma 74601
Director, Shawnee Service Unit, Shawnee Indian Health Center, Shawnee, Oklahoma 74801
Director, Tahlequah Service Unit, W.W. Hastings Indian Hospital, 1120 Grand, Tahlequah, Oklahoma 74464
Director, Talihina Service Unit, Talihina Indian Hospital, Talihina, Oklahoma 74571
Director, John Anderson Memorial Health Center, USPHS Indian Health Center, Broken Brow, Oklahoma 74728
Director, Hugo Indian Health Center, 109 E. Main, Hugo, Oklahoma 74743
Director, McAlester Indian Health Center, McAlester, Oklahoma 74501
Director, Jones Academy Indian Health Station, Heartshorne, Oklahoma 74547
Director, Phoenix Area Indian Health Service, 3738 N. 16th Street, Suite A, Phoenix, Arizona 85016-5981
Director, Colorado River Service Unit, Parker Indian Hospital, Route 1, P.O. Box 12, Parker, Arizona 85344
Director, Peach Springs Indian Health Center, Peach Springs, Arizona 86434
Director, Chemehuevi Indian Health Clinic, Chemehuevi Valley, California 92363
Director, Havasupai Indian Clinic, Supi, Arizona 86435
Director, Fort Yuma Service Unit, Winterhaven Indian Hospital, P.O. Box 1368, Yuma, Arizona 85364
Director, Riverside Indian School Health Center, 8934 Magnolia, Riverside, California 92363
Director, Keams Canyon Service Unit, Keams Canyon Indian Hospital, P.O. Box 98, Keams Canyon, Arizona 86034
Director, Second Mesa Indian Health Station, General Delivery, Second Mesa, Arizona 86043
Director, Owyhee Service Unit, Owyhee Indian Hospital, P.O. Box 212, Owyhee, Nevada 89832
Director, Southern Bands Indian Health Clinic, 1545 Silver Eagle Road, Elko, Nevada 89801
Director, Phoenix Service Unit, Phoenix Indian Medical Center, 4212 North 16th St., Phoenix, Arizona 85016
Director, Fort Mcdowell Indian Health Station, c/o Phoenix Indian Medical Center, 4212 North 16th Street, Phoenix, Arizona 86016
Director, Salt River Indian Health Center, Route 1, Box 115, Scottsdale, Arizona 85257
Director, Gila Crossing Indian Health Clinic, Route 1, Box 770, Laveen, Arizona 85339
Director, San Lucy Indian Health Station, c/o Phoenix Indian Medical Center, 4212 North 16th Street, Phoenix, Arizona 85016
Director, Phoenix Indian School Health Center, c/o Phoenix Indian Medical Center, 4212 North 16th St., Phoenix, Arizona 85016
Director, Sacaton Service Unit, Sacaton Indian Hospital, Sacaton, Arizona 85247
Director, San Carlos Service Unit, San Carlos Indian Hospital, San Carlos, Arizona 85550
Director, Bylass Indian Health Clinic, Bylass, Arizona 85530
Director, Schurz Service Unit, Schurz Indian Hospital, Schurz, Nevada 89427
Director, Stewart Indian Health Station, Stewart, Nevada 89437
Director, Fort McDermitt Indian Health Station, P.O. Box 475, McDermitt, Nevada 89421
Director, Pyramid Lake Indian Health Clinic, Nixon, Nevada 89424
Director, Unitah and Ouray Service Unit, Fort Duchesne Indian Health Center, P.O. Box 967, Roosevelt, Utah 84066
Director, Whiteriver Service Unit, Whiteriver Indian Hospital, Whiteriver, Arizona 85941
Director, Cibicue Indian Health Center, Cibicue, Arizona 85911
Director, Portland Area Indian Health Service, Room 476, Federal Building, 1220 Southwest Third Avenue, Portland, Oregon 97204-2892
Director, Chemawa Indian Health Center, 3750 Hazelgreen Road, NE, Salem, Oregon 97303
Director, Colville Service Unit, Colville Indian Health Center, Nespelem, Washington, 99155
Director, Inchellium Indian Health Center, Inchelium, Washington 99138
Director, Fort Hall Service Unit, Fort Hall Indian Health Center, P.O. Box 317, Fort Hall, Idaho 83203
Director, Northern Idaho Service Unit, Northern Idaho Indian Health Center, P.O. Drawer 367, Lapawai, Idaho 83540
Director, Kamiah Indian Health Station, Kamiah, Idaho 83536
Director, Coeur d'Alene Indian Health Station, Coeur d'Alene, Idaho 83814
Director, Warm Springs Service Unit, Warm Springs Indian Health Center, Warm Springs, Oregon 97761
Director, Puget Sound Service Unit, Kitsap Indian Health Center, 1212 South Judkins, Seattle, Washington 98144
Director, Yakima Service Unit, Yakima Indian Health Center, Route 1, Box 1104, Toppenish, Washington, 98948
Director, Umatilla Service Unit, Yellowhawk Indian Health Center, P.O. Box 159, Pendleton, Oregon 97801
Director, Taholah Service Unit, Taholah Indian Health Center, P.O. Box 219, Taholah, Washington, 98587
Director, Queets Indian Health Station, c/o Service Unit, Director, Taholah Indian Health Center, P.O. Box 219, Taholah, Washington 98587
Director, Neah Bay Service Unit, Neah Bay Indian Health Center P.O. Box 418, Neah Bay, Washington 98357
Director, Northwest Washington Service Unit, Lummi Indian Health Center, 2592 Kwina Road, Bellingham, Washington 98225
Director, Wellpinit Service Unit, Wellpinit Indian Health Center, P.O. Box 391, Wellpinit, Washington 99040
Director, Tucson Program Office, Indian Health Service, P.O. Box 11340, Tucson, Arizona 85734
Director, Sells Service Unit, Sells Indian Hospital, Sells, Arizona 85634
Director, Santa Rosa Indian Health Center, Star Route, Box 71, Sells, Arizona 85634
Director, San Xavier Indian Health Center, Tucson, Arizona 85734
Director, Nashville Program Office, Indian Health Service, Oak Towers Building, 1101 Kermit Drive, Suite 810, Nashville, Tennessee 37217-2191
Director, Cherokee Service Unit, Cherokee Indian Hospital, Cherokee, North Carolina 28719
Program Office Director, California Program Office, Indian Health Service, 2999 Fulton Avenue, Sacramento, California 95821

**Appendix 2—Federal Archives and Records Centers**

*District of Columbia, Maryland Except U.S. Court Records for Maryland*

Washington National Records Center, 4205 Suitland Road, Suitland, Maryland 20409

*GSA Region 1—Connecticut, Maine, and Rhode Island*

Federal Archives and Records Center, 380 Trapelo Road, Waltham, MA 02154

*GSA Region 2—New York*

Federal Archives and Records Center, Military Ocean Terminal, Bldg. 22, Bayonne, NJ 07002

*GSA Region 3—Pennsylvania*

Federal Archives and Records Center, 5000 Wissahickon Avenue, Philadelphia, PA 19144

*GSA Region 4—Alabama, Florida, Mississippi and North Carolina*

Federal Archives and Records Center, 1557 St. Joseph Avenue, East Point, GA 30344

*GSA Region 5—Wisconsin, Minnesota and U.S. Court Records for Michigan*

Federal Archives and Records Center, 7358 South Pulaski Rd., Chicago, IL 60629

*GSA Region 5—Michigan Except U.S. Court Records*

Federal Records Center, 3150 Springboro Road, Dayton, OH 45439

*GSA Region 6—Kansas, Iowa and Nebraska*

Federal Archives and Records Center, 2306 East Bannister Rd., Kansas City, MO 64131

*GSA Region 7—Louisiana, New Mexico, Oklahoma and Texas*

Federal Archives and Records Center, P.O. Box 6216, Ft. Worth, TX 76115

*GSA Region 8—Colorado, Wyoming, Utah, Montana, North Dakota and South Dakota*

Federal Archives and Records Center, P.O. Box 25307, Denver, CO 80225

*GSA Region 9—California, Except Southern California, and Nevada, Except Clark County*

Federal Archives and Records Center, 1000 Commodore Drive, San Bruno, CA 94066

*GSA Region 9—Arizona: Clark County, Nevada and Southern California (Counties of San Luis Obispo, Kern, San Bernardino, Santa Barbara, Ventura, Los Angeles, Riverside, Orange, Imperial Inyo, and San Diego)*

Federal Archives and Records Center, 24000 Avila Road, Laguna Niguel, CA 92677

*GSA Region—10 Washington, Oregon, Idaho and Alaska*

Federal Archives and Records Center, 6125 Sand Point Way, Seattle, WA 98115

[FR Doc. 86-9727 Filed 4-30-86; 8:45 am]

BILLING CODE 4160-15-M

## Privacy Act of 1974; Addition of Routine Uses To An Existing System of Records

**AGENCY:** Public Health Service, HHS.

**ACTION:** Notification of addition of new routine uses to an existing system of records.

**SUMMARY:** In accordance with the requirements of the Privacy Act, the Public Health Service (PHS) is publishing a notice to add nine new routine uses and to revise two routine uses to system of records 09-15-0044, entitled "Health Education Assistance Loan Program (HEAL) Loan Control Master File, HHS/HRSA/BHPr."

**DATES:** PHS invites interested persons to submit comments on the proposed routine uses and the revised routine use on or before June 2, 1986.

PHS will adopt these new and revised routine uses without further notice 30 days after the date of publication, unless comments are received which would result in a contrary determination.

**ADDRESS:** Please address comments to the Acting HRSA Privacy Act Coordinator, Department of Health and Human Services, Room 14A-20, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857. We will make comments received available for public inspection at the above address during normal business hours, 8:30 a.m.-5:00 p.m.

**FOR FURTHER INFORMATION CONTACT:** Robert H. Handy, Ph.D., Acting Privacy Act Coordinator, HRSA, Room 14A-20 Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, telephone (301) 443-3780. This is not a toll-free number.

**SUPPLEMENTARY INFORMATION:** The Health Resources and Service Administration (HRSA) currently maintains individually identifiable information on students participating in the HEAL program. This information is used primarily to determine the eligibility of loan applicants, and to monitor the loan status of selected HEAL applicants.

A. The Debt Collection Act of 1982 requires Federal Agencies to implement procedures for the collection of overdue debts owed to the Federal Government. Within HRSA, the 09-15-0045 record system entitled "HRSA Loan Repayment/Debt Management Records System, HHS/HRSA/OA," covers debt management activities for individuals who have been determined to be delinquent in repaying their loans. Prior to determining if loan recipients are unable to repay their HEAL loans, official counsel them in preclaim assistance and loan repayment efforts. To aid HEAL officials in identifying and locating delinquent borrowers, we are proposing to add seven new rountine uses for the purpose of managing debts owed under the HEAL program.

The proposed new routine uses numbers 5 to 11 will permit HRSA to disclose necessary information to other Federal agencies, OMB, the Department of the Treasury, consumer reporting agencies, debt collection bureaus, and other private and public parties. The purpose of such disclosures is (1) to locate delinquent borrowers, (2) to determine delinquent borrowers' creditworthiness and their ability to repay their debts, (3) to assist in preclaim assistance and loan repayment/management efforts, (4) to aid in the collection of debts owed under the HEAL program, and (5) to assist HRSA in its debt management activities.

Prior to making any actual disclosure under the fifth new routine use, which will permit disclosure to another Federal agency for salary and administrative offsets, HRSA will take the following due process steps: Verify the existence of the debt, and take reasonable action to locate the debtor to send written notice to him/her that the claim is overdue, that the agency intends to disclose information to debt collection agencies, or another Federal agency, of what the disclosure(s) will consist, and what his/her rights are with respect to the claim as set forth in Guidelines issued by the Office of Management and Budget (48 FR page 15556 and page 15559, April 11, 1983). For example, HRSA will allow the debtor to examine agency documentation of the debt, and provide an opportunity for the individual to enter into a written agreement satisfactory to the agency for repayment of any outstanding debts.

Further, before making any disclosures to debt collection agencies, HRSA will obtain assurance from such agencies that they will comply with the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) and with any other Federal law governing the provision of consumer credit information. Assurances to this effect will be incorporated in service contracts between the Government and debt collection agencies. The service contracts will contain a provision subjecting the contractors to Section (m) of the Privacy Act, which provides that such contractors are liable under the criminal provisions of the Privacy Act as "employees of the (Federal) agency."

B. Section 222 of the Health Professions Training Assistance Act of 1985 (Pub. L. 99-129) provides for a study to determine if health professions schools are engaged in a pattern or practice (1) of failure to comply with section 12(f) of the Military Selective Service Act (50 U.S.C. App. 462(f)) or (2) of providing loans or work assistance to persons who are required to register for the draft under section 3 of the Military Selective Service Act and have not so registered.

We are, therefore, proposing to add a new routine use (number 12) for disclosure of information from this system of records to the Director, Selective Service, for the purpose of determining if draft-eligible students participating in the HEAL program are registrants of the Military Selective Service System. Disclosure will be limited to the eligible student's name and other information necessary to determine if the individual is a registrant of the Military Selective Service System.

The disclosure of eligible student information to the Selective Service will result in aggregate information being provided to HRSA for analytical purposes in determining whether health professions schools are engaged in a pattern or practice of not complying with the Military Selective Service Act.

C. We are proposing to amend routine use number 1 by deleting the reference to "agency contractors," and are proposing to add a separate routine use (number 13) to further clarify that records may be disclosed to Department contractors and subcontractors. The purpose of this disclosure is to assist program managers in collating, compiling, aggregrating, or analyzing records used in admininstering the HEAL program. The contractors and subcontractors are required to maintain Privacy Act safeguards with respect to such records.

D. We are revising routine use number 3 (litigation routine use) to be consistent with guidance issued May 24, 1985, by the Office of Management and Budget on disclosures of Privacy Act records during litigation. This routine use has been limited to disclosure of records to the Department of Justice for the purpose of defending the Department in litigation action. The revision broadens the routine use to permit disclosure of records to a court or other tribunal, or to another party before such tribunal. It also permits the Department to disclose

records for purposes of prosecution if such action is compatible with the purpose for which the information was collected.

E. In conjunction with the above-mentioned routine uses, we are making additional minor revisions to improve the clarity and specificity of the system notice, and to incorporate normal updating changes. For example:

1. We have updated the "Authority" section as follows: (a) To include the authorities under the Debt Collection Act of 1982 which provide for the implementation of debt management activities; and (b) to include the authority under section 222 of the Health Professions Training Assistance Act of 1985 which provides for a study on compliance with the Selective Service Act.

2. We have revised the "Purpose" section to emphasize the monitoring of the loan status of HEAL recipients, which includes the collection of overdue debts owed under the HEAL program.

3. We have revised the "Safeguards" section to clarify authorized users of the record system, and to add a statement that contractors and subcontractors must comply with the Privacy Act.

This system notice was last published in the **Federal Register** on November 29, 1983 (48 FR 53911–53913). We are republishing the system notice in its entirety below to incorporate the proposed additions.

The following notice is written in the present, rather than the future tense, in order to avoid the unnecessary expenditure of public funds to republish the notice after the new and revised routine uses have become effective.

Dated: April 24, 1986.

**Wilford J. Forbush,**

*Deputy Assistant Secretary for Health Operations, and Director, Office of Management, PHS.*

**09-15-0044**

**SYSTEM NAME:**

Health Education Assistance Loan Program (HEAL) Loan Control Master File. HHS/HRSA/BHPr.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

Division of Student Assistance, Bureau of Health Professions, Health Resources and Services Administration, Room 8–23, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857.

Records are also located at contractor sites. A list of contractor sites where individually identifiable data are currently located is available upon request to the System Manager.

Washington National Records Center, 4205 Suitland Road, Suitland, MD 20832.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Applicants for and recipients of Health Education Assistance Loans.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Contains name, social security number or other identifying number, birthdate, demographic background, educational status, loan location and status, and financial information about the individual for whom the record is maintained. Contains lender and school identification.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Sections 727 and 728 of the Public Health Service Act, as amended (42 U.S.C. 294), which authorize the establishment of a Federal program of student loan insurance;

Section 739 of the Public Health Service Act, as amended (42 U.S.C. 2941), which directs the Secretary to require institutions to provide information for each student who has a loan;

Debt Collection Act of 1982 (5 U.S.C. 5514 note); and

Section 222 of the Health Professions Training Assistant Act of 1985 (50 U.S.C. App. 462 note), which provides for a study on compliance with the Selective Service Act.

**PURPOSE(S):**

Purpose of this system is (1) to identify students participating in the HEAL Program; (2) to determine eligibility of loan applicants and to compute insurance premium for Federal insurance; (3) to monitor the loan status of HEAL recipients, which includes the collection of overdue debts owed under the HEAL program; and (4) to compile and generate managerial and statistical reports.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

1. Disclosure may be made to Federal, State, or local agencies, to private parties such as relatives, present and former employers, business and personal associates, educational and financial institutions, and collection agencies. The purpose of such disclosures is to verify the identity of the loan applicant, to determine program eligibility and benefits, to enforce the conditions or terms of the loan, to counsel the borrower in repayment efforts, to investigate possible fraud and abuse, to verify compliance with program regulations, and to locate delinquent borrowers through preclaims assistance. Information may be disclosed to educational or financial institutions to assist them in loan management.

2. Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

3. The Department may disclose information from this system of records to the Department of Justice, to a court or other tribunal, or to another party before such tribunal, when

(a) HHS, or any component thereof; or

(b) Any HHS employee in his or her official capacity; or

(c) Any HHS employee in his or her individual capacity where the Department of Justice (or HHS, where it is authorized to do so) has agreed to represent the employee; or

(d) The United States or any agency thereof where HHS determines that the litigation is likely to affect HHS or any of its components, is a party to litigation or has an interest in such litigation, and HHS determines that the use of such records by the Department of Justice, the tribunal, or the other party is relevant and necessary to the litigation and would help in the effective representation of the governmental party, provided, however, that in each case, HHS determines that such disclosure is compatible with the purpose for which the records were collected.

4. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the General Accounting Office, Office of Management and Budget, Department of Justice, and other appropriate Federal and State agencies charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute or any rule, regulation or order issued pursuant thereto.

5. HRSA will disclose from this system of records a delinquent debtor's name, address, Social Security number, and other information necessary to identify him/her; the amount, status, and history of the claim, and the agency

or program under which the claim arose, as follows:

a. To another Federal agency so that agency can effect a salary offset for debts owned by Federal employees; if the claim arose under the Social Security Act, the employee must have agreed in writing to the salary offset.

b. To another Federal agency so that agency can effect an authorized administrative offset; i.e., withhold money payable to or held on behalf of debtors other than Federal employees.

c. To the Treasury Department, Internal Revenue Service (IRS), to request a debtor's current mailing address to locate him/her for purposes of either collecting or compromising a debt, or to have a commercial credit report prepared.

6. Records may be disclosed to the General Accounting Office and to the Office of Management and Budget for auditing financial obligations to determine compliance with programmatic, statutory, and regulatory provisions.

7. HRSA may disclose information from this system of records to a consumer reporting agency (credit bureau) to obtain a commercial credit report for the following purposes:

a. To establish creditworthiness of a loan applicant; and

b. To assess and verify the ability of a debtor to repay debts owed to the Federal Government.

Disclosures are limited to the individual's name, address, Social Security number and other information necessary to identify him/her; the funding being sought or amount and status of the debt; and the program under which the application or claim is being processed.

8. HRSA may disclose to the Treasury Department, Internal Revenue Service (IRS), information about an individual applying for a loan under any loan program authorized by the Public Health Service Act to find out whether the loan applicant has a delinquent tax account. This disclosure is for the sole purpose of determining the applicant's creditworthiness and is limited to the individual's name, address, Social Security number; other information necessary to identify him/her, and the program for which the information is being obtained.

9. HRSA will report to the Treasury Department, Internal Revenue Service (IRS), as taxable income, the written-off amount of a debt owed by an individual to the Federal Government when a debt becomes partly or wholly uncollectable—either because the time period for collection under the statute of limitations has expired, or because the Government agrees with the individual to forgive or compromise the debt.

10. HRSA will disclose to debt collection agents, other Federal agencies, and other third parties who are authorized to collect a Federal debt, information necessary to identify a delinquent debtor. Disclosure will be limited to the debtor's name, address, Social Security number, and other information necessary to identify him/her; the amount, status, and history of the claim, and the agency or program under which the claim arose.

11. HRSA will disclose information from this system of records to any third party that may have information about a delinquent debtor's current address, such as a U.S. post office, a consumer reporting agency (credit bureau), a State motor vehicle administration, a professional organization, an alumni association, etc., for the purpose of obtaining the debtor's current address. This disclosure will be limited to information necessary to identify the individual.

12. Records may be disclosed to the Director, Selective Service, for the purpose of determining if draft eligible students participating in the HEAL program are registrants of the Military Selective Service System. Disclosure will be limited to the eligible student's name and other information necessary to determine if the individual is a registrant of the Military Selective Service System. The purpose of this disclosure will result in aggregate data which HEAL program managers will use to determine if health professions schools are engaged in a pattern or practice of not complying with the Military Selective Service Act.

13. Records may be disclosed to Department contractors and subcontractors for the purpose of assisting HEAL program managers in collating, compiling, aggregating, or analyzing records used in administering the HEAL program. Contractors maintain, and are also required to ensure that subcontractors maintain, Privacy Act safeguards with respect to the records.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

*Disclosures pursuant to 5 U.S.C. 552(a)(b)(12):* Disclosures may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)). The purposes of these disclosures are: (1) To provide an incentive for debtors to repay delinquent Federal Government debts by making these debts part of their credit records, and (2) to enable HRSA to improve the quality of loan and scholarship decisions by taking into account the financial reliability of applicants. Disclosure of records will be limited to the individual's name, Social Security number (SSN), and other information necessary to establish the identity of the individual, the amount, status, and history of the claim, and the agency or program under which the claim arose.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Records are maintained in file folders, magnetic tape, and disc packs.

**RETRIEVABILITY:**

Social Security Number or other identifying number.

**SAFEGUARDS:**

1. *Authorized Users:* Access is limited to authorized HEAL personnel and contractors responsible for administering the HEAL program. Authorized personnel include HEAL employees and officials, financial and fiscal management personnel, computer personnel, and program managers who have responsibilities for implementing the HEAL program.

2. *Physical Safeguards:* Magnetic tapes, disc packs, computer equipment and other forms of personal data are stored in areas where fire and life safety codes are strictly enforced. All documents are protected during lunch hours and nonworking hours in locked file cabinets or locked storage areas. Twenty-four hour, seven-day security guards perform random checks on the physical security of the records storage areas.

3. *Procedural Safeguards:* A password is required to access the terminal and a data set name controls the release of data to only authorized users. All users of personal information in connection with the performance of their jobs protect information from public view and from unauthorized personnel entering an unsupervised office.

Access to records is strictly limited to those staff members trained in accordance with the Privacy Act and ADP security procedures. Contractors are required to maintain, and are also required to ensure that subcontractors maintain, confidentiality safeguards with respect to these records. Contractors and subcontractors are instructed to make no further disclosure of the records except as authorized by the System Manager and permitted by

the Privacy Act. All individuals who have access to these records receive the appropriate ADP security clearances. HEAL personnel make site visits to ADP facilities for the purpose of ensuring that ADP security procedures continue to be met. Privacy Act and ADP system security requirements are specifically included in contracts. The HRSA project directors, project officers, and the System Manager oversee compliance with these requirements.

4. *Implementing Guidelines.* The safeguards described above were established in accordance with DHHS Chapter 45-13 and supplementary Chapter PHS.hf: 45-13 of the General Administration Manual; and the DHHS Information Resources Management Manual, Part 6, "ADP System Security."

**RETENTION AND DISPOSAL:**

Records will be retained for 5 years after the loan is repaid (1 year on site and 4 years at the Federal Records Center). Stored computer data is retained for aggregate purposes and then destroyed.

**SYSTEM MANAGER(S) AND ADDRESS:**

Chief, HEAL Branch/Division of Student Assistance, BHRP/HRSA, Room 8-39, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857.

**NOTIFICATION PROCEDURE:**

To find out if the system contains records about you contact the System Manager.

*Requests in person:* A subject individual who apppears in person at a specific location seeking access or disclosure of records relating to him/her shall provide his/her name, current address, and at least one piece of tangible identification such as driver's license, passport, voter registration card, or union card. Identification papers with current photographs are preferred but not required. Additional identification may be requested when there is a request for access to records which contain an apparent discrepancy between information contained in the record and that provided by the individual requesting access to the record. No verification of identity shall be required where the record is one which is required to be disclosed under the Freedom of Information Act.

*Requests by mail:* Written requests for information and/or access to records received by mail must contain information providing the identity of the writer and a reasonable description of the record desired.

Written requests must contain the name and address of the requester, his/her date of birth and at least one piece of information which is also contained in the subject record, and his/her signature for comparison purposes.

*Requests by telephone:* Since positive identification of the caller cannot be established, telephone requests are not honored.

**RECORD ACCESS PROCEDURES:**

Same as notification procedures. Requesters should also provide a reasonable description of the record being sought.

Requesters may also request an accounting of disclosures that have been made of their records, if any.

**CONTESTING RECORD PROCEDURES:**

Contact the System Manager, provide a reasonable description of the record, specify the information being contested, the corrective action sought, and the reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

**RECORD SOURCE CATEGORIES:**

Individual loan recipients, HEAL schools, lenders, and holders of HEAL loans and their agents.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

[FR Doc. 86-9728 Filed 4-30-86; 8:45 am]
BILLING CODE 4160-15-M 4160-15-M

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## Social Security Administration

## Privacy Act of 1974; Notification of New Routine Use

**AGENCY:** Social Security Administration (SSA), Department of Health and Human Services (HHS).

**ACTION:** New Routine Use.

**SUMMARY:** In accordance with the Privacy Act (5 U.S.C. 552a(e)(11)), we are issuing public notice of our intent to establish a new routine use of information maintained in the system of records entitled "Master Beneficiary Record (MBR), HHS/SSA/OSR, 09-60-0090." The proposed routine use would permit disclosure of Social Security benefit data from the MBR to the Federal Reserve Bank of New York (FRBNY) for the purpose of making direct deposit/electronic funds transfer (EFT) of Social Security benefit payments to foreign-resident Social Security beneficiaries. We invite public comments on this publication.

**DATES:** The proposed routine use will become effective as proposed without further notice on June 2, 1986, unless we received comments on or before that date which would result in a contrary determination.

**ADDRESSES:** Interested parties may comment on this proposal by writing to the SSA Privacy Officer, Social Security Administration, 3-F-1 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21236. All comments received will be available for public inspection at that address.

**FOR FURTHER INFORMATION CONTACT:** Mr. Michael Johnson, Office of Policy Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone (Area Code 301) 597-4802.

**SUPPLEMENTARY INFORMATION:**

### I. Background and Purpose

The MBR contains payment data which are used primarily to pay benefits to individual entitled to Social Security Retirement, Survivors and Disability Insurance. The issuing authority for Social Security checks is the Department of the Treasury (Treasury). Social Security beneficiaries residing in the United States (U.S.) may elect to receive their benefits in form of a paper check or via direct deposit/EFT. Heretofore, direct deposit/EFT services have not been available to foreign-resident beneficiaries. Payment delivery to these beneficiaries has been by means of paper checks delivered through the Foreign Service Posts and the postal systems of the countries in which they reside. This method of payment is more labor intensive and, therefore, administratively more costly than payment methods used in the U.S. Advances in the automation of international banking services among industrialized countries offer an opportunity to provide better payment services to foreign-resident beneficiaries. Using the new technology also will result in reduced administrative costs.

Presently, Treasury is undertaking a major systems improvement effort which precludes the development of an international direct deposit payment operation. Treasury, therefore, has delegated the function to FRBNY as its fiscal agent. FRBNY for all intents and purposes will function as a Treasury Regional Financial Center and perform the payment issuance functions normally undertaken by Treasury, until such time that Treasury can perform the functions. This process requires that Treasury delegate disbursing authority to SSA for international funds transfer purposes. As the disbursing authority, SSA must disclose Social Security benefit data to FRBNY to provide direct

deposit/EFT services. We, therefore, are proposing to establish the routine use below to meet the technical requirements of the Privacy Act before disclosing any data to FRBNY:

*Information may be disclosed to the Federal Reserve Bank of New York for the purpose of making direct deposit/electronic funds transfer of Social Security benefits to foreign-resident beneficiaries.*

## II. Compatibility of the Proposed Routine Use

The Privacy Act (5 U.S.C. 552a(b)(3)) and our disclosure regulation (20 CFR 401.310) permit us to disclose information as a routine use for purposes which are compatible with the purpose for which we collected the information. Section 401.310 of the regulation permits us to disclose information as a routine use for the purpose of administering our programs as well as to assist in the administration of similar income-maintenance and health-maintenance programs of other agencies. Providing timely and economical delivery of Social Security checks is an extension of SSA program administration. Thus, the proposed routine use meets the criteria of the regulation and, therefore, is appropriate.

## III. Effect of the Proposed Routine Use on the Rights of Individuals

Only information pertaining to those foreign-resident beneficiaries who request that SSA deliver their Social Security benefits via direct deposit/EFT would be disclosed under the routine use and disclosure would be made only for this purpose. Thus, we do not anticipate that any disclosures under the routine use would have any unwarranted effect on the privacy rights of individuals.

Dated: April 17, 1986.

**Martha A. McSteen,**

*Acting Commissioner of Social Security.*

**09-60-0090**

**SYSTEM NAME:**

Master Beneficiary Record (MBR), HHS/SSA/OSR.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

Social Security Administration, Office of System Operations, 6401 Security Boulevard, Baltimore, MD 21235.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

All Social Security beneficiaries who are or were entitled to receive Retirement, Survivors, or Disability Insurance (RSDI) benefits, including individuals who have received a RSDI payment since November 1978 even if their payment is not part of an ongoing award of benefits; individuals (nonclaimants) whose former spouses apply for RSDI benefit on their earnings records; persons who are only enrolled in the Hospital and/or Supplementary Medical Insurance (SMI) programs; and claimants whose benefits have been denied or disallowed.

The system also contains short reference to records for persons entitled to Supplemental Security Income payments, Black Lung benefits or Railroad Retirement Board (RRB) benefits.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

The MBR contains information about each claimant who has applied for RSDI benefits, or to be enrolled in the Hospital or SMI programs; a record of the amount of Federal tax withheld on benefits paid to nonresident aliens; and the aggregate amount of benefit payments, repayments and reductions with respect to an individual in a calendar year. A record is maintained under each individual's Social Security number (SSN). However, if the individual has filed on another person's SSN, only a short 'pointer' record is maintained. Personal and general data about the claim is maintained under the SSN of that claim. Data about the claimant can be assessed using the claimant's SSN or the SSN on which benefits have been awarded or claimed (claim account number (CAN)).

There are three types of data in each CAN:

*Account data.* This includes the primary insurance amount, insured status of the SSN holder (if no monthly benefits are payable), data relating to the computation (use of military service credits, railroad retirement credits, or the foreign country when the primary insurance amount is based on wage credits under a totalization agreement), and, if only survivor's benefits have been paid, identifying data about the SSN holder (full name, date of birth, date of death and verification of date of death).

*Payment data.* This includes the payee name and address, data about a financial institution (if benefits are sent directly to the institution for deposit), the monthly payment amount, the amount and date of a one-time payment of past due benefits, and, where appropriate, a scheduled future payment. Payment data can refer to one beneficiary or several beneficiaries in a combined payment.

*Beneficiary data.* This includes personal information (name, date of birth, sex, date of filing, relationship to the SSN holder, other SSN's, benefit amount and payment status), and, if applicable, information about a representative payee, data about disability entitlement, worker's compensation offset data, estimates and report of earnings, or student entitlement information.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Sections 202a-205, 223, 226, 228, 1818, 1836, and 1840 of the Social Security Act.

**PURPOSES(S):**

Data in this system are used by a broad range of Social Security employees for responding to inquiries, generating followups on beneficiary reporting events, computer exception processing, statistical studies, conversion of benefits, and generating records for the Department of the Treasury to pay the correct benefit amount.

Data in this system also are available to the Department of Health and Human Services' (HHS') Inspector General for use in the performance of his/her duties.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made for uses as indicated below:

1. To applicants or claimants, prospective applicants or claimants (other than the data subject), their authorized representatives or representative payees to the extent necessary to pursue Social Security claims and receive and account for benefits.

2. To third party contacts in situations where the party to be contacted has, or is expected to have, information relating to the individual's capability to manage his/her affairs or his/her eligibility for, or entitlement to, benefits under the Social Security program when:

(a) The individual is unable to provide information being sought. An individual is considered to be unable or provide certain types of information when:

(1) He/she is incapable or of questionable mental capability;

(2) He/she cannot read or write;

(3) He/she cannot afford the cost of obtaining the information;

(4) A language barrier exists; or

(5) The custodian of the information will not, as a matter of policy, provide it to the individual.

(b) The data are needed to establish the validity of evidence or to verify the

accuracy of information presented by the individual, and it concerns one or more of the following:

(1) His/her eligibility for benefits under the Social Security program;

(2) The amount of his/her benefit payment; or

(3) Any case in which the evidence is being reviewed as a result of suspected fraud, concern for program integrity, quality appraisal, or evaluation and measurement activities.

3. To third party contacts where necessary to establish or verify information provided by representative payees or payee applicants.

4. To a person (or persons) on the rolls when a claim is filed by another individual which is adverse to the person on the rolls:

(a) An award of benefits to a new claimant precludes an award to a prior claimant; or

(b) An award of benefits to a new claimant will reduce the benefit payments to the individual(s) on the roll; but only for information concerning the facts relevant to the interests of each party in a claim.

5. To the Department of the Treasury for:

(a) Collecting Social Security taxes or as otherwise pertinent to tax and benefit payment provisions of the Social Security Act (including SSN verification services);

(b) Investigating the alleged theft, forgery, or unlawful negotiation of Social Security checks;

(c) Determining the Federal tax liability on Social Security benefits pursuant to 26 U.S.C. 6050, as amended by Pub. L. 98–21. The information disclosed will consist of the following:

(1) The aggregate amount of Social Security benefits paid with respect to any individual during any calendar year;

(2) The aggregate amount of Social Security benefits repaid by such individual during such calendar year;

(3) The aggregate reductions under section 224 of the Social Security Act in benefits which would otherwise have been paid to such individual during the calendar year on account of amounts received under a workmen's compensation act; and

(4) The name and address of such individual; and

(d) Depositing the tax withheld on benefits paid to nonresident aliens in the Treasury (Social Security Trust Funds) pursuant to 26 U.S.C. 871, as amended by Pub. L. 98–21.

6. To the United States Postal Service for investigating the alleged theft or forgery of Social Security checks.

7. To the Department of Justice for:

(a) Investigating and prosecuting violations of the Social Security Act to which criminal penalties attach;

(b) Representing the Secretary of HHS: and

(c) Investigating issues of fraud by agency officers or employees, or violation of civil rights.

8. To the Department of State for administering the Social Security Act in foreign countries through services and facilities of that agency.

9. To the American Institute on Taiwan for administering the Social Security Act on Taiwan through services and facilities of that agency.

10. To the Veterans Administration (VA), Philippines Regional Office, for administering the Social Security Act in the Philippines through the services and facilities of that agency.

11. To the Department of the Interior for administering the Social Security Act in the Trust Territory of the Pacific Islands through services and facilities of that agency.

12. Information necessary to adjudicate claims filed under an international Social Security agreement that the United States has entered into pursuant to Section 233 of the Social Security Act may be disclosed to a foreign country which is a party to that agreement.

13. To the Office of the President for the purpose of responding to an individual pursuant to an inquiry received from that individual or from a third party on his/her behalf.

14. To the Office of Education for determining eligibility of applicants for basic educational opportunity grants.

15. To the Bureau of Census when it performs as a collecting agent or data processor for research and statistical purposes directly relating to this system of records.

16. To the Department of the Treasury, Office of Tax Analysis, for studying the effects of income taxes and taxes on earnings.

17. To the Office of Personnel Management for the study of the relationship of civil service annuities to minimum Social Security benefits, and the effects on the trust fund.

18. To State Social Security Administrators for administering agreements pursuant to Section 218 of the Social Security Act.

19. To the Department of Energy for their study of the long-term effects of low-level radiation exposure.

20. To contractors under contract to the Social Security Administration (SSA) (or under contract to another agency with funds provided by SSA) for the performance of research and statistical activities directly relating to this system of records.

21. To a congressional office in response to an inquiry from that office made at the request of the subject of a record.

22. To the Department of Labor for conducting statistical studies of the relationship of private pensions and Social Security benefits to prior earnings.

23. To the Department of Justice in the event of litigation where the defendant is:

(a) HHS, any component of HHS, or any employee of HHS in his/her official capacity;

(b) The United States where HHS determines that the claim, if successful, is likely to directly affect the operations of HHS or any of its components; or

(c) Any HHS employee in his/her individual capacity where the Justice Department has agreed to represent such employee;

HHS may disclose such records as it deems desirable or necessary to the Department of Justice to enable that department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

24. In response to legal process or interrogatories relating to the enforcement of an individual's child support or alimony obligations as required by sections 459 and 461 of the Social Security Act.

25. To Federal, State, or local agencies (or agents on their behalf) for administering income maintenance or health maintenance programs (including programs under the Social Security Act). Such disclosures include, but are not limited to, release of information to:

(a) RRB for administering provisions of the Railroad Retirement Act relating to railroad employment; for administering the Railroad Unemployment Insurance Act and for administering provisions of the Social Security Act relating to railroad employment;

(b) VA for administering 38 U.S.C. 412, and upon request, for determining eligibility for, or amount of, veterans benefits or verifying other information with respect thereto;

(c) State welfare departments for administering sections 205(c)(2)(B)(i)(II) and 401(a)(25) of the Social Security Act requiring information about assigned SSN's for Aid to Families with Dependent Children (AFDC) program purposes and for determining a recipient's eligibility under the AFDC program; and

(d) State agencies for administering the Medicaid program.

26. Upon request, information on the identity and location of aliens may be disclosed to the Department of Justice (Criminal Division, Office of Special Investigations) for the purpose of detecting, investigating and, where appropriate, taking legal action against suspected Nazi war criminals in the United States.

27. To third party contacts (including private collection agencies under contract with SSA) for the purpose of their assisting SSA is recovering overpayments.

28. Information may be disclosed to contractors and other Federal agencies, as necessary, for the purpose of assisting SSA in the efficient administration of its programs. We contemplate disclosing information under the routine use only in situations in which SSA may enter into a contractual or similar agreement with a third party to assist in accomplishing an agency function relating to this system of records.

*29. Information may be disclosed to the Federal Reserve Bank of New York for the purpose of making direct deposit/electronic funds transfer of Social Security benefits to foreign-resident beneficiaries.*

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Records are stored in magnetic media (e.g., magnetic tape and magnetic disk) and in microform and paper form.

**RETRIEVABILITY:**

Records in this system are indexed and retrieved SSN.

**SAFEGUARDS:**

Safeguards for automated records have been established in accordance with the HHS Automated Data Processing (ADP) Manual, "Part 6, ADP System Security." All magnetic tapes and discs are within an enclosure attended by security guards. Anyone entering or leaving this enclosure must have special badges which are issued only to authorized personnel. All microform and paper files are accessible only by authorized personnel and are locked after working hours.

For computerized records, electronically transmitted between SSA's central office and field office locations (including organizations administering SSA programs under contractual agreements), safeguards include a lock/unlock password system, exclusive use of leased telephone lines, a terminal oriented transaction matrix, and an audit trail. (See Appendix J to this publication for additional information relating to safeguards SSA employs to protect personal information.)

**RETENTION AND DISPOSAL:**

Primary data storage is on magnetic disc. A new version of the disk file is generated each month based on changes to the beneficiary's record (adjustment in benefit amount, termination, or new entitlements). The prior version is written to tape and retained for 90 days in SSA's main data processing facility and is then sent to a secured storage facility for indefinite retention.

Selected records also are retained on magnetic disc for on-line query purposes. The query files are updated monthly and retained indefinitely. Microform records are disposed of by shredding or the application of heat after periodic replacement of a complete file.

Paper records are usually destroyed after use, by shredding, except where needed for documentation of the claims folder, in which case they are retained therein indefinitely (see the notice for the Claims Folders System, 09-60-0089).

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Office of Claims and Payment Requirements, Office of System Requirements, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235.

**NOTIFICATION PROCEDURE:**

An individual can determine if this system contains a record about him or her by contacting the most convenient Social Security officer and providing his/her name, Social Security claim number (SSN plus alphabetic symbols), address, and proper identification. (See Appendix F.1 for address and telephone information.) (Furnishing the SSN is voluntary, but it will make searching for an individual's record easier and avoid delay.) (See Appendix K to this publication for documentation individuals may be required to furnish to establish their identity when requesting information pertaining to them from SSA.) These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

**RECORD ACCESS PROCEDURES:**

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

**CONTESTING RECORD PROCEDURES:**

Same as notification procedures. Requesters should also reasonably identify the record, specify the information they are contesting and state the corrective action sought and the reasons for the correction with supporting justification showing how the record is untimely, incomplete, inaccurate or irrelevant. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

**RECORD SOURCE CATEGORIES:**

Data for the MBR come primarily from the Claims Folders System (09-60-0089) and/or is furnished by the beneficiary at the time of filing for benefits, via the application form and necessary proofs, and during the period of entitlement when notices of events such as changes of address, work, marriage, are given the SSA by the beneficiary; and from States regarding Health Insurance third party premium payment/buy-in cases.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

[FR Doc. 86-9755 Filed 4-30-86; 8:45 am]
BILLING CODE 4190-11-M

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

**[Docket No. N-86-1607]**

### Notice of Submission of Proposed Information Collection to OMB

**AGENCY:** Office of Administration, HUD.

**ACTION:** Notice.

**SUMMARY:** The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

**ACTION:** Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to:

Robert Fishman, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

**FOR FURTHER INFORMATION CONTACT:** David S. Cristy, Reports Management Officer, Department of Housing and

Urban Development, 451 7th Street, SW., Washington, DC 20410, telephone (202) 755-6050. This is not a toll-free number.

**SUPPLEMENTARY INFORMATION:** The Department has submitted the proposal described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposal should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirement is described as follows:

Proposal: Record of Employee Interview
Office: Labor Relations
Form Number: HUD-11
Frequency of Submission: On Occasion
Affected Public: Individuals or Households, State or Local Governments, Businesses or Other For-Profit, Federal Agencies or Employees, and Small Businesses or Organizations
Estimated Burden Hours: 10,000
Status: Extension
Contact: Elizabeth G. Cronin, HUD (202) 755-5370; Robert Fishman, OMB, (202) 395-6880.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: April 10, 1986.

**Dennis F. Geer,**

*Director, Office of Information Policies and Systems.*

[FR Doc. 86-9775 Filed 4-30-86; 8:45 am]

BILLING CODE 4210-01-M

## Office of Inspector General

**[Docket No. N-86-1585; FR-2139]**

## Privacy Act; Program of Matching Tenant Data in Assisted Housing Programs

**AGENCY:** Office of Inspector General, HUD.

**ACTION:** Notice of matching program—HUD/Public Housing Agencies and Subsidized Multifamily Projects.

**SUMMARY:** In accordance with the Privacy Act of 1974 and the Office of Management and Budget's Revised Supplemental Guidance for Conducting Matching Programs (47 FR 21656, May 19, 1982), on August 6, 1984 (49 FR 31342), the Department published a Notice of Matching Program—HUD/Public Housing Agencies and Subsidized Multifamily Projects. That notice stated that HUD's Office of Inspector General would conduct or directly supervise computer matches of tenant records at Public Housing Agencies and HUD-subsidized multifamily projects with various types of income data maintained by States and by the Office of Personnel Management. This notice expands the coverage of the matching program to include certain computer records from the United States Department of Defense and the United States Postal Service. The matching program will be performed to detect unwarranted benefit payments under the National Housing Act, 12 U.S.C. 1701-1750g, the United States Housing Act of 1937, 42 U.S.C. 1437-1437o, and Section 101 of the Housing and Urban Development Act of 1965, 12 U.S.C. 1701s. Such unwarranted benefits may be paid when family income is unreported or underreported, causing rental payments to be set unduly low, and housing subsidies to be set correspondingly too high. A report on the design of the matching program is set forth in the Supplementary Information.

**FOR FURTHER INFORMATION CONTACT:** Mr. Steven A. Switzer, Office of Inspector General, Room 8284, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410, telephone (202) 755-6364. (This is not a tool-free telphone number.)

**SUPPLEMENTARY INFORMATION:** The information supplied below is required by paragraph 5.f.1. of the Revised Supplemental Guidance for Conducting Matching Programs, issued by the Office of Management and Budget (47 FR 21656, May 19, 1982). In accordance with the Revised Supplemental Guidance, copies of this report are being sent to the Office of Management and Budget and both Houses of Congress.

This matching program is exempt under 24 CFR 50.20(k) from the requirements for an environmental review under the National Environmental Policy Act, 42 U.S.C. 4321.

Dated: April 21, 1986.

**Paul A. Adams,**

*Inspector General.*

### Report of Matching Program: Department of Housing and Urban Development/Public Housing Agencies/Subsidized Multifamily Projects

A. *Authority.* The matching program will be conducted under Section 4(a) of the Inspector General Act of 1978, Pub. L. 95-452, 5 U.S.C. App. 4(a), and the National Housing Act, 12 U.S.C. 1701-1750g, the United States Housing Act of 1937, 42 U.S.C. 1437-1437o, and Section 101 of the Housing and Urban Development Act of 1965, 12 U.S.C. 1701s. The Inspector General Act authorizes the Inspector General of the Department of Housing and Urban Development to undertake programs to detect and prevent fraud and abuse in all HUD programs.

B. *Program Description.* The matching program is intended to be a continuing program, carried out at selected Public Housing Agencies (PHAs) and subsidized multifamily projects. HUD's Office of Inspector General (OIG) will perform or supervise the performance of the computer matching of tenant social security numbers (SSNs) and additional identifiers such as surname or date of birth in tenant records in HUD's Multifamily Tenant Characteristics System from data submitted by PHAs and HUD subsidized multifamily project owners (or tenant data in the form in which it is maintained by the PHAs or owners) against the States' machine-readable files of quarterly wage data and unemployment insurance benefit data to determine whether tenants have underreported income. State wage agencies or other Federal agencies may, in some instances, perform the actual matching in accordance with a written agreement with HUD and the PHA or project owner. Data on the unverified matches will be provided to HUD's OIG for further follow-up work, as discussed below. In addition, tenant SSNs may be matched to the Office of Personnel Management's General Personnel Records (OPM/GOVT-1) and Civil Service Retirement and Insurance Records System (OPM/Central-1); the Department of Defense's Defense Manpower Data Center Base (S322.10,

DLA-LZ); and the United States Postal Service's Finance Record-Payroll (USPS 050.020). Routine uses of these automated files are provided at 49 FR 36949, 36950-52 (September 20, 1984) (OPM/Central-1); 49 FR 36949, 36954-57 (September 20, 1984) (OPM/GOVT-1); 49 FR 30834, 30852-54 (August 1, 1984) (S322.10, DLA-LZ); and 50 FR 28862 (July 16, 1985) (USPS 050.020).

HUD's OIG will conduct follow-up work at the PHAs and multifamily projects based on the computer matches. This work will include verification of income sources reported to the PHA or subsidized multifamily project owner, interviews with individuals knowledgeable about the case(s), and preparation of case files for possible investigation and prosecution.

Records created from the computer matching program (case matches and the follow-up data) will be included in the "Investigation Files, HUD/Dept-24" category. Routine uses of these files are described in 49 FR 10372 (March 20, 1984).

HUD will take actions necessary to collect the amount of excess benefits paid on behalf of tenants. In addition, if requested by another Federal agency to provide information on tenants that have underreported income, HUD may supply data on verified cases in accordance with routine uses of HUD's investigative files HUD/Dept 24.

C. *Objectives to be met by the Matching Program:* The matching program will be performed to identify tenants receiving excess housing assistance resulting from unreported or underreported family income. The various HUD assisted housing programs available through PHAs or subsidized multifamily projects require that, in order to be admitted, applicants must meet certain income, as well as other, eligibility requirements. In addition, tenants are required to report amount and sources of income on at least an annual basis. To the extent families do not report all their income as required, HUD may initiate investigation or legal actions against tenants suspected of false reporting or failing to report their incomes.

D. *Period of the Match:* The matching program for HUD/PHA and subsidized multifamily projects has been conducted on a continuing basis since August, 1984 (excluding the use of Department of Defense and United States Postal Service data). HUD will expand the coverage of this continuing program to include the described Department of Defense and United States Postal Service records beginning May 1986. (Please note another agency, the United States Postal Service, has conducted a related computer match of its payroll system file with HUD's records on individuals receiving benefits under the National Housing Act, under a privacy act notice published September 17, 1985 (50 FR 37739).)

Follow-up work on resultant matches under HUD's computer matching program is expected to be completed within 6 months after completion of each computer match.

E. *Security:* To protect the identify of tenants, HUD will restrict access to both the information provided by other sources for the purposes of the matching program and the resulting case match data. The following measures will be taken to assure compliance with the Privacy Act.

If HUD performs the computer match, it will agree in writing to the conditions listed below governing its use of information from another source. If another government agency performs the match, HUD will require the agency enter into a written agreement with HUD and the PHA or project owner to the conditions listed below governing the use of both the source data provided by HUD and the case match data. This agreement will be executed before HUD discloses tenant data from a PHA or project owner to that agency.

The conditions included in the written agreements will include requirements that:

(1) The files to be matched will remain the property of the original sources and will be returned or destroyed at the end of a particular matching program;

(2) The agency performing the match will take sufficient physical, technical and administrative safeguards to maintain reasonable security over data in its possession provided for the match and over data created as a result of a particular matching program;

(3) The records will be used and accessed only to match the file(s) previously agreed to;

(4) The agency performing the match will not use the records to extract information for any purpose concerning individuals who were not a case match;

(5) Machine-readable matching files and any printed form of the data on these files will not be duplicated or disseminated within the agency performing the match for purposes other than the matching program or outside the agency for any purpose, unless authorized by the original source; and

(6) When the tenant data and case match data is used for statistical purposes, all personal identifiers will be deleted.

F. *Disposition of Records:* Upon completion of the match and related follow-up work, all source data received for this match will be returned to the appropriate PHAs, subsidized multifamily project owners, or government agencies, or destroyed. Case match data records will be kept by HUD only so long as criminal or administrative investigation is active and will be disposed of in accordance with the requirements of the Privacy Act of 1974 and the Federal Records Schedule.

[FR Doc. 86-9773 Filed 4-30-86; 8:45 am]

BILLING CODE 4210-01-M

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[F-19148-12 and F-19148-15]

### Alaska Native Claims Selection; Arctic Slope Regional Corp.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of sec. 14(e) of the Alaska Native Claims Settlement Act of December 18, 1971 (ANCSA), 43 U.S.C. 1601, 1613(e), will be issued to Arctic Slope Regional Corporation for approximately 4,976 acres. The lands involved are in the vicinity of Point Lay, Alaska.

**Umiat Meridian, Alaska**

T. 1 S., R. 44 W.
T. 1 S., R. 45 W.
T. 2 S., R. 45 W.

A notice of the decision will be published once a week for four (4) consecutive weeks in the Tundra Times. Copies of the decision may be obtained by contacting the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513. ((907) 271-5960.)

Any party claiming a property interest which is adversely affected by the decision shall have until June 2, 1986 to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management, Division of Conveyance Management (960), address identified above, where the requirements for filing an appeal can be obtained. Parties who do not file an appeal in accordance with the requirements of 43 CFR Part 4, Subpart E

shall be deemed to have waived their rights.

Helen Burleson,

*Section Chief, Branch of ANCSA Adjudication.*

[FR Doc. 86-9767 Filed 4-30-86; 8:45 am]

BILLING CODE 4310-JA-M

## Availability of Owl Creek Wilderness Study Area Environmental Impact Statement and Public Hearing Schedule

**AGENCY:** Worland District, Bureau of Land Management, Interior.

**ACTION:** Notice of Availability of Owl Creek Wilderness Study Area Environmental Impact Statement and Public Hearing Schedule.

**SUMMARY:** Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, notice is hereby given that the Bureau of Land Management (BLM), U.S. Department of the Interior, has prepared a draft Environment Impact Statement (EIS) for the Owl Creek Wilderness Study Area (WSA) which will supplement the Grass Creek/Cody Draft Wilderness EIS. This EIS documents the effects expected on 710 acres of public lands from two alternatives; All Wilderness (the proposed action) and No Wilderness (no action). The Owl Creek WSA is located adjacent to the Washakie Wildeness on the western edge of the Big Horn Basin of north-central Wyoming.

**DATES:** Written comments on the BLM's wilderness recommendation and the adequacy of this document will be accepted during the 90 days following the Environmental Protection Agency's publication of the notice of filing on this EIS in the **Federal Register.** A public hearing to receive oral and written testimony will be held on June 26, 1986, at 7:30 p.m. at the Hot Springs County Museum, Thermopolis, Wyoming.

**ADDRESS:** Written comment on the recommendation and adequacy of this document should be addressed to: Worland District Office, Bureau of Land Management, P.O. Box 119, Worland, Wyoming 82401.

The document is available for inspection at the Worland District Office, 101 South 23rd Street, Worland, Wyoming, and the Wyoming State Office, 2515 Warren Avenue, Cheyenne, Wyoming.

F. William Eikenberry,

*Associate State Director.*

[FR Doc. 86-9811 Filed 4-30-86; 8:45 am]

BILLING CODE 4310-22-M

## Oregon: Burns District Advisory Council; Meeting, Tour

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Burns District Office Advisory Council Meeting and Tour.

**SUMMARY:** In accordance with Pub. L. 92-463, this notice sets forth the schedule and proposed agenda for a meeting (and tour) of the Burns District Advisory Council at the Harney County Courthouse in Burns, Oregon.

**DATE:** Tour: May 29, 1986 9:00 a.m.; meeting: May 30, 1986.

**FOR FURTHER INFORMATION CONTACT:** Joshua L. Warburton, District Manager, Burns District Bureau of Land Management, 74 South Alvord, Burns, Oregon 97720, Telephone (503) 573-5241.

**SUPPLEMENTARY INFORMATION:** The primary purpose of this meeting is to discuss the following items: the Land Base Adjustment Program for Oregon and Washington, the BLM/Hammond Land Exchange, Harney County's proposal under the Recreation and Public Purposes Act (R&PP) for a recreation vehicle park, the Alvord Desert Winter Use proposal, and the Drewsey Management Framework Plan Amendment.

Persons interested in making an oral statement at this meeting which is open to the public, must notify the District Manager, Burns District Office, 74 South Alvord, Burns, Oregon 97720, by May 26, 1986. Written statements must also be received by this date.

The tour will cover lands involved in the Hammond exchange and will leave from the Burns District Office on Thursday, May 29, 1986, at 9:00 a.m. to return at 5:00 p.m.

Transportation will be provided for the Advisory Council members. Members of the public who wish to participate on the tour will need to provide their own transportation.

Summary minutes of the meeting and tour will be available for public inspection and duplication within 30 days following the meeting.

Dated: April 16, 1986.

Joshua L. Warburton,

*District Manager.*

[FR Doc. 86-9815 Filed 4-30-86; 8:45 am]

BILLING CODE 4310-33-M

[M60014]

## Opening of Public Land in Lewis and Clark Counties, MT

**AGENCY:** Bureau of Land Managment, Interior.

**ACTION:** Notice of conveyance and order providing for opening of public land in Lewis and Clark County, Montana.

**SUMMARY:** This order will open lands reconveyed to the United States in an exchange under the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1701 et seq. (FLPMA), to the operation of the public land laws. It also informs the public and interested state and local governmental officials of the issuance of the conveyance document.

**DATE:** At 9 a.m. on June 16, 1986, the lands reconveyed to the United States shall be open to the operation of the public land laws, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law. The lands described in paragraph 1 below were segregated from settlement, sale, location and entry, including the mining laws, but not from exchange, by the Notice of Realty Action published in the **Federal Register** on September 26, 1985 (50 FR 39052). The segregation terminated on issuance of the patents on November 26, 1985.

**FOR FURTHER INFORMATION CONTACT:** Edward H. Croteau, Chief, Lands Adjudication Section, BLM, Montana State Office, P.O. Box 36800, Billings, Montana 59107, Phone (406) 657-6082.

**SUPPLEMENTARY INFORMATION:**

1. Notice is hereby given that pursuant to Sec. 206 of FLPMA, the following described surface estate was conveyed to the parties shown:

**Principal Meridian, Montana**

Elmer Joe Brown:

T. 36 N., R. 3 E.,
Sec. 1, NW¼ SW¼
40 acres.

Walter H. Kortum and Betty Kortum:

T. 17N., R. 7 E.,
Sec. 26, NW¼NW¼.
40 acres.

Chris Allen Kolstad and Vicki Kolstad:

T. 30 N., R. 3 E.,
Sec. 27, SE¼ SW¼;
Sec. 28, SW¼
Sec. 29, E½ SE¼.
280 acres.

Total acreage transferred—360 acres.

2. In exchange for the above selected land, the United States acquired the surface estate of the following described

land in Lewis and Clark County, Montana:

**Principal Meridian, Montana**

T. 21 N., R. 6 W.,
Sec. 27, That part of the SW¼NW¼ south of the Sun River and west of U.S. Highway 287 and that part of the NW¼SW¼ lying west of said highway; and
Sec. 28, That part of the SE¼NE¼ lying south of the Sun River.
Containing 53.23 acres.

3. The values of federal public land were appraised at $34,000 and the nonfederal land was appraised at $34,400. No minerals were transferred by either party in the exchange.

4. At 9 a.m. on June 16, 1986, the lands described in paragraph 2 above that were conveyed to the United States will be open to the operation of the public land laws.

Dated: April 23, 1986.

**James Binando,**

*Acting Deputy State Director, Division of Lands and Renewable Resources, Montana State Office.*

[FR Doc. 86-9817 Filed 4-30-86; 8:45 am]

BILLING CODE 4310-DN-M

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[I-19610]

## Relinquishment of Recreation and Public Purpose Application

**AGENCY:** Bureau of Land Management, Idaho, Interior.

**ACTION:** Notice of realty action, relinquishment of recreation and public purpose application I-19610.

**SUMMARY:** The following described lands were determined to be suitable for disposal for a county building under provisions of the Recreation and Public Purposes Act of June 14, 1926, as amended (43 Stat. 741; 43 U.S.C. 869-869-4), and the regulations thereunder (43 CFR Part 2740).

**Boise Meridian, Idaho**

T. 6 S., R. 6 W.,
Sec. 13, W½NW¼SW¼SW¼.
Containing 5 acres.

Relinquishment filed by Owyhee County, Idaho, for Recreation and Public Purposes will return these lands to the public land laws. This Notice of Realty Action cancels the suitable classification of Recreation and Public Purposes I-19610.

Dated: April 23, 1986.

**J. David Brunner,**

*Associate District Manager.*

[FR Doc. 86-9792 Filed 4-30-86; 8:45 am]

BILLING CODE 4310-GG-M

[I-12064]

## Exchange of Public and State Lands in Owyhee County, ID

**AGENCY:** Bureau of Land Mangement, Idaho, Interior.

**ACTION:** Notice of realty action, exchange of public and State lands in Owyhee Country, Idaho.

The following selected lands have been determined to be suitable for disposal by exchange under Section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716.

**Boise Meridian, Idaho**

T. 8 S., R. 3 W.,
Sec. 4, lot 4, SW¼NW¼, W½SW¼;
Sec. 5;
Sec. 8, W½W½;
Sec. 9, E½;
Sec. 10, W½;
Sec. 14, W½SW¼;
Sec. 15, W½NW¼, S½;
Sec. 18, E½;
Sec. 20, E½E½, W½W½;
Sec. 21, W½;
Sec. 22, E½;
Secs. 23 to 25, inclusive;
Sec. 26, N½, SW¼, N½SE¼, SW¼SE¼;
Sec. 27, E½E½, W½SW¼;
Sec. 29, NW¼NW¼, S½NW¼, SW¼;
Sec. 30, lots 3 and 4, E½SW¼, SE¼;
Sec. 32, E½;
Sec. 33, E½;
Sec. 34, E½E½, W½W½, SE¼SW¼ SE¼SE¼;
Sec. 35, NE¼NW¼, W½W½;
T. 8 S., R. 4 W.,
Secs. 1 and 2;
Sec. 3, lots 1 to 4, inclusive, SE¼NE¼, SE¼NW¼, E½SE¼;
Sec. 4, S½SE¼;
Sec. 5, SW¼SW¼, E½SE¼;
Sec. 7, N½NE¼, NE¼SE¼;
Sec. 8, E½E½, W½W½, E½SW¼;
Sec. 9, E½, N½NW¼, SW¼;
Sec. 10, NW¼, SE¼;
Sec. 11, NE¼, N½NW¼, W½SW¼, N½SE¼, SE¼SE¼;
Sec. 12, W½;
Sec. 14, E½E½;
Sec. 15, W½NE¼;
Sec. 18, lots 1 and 2, E½NW¼;
Sec. 20, E½NW¼;
Sec. 23, N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 25, S½;
Sec. 26, E½E½;
Sec. 29, NE¼;
Sec. 30, lots 1 and 2, NE¼, E½NW¼.
T. 8 S., R. 5 W.,
Sec. 13, NE¼NW¼, S½NW¼, N½SW¼.
T. 9 S., R. 2 W.,
Sec. 6, lots 4, 5, 11 and 12, SW¼;
Sec. 7;
Sec. 18, N½, S½SW¼, SE¼;
Sec. 19, W½NE¼, NW¼, W½SW¼.
T. 9 S., R. 3 W.
Sec. 1, lots 1 to 3, inclusive, and 6 to 12, inclusive;
Sec. 3;
Sec. 4, lots 1, 8 and 9, E½SE¼;
Sec. 11, N½, SW½, SW¼SE¼;
Sec. 12;
Sec. 13, NE¼NE¼, W½E½, SE¼SE¼;
Sec. 14, NW¼;
Sec. 23, E½NE¼;
Sec. 24, N½, W½SW¼, N½SE¼.
Comprising 19,130.51 acres of public land.

In exchange for these lands, the United States will acquire the following offered lands from the State of Idaho.

**Boise Meridian, Idaho**

T. 9 S., R. 4 W.,
Secs. 16 and 36.
T. 9 S., R. 6 W.,
Sec. 36.
T. 10 S., R. 4 W.,
Secs. 16 and 36.
T. 10 S., R. 6 W.,
Sec. 36.
T. 11 S., R. 3 W.,
Sec. 16.
T. 11 S., R. 4 W.,
Secs. 16 and 36.
T. 11 S., R. 5 W.,
Secs. 16 and 36.
T. 11 S., R. 6 W.,
Sec. 36.
T. 12 S., R. 2 W.,
Sec. 16.
T. 12 S., R. 3 W.,
Secs. 16 and 36.
T. 12 S., R. 4 W.,
Secs. 16 and 36.
T. 12 S., R. 5 W.,
Secs. 16 and 36.
T. 12 S., R. 6 W.,
Sec. 36.
T. 13 S., R. 2 W.,
Secs. 16 and 36.
T. 13 S., R. 3 W.,
Sec. 36.
T. 13 S., R. 4 W.,
Secs. 16 and 36.
T. 13 S., R. 5 W.,
Secs. 16 and 36.
T. 14 S., R. 5 W.,
Sec. 36, NE¼Ne¼, S½N½, NW¼NW¼, S½.
T. 15 S., R. 4 W.,
Secs. 16 and 36.
T. 16 S., R. 3 W.,
Sec. 16.
Comprising 19,669.60 acres of State lands.

The purpose of this exchange is to acquire State of Idaho endowment lands which have high public values for recreation and wildlife. Included in this exchange are offered lands within the Owyhee Canyonlands Wilderness Study Area and the proposed Owyhee Canyonlands Wild and Scenic River designation. Wildlife values on the offered lands include approximately 6,600 acres of mule deer winter range, 4,800 acres of pronghorn habitat, and 14,000 acres of sage grouse habitat of which 2,500 acres are used for nesting. River otter, red band trout, and California bighorn sheep are three sensitive species found on the offered lands. The selected lands contain approximately four miles of red band trout habitat, 19,000 acres of mule deer

summer range, and 6,600 acres of sage grouse habitat.

The value of the lands to be exchanged are approximately equal; equalization of values will be by deletion of State or Federal lands. The public interest will be served by completing this exchange.

Publication of this notice in the **Federal Register** segregates the public lands from the operation of the public land laws, including the mining laws for a period of two years from the date of first publication.

Further information concerning the exchange, including the environmental assessment is available for review at the Bureau of Land Management, Boise District Office, 3948 Development Avenue, Boise, Idaho 83705.

For a period of 45 days from the date of first publication, interested parties may submit written comments to Martin J. Zimmer, Bureau of Land Management, Boise District Office, 3948 Development Avenue, Boise, Idaho 83705.

Dated: April 22, 1986.

**J. David Brunner,**

*Associate District Manager.*

[FR Doc. 86-9809 Filed 4-30-86; 8:45 am]

BILLING CODE 4310-GG-M

## Colorado; Filing of Plats of Survey

April 25, 1986.

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., April 25, 1986.

The plat representing the dependent resurvey of a portion of the New Mexico Guide Meridian (east boundary), a portion of the subdivisional lines, and the survey of the subdivision of section 13, T. 32 N., R. 8 E., New Mexico Principal Meridian, Colorado, Group No. 780, was accepted April 14, 1986.

This survey was executed to meet certain administrative needs of this Bureau.

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,**

*Acting Chief, Cadastral Surveyor for Colorado.*

[FR Doc. 86-9791 Filed 4-30-86; 8:45 am]

BILLING CODE 4310-84-M

[Nev-044092]

## Proposed Continuation of Withdrawal; Nevada

April 24, 1986.

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** The Bureau of Reclamation proposes that 19,261 acres of withdrawn land for the Humboldt Sink Project be continued for an additional 50 years. The land will remain closed to surface entry and mining but has been and will remain open to mineral leasing.

**DATE:** Comments should be received by July 30, 1986.

**ADDRESS:** Comments should be sent to: Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, Nevada State Office, P.O. Box 12000, Reno, Nevada 89520.

**FOR FURTHER INFORMATION CONTACT:** Vienna Wolder, Nevada State Office, (702) 784-5481.

**SUPPLEMENTARY INFORMATION:** The Bureau of Reclamation proposes that a portion of the existing land withdrawal made by Secretarial Order of April 4, 1956, be continued for a period of 50 years pursuant to section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714. The land is described as follows:

**Mount Diablo Meridian, Nevada**

T. 24 N., R. 29 E.,
Sec. 12, All;
Sec. 14, That portion east of the Southern Pacific Railroad tracks;,
Sec. 24, All;
Sec. 26, N½, S½SE¼, NE¼SE¼.
T. 24 N., R. 30 E.,
Sec. 2, S½;
Sec. 4, All;
Sec. 6, All;
Sec. 8, All;
Sec. 10, All;
Sec. 16, All;
Sec. 18, All;
Sec. 20, All;
Sec. 22, NW¼NW¼;
Sec. 30, All.
T. 25 N., R. 29 E.,
Sec. 24, Lots 1 and 2, NE¼NE¼, E½W½N E¼, SE¼;
Sec. 36, Lots 5 and 6.
T. 25 N., R. 30 E.,
Sec. 2, All;
Sec. 4, All;
Sec. 6, That portion east of Interstate I-80;
Sec. 8, All;
Sec. 10, All;
Sec. 14, S½, NW¼;
Sec. 16, All;
Sec. 18, All;
Sec. 20, All;
Sec. 22, All;
Sec. 24, S½, NW¼;
Sec. 26, All;
Sec. 28, All;
Sec. 30, All;
Sec. 32, All;
Sec. 34, All;
Sec. 36, NW¼.
T. 26 N., R. 30 E.,
Sec. 24, That portion east of Interstate I-80;
Sec. 26, That portion east of Interstate I-80;
Sec. 32, That portion east of Interstate I-80;
Sec. 34, All;
Sec. 36, All.

The area described contains 19,261 acres in Churchill and Pershing Counties.

The purpose of the withdrawal is to protect the construction, operation and maintenance of the Humboldt Sink Project. The withdrawal segregates the land from operation of the public land laws generally, including the mining laws, but not the mineral leasing laws. No change is proposed in the purpose or segregative effect of the withdrawal.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments in connection with the proposed withdrawal continuation may present their views in writing to the Chief, Branch of Lands and Minerals Operations, in the Nevada State Office.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. A report will also be prepared for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued and, if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register**. The existing withdrawal will continue until such final determination is made.

Dated: April 24, 1986.

**Robert G. Steele,**

*Deputy State Director, Operations.*

[FR Doc. 86-9793 Filed 4-30-86; 8:45 am]

BILLING CODE 4310-HC-M

[Nev-054581]

## Proposed Continuation of Withdrawal; Nevada

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** The U.S. Forest Service proposes that a 23-acre withdrawal for the Little Meadows Administrative Site be continued for an additional 25 years. The land will remain closed to surface entry and mining but has been and will remain open to mineral leasing.

**DATE:** Comments should be received by July 30, 1986.

**ADDRESS:** Comments should be sent to: Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, Nevada State Office P.O. Box 12000, Reno, Nevada 89520.

**FOR FURTHER INFORMATION CONTACT:** Vienna Wolder, Nevada State Office, (702) 784-5481.

**SUPPLEMENTARY INFORMATION:** The U.S. Forest Service proposes that the existing land withdrawal made by the Secretarial Order of June 29, 1908, be continued for a period of 25 years pursuant to section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714. The land is described as follows:

**Mount Diablo Meridian, Nevada**

T. 10 N., R. 40 E. (unsurveyed),

Beginning at Cor. No. 1 a juniper post 6" diameter set in a mound of earth and stone and marked R1, whence F.S.M. above described bears N74°30' E. 1.12 chs.

Thence N15° W. 22.52 chs to Cor. No. 2 a dead pine post 8" diameter marked R2 in a blaze, set in a mound of earth and stone. A pine tree 10" diameter bears N18° W. .94 chs, marked W2 in a blaze, another pine tree marked W2 in a blaze bears N38° E. 71 chs.

Thence N75° E. 12.24 chs, to Cor. No. 3 a pine post 8" diameter set in a mound of earth and stone, and marked R3 in a blaze. Whence a pine tree 8" diameter marked W3 in a blaze, bears N27° E. 28 Chs. Another pine tree 10" diameter marked W3 in blaze bears N71° E. .35 chs.

Thence S6°30' E. 20.83 chs to Cor. No. 4 a pine post,6" diameter set in a mound of earth and stone, marked R4 in a blaze, whence a pine tree 8" in diameter, marked W4 in a blaze,m bears N80° E. .64 chs, another pine tree 1' diameter, marked W4 in a blaze, bears S16°30' E. 58 chs.

Thence S62° W. 9.28 chs to place of beginning.

The area described contains 23 acres in Nye County.

The purpose of the withdrawal is to protect the Little Meadows Administrative Site. The withdrawal segregates the land from operation of the public land laws generally, including the mining laws, but not the mineral leasing laws. No change in proposed in the purpose or segregative effect of the withdrawal.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments in connection with the proposed withdrawal continuation may present their views in writing to the Chief, Branch of Lands and Minerals Operations, in the Nevada State Office.

The authorized officer of the Bureau of Land Management will undertake such investigation as are necessary to determine the existing and potential demand for the land and its resources. A report will also be prepared for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued and, if so, for how long. The final determination on the contiuation of the withdrawal will be published in the **Federal Register.** The existing withdrawal will continue until such final determination is made.

Dated: April 24, 1986.

**Robert G. Steele,**

*Deputy State Director, Operations.*

[FR Doc. 86-9794 Filed 4-30-86; 8:45 am]

BILLING CODE 4310-HC-M

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[Nev-043896]

## Proposed Continuation of Withdrawal; Nevada

April 23, 1986.

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** The U.S. Forest Service proposes that 520 acres of withdrawn land for the paleontological Shoshone Mountain Ichthyosaur Site be contined for an additional 25 years. The land will remain closed to surface entry and mining but has been and will remain open to mineral leasing.

**DATE:** Comments should be received by July 30, 1986.

**ADDRESS:** Comments should be sent to: Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, Nevada State Office, P.O. Box 12000, Reno, Nevada 89520.

**FOR FURTHER INFORMATION CONTACT:** Vienna Wolder, Nevada State Office, (702) 784-5481.

**SUPPLEMENTARY INFORMATION:** The U.S. Forest Service proposes that the existing land withdrawal made by Public Land Order 1961 of August 25, 1959, be continued for a period of 25 years pursuant to section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714. The land is described as follows:

**Mount Diablo Meridian, Nevada**

T. 12N., R. 39 E.,

Sec. 27, N½SW¼, W½SW¼SW¼;
Sec. 28, SE¼, SE¼SW¼;
Sec. 33, NE¼, NE¼NW¼;
Sec. 34, W½NW¼NW¼.

The area described contains 520 acres in Nye County.

The purpose of the withdrawal is to protect the paleontological fossils at the Shoshone Mountain Ichthyosaur Site near Ione, Nevada. The withdrawal segregates the land from operation of the public land laws generally, including the mining laws, but not the mineral leasing laws. No change is proposed in the purpose or segregative effect of the withdrawal.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments in connection with the proposed withdrawal continuation may present their views in writing to the Chief, Branch of Lands and Minerals Operations, in the Nevada State Office.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. A report will also be prepared for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued and, if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register.** The existing withdrawal will continue until such final determination is made.

Dated: April 22, 1986.

**Robert G. Steele,**

*Deputy State Director, Operations.*

[FR Doc. 86-9795 Filed 4-30-86; 8:45 am]

BILLING CODE 4310-HC-M

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## New Mexico; Filing of Plat of Survey

April 23, 1986.

The plat of survey described below was officially filed in the New Mexico State Office, Bureau of Land Management, Santa Fe, New Mexico, effective at 10:00 a.m. on April 23, 1986.

A survey representing the dependent resurvey of a portion of the subdivisional lines, the adjusted record meander line of the left bank of the Canadian River, the subdivision of section 14 and the survey of the meander line of the present left bank of the Canadian River in section 14, in Township 17 North, Range 22 West, Indian Meridian, Oklahoma, under Group 43 OK.

This survey was requested by the BLM Area Manager, Oklahoma Resource Area, Tulsa District, Oklahoma.

The plat will be in the open files of the New Mexico State Office, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87504. Copies of the

plat may be obtained from that office upon payment of $2.50 per sheet.

**Gary S. Speight,**

*Chief, Branch of Cadastral Survey.*

[FR Doc. 86-9797 Filed 4-30-86; 8:45 am]

BILLING CODE 4520-12-M

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[Nev-059798]

## Proposed Continuation of Withdrawal, Nevada

April 23, 1986.

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** The Bureau of Reclamation proposes that 2,263.71 acres of withdrawn land for the Robert B. Griffith Water Project be continued for an additional 20 years. The land will remain closed to surface entry and mining but has been and will remain open to mineral leasing.

**DATE:** Comments should be received by July 30, 1986.

**ADDRESS:** Comments should be sent to: Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, Nevada State Office P.O. Box 12000, Reno, Nevada 89520.

**FOR FURTHER INFORMATION CONTACT:** Vienna Wolder, Nevada State Office, (702) 784-5481.

**SUPPLEMENTARY INFORMATION:** The Bureau of Reclamation proposes that a portion of the existing land withdrawal made by Public Land Order 3512 of December 7, 1964, be continued for a period of 10 years pursuant to section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714.

The land is described as follows:

**Mount Diablo Meridian, Nevada**

T. 21 S., R. 62 E.,
Sec. 23, NE¼NE¼;
Sec. 24, All;
Sec. 25, N½NE¼, SE¼NE¼, NE¼NW¼.
T. 21 S., R. 63 E.,
Sec. 19, lots 3 and 4, E½SW¼;
Sec. 28, SE¼NE¼, N½NW¼, W½SW¼, SE¼SW¼, SE¼;
Sec. 29, N½NE¼, NW¼, S½S½;
Sec. 30, lots 1, 2 and 4, NE¼; E½NW¼, SE¼SW¼, S½SE¼.

The area described contains 2,263.71 acres in Clark County.

The purpose of the withdrawal is to protect the construction, operation and maintenance of certain salinity control units associated with the Robert B. Griffith Water Project (formerly known as the Southern Nevada Water Project). This project supplies southern Nevada with water from the Colorado River. The withdrawal segregates the land from operation of the public land laws generally, including the mining laws, but not the mineral leasing laws. No change is proposed in the purposes of segregative effect of the withdrawal.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments in connection with the proposed withdrawal continuation may present their views in writing to the Chief, Branch of Lands and Minerals Operations, in the Nevada State Office.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. A report will also be prepared for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued and, if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register.** The existing withdrawal will continue until such final determination is made.

Dated: April 22, 1986.

**Robert G. Steele,**

*Deputy State Director, Operations.*

[FR Doc. 86-9796 Filed 4-30-86; 8:45 am]

BILLING CODE 4310-HC-M

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[ORE-010194]

## Proposed Continuation of Withdrawal; Oregon

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** The Forest Service, U.S. Department of Agriculture, proposes that a land withdrawal for the Jackson Picnic Ground continue for an additional 20 years. The land would remain closed to mining but has been and would remain open to surface entry and mineral leasing.

**FOR FURTHER INFORMATION CONTACT:** Champ Vaughan, BLM Oregon State Office, P.O. Box 2965, Portland, Oregon 97208 (Telephone 503-231-6905).

**SUPPLEMENTARY INFORMATION:** The Forest Service, U.S. Department of Agriculture, proposes that the existing land withdrawal made by Public Land Order No. 2668 of May 3, 1962, be continued for a period of 20 years pursuant to section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714.

The land involved is located approximately 20 miles southwest of Medford and contains 40 acres within Section 5, T. 40 S., R. 3 W., W.M., Jackson County, Oregon.

The purpose of the withdrawal is to protect the Jackson Picnic Ground within the Rogue River National Forest. The withdrawal segregates the land from operation of the mining laws, but not from operation of the public land laws or mineral leasing laws. No change is proposed in the purpose for segregative effect of the withdrawal.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal continuation may present their views in writing to the undersigned officer at the address specified above.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. A report will also be prepared for consideration by the Secretary of the Interior, the President and Congress, who will determine whether or not the withdrawal will be continued and if so, for how long. The final determination of the continuation of the withdrawal will be published in the **Federal Register.** The existing withdrawal will continue until such final determination is made.

Dated: April 24, 1986.

**B. LaVelle Black,**

*Chief, Branch of Lands and Minerals Operations.*

[FR Doc. 86-9798 Filed 4-30-86; 8:45 am]

BILLING CODE 4310-33-M

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[OR-22371(WASH)]

## Proposed Continuation of Withdrawal; Washington

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** The Bureau of Reclamation proposes that a land withdrawal for the Yakima Project continue for an additional 100 years. The land would remain closed to surface entry and mining but has been and would remain open to mineral leasing.

**FOR FURTHER INFORMATION CONTACT:** Champ Vaughan, BLM Oregon State Office, P.O. Box 2965, Portland, Oregon 97208 (Telephone 503-231-6905).

**SUPPLEMENTARY INFORMATION:** The Department of Interior, Bureau of Reclamation, proposes that the existing land withdrawal made by Secretarial Order of August 9, 1907, be continued for a period of 100 years pursuant to

section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714.

The land involved is located approximately 30 miles west of Yakima and contains 1,623.43 acres within Section 22, 24, 28, 30, and 32, T. 14 N., R. 15 E., W.M., Yakima County, Washington.

The purpose of the withdrawal is to protect the Yakima-Tieton Diversion Dam and Main Canal and Flume of the Yakima Project. The withdrawal segregates the land from operation of the public land laws generally, including the mining laws, but not the mineral leasing laws. No change is proposed in the purpose or segregative effect of the withdrawal.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal continuation may present their views in writing to the undersigned officer at the address specified above.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. A report will also be prepared for consideration by the Secretary of the Interior, the President and Congress, who will determine whether or not the withdrawal will be continued and if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register.** The existing withdrawal will continue until such final determination is made.

Dated: April 24, 1986.

**B. LaVelle Black,**

*Chief, Branch of Lands and Minerals Operations.*

[FR Doc. 86-9799 Filed 4-30-86; 8:45 am]

BILLING CODE 4310-33-M

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[W-97410]

## Receipt of Exchange Proposal, Wyoming

**AGENCY:** Bureau of Land Management, National Park Service, Interior.

**ACTION:** Notice of receipt of exchange proposal between Laurance S. Rockefeller and the Department of the Interior.

**SUMMARY:** The proposal involves the exchange of a scenic easement of approximately 902 acres of the Heartland Area of Laurance Rockefeller's J-Y Ranch—an inholding in the Grand Teton National Park—for public coal reserves of approximately identified in the proposal are 2,720 acres in the Young's Creek area of Sheridan County, specifically in all or portions of sections 22, 23, 25, 26, 27, 34, and 35, T. 58 N., R. 84 W., 6th P.M.

The Heartland Area of the J-Y Ranch is described by metes and bounds. It lies, however, within parts of sections 4, 5, 6, and 8 of T. 42 N., R. 116 W., 6th P.M., Teton County.

The Casper District Bureau of Land Management is soliciting public comment on this exchange proposal. All comments must be received by June 9, 1986. Specific areas of interest for public comments are as follows:

(1) What, if any, are the environmental impacts of the proposed exchange?

(2) What are the impacts of the proposed exchange on competitive coal leasing?

(3) Comments or thoughts on public interest involved with processing the proposal.

(4) Comments on the values associated with either the private lands to be acquired or the public coal to be transferred into private ownership.

**FOR FURTHER INFORMATION CONTACTS:** All comments and any further information should be addressed to: Charles Wilkie, Special Projects Team Leader, Casper District Office, Bureau of Land Management, 951 North Poplar Street, Casper, WY 82601, (307) 261-5554.

Dated: April 24, 1986.

**James W. Monroe,**

*District Manager.*

[FR Doc. 86-9801 Filed 4-30-86; 8:45 am]

BILLING CODE 4310-22-M

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[W-87105]

## Wyoming; Proposed Reinstatement of Terminated Oil and Gas Lease

Pursuant to the provisions of Pub. L. 97-451, 96 Stat. 2462-2466, and Regulation 43 CFR 3108.2-3(a) and (b)(1), a petition for reinstatement of oil and gas lease W-87105 for lands in Carbon County, Wyoming was timely filed and was accompanied by all the required rentals accruing from the date of termination.

The lessee has agreed to the amended lease terms for rentals and royalties at rates of $5.00 per acre, or fraction thereof, per year and 16⅔ percent, respectively.

The lessee has paid the required $500.00 administrative fee and $106.25 to reimburse the Department for the cost of this **Federal Register** notice.

The lessee has met all the requirements for reinstatement of the lease as set out in section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease W-87105 effective June 1, 1985, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

**Andrew L. Tarshis,**

*Chief, Leasing Section.*

[FR Doc. 86-9800 Filed 4-30-86; 8:45 am]

BILLING CODE 4310-22-M

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# Minerals Management Service

## Development Operations Coordination Document; Union Texas Petroleum Corp.

**AGENCY:** Minerals Management Service, Interior.

**ACTION:** Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

**SUMMARY:** Notice is hereby given that Union Texas Petroleum Corporation has submitted a DOCD describing the activities it proposes to conduct on Lease OCS-G 6677, Block 237, Vermilion Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Intracoastal City, Louisiana.

**DATE:** The subject DOCD was deemed submitted on April 16, 1986. Comments must be received within 15 days of the date of this Notice or 15 days after the Coastal Management Section receives a copy of the DOCD from the Minerals Management Service.

**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). A copy of the DOCD and the accompanying Consistency Certification are also available for public review at the Coastal Management Section Office located on the 10th Floor of the State Lands and Natural Resources Building, 625 North 4th Street, Baton Rouge, Louisiana (Office Hours: 8 a.m. to 4:30 p.m, Monday through Friday). The public may submit comments to the Coastal Management Section, Attention OCS Plans, Post Office Box 44396, Baton Rouge, Louisiana 70805.

**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 Sec. 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review. Additionally, this Notice is to inform the public, pursuant to § 930.61 of title 15 of the CFR, that the Coastal Management Section/Louisiana Department of Natural Resources is reviewing the DOCD for consistency with the Louisiana Coastal Resources Program.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected States, executives of affected 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: April 22, 1986.

**J. Rogers Pearcy,**

*Regional Director, Gulf of Mexico OCS Region.*

[FR Doc. 86-9808 Filed 4-30-86; 8:45 am]

BILLING CODE 4310-MR-M

## INTERNATIONAL TRADE COMMISSION

**[Investigations Nos. 701-TA-269 and 270 (Preliminary) and 731-TA-311 through 317 (Preliminary)]**

## Import Investigation; Certain Brass Sheets and Strips From Brazil, Canada, France, Italy, the Republic of Korea, Sweden, and West Germany

### Determinations

On the basis of the record [1] developed in the subject investigations, the Commission determines, pursuant to section 703(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a)), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports from Brazil (investigation No. 701-TA-269 (Preliminary)) and France (investigation No. 701-TA-270 (Preliminary)) of certain brass sheets and strips,[2] provided for in item 612.39 of the Tariff Schedules of the United States, which are alleged to be subsidized by the Governments of Brazil and France.

Further, the Commission determines, pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports from Brazil (investigation No. 731-TA-311 (Preliminary)), Canada (investigation No. 731-TA-312 (Preliminary)), France (investigation No. 731-TA-313 (Preliminary)), Italy (investigation No. 731-TA-314 (Preliminary)), the Republic of Korea (investigation No. 731-TA-315 (Preliminary)), Sweden (investigation No. 731-TA-316 (Preliminary)), and West Germany (investigation No. 731-TA-317 (Preliminary)) of certain brass sheets and strips,[3] provided for in item 612.39 of the Tariff Schedules of the United States, which are alleged to be sold in the United States at less than fair value (LTFV).

### Background

On March 10, 1986, petitions were filed with the U.S. International Trade Commission and the U.S. Department of Commerce by counsel on behalf of American Brass, Buffalo, NY; Bridgeport Brass Corp., Indianapolis, IN; Chase Brass & Copper Co., Solon, OH; Hussey Copper Ltd., Lettsdale, PA; The Miller Co., Meriden, CT; Olin Corp. (Brass Group), East Alton, IL; and Revere Copper Products, Inc., Rome, NY. The following trade unions are also petitioners: The International Association of Machinists and Aerospace Workers; the International Union, Allied Industrial Workers of America (AFL-CIO); Mechanics Educational Society of America, Local 56; and the United Steelworkers of America (AFL-CIO/CLC).

The petitions allege that an industry in the United States is materially injured and threatened with material injury by reason of imports from Brazil and France of certain brass sheets and strips which are alleged to be subsidized by the Governments of Brazil and France. In addition, the petitions allege that an industry in the United States is materially injured and threatened with material injury by reason of imports from Brazil, Canada, France, Italy, the Republic of Korea, Sweden, and West Germany of certain brass sheets and strips which are allegedly being sold in the United States at LTFV.

Accordingly, the Commission instituted, effective March 10, 1986, preliminary countervailing duty investigations Nos. 701-TA-269 (Preliminary) (Brazil) and 701-TA-270 (Preliminary) (France), under section 703(a) of the Tariff Act of 1930 and, further, the Commission instituted, under section 733(a) of the Tariff Act of 1930, preliminary antidumping investigations Nos. 731-TA-311 (Preliminary) (Brazil), 731-TA-312 (Preliminary) (Canada), 731-TA-313 (Preliminary) (France), 731-TA-314 (Preliminary) (Italy), 731-TA-315 (Preliminary) (the Republic of Korea), 731-TA-316 (Preliminary) (Sweden), and 731-TA-317 (Preliminary) (West Germany).

Notice of the institution of the Commission's investigations and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of March 19, 1986, (53 FR 9536). The conference was held in Washington, DC, on April 4, 1986, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in these investigations to the Secretary of Commerce on April 24, 1986. The views of the Commission are contained in USITC Publication 1837 (May 1986), entitled "Certain Brass Sheets and Strips from Brazil, Canada, France, Italy, the Republic of Korea, Sweden, and West Germany: Determinations of the Commission in Investigations Nos. 701-TA-269 and 270

[1] The record is defined in § 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(i)).

[2] For purposes of these investigations, the term "certain brass sheets and strips" refers to brass sheets and strips of solid rectangular cross section, over 0.006 inch but not over 0.188 inch in thickness, in coils or cut to length, whether or not corrugated or crimped, but not cut, pressed, or stamped to nonrectangular shape, provided for in items 612.3960, 612.3982, and 612.3986 of the *Tariff Schedules of the United States Annotated* (TSUSA). The petitions limit the scope of the investigations to sheets and strips of brass alloys designated as "C20000-series" under the nomenclature and numbering system of the Unified Numbering System (UNS) or the equivalent "200-series" under the Copper Development Association (CDA) numbering system.

[3] For purposes of these investigations, the term "certain brass sheets and strips" refers to brass sheets and strips of solid rectangular cross section, over 0.006 inch but not over 0.188 inch in thickness, in coils or cut to length, whether or not corrugated or crimped, but not cut, pressed, or stamped to nonrectangular shape, provided for in items 612.3960, 612.3982, and 612.3986 of the *Tariff Schedules of the United States Annotated* (TSUSA). The petitions limit the scope of the investigations to sheets and strips of brass alloys designated as "C20000-series" under the nomenclature and numbering system of the Unified Numbering System (UNS) or the equivalent "200-series" under the Copper Development Association (CDA) numbering system.

(Preliminary) and 731-TA-311 through 317 (Preliminary) Under the Tariff Act of 1930, Together With the Information Obtained in the Investigations."

Issued: April 24, 1986.

Kenneth R. Mason,

*Secretary.*

[FR Doc. 86-9708 Filed 4-30-86; 8:45 am]

BILLING CODE 7020-02-M

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[Investigation No. 337-TA-240]

## Import Investigation; Certain Laser Inscribed Diamonds and the Method of Inscription Thereof; Decision Not To Review Initial Determination Adding a Respondent and Amending the Notice of Investigation

**AGENCY:** International Trade Commission.

**ACTION:** Nonreview of an initial determination adding a respondent and amending the notice of investigation.

**SUMMARY:** Notice is hereby given that the Commission has determined not to review an initial determination (ID) (Order No. 4) issued by the presiding administrative law judge (ALJ) in the above-captioned investigation granting the Commission investigative attorney's (IA) motion to add A. Schwartz of Tel Aviv, Israel, as a respondent in the investigation and amending the notice of investigation to reflect this action.

**FOR FURTHER INFORMATION CONTACT:** Catherine R. Field, Esq., Office of General Counsel, U.S. International Trade Commission, telephone 202-523-0189.

**SUPPLEMENTARY INFORMATION:** The authority for the Commission's disposition of this matter is contained in section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and in § 210.53 of the Commission's rules of Practice and Procedure (19 CFR 210.53).

On February 6, 1986, the Commission voted to institute the above-captioned investigation. At the time of this decision the identity of the foreign source of the allegedly infringing inscribed diamonds was unknown. Subsequently, respondents identified A. Schwartz of Tel Aviv, Israel as the source of their imported inscribed diamonds.

On March 18, 1986, the IA filed a motion to add A. Schwartz as a respondent and to amend the notice of investigation. Motion No. 240-1. On March 26, 1986, the presiding ALJ granted the motion and certified the ID to the Commission. Order No. 4. Counsel for complainant Lazare Kaplan and respondents Sears Roebuck & Co. and I.B. Goodman represented during a preliminary conference that they did not oppose the motion. The Commission did not receive any petitions for review of the ID.

Copies of the ID and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436, telephone 202-523-0161.

Hearing-impaired individuals are advised that information concerning this investigation can be obtained by contacting the Commission's TDD terminal on 202-724-0002.

Issued: April 22, 1986.

By order of the Commission.

Kenneth R. Mason,

*Secretary.*

[FR Doc. 86-9709 Filed 4-30-86; 8:45 am]

BILLING CODE 7020-02-M

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[Investigation No. 337-TA-229]

## Import Investigation; Certain Nut Jewelry and Parts Thereof; Receipt of Initial Determination Terminating Respondent on the Basis of Consent Order Agreement

**AGENCY:** International Trade Commission.

**ACTION:** Notice is hereby given that the Commission has received an initial determination from the presiding officer in the above-captioned investigation terminating the following respondent on the basis of a consent order agreement: RDCO, Inc. (RDCO).

**SUPPLEMENTARY INFORMATION:** This investigation is being conducted pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Under the Commission's rules, the presiding officer's initial determination will become the determination of the Commission thirty (30) days after the date of its service upon the parties, unless the Commission orders review of the initial determination. The initial determination in this matter was served upon the parties on April 23, 1986.

Copies of the initial determination, the consent order agreement, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436, telephone 202-523-0161. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-724-0002.

### Written Comments

Interested persons may file written comments with the Commission concerning termination of the aforementioned respondent. The original and 14 copies of all such comments must be filed with the Secretary to the Commission, 701 E Street, NW., Washington, DC 20436, no later than 10 days after publication of this notice in the **Federal Register**. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment. Such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why confidential treatment should be granted. The Commission will either accept the submission in confidence or return it.

**FOR FURTHER INFORMATION CONTACT:** Ruby J. Dionne, Office of the Secretary, U.S. International Trade Commission, telephone 202-523-0176.

Issued: April 23, 1986.

By order of the Commission.

Kenneth R. Mason,

*Secretary.*

[FR Doc. 86-9710 Filed 4-30-86; 8:45 am]

BILLING CODE 7020-02-M

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[Investigation No. 337-TA-83]

## Import Investigation; Certain Window Shades; Commission Decision To Maintain Exclusion Order Pending the Outcome of the Appeal to the Court of Appeals for the Federal Circuit of the Federal District Court Decision Holding Invalid the Patent Underlying the Exclusion Order

**AGENCY:** International Trade Commission.

**ACTION:** The Commission has decided not to modify or vacate the exclusion order issued in June 1981 in the above-captioned investigation pending the outcome of the appeal of *Newell Companies Inc.* v. *Kenney Manufacturing Co.*, 606 F. Supp. 1282 (D.R.I. 1985) to the Court of Appeals for the Federal Circuit.

**FOR FURTHER INFORMATION CONTACT:** Jean Heck, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-1693.

**SUPPLEMENTARY INFORMATION:** On June 30, 1985, McCrory Corporation, an importer of window shades, informed

the Commission that a Federal district court had determined that the patent underlying the exclusion order issued in the above captioned investigation was invalid. *See Newell Companies Inc.* v. *Kenney Manufacturing Co.*, 606 F. Supp. 1282 (D.R.I. 1985). As a result, the Commission instituted a review proceeding pursuant to Commission rule 211.57 to determine whether the *Window Shades* exclusion order should be modified or vacated at this time. Notice of this review proceeding was published in the **Federal Register** on October 9, 1985 (50 FR 41229). Interested parties were invited to file submissions. Submissions were received from the complainant Newell Window Furnishing Company and the McCrory Corporation.

Copies of the Commission's Action and Order and all other nonconfidential documents filed in connection with this review proceeding are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street, NW., Washington, DC 20436, telephone 202-523-0161.

Issued: April 21, 1986.

By order of the Commission.

**Kenneth R. Mason,**

*Secretary.*

[FR Doc. 86-9711 Filed 4-30-86; 8:45 am]

BILLING CODE 7020-02-M

## INTERSTATE COMMERCE COMMISSION

**[ Docket No AB-261X and AB-263X]**

### Staten Island Rapid Transit Operating Authority—Abandonment Exemption—Richmond County, NY and Staten Island Railway Corp.—Discontinuance of Service Exemption—Richmond County, NY

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Notice of exemption.

**SUMMARY:** The Commission exempts from prior approval under 49 U.S.C. 10903, *et seq.*, the abandonment and discontinuance of freight service over an entire line of railroad extending approximately 14.5 miles from St. George, Staten Island, NY to Tottenville, Staten Island, NY by Staten Island Rapid Transit Operating Authority and Staten Island Railway Corporation, respectively. the discontinuance of service is subject to standard employee protective conditions.

**DATES:** This exemption is effective June 2, 1986. Petitions to stay must be filed by May 12, 1986 and petitions for reconsideration must be filed by May 20, 1986.

**ADDRESSES:** Send pleadings referring to Docket No. AB-261X and Docket No. AB-263X to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

(2) Edward D. Greenberg, Esq., 1054 Thirty-First Street, NW., Washington, DC 20007.

**FOR FURTHER INFORMATION CONTACT:** Louis E. Gitomer, (202) 275-7245.

**SUPPLEMENTARY INFORMATION:** Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Interstate Commerce Commission Building, Room 2229, Washington, DC 20423 or call 289-4357 (DC Metropolitan Area) or toll free (800) 424-5403.

Decided: April 22, 1986.

By the Commission, Chairman Gradison, Vice Chairman Simmons, Commissioners Sterrett, Andre, and Lamboley.

**James H. Bayne,**

*Secretary.*

[FR Doc. 86-9766- Filed 4-30-86; 8:45 am]

BILLING CODE 7035-01-M

## DEPARTMENT OF JUSTICE

### Lodging of a Settlement Agreement Pursuant to the Clean Water Act; Victory Polishing & Plating Co., Inc.

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that a proposed settlement agreement in *United States* v. *Victory Polishing & Plating Co., Inc.*, Civil Action No. 85-0157P, has been reached and a stipulation of dismissal without prejudice was lodged with the United States District Court for the District of Rhode Island on April 28, 1986. The agreement concerns violations of the Clean Water Act's pretreatment standards and reporting requirements, as established under 40 CFR Parts 403 and 413. The proposed agreement requires the defendant to pay $100,000 in civil penalties and maintain compliance with the pretreatment limits for copper, nickel, zinc, lead, cadmium, chromium, silver, cyanide and pH. The settlement agreement also provides for a regular monitoring program beginning as of May 1, 1986.

The Department of Justice will receive for thirty (30) days from the date of publication of this notice, written comments relating to the settlement agreement. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, DC 20530 and should refer to *United States* v. *Victory Polishing & Plating Co., Inc.*, D.J. Ref. No. 90-5-1-1-2340.

The proposed settlement agreement may be examined at the Office of the United States Attorney, District of Rhode Island, 223 Federal Building & Courthouse, Kennedy Plaza, Providence, Rhode Island 02903; at the Region I office of the Environmental Protection Agency, John F. Kennedy Federal Building, Boston, Massachusetts 02203; and the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1515, Ninth Street and Pennsylvania Avenue, NW., Washington, DC 20530. A copy of the proposed settlement agreement may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please enclose a check in the amount of $2.00 (10 cents per page reproduction charge) payable to the Treasurer of the United States.

**F. Henry Habicht II,**

*Assistant Attorney General Land and Natural Resources Division.*

[FR Doc. 86-9879 Filed 4-30-86; 8:45 am]

BILLING CODE 4410-01-M

### Lodging of a Consent Decree Pursuant to the Clean Air Act; Andersons

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on April 21, 1986, a proposed consent decree in *United States* v. *The Andersons*, Civil Action No. C-83-455 was lodged with the United States District Court for the Northern District of Ohio. The proposed consent decree concerns the installation of air pollution control equipment to control grain dust emissions that occur during shiploading operations at The Andersons' grain terminal elevator in Toledo, Ohio. The proposed consent decree requires the defendant to undertake remedial measures at its facility and to meet a compliance schedule for the installation and maintenance of a mineral oil spray system and related air pollution control equipment. The decree also requires defendants to pay a civil penalty of $25,000.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division,

Department of Justice, Washington, DC 20530, and should refer to *United States v. The Andersons*, D.J. Ref. 90-5-2-1-571.

The proposed consent decree may be examined at the office of the United States Attorney, Northern District of Ohio, 307 U.S. Courthouse, Toledo, Ohio 43624 and at the Region V Office of the Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604. Copies of the consent decree may be examined at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1517, Ninth Street and Pennsylvania Avenue, NW., Washington, DC 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please enclose a check in the amount of $1.50 (10 cents per page reproduction cost) payable to the Treasurer of the United States.

**F. Henry Habicht II,**

*Assistant Attorney General, Land and Natural Resources Division.*

[FR Doc. 86-9821 Filed 4-30-86; 8:45 am]

BILLING CODE 4410-01-M

## NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

### Records Schedules

**AGENCY:** National Archives and Records Administration, Office of Records Administration.

**ACTION:** Notice of availability of proposed records schedules; request for comments.

**SUMMARY:** The National Archives and Records Administration (NARA) publishes a notice at least once monthly of all agency records schedules (requests for records disposition authority) which include records proposed for disposal. The first notice was published on April 1, 1985. Records schedules identify records of continuing value for eventual preservation in the National Archives of the United States and authorize agencies to dispose of records of temporary value. NARA invites public comment on proposed records disposals as required by 44 U.S.C. 3303a(a).

**DATE:** Comments must be received in writing on or before June 30, 1986.

**ADDRESS:** Address comments and requests for single copies of schedules identified in this notice to the Records Appraisal and Disposition Division (NIR), National Achives and Records Administration, Washington, DC 20408. Requesters must cite the control number assigned to each schedule when requesting a copy. The control number appears in parenthesis immediately after the title of the requesting agency.

**SUPPLEMENTARY INFORMATION:** Each year U.S. government agencies created billions of records in the form of paper, film, magnetic tape, and other media. In order to control the accumulation of records, Federal agencies prepare records schedules which specify when the agency no longer needs them for current business and what happens to the records after the expiration of this period. Destruction of the records requires the approval of the Archivist of the United States, which is based on a thorough study of their potential value for future use. A few schedules are comprehensive; they list all the records of an agency or one of its major subdivisions. Most schedules cover only one office, or one program, or a few series of records, and many are updates of previously approved schedules.

This public notice identifies the Federal agencies and their appropriate subdivisions requesting disposition authority, includes a control number assigned to each schedule, and briefly identifies the records scheduled for disposal. The complete records schedule contains additional information about the records scheduled for disposal. The complete records schedule contains additional information about the records and their disposition. Additional information about the disposition process will be furnished with each copy of a records schedule requested.

### Schedules Pending Approval

1. Department of Agriculture, Science and Education Division, Cooperative State Research Service (N1-164-86-1). Project case files, river basin reports, grant case files, working papers, and routine administrative records relating to house-keeping functions in the Office of Experiment Stations.

2. Department of Agriculture, Forest Service, Office of Information (NC1-95-84-6). Correspondence dealing with production of Forest Service publications and clearances; copies of Forest Service publications located in offices other than the originating office.

3. Department of the Air Force, Directorate of Administration (N1-AFU-86-42). Medical War Reserve Quality Assurance Records.

4. Department of the Air Force, Directorate of Administration (N1-AFU-86-45). Drug abuse testing program records.

5. Department of the Air Force, Directorate of Administration (N1-AFU-86-48). Daily Audit lists.

6. Department of the Army, Records Management Operations Office (N1-AU-86-33). Mapping work assignment files.

7. Department of the Army, Records Management Operations Office (N1-AU-86-34). Mapping production and reproduction control files.

8. Department of the Army, Records Management Operations Office (N1-AU-86-44). Map requisition files.

9. Department of the Army, Records Management Operations Office (N1-AU-86-46). Map stock level files.

10. Department of the Army, Records Management Operations Office (N1-AU-86-47). Map manuscript reproduction control files.

11. Department of Commerce, Bureau of the Census (NC1-29-84-3). Comprehensive schedule for the records of the Agriculture Division, Bureau of the Census.

12. U.S. Geological Survey, National Mapping Division (NC1-57-84-3). Photogrammetric drawings with annotated data that are reproduced on related printed maps.

13. Department of Housing and Urban Development, Office of Inspector General (NC1-207-85-1). Audits and investigation case files, general subject and program files, previous participation check files and ADP tracking systems.

14. Department of Justice, Federal Bureau of Investigation, Records Management Division (N1-65-86-23). Establishment of standards for transfer and custody of materials restricted by statute (tax return information, grand jury and Title III [wire-tap] materials) and found in permanently valuable investigative case files.

15. Department of Labor, Assistant Secretary for Policy, Evaluation and Research (N1-174-86-1). Machine readable records containing information on employment, unemployment, and benefit payments in Arizona and Pennsylvania during the period 1957-1972.

16. Department of the Navy, Commander Caribbean Sea Frontier, Movement Report Center (N1-313-86-4). Hydrographic Office charts annotated with ships position information.

17. Pennsylvania Avenue Development Corporation, Development Division and Real Estate Division (N1-220-86-1). Records relating to the management of real estate, including reports by property management consultants, correspondence, insurance documentation, and related materials.

Dated: April 24, 1986.
**Claudine J. Weiher,**
*Acting Archivist of the United States.*
[FR Doc. 86-9717 Filed 4-30-86; 8:45 am]
BILLING CODE 7515-01-M

## PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

### Northwest Conservation and Electric Power Plan 1986 Revision

**AGENCY:** Pacific Northwest Electric Power and Conservation Planning Council (Northwest Power Planning Council).

**ACTION:** Notice of revision of the Northwest Conservation and Electric Power Plan.

**SUMMARY:** The Northwest Power Planning Council is an interstate compact agency formed by the four northwest states under the Pacific Northwest Electric Power Planning and Conservation Act of 1980 (16 U.S.C. 839 (1980)) (Northwest Power Act or Act) for the purpose among others, of developing a 20-year electrical power plan that would ensure the lowest cost electrical energy future for the Pacific Northwest. On April 27, 1983, the Council adopted its first power plan. Although the Act requires the Council to review the plan at least every five years, because of ongoing changes in the regional energy picture and in order to incorporate the latest technology and analysis, the Council determined in the 1983 Plan to review the plan in two years. After several months of public discussion of issue papers on key matters that the Council circulated to interested persons in the region, the Council published a draft revised power plan for comment on August 7, 1985 (50 FR 37100-03, September 11, 1985) and thereafter held public hearings, consultations, and received public comments until the close of the comment period on October 25, 1985. The Council has also voted at its July 10, 1985 meeting to enter rulemaking to amend those portions of the 1983 Plan relating to model conservation standards (50 FR 30654-61. July 26, 1985; 50 FR 33435, August 19, 1985) and accepted comments in that rulemaking through October 23, 1985. Even though the comment periods for the 1986 Power Plan revision and the model conservation standards amendment rulemakings overlapped in large part, the two rulemakings were separate processes. The Council is incorporating the model conservation standards amendments which were adopted at its December 4, 1985 meeting in Portland Oregon. (51 FR 7364-75, March 3, 1985) into this revised plan. Therefore, certain technical non-substantial revisions to the model conservation standards amendments as first published will be made to conform the amendments to the format of this revised power plan.

**FOR FURTHER INFORMATION CONTACT:** Dulcy Mahar, Director of Public Information and Involvement, at Northwest Power Planning Council, 850 S.W. Broadway, Suite 1100, Portland, Oregon 97205, or at (503) 222-5161, or (toll-free) 1-800-222-3355 (in Montana, Idaho or Washington) or 1-800-452-2324 in Oregon. Copies of this notice and the final revised power plan will be mailed to all those who commented on the draft revised plan. Others may obtain copies upon request.

**SUPPLEMENTARY INFORMATION:**

### Background

*The 1983 Power Plan*

The Northwest Power Act requires the Council to develop a 20-year regional electrical energy plan, to be carried out by the Bonneville Power Administration, to provide the most economical electrical energy future possible for the Pacific Northwest. In 1983, the Council published its initial 20-year power plan, (48 FR 24493, June 1, 1983).

The 1983 Plan introduced several innovations in the power planning process for the Northwest. First, the Council adopted a policy of range forecasting for estimating future demand for electricity, focusing not on a single predicted rate of growth, but rather on a range of four possible rates, from high to low. Second, the plan incorporated a resource portfolio comprised of energy resources selected in part for their flexibility, to reduce the risk of over or under-building. Third, conservation was chosen as the cornerstone of the region's energy future, based on the determination that it is both the least expensive and most flexible available resource. Finally, the 1983 Plan provided that any new resource development would have to be harmonized with the Council's parallel regional planning mandate, a program to protect, mitigate and enhance the Northwest fish and wildlife and other environmental concerns.

The Council voted on August 7, 1985 to enter rulemaking to amend the 1983 Plan and to release draft revised power plan for public comment. (50 FR 37100-03, September 11, 1985.) Hearings, advertised in the region's largest circulation newspapers, were held in each of the four states in the region and Council members and staff met in consultation with public utility commissions, utility groups, State and local government organizations, and citizen environmental groups. During the comment period, the Northwest Public Power Association sponsored a two-day Draft Power Workshop, featuring four members of the Council, the Council's executive director, staff members, and representatives from utilities, state energy offices, local governments, industries and conservation groups. Finally, in November and December, the Council held a series of meetings open to the public at which important issues raised by the draft plan were discussed and resolved.

*Differences in the 1986 Power Plan*

The principal differences in the 1986 Plan reflect changed conditions and trends in the Northwest. The surplus that the 1983 Plan identified is now viewed as more expensive and longer lasting than previously expected. Economic growth in the Northwest has been slower than in the rest of the country and electrical demand has grown at a proportionally slower rate. Experience since 1983 has also shown that the surplus is unevenly distributed: Public utilities served by Bonneville appear to have a long term surplus, while some investor owned utilities (IOUs) serving the highest growth areas may require new resources in the very near future. The 1983 Plan expected that Bonneville would lead and unify the region in acquiring new resources. In fact, the region has grown yet more decentralized, with Bonneville supplying less than half the region, primarily the public utility customers and direct service industries. The 1986 Plan calls on Bonneville to develop a predictable, new resource rate as an incentive to bring about better cooperation among the region's utilities. The 1986 Plan also calls for a coordinated approach to resource acquisition for all utilities. Central to the revised power plan approach is regional cooperation, calling for regional sharing of resources such as conservation and better use of the existing hydropower system, as well as equitable sharing of cost allocations for resources and resource options.

The 1986 Plan also focuses on increased uncertainties that have arisen since the 1983 Plan. Chief among these are the future of the direct service industries (DSIs), the future of the region's two partially completed nuclear plants and the future of power sales and purchases outside the region, chiefly in California. The DSIs use about 15% of the region's electrical power, should they leave the Northwest, the cost-effectiveness of completing the

unfishished nuclear plants would be dramatically affected. In 1983, the Council assumed that Washington Public Power Supply System Nuclear Projects (WNP) 1, 2, and 3 would be completed and therefore considered these plants among existing and soon-to-be-completed resources. Only WNP 2 was finished. WNP 1 and 3 were omitted from the 1986 portfolio because of legal and financial barriers that render the future of the plants too uncertain to meet the "reliable and available" criterion requried by the Northwest Power Act for inclusion in the portfolio. The 1986 Plan regards the plants as potential options and encourages resolution of the barriers to their completion, since they would be cost-effective should the power be needed.

The 1986 Plan also reduces significantly the estimate of available hydropower. The 1983 Plan called for 920 megawatts of new hydropower in the high forecast; the 1986 Plan considers only 200 megawatts available. This figure is based on only that hydropower that could be achieved by upgrading existing sites. The region's hydropower assessment study will be completed later in 1986, establishing which sites are acceptable for development, until then, no new hydropower sites are included in the plan.

Strategies to make better use of the existing hydropower system is a 700 megawatt resource that appears for the first time in the 1986 portfolio. This significant source of power would be used to supply firm loads in the Northwest. The hydropower system currently uses the amount of hydropower available in historic low water years to meet firm, or contractual, power loads. In an average water year, however, the system generates 4,100 additional megawatts, termed "nonfirm" because they cannot be counted on every year. The 1986 Plan calls for exploring a number of strategies to back up this nonfirm power, thus increasing the amount of firm power that could be sold in the Northwest.

The 1986 Plan also reduces the amount of conservation available by almost 1,000 megawatts. The region's slow economic growth means that fewer new buildings will be built. If building activity is reduced, the opportunities for conservation are proportionally decreased. The Council also omitted structures that have been weatherized since 1983, thereby further reducing the amount of available conservation.

The 1986 Plan has adopted a new approach in setting out the activities Bonneville is called upon to perform in carrying out its responsibilities under the plan. In 1983, the plan contained an Action Plan that listed in considerable detail the actions that Bonneville was meant to implement. In the 1986 Plan, the Action Plan establishes goals and objectives and particular activities that Bonneville must accomplish if the region is to achieve its lowest cost energy future, but gives Bonneville greater flexibility in how it will meet these obligations. The Action Plan calls upon Bonneville to develop work plans designed to meet the goals and objectives and to brief the Council on its progress.

*Description of the 1986 Power Plan*

After considering the public comments received the Council voted to adopt the final revised plan at its January 23, 1986 meeting in Portland, Oregon. A summary of the revised plan is provided below. The revised plan itself consists of two volumes. Volume I contains the planning strategy, important regional power issues, lowest cost mix and schedules for new resources acquisitions, and the Action Plan that the region needs to follow to ensure an adequate and reliable supply of electricity at the lowest cost. Volume II is the technical analysis and supporting materials for the policy decisions presented in Volume I. Copies of Volumes I and II of the power plan will be mailed to all those who commented on the draft plan. They are available to others upon request through the Council's Director of Public Information as noted above.

*Summary of the 1986 Plan*

The new plan emphasizes the following priorities. Specific activities to achieve these objectives are outlined in the Action Plan.

- Securing "lost opportunity" resources: Lost opportunity resources are cost-effective resources, if not developed now, could be lost forever to the region. The most prominent example is found in the Model Conservation Standards for new buildings. If buildings are not constructed to be energy efficient now, they will continue to use electricity inefficiently long after the surplus is over.
- Promoting a stronger regional role for the Bonneville Power Admininstration: The Council is calling on Bonneville to take a more aggressive role in forging regional cooperation. The Council points in particular to the need for Bonneville to develop a predictable rate for new resources so that investor-owned utilities will have an incentive to turn to Bonneville for power as an alternative to developing more expensive resources on their own.
- Developing conservation on a regional basis: The plan calls for the sharing of conservation costs and benefits among utilities.
- Strategies to make better use of the hydropower system: See the Resource Portfolio section below.
- Building conservation capability in all sectors: While there is a current surplus of power, the Council wants conservation programs to the developed and tested so that they can come on line when they are needed.
- Demonstrating the cost effectiveness of renewable resources (wind, geothermal, solar) so they will be available before the region has to build new thermal generating resources.
- Allocating the costs of preserving the two unfinished nuclear plants and removing barriers to their preservation and completion.
- Studying electrical power sales and purchases between regions.

*The Council's Planning Strategy*

The plan includes a forecast range of future electrical power needs over the next 20 years and a portifolio of new electrical energy resources to meet those needs. The portfolio of new resources specifies the types and amounts of resources that will be needed, and provides a schedule for bringing those resources into service to meet growth in the Northwest.

To minimize the risk of either under- or overbuilding resources, the Council uses a range of forecasts from low to high growth, rather than a single forecast. Because resources are selected for their flexibility they can be developed in increments and brought into service at different times, depending on where growth falls within the forecast range. Under the Council's plan, the region should be prepared to meet a wide range of electrical use over the next 20 years.

At the low end of the forecast range (annual demand growth rate of 0.2 percent), the region would continue with a power surplus over the next 20 years, and conservation could meet all the region's new electrical energy needs. At the high end of the range (annual demand growth rate of 2.7 percent), the region would consume the surplus by 1990, when it would need new resources. In the case of extreme high growth, the region could need as many as 12 new coal plants by the end of the 20-year planning period. Where the region falls between these two extremes will depend largely on its economic growth. The range represents an 11,000 megawatt spread between the two extremes.

The Council's power plan places heavy emphasis on managing risk in order to protect the Northwest's energy supply and to reduce the costs to ratepayers. On one extreme, the risk is an inadequate supply of electricity. The risk on the other end of the spectrum is overbuilding thermal resources, coal and nuclear plants, so that ratepayers are paying for expensive resources they do not need.

The Council's power plan emphasizes energy conservation, flexible resources, and resource "options" to minimize risk. For example, resources that can be developed in increments or resources that have shorter construction lead times are preferred because they can match electrical energy needs more closely. The options concepts gives energy planners two decision points before they commit huge sums of money to construct a new resource. A resource can be taken through the relatively inexpensive but time-consuming stages of design, siting and licensing, then held in reserve as an option until it is needed. When it is needed, the resource can begin construction. If it is not needed, it can be delayed or terminated.

*The Resource Portfolio*

To be included in the portfolio, a resource must be available, reliable, and its environmental impacts must be controllable and acceptable. New resources are to be brought on line in a specific sequence as the region's power demand grows: the most cost effective are used first and are listed in that order. The megawatt figures following each resource indicate the total amount of that resource the Council has identified as available and reliable in the highest power demand forecast. Lesser amounts of the resource would be used for lower growth in demand.

• *Conservation: 3,900 megawatts.* The Council treats conservation as the equivalent of a generating resource because each megawatt of energy saved is a megawatt that does not need to be produced to serve Northwest electrical power needs. Less conservation is available with lower growth because fewer new buildings are constructed. Conservation is called for in all sectors: Residential, commercial, governmental, industrial and agricultural. The model conservation standards for new buildings, if adopted regionwide, would cover all the region's new electrical power needs if growth proceeds at the low end of the forecast range.

• *Better use of the existing hydropower system: 700 megawatts.* Energy planners estimate the amount of hydropower available based on an historic low water year, which is called the critical water standard. The hydropower produced up to the critical water standard is called firm power because it can be counted on. An average water year, however, produces a third more power, and good water years can nearly double the hydropower available. This additional hydropower is called nonfirm power because its availability depends on the weather.

The Council has identified 700 megawatts of nonfirm power that could be cost effectively "firmed up," that is, backed up with other power sources, to meet the Northwest's firm power needs. Because the surplus provides time to plan, the Council is calling on the region to explore strategies to expand the use of the Northwest's existing hydropower system, which produces electricity at a fraction of the cost of electricity generated at new thermal plants. While the Council is not recommending a particular strategy at this time, possibilities include using combustion turbines, short-term power purchases from Canada or other parts of the U.S., or load-management policies that would more closely match the region's power loads with the output of the hydropower system.

• *Hydropower: 200 megawatts.* The Council has included only new hydropower available through improvements and upgrades at existing hydropower sites. No new sites will be included until the Council completes a regionwide assessment of potential hydropower sites and their impact on the environment. This study will be used to designate areas that should be protected.

• *Cogeneration: 320 megawatts.* Congeneration is the simultaneous production of electricity and other useful heat energy from a fuel source. Often, it involves the recovery of "waste" energy from various industrial and commercial applications. This energy is typically used for industrial processes or space heating applications. There is considerable uncertainty over the amount and cost of the cogeneration potential in the region, and the Council based its estimate on a survey of Northwest industrial companies conducted by the Pacific Northwest Utilities Conference Committee.

• *Coal: 5,425 megawatts (12 plants).* Coal is the last and most expensive resource to come on line and would be used only if high growth made it necessary. Needing all 12 plants would require unprecedented high growth. The plan calls for intensified research and testing of renewable energy resources so that they can be ready and cost effective before the region needs to turn to some or all of the coal plants.

*Response to Comments*

In the course of the comment period on the draft revised power plan, the Council received written and oral comments from approximately 150 different groups and individuals. Verbatim transcripts of oral comments presented at public hearings amounted to approximately 1,180 pages. Two hundred twelve written comments were received, ranging in length from a single page to volumes of more than 250 pages, including a legislative style mark up of the plan. Summaries of all significant public comments received during the public comment period and the Council's responses to them are incorporated by reference in this notice. The Council's summaries and responses are available from the Public Information and Involvement Division at the address and telephone numbers listed in this notice.

*Legal Effect of This Notice*

The Act provides that suits seeking judicial review of final amendments to the power plan must be filed on or before June 30, 1986 (16 U.S.C. 839(e)(5)).

**Edward Sheets,**

*Executive Director.*

[FR Doc. 86-9579 Filed 4-30-86; 8:45 am]

BILLING CODE 0000-00-M

## PRESIDENTIAL COMMISSION ON THE SPACE SHUTTLE CHALLENGER ACCIDENT

**[Notice 86-33]**

### Meeting

**AGENCY:** Presidential Commission on the Space Shuttle Challenger Accident.

**ACTION:** Notice of meeting

**SUMMARY:** In Accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the Commission announces the forthcoming meeting.

**DATE AND TIME:** May 2, 1986, beginning at 9:30 a.m.

**ADDRESS:** Old Executive Office Building, Pennsylvania Avenue and 17th Street NW., Washington, D.C.

**FOR FURTHER INFORMATION CONTACT:** Dr. Alton G. Keel, Executive Director, Presidential Commission on the Space Shuttle Challenger Accident (202/453-1797).

Purpose of Meeting: To obtain further information on the history of the Solid Rocket Booster joint problems.

**SUPPLEMENTARY INFORMATION:** The Presidential Commission on the Space Shuttle Challenger Accident was

established as a group of distinguished leaders of the government and the scientific, technical and management communities to investigate the accident of the Space Shuttle Challenger which occurred on January 28, 1986. The meeting will be closed to the public pursuant to 5 U.S.C. 552b(c)(9)(B) because the nature of the meeting is likely to disclose information if disclosed prematurely would be likely to significant frustrate implementation of proposed action by the Commission.

Exceptional circumstances requiring less than 15 days notice: The meeting was required to be held promptly due to the Presidential direction that the Commission investigate the January 28, 1986, Space Shuttle Challenger accident and submit a final report to the President and the Administrator of the National Aeronautics and Space Administration within 120 days of issuance of Executive Order 12546, dated February 3, 1986.

Dated: April 29, 1986.

**Richard L. Daniels,**

*Advisory Committee Management Officer, National Aeronautics and Space Administration.*

[FR Doc. 86-9976 Filed 4-30-86; 10:11 pm]

BILLING CODE 7510-01-M

## POSTAL SERVICE

### Privacy Act of 1974; Matching Program—Postal Service/State of Missouri Department of Social Services

**AGENCY:** Postal Service.

**ACTION:** Notice of Computer Matching Program—U.S. Postal Service/State of Missouri Department of Social Services.

**SUMMARY:** The purpose of this document is to publish notice of the Postal Service's plan to conduct a computer matching program through a comparison of its "Payroll System File" (USPS 050.020, Finance Records—Payroll System) with the Missouri Department of Social Services' (M-DSS) file of absent parents who are legally obligated by judicial or administrative order to pay child support to children receiving social services in Missouri and absent parents on whom such a support order could be entered if their location and/or financial resources were known.

**DATE:** It is anticipated that the match will begin on or about May 15, 1986.

**ADDRESS:** Send any comments to Records Officer, Room 8121, U.S. Postal Service, 475 L'Enfant Plaza, SW., Washington, DC 20260-5010. Copies of all written comments will be available for inspection and photocopying between 9:00 a.m. and 4:00 p.m., Monday through Friday, in Room 8121 at the above address.

**FOR FURTHER INFORMATION CONTACT:** Betty E. Sheriff, Records Office (202) 268-5158.

**SUPPLEMENTARY INFORMATION:** At the request of the M-DSS, the USPS has agreed to assist the M-DSS in its efforts to locate postal employees who are absent parents against whom the M-DSS is enforcing or seeking to enforce a child support obligation. Set forth below is the information required by paragraph 5.f.(1) of the Revised Supplemental Guidance for Conducting Computerized Matching Programs issued by the Office of Management and Budget (47 FR 21656; May 19, 1982). A copy of this notice has been provided to both Houses of Congress and the Office of Management and Budget.

**Report of a Matching Program: U.S. Postal Service (USPS) and Missouri Department of Social Services (M-DSS).**

a. *Authority:* 39 U.S.C. 404.

b. *Program Description:* Under the planned program, the M-DSS will provide to the USPS a computer tape of its absent parents who are legally obligated by judicial or administrative order to pay child support, and absent parents on whom a support order could be entered if their location and/or financial resources were known. The USPS will match that tape, using name and Social Security Account Number (SSAN), against its Payroll System file of employees. The purpose of this match is to identify current postal employees who are absent parents of, and have support obligations to, children receiving services in Missouri under Title IV-D of the Social Security Act. In instances where employee SSANs match, i.e., "hits," the USPS will disclose to the M-DSS the following information from its payroll file: Name, SSAN, date of birth, home address, facility where employed and annual gross wage information.

The validity of "matched" employee/absent parent information will be verified by the Division of Child Support Enforcement, M-DSS. Subsequent actions may include further investigation, and, if appropriate, entry of an administrative order or a judicial order, order to withhold earnings, wage assignment, garnishment, or attachment and property liens. Further, the USPS Inspection Service may participate in the investigation of hits as a result of this matching program and establish investigative cases files within the parameters of Privacy Act system USPS 080.010, "Inspection Requirements Investigative File System" (last published in 48 FR 10975 of March 15, 1983). Disclosure of this information is authorized by routine use Nos. 25 and 28 in USPS 050.020, Payroll System, most recently published in 50 FR 28862 of July 16, 1985.

c. *Period of the Match:* The matching program will be on a one-time basis and is expected to begin in May 1986 and end no later than December 1987.

d. *Security:* The USPS personnel who perform the match will: (a) Have the only USPS access to the M-DSS computer tape; (b) use it for the purpose of the match and for no other purpose; and (c) safeguard it from unauthorized access. Likewise, the postal employee information disclosed to M-DSS will be used by authorized M-DSS personnel only for the purpose of the match and for no other purpose and will be safeguarded from unauthorized access. All information exchanged as a result of this matching project will be maintaind in locked file areas when not in use.

e. *Disposition of Records:* The USPS will not retain or copy the tape provided by the M-DSS and will return it to the M-DSS within six months from the date of its receipt. All information compiled as a result of this matching effort must be destroyed as soon as the determination is made that no illegality has occurred.

f. *Further Comments:* No bestowed rights, privileges, or benefits will be terminated solely on the basis of a "hit" or the records provided by the USPS in connection with this program.

**Fred Eggleston,**

*Assistant General Counsel, Legislative Division.*

[FR Doc. 86-9782 Filed 4-30-86; 8:45 am]

BILLING CODE 7710-12-M

## RAILROAD RETIREMENT BOARD

### Agency Forms Submitted for OMB Review

**AGENCY:** Rairoad Retirement Board.

**ACTION:** In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the Board has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

Summary of proposal(s):

(1) Collection title: Public Service Pension Questionnaire
(2) Form(s) submitted: G-208
(3) Type of request: Revision of a currently approved collection
(4) Frequency of use: On occasion

(5) Respondents: Individuals or households
(6) Annual responses: 10,000
(7) Annual reporting hours: 833
(8) Collection description: A spouse of survivor annuity under the RR Act may be subjected to a reduction for a public service pension. The questionnaire obtains the information needed to determine if the reduction applies and the amount of such reduction.

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. 86-9816 Filed 4-30-86; 8:45 am]

BILLING CODE 7905-01-M

## SECURITIES AND EXCHANGE COMMISSION

**[Holding Company Act Release No. 24067; Administrative Proceeding File No. 3-6649; 70-7112]**

### The Columbia Gas System, Inc. and TriStar Gas Marketing, Inc.; Notice of and Order for Hearing on Proposed Financing of Newly Organized Nonutility Subsidiary

April 22, 1986.

The Columbia Gas System, Inc. ("Columbia"), 20 Montchanin Road, Wilmington, Delaware 19807, a registered holding company, and its newly organized subsidiary company, TriStar Gas Marketing, Inc. ("TriStar"), 1600 Dublin Road, Columbus, Ohio, have filed an application-declaration with this Commission pursuant to sections 6(a), 7, 9(a), 10, and 12(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 45 promulgated thereunder. Notice of the filing of said application-declaration was given by the Commission on June 20, 1985 (HCAR No. 23737). Requests for a hearing were filed by the Office of Consumers' Counsel, State of Ohio ("OCCO"), and Vescorp Industries ("Vescorp").

TriStar was organized under the laws of Delaware on April 22, 1985, and its authorized capital is $20 million, consisting of 800,000 shares of common stock $25 par value per share. TriStar does not have any issued securities or outstanding capital. It is stated that the availability of deregulated gas and the general surplus of gas supplies in general over the last few years have created a growing spot market which was virtually non-existent two years ago. It is proposed that TriStar would participate in this new aspect of the natural gas industry by offering both local distribution companies and end-use customers an array of marketing services related to the acquisition, sale, exchange, and transportation of a variety of spot market and other gas supplies. TriStar would be staffed with a group of full-time employees who possess experience and expertise in gas marketing, transportation and exchange, procurement, finance, and law. The initial staff would total 10-15 persons inclusive of clerical and secretarial support. Accounting and other services would be procured through the system service corporation or, if not available there, through outside contractors. TriStar may sell spot-market gas to Columbia's distribution subsidiaries, but it will not provide services to nor act as an agent for the distribution companies for a fee without prior approval of this Commission.

For initial start-up costs and capital needs, it is estimated that TriStar will require up to $5 million. It proposed that these funds be provided by the issuance and sale by TriStar, and the acquisition by Columbia, of up to 200,000 shares of TriStar common stock, par value $25 per share, for a total initial capital of $5 million.

In addition, TriStar may require short-term funds of up to $15 million for the purpose of purchasing gas on the spot market for resale to end-users or local distribution companies. Accordingly, TriStar proposes to issue up to $15 million of short-term notes outstanding at any one time to commercial lenders. The notes will be for a term not in excess of 360 days and will bear interest at a rate not in excess of the prime rate in effect at the commercial lender at the time of the issuance of each note. Columbia proposes to guarantee such notes if necessary.

Finally, Columbia proposes to make open account advances of up to $15 million to TriStar, provided, however, that the open account advances will not be made if TriStar can borrow funds from nonassociated lenders on reasonable terms with Columbia's guarantee. If made, the advances will bear interest at a rate equal to Columbia's effective cost of short-term funds and will be repaid as gas is sold, but in any event, no later than 360 days following the date of the advance.

It appears to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a public hearing be held with respect to the proposed transactions and that interested persons be afforded an opportunity to be heard at such hearing with respect to such matters. Accordingly,

It is ordered, pursuant to section 19 of the Act, that a hearing be held on the application-declaration under the applicable provisions of the Act and the Rules of the Commission at a time and place to be fixed by further order as provided by Rule 6 of the Commission's Rules of Practice (17 CFR 201.6), and that an Administrative Law Judge to be designated by further order preside at said hearing. Any person, other than Columbia and TriStar, desiring to be heard or otherwise wishing to participate in that proceeding is directed to file with the Secretary of the Commission, on or before May 21, 1986, an application as provided by Rule 9 of the Commission's Rules of Practice (17 CFR 201.9), setting forth the nature and extent of his interest in the proceeding and any issues which he deems raised by this Notice and Order or by said application. A copy of that request shall be served personally upon Columbia and TriStar at the addresses noted above, and proof of such service (by affidavit or, in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. Persons filing an application to participate or to be heard will receive notice of the date and place of the hearing and any adjournments thereof, as well as of other actions of the Commission involving the subject matter of this proceeding.

The Division of Investment Management has advised the Commission that it has made an examination of the application-declaration, the requests for hearing, and the responses to those requests by Columbia and that, upon the basis thereof, the following matters and questions are presented for consideration without prejudice to the Commission's specifying additional matters and questions upon further examination:

(1) Whether the proposed issuance and sale by TriStar of its common stock to Columbia and its notes to commercial lenders meet the standards of section 7 of the Act, particularly subsections (c) and (d).

(2) Whether the proposed acquisition of TriStar's common stock by Columbia

meets the standards of section 10 of the Act, particularly subsections (b) and (c).

(3) Whether the proposed open account advances by Columbia to TriStar should be approved under section 12(b) of the Act and Rule 45 thereunder.

(4) What terms or conditions, if any, the Commission should impose if the proposed transactions are approved.

(5) Generally, whether the proposed transactions are in all respects compatible with the provisions and standards of the applicable sections of the Act and of the rules promulgated thereunder.

It is further ordered that in the aforesaid hearing attention should be given to the foregoing matters.

It is further ordered that the Division of Investment Management shall be a party to the proceedings.

It is further ordered that the Secretary of the Commission shall give notice of the aforesaid hearing by mailing copies of this Notice and Order by certified mail to Columbia and TriStar at the addresses noted above and to OCCO and Vescorp; that notice to all other persons be given by publication of this Notice and Order in the **Federal Register**; that a copy of this Notice and Order shall be published in the "SEC Docket"; and that an announcement of the aforesaid hearing shall be included in the "SEC News Digest."

By the Commission.

**Shirley E. Hollis,**

*Assistant Secretary.*

[FR Doc. 86-9759 Filed 4-30-86; 8:45 am]

BILLING CODE 8010-01-M

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**[Release No. IC-15069; File No. 811-3204]**

## Liquidity Management Group—Short-Term Trust; Application Declaring That Applicant Has Ceased To Be an Investment Company

April 24, 1986.

Notice is hereby given that Liquidity Management Group—Short-Term Trust ("Applicant"), 3390 West 86th Street, Indianapolis, Indiana 46268, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on April 7, 1986, for an order of the Commission pursuant to section 8(f) of the Act, declaring that Applicant has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act and rules thereunder for the applicable provisions thereof.

According to the application, Applicant's net assets decreased substantially during 1984 and in December 1984, virtually all of the unitholders voluntarily redeemed their units at the net asset value per unit of $1.00. Applicant states that as of July 25, 1985, there were 100 units outstanding with a net asset value of $1.00. Applicant's board of trustees recommended the liquidation of Applicant to its sole unitholder who owned the 100 units of beneficial interest on July 26, 1985. Applicant states that a unanimous consent of its sole unitholder approving the termination of Applicant was executed on July 26, 1985, and Applicant was dissolved under Indiana state law on March 17, 1986.

Applicant states that all of its portfolio investments matured on July 26, 1985, the date of liquidation. Applicant represents that it does not propose to engage in any business activities other than those necessary for the winding up of its affairs. Applicant further represents that it has retained no assets, no debts or other liabilities, and that it is not a party to any litigation or administrative proceeding. Finally, Applicant states that it has not within the past 18 months transferred any of its assets to a separate trust.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than May 16, 1986, at 5:30 p.m., do so by submitting a written request setting forth the nature of the interest, the reasons for the request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, DC 20549. A copy of the request should be served personally or by mail upon Applicant(s) at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

**John Wheeler,**

*Secretary.*

[FR Doc. 86-9760 Filed 4-30-86; 8:45 am]

BILLING CODE 8010-01-M

**[Release No. IC-15072; File No. 812-6323]**

## MetLife—State Street Equity Trust; Filing Contingent Deferred Sales Charge Application

April 24, 1986.

Notice is hereby given that MetLife—State Street Equity Trust (the "Trust" or "Applicant") One Financial Center, Boston, Massachusetts 02111, filed an application on March 25, 1986, for an order, pursuant to section 6(c) of the Investment Company Act of 1940 (the "Act"), exempting Applicant and all of its future series from the provisions of sections 2(a)(32), 2(a)(35), 22(c) and 22(d) of the Act and Rule 22c-1 thereunder to the extent necessary to permit the assessment and waiver of a contingent deferred sales charge. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act and the rules thereunder for the applicable provisions thereof.

Applicant represents that it is an open-end, diversified, management investment company organized as a business trust under the laws of the Commonwealth of Massachusetts. Applicant states that its investment adviser, principal underwriter and distributor will be MetLife—State Street Investment Services, Inc. ("Distributor"), a wholly-owned subsidiary of State Street Research & Management Company ("State Street"), which is a wholly-owned indirect subsidiary of Metropolitan Life Insurance Company. Applicant further states that the Distributor will receive the proceeds of each contingent deferred sales charge.

Applicant states that it is presently comprised of three portfolio series and that its Trustees have authority to create additional porfolio series at any time in the future without shareholder approval. Applicant states that its Trustees from time to time may consider whether it would be in Applicant's best interests to offer one or more new series of Applicant's shares to the public. Applicant states further that it may change the sales load and/or contingent deferred sales charge imposed by it, provided that the aggregate of such sales load and contingent deferred sales charge shall not exceed applicable limitations imposed by the National Association of Securities Dealers, Inc. (Portfolio series subject hereto are sometimes referred to as a "Fund").

Applicant represents that (i) an initial sales charge of 2% generally will be imposed upon purchases of shares of the

Trust of less than $500,000, an initial sales charge of 1% generally will be imposed upon purchases of shares of the Trust from $500,000 to $4,000,000, and no initial sales charge will be imposed upon purchases of shares of the Trust in excess of $4,000,000; (ii) the full amount of the applicable sales charge will be reallowed by the Distributor to the securities dealer responsible for each sale; (iii) the Distributor will also pay the securities dealer a supplemental 2% commission on any sale regardless of the amount involved; and (iv) Applicant will adopt a Distribution Plan pursuant to Rule 12b–1 of the Act under which each of its Funds will make monthly payments to the Distributor at the annual rate of 0.75% of the average daily value of its assets. In its periodic review of the proposed Distribution Plan pursuant to Rule 12b–1, the Trust's Board of Trustees will consider, among other things, the effect of the contingent deferred sales charge. In addition, Applicant states that certain redemptions of shares during the first four years following purchase, whether by direct request to the Trust or through a securities dealer acting as principal or agent pursuant to the share repurchase arrangements offered by the Trust and its authorized securities dealers, generally will be subject to a contingent deferred sales charge of up to 2.5%, depending on how long the redeemed shares have been held.

Applicant represents that no contingent deferred sales charge will be imposed by the Trust on redemptions of (a) shares redeemed as a result of exercising an exchange privilege except in connection with exchanges into any Fund managed by the Distributor which does not impose a sales charge, (b) shares acquired through reinvestment of dividends or distributions fromn a Fund, and (c) that number of shares of a Fund which have a value equivalent to the net appreciation of shares of that Fund purchased by the redeeming shareholder within the prior four years. Applicant further represents that the contingent deferred sales charge paid by an investor who reinvests some or all of the proceeds received from the redemption or repurchase of shares of a Fund within 30 days in any other load fund managed by the Distributor will be refunded in whole or in part, depending upon the amount reinvested. Applicant represents that in effecting any redemption the Trust will redeem those shares held longest by a shareholder, and that shares received by virtue of exercising the exchange privilege or upon a transfer (including any transfer to a securities dealer in connection with a repurchase) will be deemed to have been held for as long as the shares exchanged or transferred.

Applicant asserts that the amount of the contingent deferred sales charge, if any, will be calculated by determining the holding period of the redeemed shares which are subject to the charge, and applying the appropriate percentage to the lesser of (a) the initial purchase price of such shares or (b) the net asset value of such shares at the time of redemption. For ease of administration in calculating the contingent deferred sales charge, all purchases of shares will be deemed to have been made on the last day of the month of purchase.

Applicant states that when the contingent deferred sales charge is imposed, the amount of the charge will be 2.5% if the redemption occurs during the twelve-month period following the date upon which the shares being redeemed were purchased; 2% if the redemption occurs during the next twelve-month period; 1.5% if the redemption occurs during the third twelve-month period; and 1.0% if the redemption occurs during the fourth twelve-month period. If the redemption occurs during the fifth or any subsequent year following the date of purchase, no contingent deferred sales charge will be imposed.

Applicant asserts that no initial sales charge or contingent deferred sales charge will be imposed in connection with the sale of shares to, and the redemption of shares by, officers, directors, trustees, employees and sales representatives of the Trust, the Distributor, State Street, or of any selected dealer engaged in the sale of shares of the Funds, or any spouse or minor child of the foregoing (or a trust established for the benefit of such a spouse or minor child), provided that each such purchaser must submit to the Trust at the time of purchase a written assurance that such purchase is being made for investment and that the shares purchased will not be resold except through redemption.

Applicant submits that the proposed waiver of the contingent deferred sales charge under the circumstances described above will not harm Applicant or its remaining shareholders or unfairly discriminate among shareholders or purchasers. Applicant further intends to fully disclose the waiver provisions in its prospectus and to advise existing shareholders of any future variations of the contingent deferred sales charge within one year of the date when that variation is first made available to purchasers of the Applicant's shares, and the waiver provisions will be applied uniformly to specified classes of investors or transactions. Thus, the Applicant submits that it is in compliance with Rule 22d–1 under the Act.

Applicant contends that the proposed contingent deferred sales charge is consistent with all provisions of the Act, is fair and in the best interests of shareholders. Applicant further submits that the exemptions it requests are appropriate in the public interest, and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than May 16, 1986, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, DC 20549. A copy of the request should be served personally or by mail upon Applicant(s) at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

**John Wheeler,**

*Secretary.*

[FR Doc. 86–9761 Filed 4–30–86; 8:45 am]

BILLING CODE 8010–01–M

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## Issuer Delisting; Application To Withdraw From Listing and Registration; MGM/UA Entertainment Co. (now Doing Business as MGM Entertainment Co.) (10% Senior Subordinated Notes (the "MGM Notes") due 1993) [File No. 1–7926]

April 25, 1986.

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 ("Act") and Rule 12d2–2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the New York Stock Exchange, Inc. ("NYSE").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

There are currently 78 holders of MGM Notes, and $398,794,000 aggregate principal amount of the MGM Notes is outstanding. Turner Broadcasting System, Inc., the Company's parent, holds $343,797,000 aggregate principal amount of the MGM Notes. In addition, approximately $50,000,000 aggregate principal amount of the MGM Notes is expected to be surrendered in connection with the exercise of warrants (the "Warrants") to purchase the common stock of MGM/UA Entertainment Co. After the exercise of the Warrants, approximately $5,000,000 aggregate principal amount of the MGM Notes will remain publicly held.

Any interested person may, on or before May 15, 1986, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, DC 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

**John Wheeler,**

*Secretary.*

[FR Doc. 86-9762 Filed 4-30-86; 8:45 am]

BILLING CODE 8010-01-M

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**[Released No. 35-24070]**

## Filings Under the Public Utility Holding Company Act of 1935 ("Act")

April 24, 1986.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated thereunder. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendment(s) thereto is/are available for public inspection through the Commission's Office of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by May 19, 1986 to the Secretary, Securities and Exchange Commission, Washington, DC 20549, and serve a copy on the relevant applicant(s) and/or declarant(s) at the addresses specified below. Proof of service (by affidavit, or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After said date, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

### Mississippi Power & Light Company (70-7180)

Mississippi Power & Light Company ("MP&L"), Electric Building, Jackson, Mississippi 39201, a subsidiary of Middle South Utilities, Inc., a registered holding company, has filled a post-effective amendment, pursuant to sections 6(a), 6(b) and 7 of the Act, to the previously filed joint application-declaration.

By order dated December 30, 1985 (HCAR No. 23967), MP&L was, among other things, authorized to issue and sell notes ("Notes") in the aggregate principal amount of up to $75.2 million at any one time outstanding to commercial banks in its service territory ("Territorial Banks") through December 31, 1986. Pursuant to that authority, MP&L has entered into agreements with three Territorial Banks for credit lines totaling $30 million. All terms will be the same as authorized in the prior order, except that MP&L requests authority to maintain compensating balances, and to issue and sell Notes that will bear interest at an annual rate of ½ of 1% over Prime.

### Massachusetts Electric Company et al. (70-7206)

New England Electric System, a registered holding company, and certain of its subsidiary companies, Massachusetts Electric Company ("Mass Electric"), New England Power Company, New England Power Service Company, all of 25 Research Drive, Westborough, Massachusetts 01582, Granite State Electric Company, 33 West Lebanon Road, Lebanon, New Hampshire 03766, and The Narragansett Electric Company, 280 Melrose Street, Providence, Rhode Island 02901, have filed an application-declaration pursuant to sections 6(a), 7, 9(a), 10, 12(b), and 12(c) of the Act and Rules 42, 45, and 50 promulgated thereunder.

Mass Electric proposes (i) to acquire and retire, through September 30, 1987, any or all of its outstanding First Mortgage Bonds, Series O, 12½%, due October 1, 2012, (ii) to issue and sell, through December 31, 1987, not exceeding $25,000,000 principal amount of First Mortgage Bonds, Series P, and (iii) to increase its authorization for short-term borrowing, consisting of notes to banks, commercial paper, and advances from the system money pool (File No. 70-7088), from $30 million to $50 million until the sale of Series P Bonds is completed. The price to be paid for the Series O Bonds will not exceed 116% of the principal amount outstanding, currently $25,000,000, plus accrued interest. The Series P Bonds will be sold pursuant to competitive bidding under Rule 50 or in accordance with the alternative procedures contained in HCAR NO. 22623 (September 2, 1982). It is indicated, however, that an exception from competitive bidding may be requested to allow for a negotiated public offering or a private placement.

### The Narragansett Electric Company (70-7207)

The Narragansett Electric Company ("Narragansett"), 280 Melrose Street, Providence, Rhode Island 02901, a wholly owned, electric utility subsidiary of New England Electric System, a registered holding company, has filed an application-declaration pursuant to sections 6(b), 9(a), 10, and 12(b) of the Act and Rules 42 and 50 promulgated thereunder.

Narragansett plans to acquire or redeem any or all of its outstanding First Mortgage Bonds, Series J, N, O, and P through December 31, 1987, and seeks the requisite authorization therefor. Such bonds aggregate $73.7 million. In order to finance the acquisitions and redemptions, Narragansett proposes to issue and sell one or more series of first mortgage bonds in an aggregate principal amount not exceeding $75 million. The Series J Bonds may be redeemed at the current redemption price. The Series N, O, and P Bonds are subject to a five-year freeze on redemption with funds borrowed at a lower effective interest cost and would be acquired through a tender offer. (The Series N Bonds may be redeemed without restriction after January 31, 1987.) The purchase price of the Series N, O, and P Bonds will not exceed 119%, 117.75%, and 116.25%, respectively, of the principal amount of these bonds, plus accrued interest to the settlement date of the offer. The proposed new bonds are to be sold pursuant to competitive bidding procedures under Rule 50 (or as Rule 50 has been modified by HCAR No. 22623 (September 2, 1982)), although it is indicated that an

exception from competitive bidding may be requested to allow for a negotiated public offering or private placement.

**Alabama Power Company (70-7211)**

Alabama Power Company ("Alabama"), 600 North 18th Street, Birmingham, Alabama 35291, an electric utility subsidiary of The Southern Company, a registered holding company, has filed an application-declaration with this Commission pursuant to sections 6(a) and (b) and 7 of the Act and Rules 50(a)(2) and 50(a)(5) thereunder.

Alabama proposes to issue and sell from time to time, prior to April 1, 1988, short-term notes to banks and commercial paper to dealers up to an aggregate principal amount of $322,000,000 at any one time outstanding. Alabama also requests authorization to exceed the 5% limit on short-term debt contained in section 6(b) of the Act. The maximum short-term debt authorized for Alabama will be reduced by the amount of net-cash proceeds that Alabama receives from the sale of first mortgage bonds and/or preferred stock prior to April 1, 1988.

Alabama has obtained separate commitments with ten banks located outside its territorial service area providing for revolving credit borrowings aggregating $200,000,000 through April 30, 1989. These borrowings have a maximum maturity of 270 days and are renewable at maturity (but not later than the lending bank's commitment). The current effective annual interest rates on individual borrowings would range from 7.97% to 9.125% for such borrowings.

In addition, Alabama proposes to borrow from other banks up to $122,000,000. These borrowings will be evidenced by notes to be dated as of the date of such borrowings and to mature in not more than nine months after date of issue. The maximum effective cost of amounts borrowed in connection with these arrangements would be 9.320%, assuming a prevailing prime interest rate of 9%.

**Rocky Mountain Natural Gas Company (70-7221)**

Rocky Mountain Natural Gas Company, Inc. ("Rocky Mountain"), and its pipeline subsidiary, Sunflower Pipeline Company ("Sunflower"), 1600 Sherman Street, Room 420, Capital Life Center, Denver, Colorado 30202, have filed an application pursuant to section 2(a)(4) of the Act.

Rocky Mountain acquired all of the stock of Sunflower on April 16, 1986. Sunflower's principal business is the transport of natural gas and, as a result, it is primarily engaged in a business other than the business of a gas utility company. A majority of the gas carried through its pipeline is transported only and is not sold at retail to customers along the pipeline. Sunflower does sell gas for irrigation purposes to 46 agricultural customers. Rocky Mountain and Sunflower request an order declaring Sunflower not be a "gas utility company" under section 2(a)(4) of the Act due to the small dollar amount of sales to customers for irrigation use along its pipeline, coupled with the fact that those sales are not related to the business Sunflower is primarily engaged in.

**Eastern Utilities Associates (70-7251)**

Eastern Utilities Associates ("EUA"), P.O. Box 2333, Boston, Massachusetts 02107, a registered holding company, has filed an application pursuant to sections 9(a) and 10 of the Act.

EUA, through Montaup Electric Company ("Montaup"), an indirect, wholly owned, generation and transmission subsidiary company, presently has a 2.89989% joint ownership interest in the Seabrook nuclear generating project ("Seabrook Project"). There are fifteen other owners which are tenants in common with Montaup ("Participants") under an Agreement for Joint Ownership, Construction and Operation of New Hampshire Nuclear Units, dated as of May 1, 1973, as amended from time to time. On October 15, 1985, and April 17, 1986 (HCAR Nos. 23866 and 24065), notice was given of EUA's pending proposal to acquire, through a new, wholly owned, New Hampshire subsidiary, EUA Power Corporation ("EUA Power"), the interests of four Participants aggregating 11.26721%.

Now, in a separate filing, EUA proposes to acquire, again through EUA Power, the ownership interest, amounting to 0.86519%, of Fitchburg Gas and Electric Light Company ("Fitchburg"). The total amount to be paid by EUA Power at the time of the Fitchburg closing (if it occurs on June 30, 1986) is estimated to be $10,673,000. Progress payments to be made by EUA Power thereafter, until the commercial operation date of Seabrook Unit No. 1 (scheduled for October 31, 1986), on remaining construction costs attributable to the interest which it will acquire from Fitchburg, together with carrying charges on those payments at an assumed rate of 25% per annum, are estimated to be $1,316,000, which, when added to the payments at the closing, results in an estimated total cost to EUA Power of $11,989,000 for the 0.86519% ownership share of the completed Unit No. 1. It is stated that no additional financing by EUA Power will be necessary as a result of adding the Fitchburg interest. EUA also proposes to acquire, through EUA Power, at a cost of approximately $606.00, a portion, in accordance with its ownership share of the Seabrook Project, of the common stock of New Hampshire Yankee Electric Corporation which is intended to have primary responsibility for management of the construction and operation of the Seabrook Project.

**Consolidated Natural Gas Company (70-7253)**

Consolidated Natural Gas Company ("Consolidated"), a registered holding company, Four Gateway Center, Pittsburgh, Pennsylvania 15222, has filed an application-declaration pursuant to sections 9(a), 10, and 12(c) of the Act and Rule 42 thereunder.

Consolidated proposes to acquire for cash, through a tender offer, all or a substantial portion of the outstanding $100,000,000 principal amount of its 11⅛% Debentures due April 1, 2008. It is stated that in order to fund the proposed acquisition of the 11⅛% Debentures, Consolidated will, in a separate filing, seek authorization for the sale of $100,000,000 principal amount of debentures or notes in the Euro market or will issue and sell debentures under the Commission's order of April 5, 1985 (HCAR No. 23655), depending upon market conditions.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

**John Wheeler,**

*Secretary.*

[FR Doc. 86-9763 Filed 4-30-86; 8:45 am]

BILLING CODE 8010-01-M

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## Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Midwest Stock Exchange, Incorporated

April 25, 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:

Mylan Lab, Inc.
  Common Stock, $0.50 Par Value (File No. 7-8941)

Andal Corporation
  Common Stock, $1.00 Par Value (File No. 7-8942)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before May 15, 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, DC 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.

**John Wheeler,**

*Secretary*

[FR Doc. 86-9758 Filed 4-30-86; 8:45 am]

BILLING CODE 8010-01-M

## SMALL BUSINESS ADMINISTRATION

**[License No. 09/09-0292]**

### California Capital Investors, Ltd., Filing of an Application for an Exemption Under the Conflict of Interest Regulation

Notice is hereby given that California Capital Investors, Ltd. 11812 San Vicente Boulevard, Los Angeles California 90049, a Federal Licensee under the Small Business Investment Act of 1958, as amended, has filed an application with the Small Business Administration (SBA) pursuant to § 107.903 of the Regulations governing small business investment companies (13 CFR 107.903 (1986)) for approval of a conflict of interest transaction.

Subject to SBA approval California Capital Investors, Ltd., proposes to sell its investments in Exvenco Venture 83-01 and Exvenco Resources, Inc., North 9516 Division, Suite B, Spokane, Washington 99218, respectively, to Stephen D. Moses and Katherine C. Keck.

The proposed sale is brought within the purview of § 107.903(b) of the SBA Regulations because Stephen D. Moses and Katherine C. Keck, respectively, are presently being proposed as General Partners, of California Capital Investors, Ltd., subject to SBA approval, and therefore each could be considered an Associate as defined by § 107.3 of the Regulations.

Notice is hereby given that any interested person may, not later than (15) days from the date of publication of this Notice, submit written comments on the proposed transaction to the Deputy Associate Administrator for Investment, Small Business Administration 1441 "L" Street, NW., Washington, DC 20416.

A copy of this Notice will be published in newspapers of general circulation in Los Angeles, California, and Spokane, Washington.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: April 25, 1986.

**Robert G. Lineberry,**

*Deputy Associate Administrator for Investment.*

[FR Doc. 86-9744 Filed 4-30-86; 8:45 am]

BILLING CODE 8025-01-M

### Region IV Advisory Council; Public Meeting

The U.S. Small Business Adminstration Region IV Advisory Council, located in the geographical area of Atlanta, will hold a public meeting from 9:00 A.M. to 4:00 P.M., on Wednesday, May 14, 1986, at the Hyatt Regency Hotel, 265 Peachtree Street, NE., Atlanta, Georgia, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Billy R. Wells, District Director, U.S. Small Business Administration, 1720 Peachtree Road, NW., 6th Floor, Atlanta, Georgia 30309—(404) 347-4749.

**Jean M. Nowak,**

*Director, Office of Advisory Councils.*

April 22, 1986.

[FR Doc. 86-9745 Filed 4-30-86; 8:45 am]

BILLING CODE 8025-01-M

### Advisory Committee on Veterans Business Affairs; Public Meeting

The U.S. Small Business Administration, Advisory Committee on Veterans Business Affairs will hold a public meeting at 10:00 a.m., on Tuesday, June 3, 1986, at the U.S. Small Business Headquarters, 1441 L Street, NW., Room 1000 Administrator's Conference Room, Washington, DC 20416, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Vincent B. Pagano, Director, Office of Veterans Affairs, U.S. Small Business Administration, 1441 L Street, NW., Room 414, Washington, DC 20416, (202) 653-8220.

**Jean M. Nowak,**

*Director, Office of Advisory Councils.*

April 28, 1986.

[FR Doc. 86-9825 Filed 4-30-86; 8:45 am]

BILLING CODE 8025-01-M

**[Disaster Loan Area No. 2235]**

### Texas; Declaration of Disaster Loan Area

As a result of the President's major disaster declaration on April 23, 1986, I find that Nolan County in the State of Texas constitutes a disaster area because of damage from severe storms and tornadoes which occurred on April 19, 1986. Eligible persons, firms, and organizations may file applications for loans for physical damage until the close of business on June 23, 1986, and for economic injury until September 2, 1986, at:

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:

| | |
|---|---|
| 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 223512 for physical damage and for economic injury the number is 640400.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008).

Dated: April 24, 1986.

**Bernard Kulik,**

*Deputy Associate Administrator for Disaster Assistance.*

[FR Doc. 86-9824 Filed 4-30-86; 8:45 am]

BILLING CODE 8025-01-M

## DEPARTMENT OF STATE

[Public Notice CM-8/965]

### Shipping Coordinating Committee, Subcommittee on Safety of Navigation; Meeting

The Working Group on Safety of Navigation of the Subcommittee on Safety of Life at Sea (SOLAS) will hold an open meeting on Thursday, May 29, 1986 at 9:30 AM in Room 6319 of the U.S. Coast Guard Headquarters, Transport Building, 2100 Second Street, SW., Washington, DC.

The purpose of the meeting will be to report on the progress of the Subcommittee at its 32nd session and begin to prepare the U.S. position relating to the below listed agenda items to be considered at the 33rd session of the Subcommittee on Safety of Navigation of the International Maritime Organization (IMO) to be held in London, January 12-16, 1987.

—Decisions of other IMO bodies.
—Routing of ships.
—Vessels constrained by their draft in harbor approaches.
—Matters concerning search rescue.
—Navigational aids and related equipment (electronic charting and worldwide navigation system study, etc.).
—Units of wind speed in international meteorological messages.
—Infringement of safety zones around offshore structures.
—Removal of abandoned or disused offshore platforms.

Members of the public may attend up to the seating capacity of the room.

For further information contact Mr. Edward J. LaRue, Jr., U.S. Coast Guard (G-WWM), Washington, DC 20593, Telephone: (202) 426-4958.

Dated: April 23, 1986.

**Richard C. Scissors,**

*Director, Shipping Coordinating Committee.*

[FR Doc. 86-9716 Filed 4-30-86; 8:45 am]

BILLING CODE 4710-07-M

## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

### Trade Policy Staff Committee Review; Electric Heaters from Taiwan, Korea and Hong Kong

Notice is hereby given that the Trade Policy Staff Committee (TPSC) has initiated a review concerning the removal of Electric Heaters classified under TSUS 684.40 of the Tariff Schedules of the United States Annotated, when imported from Taiwan, Korea and Hong Kong, from the list of products currently eligible for duty-free treatment under the U.S. Generalized System of Preferences (19 U.S.C. 2461-2465). The review is initiated pursuant to a petition filed by the Patton Electric Company. Anyone interested in this matter is requested to provide written comments to the TPSC regarding the Patton Electric Company request not later than May 26, 1986. A public hearing on the proposed modification will not be scheduled unless a request for such hearing is received no later than close of business May 7, 1986.

All submissions should conform to 15 CFR 2003.2 and be submitted in 20 copies, in English, to the Chairman of the GSP Subcommittee of the Trade Policy Staff Committee, 600 17th Street NW., Room 517, Washington, DC 20506. Information submitted in connection with the proposed modification will be subject to public inspection by appointment with the staff of the GSP Information Center, except for information granted "business confidential" status pursuant to 15 CFR 2003.6 and 15 CFR 2007.7. Parties submitting briefs or statements containing confidential information must indicate clearly on the cover page of each of the twenty copies submitted and each page within the document, where appropriate, that confidential materials are included. Non-confidential summaries of all confidential material must be submitted in twenty copies, in English, at the same time that confidential submissions are filed.

All communications with regard to the proposed modification should be addressed to the GSP Subcommittee, Office of the United States Trade Representative, 600 17th Street NW., Room 517, Washington, DC 20506. Questions may be directed to the GSP Information Center at, (202) 395-6971.

**Donald M. Phillips,**

*Chairman, Trade Policy Staff Committee.*

[FR Doc. 86-9719 Filed 4-30-86; 8:45 am]

BILLING CODE 3190-01-M

## DEPARTMENT OF THE TREASURY

### Office of the Secretary

[Supplement to Department Circular—Public Debt Series—No. 15-86]

### Treasury Notes, Series Y-1988

April 24, 1986.

The Secretary announced on April 23, 1986, that the interest rate on the notes designated Series Y-1988, described in Department Circular—Public Debt Series—No. 15-86 dated April 17, 1986, will be 6⅝ percent. Interest on the notes will be payable at the rate of 6⅝ percent per annum.

**Gerald Murphy,**

*Fiscal Assistant Secretary.*

[FR Doc. 86-9703 Filed 4-30-86; 8:45 am]

BILLING CODE 4810-40-M

## Internal Revenue Service

### Art Advisory Panel; Closed Meeting

**AGENCY:** Internal Revenue Service, Treasury.

**ACTION:** Notice of Closed Meeting of Art Advisory Panel.

**SUMMARY:** Closed meeting of the Art Advisory Panel will be held in Washington, DC.

**DATE:** The meeting will be held May 22, 1986.

**FOR FURTHER INFORMATION CONTACT:** Karen Carolan, CC:AP:V, 1111 Constitution Avenue, NW., Room 2575, Washington DC, 20224, Telephone No. (202) 566-9259, (not a toll free number).

Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1982), that a closed meeting of the Art Advisory Panel will be held on May 22, 1986 beginning at 9:30 a.m. in Room 3029, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC 20224.

The agenda will consist of the review and evaluation of the acceptability of fair market value appraisals of works of art involved in federal income, estate, or gift tax returns. This will involve the discussion of material in individual tax returns made confidential by the provisions of section 6103 of Title 26 of the United States Code.

A determination as required by section 10(d) of the Federal Advisory Committee Act has been made that this meeting is concerned with matters listed in section 552(b)(c) (3), (4), (6), and (7) of Title 5 of the United States Code, and that the meeting will not be open to the public.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive appearing in the **Federal Register** for Wednesday, November 8, 1978. (43 FR 52122.)

**James I. Owens,**

*Acting Commissioner.*

[FR Doc. 86-9715 Filed 4-30-86; 8:45 am]

BILLING CODE 4830-01-M

# Sunshine Act Meetings

Federal Register
Vol. 51, No. 84
Thursday, May 1, 1986

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

**FEDERAL DEPOSIT INSURANCE CORPORATION**

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, May 5, 1986, the Federal Deposit Insurance Corporaton's Board of Directors will meet in closed session, by vote of the Board of Directors, pursuant to sections 552b(c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of Title 5, United States Code, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Discussion Agenda:

Applications for Federal deposit insurance:

American Investment Thrift, an operating noninsured industrial bank located at 50 South Main, Salt Lake City, Utah.

First Thrift and Loan, an operting noninsured industrial bank located at 326 South 500 East, Salt Lake City, Utah.

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 46,497-NR
Penn Square Bank, National Association, Oklahoma City, Oklahoma

Recommendation regarding the Corporation's assistance agreement with an insured bank pursuant to section 13 of the Federal Deposit Insurance Act.

Recommendation regarding the Corporation's corporate and liquidation activities.

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, NW., Washington, DC.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 898-3813.

Dated: April 28, 1986.

Federal Deposit Insurance Corporation.

**Hoyle L. Robinson,**

*Executive Secretary.*

[FR Doc. 86-9866 Filed 4-29-86; 11:11 am]

BILLING CODE 6714-01-M

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**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 the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, May 5, 1986, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Application for Federal deposit insurance:

Basin Loans, Inc., an operating noninsured industrial bank located at 74 East Main Street, Vernal, Utah.

Application for consent to purchase assets and assume liabilities:

Harford National Bank, Aberdeen, Maryland, for consent to purchase the assets of and assume the liability to pay deposits made in Enterprise Building and Loan Association of Harford County, Aberdeen, Maryland, a non-federally-insured institution.

Application for consent to merge and establish twelve branches:

The Morris Plan Company of California, Palo Alto, California, an insured industrial loan company, for consent to merge, under its charter and title, with Credithrift & Loan, Inc., Orange, California, a non-federally-insured industrial loan company, and for consent to establish twelve of the offices of Credithrift & Loan, Inc. as branches of the resultant bank.

Application for consent to exercise full trust powers:

Harris Trust Company of California, San Francisco, California.

Memorandum and resolution re: Federal Financial Institutions Examination Council policy statement, entitled "General Policy For Sharing Confidential Supervisory Information With State Banking and Thrift Regulatory Agencies" which policy statement provides for the federal financial institutions regulatory agencies to share with the state regulatory agencies certain confidential supervisory information.

Reports of committees and officers:

Minutes of actions approved by the standing committees of the Corporation pursuant to authority delegated by the Board of Directors.

Reports of the Division of Bank Supervision with respect to applications, requests, or actions involving administrative enforcement proceedings approved by the Director or an Associate Director of the Division of Bank Supervision and the various Regional

Directors pursuant to authority delegated by the Board of Directors.

Reports of the Director, Office of Corporate Audits and Internal Investigations:

Summary Audit Report re:
Gilpin County Bank, Black Hawk, Colorado, AP-479 (Memo dated April 4, 1986)

Summary Audit Report re:
Farmers State Bank of Dexter, Kansas, Dexter, Kansas, SR-577 (Memo dated March 17, 1986)

Summary Audit Report re:
Citizens State Bank of El Dorado, El Dorado, Kansas (2484) (Memo dated April 9, 1986)

Summary Audit Report re:
Eskridge State Bank, Eskridge, Kansas, AP-478 (Memo dated April 2, 1986)

Summary Audit Report re:
Madison Bank, Madison, Kansas, AP-476 (Memo dated March 31, 1986)

Summary Audit Report re:
The First National Bank of Onaga, Onaga, Kansas, AP-481 (Memo dated April 2, 1986)

Summary Audit Report re:
Kansas American Bank, Overland Park, Kansas, AP-483 (Memo dated April 3, 1986)

Summary Audit Report re:
Linn County State Bank, Linneus, Missouri, AP-480 (Memo dated April 2, 1986)

Summary Audit Report re:
Farmers State Bank, Rising City, Nebraska (2485) (Memo dated April 9, 1986)

Summary Audit Report re:
Golden Pacific National Bank, New York (Manhattan), New York, NR-580 (Memo dated March 18, 1986)

Summary Audit Report re:
The Crossroads State Bank, Oklahoma City, Oklahoma, SR-584 (Memo dated April 7, 1986)

Summary Audit Report re:
First City Bank, National Association, Oklahoma City, Oklahoma, AP-474 (Memo dated March 18, 1986)

Summary Audit Report re:
First Bank and Trust, Tracy City, Tennessee, AP-475 (Memo dated March 21, 1986)

Summary Audit Report re:
First National Bank of Glenrock, Glenrock, Wyoming, AP-482 (Memo dated April 3, 1986)

Summary Audit Report re:
Addison Consolidated Office, Cost Center 3460 (Memo dated April 4, 1986)

Summary Audit Report re:
Kansas City Consolidated Office, Cost Center 3410 (Memo dated March 31, 1986)

Summary Audit Report re:
New York Regional Office, Cost Center 3500 (Memo dated April 11, 1986)

Summary Audit Report re:
Puerto Rico Consolidated Office, Cost Center 3510 (Memo dated March 31, 1986)

Summary Audit Report re:
First Financial Management Corporation System, Midland Consolidated Office (Memo dated March 31, 1986)

Summary Audit Report re:
Audit Report on Liabilities Incurred in, Assistance To or From Failures of Insured Banks (Memo dated April 10, 1986)

Summary Audit Report re:
Status of Auditee Corrective Actions (Memo dated March 27, 1986)

Discussion Agenda

No matters scheduled.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, NW., Washington, DC.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 898-3813.

Dated: April 28, 1986.

Federal Deposit Insurance Corporation.

**Hoyle L. Robinson,**

*Executive Secretary.*

[FR Doc. 86-9867 Filed 4-29-86 11:11 am]

BILLING CODE 6714-01-M

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**FEDERAL ELECTION COMMISSION**

**DATE AND TIME:** Tuesday, May 6, 1986, 10:00 a.m.

**PLACE:** 999 E Street, NW., Washington, DC.

**STATUS:** This meeting will be closed to the public.

**ITEMS TO BE DISCUSSED:**

Compliance matters pursuant to 2 U.S.C. 437g
Audits conducted pursuant to 2 U.S.C. 437g, 438(b), and Title 26, U.S.C.
Matters concerning participation in civil actions or proceedings or arbitration
Internal personnel rules and procedures or matters affecting a particular employee

* * * * *

**DATE AND TIME:** Thursday, May 8, 1986, 10:00 a.m.

**PLACE:** 999 E Street, NW., Washington, DC (Ninth Floor).

**STATUS:** This meeting will be open to the public.

**MATTERS TO BE CONSIDERED:**

Setting of Dates of Future Meetings
Correction and Approval of Minutes
Draft AO 1986-12—Geraldine A. Ferraro
Draft AO 1986-13—Brock R. Landry, on behalf of National Tire Dealers & Retreaders Association PAC
Routine Administrative Matters

**PERSON TO CONTACT FOR INFORMATION:** Mr. Fred Eiland, Information Officer, 202-376-3155.

**Marjorie W. Emmons,**

*Secretary of the Commission.*

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4

**INTERSTATE COMMERCE COMMISSION**

**TIME AND DATE:** 10:00 a.m., Thursday, May 8, 1986.

**PLACE:** Hearing Room A, Interstate Commerce Commission, 12th & Constitution Avenue, NW., Washington, DC 20423.

**STATUS:** Open Special Conference.

**MATTER TO BE DISCUSSED:**

Ex Parte MC-177—
National Industrial Transportation League—Petition to Institute Rulemaking on Negotiated Motor Common Carrier Rates.

**CONTACT PERSON FOR MORE INFORMATION:** Alvin H. Brown, Office of Legislative and Public Affairs, Telephone: (202) 275-7252.

**James H. Bayne,**

*Secretary.*

[FR Doc. 86-9920 Filed 4-29-86; 3:33 p.m.]

BILLING CODE FR-7035-01-M

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5

**PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL**

**STATUS:** Open. The Council will also hold an executive session to discuss pending litigation.

**TIME AND DATE:** May 14-15, 1986, 9:00 a.m.

**PLACE:** South Auditorium, Federal Building, 915 Second Avenue, Seattle, Washington.

**MATTERS TO BE CONSIDERED:**

1. Staff Presentation on Impact of Oil and Gas Price Changes on the Energy Plan.
2. Public Comment on Issue Paper on Bonneville Conservation/Modernization Program and the Resource Acquisition Provisions of the Northwest Power Act.
3. Public Comment on Issue Paper on Hydropower Responsibility for Salmon and Steelhead Losses in the Columbia River Basin.
4. Staf Presentation of Draft Process for Evaluating Petitions to Enter Rulemaking.
5. Staff Briefing on Salmon and Steelhead Production in the Columbia River Basin.
6. Briefing and Public Comment on Applications to Amend Columbia River Fish and Wildlife Program. (For summaries or complete copies of the amemdment applications, call Judy Allender in the Council's Public Involvement Division).
7. Council Business.
8. Public Comment.

**FOR FURTHER INFORMATION CONTACT:** Ms. Bess Atkins at (503) 222-5161.

**Edward Sheets,**

*Executive Director.*

[FR Doc. 86-9835 Filed 4-29-86; 10:12 am]

BILLING CODE 0000-00-M

federal register

Thursday
May 1, 1986

## Part II

# Department of Agriculture

### Agricultural Marketing Service

**Wheat and Wheat Foods Research and Nutrition Education; Wheat Industry Council Budget for Fiscal Year 1987; Notice**

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[Docket No. WR-1]

### Wheat and Wheat Foods Research and Nutrition Education; Wheat Industry Council Budget for Fiscal Year 1987

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

**ACTION:** Notice of the Wheat Industry Council Budget for fiscal year 1987.

**SUMMARY:** This notice presents the proposed July 1986 through June 1987 budget of the Wheat Industry Council. Publication of budget information in the **Federal Register** is required by the Wheat and Wheat Foods Research and Nutrition Education Act. The purpose is to provide information concerning the emphasis and direction of the Council's nutritional education program for the upcoming year. In addition, it provides those end product manufacturers, who are required to pay assessments on purchases of processed wheat to fund the program, an opportunity to reserve the right to seek a refund of assessments paid.

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

**SUPPLEMENTARY INFORMATION:** The Wheat and Wheat Foods Research and Nutrition Education Act of 1977 (7 U.S.C. 3401-17) authorized a research and nutrition education program for wheat and wheat foods. Formal rulemaking procedures, including a public hearing, were followed in developing the Wheat and Wheat Foods Research and Nutrition Education Order which provides the framework for the program.

In a March 1980 referendum wheat end product manufacturers approved the Wheat and Wheat Foods Research and Nutrition Education Order. The Order provides for a program of research and nutrition education for wheat and wheat-based foods to be administered by a 20-member Wheat Industry Council. The Order requires that all nonexempt wheat end product manufacturers be assessed up to 5 cents per hundredweight of processed wheat purchased to finance the program. The Order limited the assessments to 1 cent per hundredweight during the first 2 years of the program. This budget is based on a continuation of the 1-cent assessment level. Wheat end product manufacturers who purchase less than 2,000 hundredweight of processed wheat per year, those who are defined as retail bakers, and processed wheat used in the manufacture of exempt end products are not assessed.

The Wheat and Wheat Foods Research and Nutrition Education—Rules and Regulations require all nonexempt wheat end product manufacturers to register with the Wheat Industry Council; 1333 H Street, NW., Suite 1200; Washington, DC 20005 (Phone: 202/682-2130). Assessments are due and payable to the Wheat Industry Council on or before the 30th day following the end of each firm's quarterly reporting period.

Wheat end product manufacturers who wish to reserve the right to request refunds of assessments to be paid during the Council's upcoming fiscal year must submit such notification to the Wheat Industry Council by registered or certified mail within 60 days after publication of this notice in the **Federal Register**. In order to receive a refund of assessments paid, an end product manufacturer must first reserve that right, then pay the assessment on or before the 30th day following the end of the quarterly reporting period. The refund must then be requested on the appropriate form within 60 days following the end of the quarterly reporting period.

The Council's 1986-87 nutrition education program will consist of a generic advertising campaign, "Eat Wheat America," which will emphasize wheat foods with a back-to-school theme. The campaign will use a combination of broadcast and print media and merchandising at point of purchase.

The Wheat Industry Council budget for fiscal year 1987 is as follows:

*Wheat Industry Council Budget—July 1, 1986-June 30, 1987*

| | | |
|---|---|---|
| Income: Income from assessments | $1,000,000 | |
| Total | | $1,000,000 |
| *Expenses:* | | |
| Consumer Information/Education Program | 396,500 | |
| Compensation | 274,660 | |
| Outside services: Legal, financial audit, USDA oversight | 57,300 | |
| Referendum repayment | 30,000 | |
| Council meetings/committee expenses | 41,000 | |
| Travel | 34,200 | |
| Administration costs: Rent, insurance, property tax, lockbox, telephone | 76,470 | |
| Council communications: Newsgram, special mailings | 24,670 | |
| Printing and postage | 27,330 | |
| Office equipment, maintenance, and supplies | 31,170 | |
| Miscellaneous: Memberships, subscriptions | 6,700 | |
| Total | | $1,000,000 |

Done at Washington, DC: April 23, 1986.

**William T. Manley,**

*Deputy Administrator, Marketing Programs.*

[FR Doc. 86-9507 Filed 4-30-86; 8:45 am]

BILLING CODE 3410-02-M

federal register

Thursday
May 1, 1986

# Part III

# Department of Health and Human Services

## Food and Drug Administration

21 CFR Parts 330, 331, 332, and 357
Labeling of Drug Products for Over-the-Counter Human Use; Final Rule

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Food and Drug Administration**

**21 CFR Parts 330, 331, 332, and 357**

**[Docket No. 82N-0154]**

## Labeling of Drug Products for Over-the-Counter Human Use

**AGENCY:** Food and Drug Administration.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is issuing a final rule changing its "exclusivity" policy for the labeling of over-the-counter (OTC) drug products. The final rule establishes three alternatives for stating an OTC drug product's indications for use in OTC drug labeling. The label and labeling of OTC drug products are required to contain, in a prominent and conspicuous location, either (1) the specific wording on indications for use established under an OTC drug monograph, which may appear within a boxed area designated "APPROVED USES"; (2) other wording describing such indications for use that meets the statutory prohibitions against false or misleading labeling, which shall neither appear within a boxed area nor be designated "APPROVED USES"; or (3) the approved monograph language on indications, which may appear within a boxed area designated "APPROVED USES," plus alternative language describing indications for use that is not false or misleading, which shall appear elsewhere in the labeling. All required OTC drug labeling other than indications for use (e.g., statement of identity, warnings, and directions) must appear in the specific wording established under an OTC drug monograph. FDA is issuing this final rule after consideration of the comments submitted in response to the agency's proposed rule that was published in the **Federal Register** of April 22, 1985 (50 FR 15810).

**EFFECTIVE DATE:** June 30, 1986.

**FOR FURTHER INFORMATION CONTACT:** William E. Gilbertson, Center for Drugs and Biologics (HFN-210), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-295-8000.

**SUPPLEMENTARY INFORMATION:** In the **Federal Register** of July 2, 1982 (47 FR 29002), FDA announced a public hearing to be held on the "exlusivity" policy as it relates to the labeling of OTC drug products. This policy currently limits the terms that may be used in an OTC drug product's labeling to the specific terminology established in a final OTC drug monograph. Thus, when an applicable final monograph became effective, any OTC drug product containing labeling with claims or representations other than those established in the monograph, or using differing terminology, would have been a new drug and/or misbranded under the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321(p) and 352).

At the hearing on September 29, 1982, 12 persons presented testimony on behalf of manufacturers, trade associations, and consumers. Written testimony ws submitted by individuals, companies, and organizations. Comments and testimony by manufacturers and trade associations contended that the present exclusivity policy is unconstitutional because it unlawfully restrains free speech; is in violation of the Administrative Procedure Act (APA) because it was implemented without notice and comment and because it is arbitrary and capricious; and is not authorized by the act (21 U.S.C. 321 et seq.). These comments also questioned whether, as a matter of sound agency policy irrespective of its legal status. In general, testimony and comments submitted by individuals or consumer groups urged FDA to retain the exclusivity policy in its present form to avoid confusion and deception and to facilitate comparisons among OTC drug products. However, testimony from one consumer group took the position that while it is important that limitations be placed on labeling so as to avoid confusion, alternative wording of labeling claims could also be advantageous.

In the **Federal Register** of April 22, 1985 (50 FR 15810), FDA discussed the testimony and information submitted at the hearing and the comments submitted in various proceedings to establish OTC drug monographs. The agency stated that, although the present policy is lawful, there were sound reasons for proposing a modification of that policy. (See 50 FR 15811.) Accordingly, FDA proposed to amend the labeling requirements for OTC drugs in 21 CFR Part 330 by amending § 330.1.

FDA also proposed conforming amendments to the monographs for OTC antacid, antiflatulent, and cholecystokinetic drug products that appear in 21 CFR Parts 331, 332, and 357, respectively. The agency stated that other conforming amendments, as required, may be made to other monographs as they are published in final form. FDA also stated that the provisions of the regulations relating to the amendment of monographs (Section 330.10(a)(12)) would not be affected by the proposed amendment of the exclusivity policy. Persons seeking to amend the language established by a monograph would continue to follow the procedures set out in § 330.10(a)(12).

Interested persons were invited to file written comments regarding the proposal by July 22, 1985. In response to the proposed rule, 54 consumers, 8 manufacturers, 7 health care providers, 9 government agencies, 14 consumer/trade associations, and 1 university submitted comments. Copies of the comments received are on public display in the Dockets Management Branch. Final agency action on this matter occurs with the publication of this final rule.

### I. The Agency's Conclusions on the Comments

1. Many of the comments received in support of the proposal to change the existing exclusivity policy were general in nature. Reasons given by these comments for supporting the proposal include the following: The proposal is in the public interest; will meet consumers' needs for accurate labeling information; will improve patients' understanding of OTC drug products; will assist manufacturers in writing clear communications to consumers; will allow manufacturers the opportunity to change label information without complying with unnecessary FDA procedures; will provide for regional differences in the way people refer to the same condition, e.g., acid stomach versus upset stomach; and will provide greater flexibility. Other comments maintained that a revised exclusivity policy would reduce costs, expedite work, and save agency resources by eliminating the costly monograph amendment procedures.

FDA acknowledges these comments in support of the proposed change in the exclusivity policy.

2. A number of comments stated that it is in the consumers' interest to maintain the old exclusivity policy because it assures accurate and uniform labeling of OTC drug products and assists consumers, especially the poor, sick, and elderly, in purchasing OTC drug products through easy comparisons. Reasons given by these comments for maintaining the old policy include the following: Manufacturers cannot be relied upon to provide accurate, nonmisleading label information; a number of products are switching from prescription to OTC marketing status; the manufacturer's choice, consumer interpretation, and differences in regional language would

increase communications problems; it is not apparent that the cost of drugs would be lower because of this proposal. One comment argued that confusion already exists because consumers do not realize the limits of FDA's power and therefore expect more control.

Explaining that panel members had debated many hours for years over the wording that would be appropriate for OTC drug labeling, two former panel chairpersons stated that the panel members were acutely aware that many other words could be used, but that approval should be obtained from a responsible FDA group. The former chairpersons expressed concern that the proposed change in the exclusivity policy could result in the public being misled about an OTC drug product's capability.

The concerns expressed in this comment were discussed in depth in the proposed rule (50 FR 15810) and are also discussed in comment 4 below. After careful review and study, the agency believes that the goal of ensuring truthful, nonmisleading labeling without inhibiting effective consumer communication does not require that the existing rigid exclusivity policy be continued. Specific wording established in a final OTC drug monograph will provide a standard for measuring the accuracy of alternative language developed by manufacturers for the indications of OTC drug products. Language which represents or suggests that the drug is safe and effective for an indication for use other than one established in a appropriate final monograph would render the drug product a "new drug" under 21 U.S.C. 321(p) for which appropriate regulatory action could be taken. The monograph amendment procedures in § 330.10(a)(12) would also continue to apply where a manufacturer seeks approval for other language for indications for use already included in the monograph.

3. Three comments argued that the new policy was a license for manufacturers of OTC drug products to use words that are misleading and confusing. One comment stated that the proposed changes in exclusivity would increase the likelihood that the consumer will be misled. According to the comment, this situation could lead to medical problems, and the taxpayer would ultimately pay for up to 40 percent of the costs of dealing with the problems.

Expressing the opposite point of view, another comment stated that consumers will have more useful information on which they can base their purchase and treatment decisions, and thus are more likely to identify quickly and rely on appropriate and effective OTC drug products rather than on more costly or less efficient alternatives.

The agency finds no evidence to support the contention that flexible labeling of the indications for use of OTC drug products will be misleading, confuse the consumer, and lead to medical problems. As discussed later in this document, the monograph language will continue to be used as a benchmark to ensure that any alternative language does not exceed the approved indications. (See comment 4 below.) FDA will continue to review the labeling of OTC drug products and initiate enforcement activities as necessary, thereby ensuring that consumers will continue to be protected. (See comment 12 below.)

The agency's experience to date provides no basis for the presumption that this change in policy will cause any deterioration in OTC drug product labeling practices because, for the most part, rigid adherence to the strict "exclusivity" policy has not been required in the absence of final OTC drug monographs. The vast majority of OTC drug products are now marketed pursuant to statutory and regulatory standards that will remain in effect upon publication of this final rule. Experience does not demonstrate any significant widespread patterns of abuse, even in the absence of established "exclusivity" provisions, and there is no reason to expect such abuses to emerge under the revised policy.

Regardless of which alternative manufacturers choose, FDA regulations require that the labeling of OTC drug products be clear and truthful in all respects, not false or misleading in any particular, and understandable to the ordinary individual, including individuals of low comprehension, under customary conditions of purchase and use. (See 21 CFR 330.10(a)(4)(v).) FDA believes that allowing alternative terminology for describing indications for use that have been developed under a relevant OTC drug monograph is consistent with the purpose of § 330.10(a)(4)(v).

4. A number of comments contended that approval of the new proposal would result in unfair competition between manufacturers of OTC drug products. One comment contended that the proposal would benefit unscrupulous manufacturers and those who are cleverest at bending the truth, and would be most harmful to competing manufacturers of higher integrity and to unwitting consumers. The comment added that in time bad labels would drive good labels out of the marketplace. A second comment stated that unfair competition will result as companies compete to convince consumers that their products are superior to the products of competitors who abide by FDA's monograph.

Another comment stated that it was not confident that companies involved would be either totally truthful or not misleading in their advertising efforts, and added that an increase in the cost of OTC drugs to cover advertising campaigns is likely to occur. Another comment claimed that many consumers are under the false impression that advertising and labeling claims are approved in advance by FDA. Other comments contended that substitute language could be a sales gimmick or possibly "one-up-manship." According to some comments, if the restrictions on drug labeling are lifted, bolder claims, not validated by testing, will in time appear. The comments assert that if drug companies are allowed to use their own format, the company with the best marketing technique, not necessarily with the best drug for the indication, will be the more successful, and this practice in turn will increase costs to the consumer. One comment added that the new policy would undermine confidence in FDA.

As stated in the proposal (50 FR 15810), the agency's principal purpose in establishing and maintaining the exclusivity policy has been to ensure that OTC drug labeling is clear, accurate, and meaningful to the consumer. In the past, the agency has been concerned that unless the policy was rigidly adhered to, there was potential for labeling to be used that was misleading or confusing. The agency's basic premise has not changed. After careful review and study, however, the agency now believes that the goal of ensuring truthful, nonmisleading labeling without inhibiting effective consumer communication does not require the enforcement of a rigid exclusivity policy. Recognizing that, within limits, there can be various ways of accurately stating the same thing, some of which may even be more meaningful to potential purchasers of OTC drug products, the agency has concluded that it can meet its responsibilities by providing greater flexibility for the use of alternative truthful statements without recourse to the time- and resource-consuming monograph amendment process. Rather, the agency will use the monograph language as its standard in determining whether alternative statements are accurate or require regulatory action, thus achieving its goals at a lower cost

in terms of admininstrative and enforcement resources. However, FDA emphasizes that the relaxation of the exclusivity policy applies only to indications for use that are established in a final monograph; other required OTC drug labeling continues to be subject to the existing exclusivity standard.

FDA intends to carefully examine the labeling of OTC drug products to ensure that any alternative language that manufacturers use does not go beyond the approved indications for use, thereby causing the drug to become a "new drug" or "misbranded" or both under the act. If unacceptable language is discovered, the agency will take appropriate regulatory action. The agency believes that a sound enforcement program will minimize any unfair competition that would otherwise result from improper labeling.

In response to the comment's concern about the new policy causing untruthful or misleading OTC drug advertising, FDA notes that the Federal Trade Commission (FTC) has the primary responsibility for regulating OTC drug advertising, and that both the past "exclusivity" policy and the revised policy would affect advertising only in those circumstances in which it falls under the act's labeling provisions.[1] In addition, existing regulations in § 330.1(d) (21 CFR 330.1(d)) remain in effect and provide that, for an OTC drug to be generally recognized as safe and effective and not misbranded, its advertising may prescribe, recommend, or suggest the drug's use only under the conditions stated in the labeling.

5. Several comments stated a preference for a specific labeling alternative included in the proposal. Three comments expressed particular support of the provisions in the first alternative that permit the listing in OTC drug labeling of the words "APPROVED USES" or "FDA APPROVED USES" provided the monograph language is used. Other comments, however, argued that the agency should delete the first and third alternatives from the proposal and retain only the second alternative (which permits the use of other truthful and nonmisleading language to describe those indications for use that have been developed under a relevant OTC drug monograph), because any policy other than alternative 2 serves no compelling government interest and indeed disserves the public. Another comment commended FDA for its judgments and wisdom in proposing alternative 2. Two comments supported the third alternative, i.e., the use of monograph language in the boxed area (first alternative) and other truthful and nonmisleading alternative language elsewhere in the labeling. One comment stated that the third alternative appears to be the best for both the consumer and the manufacturer, adding that it "gives the consumer the most information and the manufacturer can indicate uses that the consumer did not know the products could be used for."

Three comments requested a hearing if alternative 2 is not selected and implemented as the only provision of the final rule.

Concerning the comments that stated a preference for one alternative or another, the agency reiterates that the purpose of revising the exclusivity policy was to estabish alternative methods of labeling OTC drug products. In particular, the agency disagrees with the comments that contended that only the second labeling alternative should be retained in the final regulation. The agency's reason for changing the exclusivity policy is to make the policy more flexible, not to eliminate entirely the use of specific language developed during the OTC drug review. Moreover, the use of the "FDA Approved" language will enable manufacturers to market OTC drug products knowing that the indications for use are approved by the agency. The availability of this option should enable manufacturers who choose to do so to market OTC drugs without spending time and resources developing alternative language.

The agency does not believe that it would be a disservice to the public, as alleged by some comments, if OTC drug labeling contains a section entitled "APPROVED USES" or "FDA APPROVED USES." The agency believes that some manufacturers and many consumers would favor such information in the labeling of OTC drug products. Many comments made by consumers on the proposal expressed such a view. In response to one comment, the agency also points out that while the third alternative may allow a manufacturer to indicate uses that the consumer was unaware of, such indications for use are limited to those established in an appropriate monograph.

Finally, the requests for a hearing unless only alternative 2 is adopted are denied. The final regulation permits a manufacturer to use only alternative 2 if it so chooses even though other manufacturers may elect to use another alternative. The comments have not raised any new issues appropriate for resolution at another hearing or shown that any policy other than adopting alternative 2 alone would be contrary to the public interest. As described above, the agency has already conducted one hearing on this labeling policy (September 29, 1982). The Commissioner does not believe that a second hearing would yield additional information not already presented at the previous hearing or in the comments on the proposed rule. Accordingly, the requests for a hearing are denied.

6. Several comments stated that the first and third alternatives are "extensions of the exclusivity policy" to the extent that they mandate use of specific language approved by FDA. The comments argued that, as such, the proposed alternatives represent unconstitutional restrictions on first amendment rights to truthful commercial speech; exceed FDA's statutory authority under sections 502, 201(p), and 701(a) of the act (21 U.S.C. 352, 321(p), and 371(a)); are arbitrary and capricious because they are not supported by an adequate administrative record; and are unwise from a public policy standpoint.

One comment referred to a recent case in which the Supreme Court reviewed restrictions on commercial speech by governmental bodies and reiterated its concern for any abridgment of first amendment rights. (*Zauderer* v. *Ohio*, ___ U.S. ___, 105 S. Ct. 2265 (1985).) The comment contended that *Zauderer* further establishes that the exclusivity policy adopted in 1975 is unconstitutional and that the current proposal, while more flexible, continues to raise constitutional questions that must be considered.

Other than the reference to *Zauderer*, the comments did not raise any constitutional or legal issues concerning the existing policy or the proposed changes that had not previously been discussed in the proposed rule. (See 50 FR 15811.)

The agency believes that the new rule is constitutionally sound. As the comments assert, commercial speech is entitled to the protection of the first amendment. However, as noted in recent Supreme Court cases, reasonable restrictions may be imposed to ensure that commercial speech is not false or deceptive, and other restrictions may also be imposed when there is a legitimate and substantial interest to be achieved. See, for example, *Central Hudson Gas & Electric Corp.* v. *Public Services Commission*, 447 U.S. 557, 564, 566 (1980).

[1] See, e.g., *United States* v. *Article of Drug . . . B-Complex Cholinos Capsules*, 362 F.2d 923 (3d Cir. 1966); *V.E. Irons, Inc.* v. *United States*, 244 F.2d 34 (10th Cir. cert. denied, 354 U.S. 923 (1957).

The *Zauderer* case cited by the comments concerned the regulation by the State of Ohio of attorney advertisements. The Supreme Court restated the principle that attorney advertisements are commercial speech entitled to first amendment protection and that commercial speech which is not false or deceptive and does not concern unlawful activities may be restricted only where there is a substantial government interest and then only through means directly advancing that interest. *Zauderer, supra* at 2275–2276. The Court then went on to hold that some of the restrictions imposed by the State on the attorney advertisements were unconstitutional while other restrictions were not.

OTC drug labeling is commercial speech with a special public health function. It helps ensure that OTC drugs are used safely and effectively. In cases involving public health and safety, courts have held that additional restrictions on commercial speech may pass constitutional scrutiny. (See *Central Hudson Gas & Electric Corp., supra.*) As pointed out in the preamble to the proposal (50 FR 15811) and discussed above, the agency has concluded that the exclusivity policy adopted in 1975, while legally supportable, should not be continued for policy reasons: the goal of ensuring truthful, non-misleading labeling without inhibiting effective consumer communication does not require continuation of a rigid exclusivity policy.

The new labeling scheme provided for in this rule permits three alternatives, ranging from specific words established by FDA to other truthful and nonmisleading language, subject only to the minimal restrictions that the labeling not be false or misleading. Manufacturers who believe that one of the three alternatives is overly intrusive may select another alternative, including the development of their own alternative statements. The agency believes that the minimal restrictions contained in this rule clearly fall within the constitutional limits for commercial speech generally as set forth in the cases cited by the comments, and well within constitutional limits for commercial speech dealing directly with matters of public health and safety.

7. Referring to the first alternative of the exclusivity proposal, several comments maintained that "FDA APPROVED USES" language should be permitted for OTC drug products marketed under a new drug application (NDA) as well as for those marketed under an OTC drug monograph.

One comment noted that section 301(1) of the act (21 U.S.C. 331(1)) prohibits the use in labeling of any representation or suggestion that "approval of an application with respect to such drug * * * is in effect under section 355 [the new drug approval provision] * * *." The comment argued that the use of the "FDA APPROVED" language is contrary to the intent and meaning of section 301(1). The comment stated that as a result non-NDA'd OTC drug products would be allowed to use such language, but that NDA'd OTC drug products would be prohibited from using it. The comment maintained that the issue of labeling NDA'd OTC drugs as "FDA APPROVED" could only be adequately resolved legislatively, by amendment to the statute. Citing the pending "FDA Approval Labeling Act" (H.R. 2244), which would allow the statement "FDA APPROVED" followed by the NDA number on prescription drugs, the comment stated that FDA should suggest revisions in this manner to cover the labeling of NDA'd OTC drug products. Another comment contended that section 301(1) can be interpreted to apply only to statements connoting new drug approval pursuant to 21 U.S.C. 355 and therefore any terminology such as "APPROVED USES" connoting use of terminology approved by FDA in a final OTC drug monograph is not prohibited by this section of the law.

The comments maintained that equal treatment of OTC drug products marketed under an NDA and under an OTC drug monograph would be consistent with FDA's policy of promoting uniformity in OTC drug labeling consistent with applicable statutory standards and would lessen consumer confusion about the label indications on OTC drugs because there is no difference to the consumer between an NDA'd and a monograph OTC drug. The comments requested that the agency clarify that the "FDA APPROVED USES" language will also be permitted for NDA'd OTC drugs, and this language will not be in violation of section 301(1) of the act.

To further promote consistency in the labeling of OTC drug products, the agency agrees that OTC drug products approved by an NDA but not included in an OTC drug monograph should also be permitted to use the term "FDA APPROVED USES" or "FDA APPROVED INFORMATION" in their labeling. Because the current regulation is included under Part 330 (21 CFR Part 330), which applies only to OTC drugs that are generally recognized as safe and effective and not misbranded, the agency will propose in a future issue of the **Federal Register** specific procedures for the labeling of OTC drug products subject to NDA's that will allow use of the "FDA APPROVED USES" terminology.

The agency notes further that section 301(1) of the act by its own terms prohibits only representations or suggestions that an approval of an application under section 505 of the act (21 U.S.C. 355) is in effect for a drug product. It does not apply to requirements for labeling related to indications for use such as those described in the present regulation. Accordingly, FDA believes that it can issue regulations for NDA'd OTC drugs that will be consistent with section 301(1) of the act and that a statutory amendment to section 301(1) is not required for this purpose.

8. One comment stated that the second labeling alternative included in the proposal should permit reference to "FDA Approved Uses" because manufacturers or distributors of OTC drug products who use that alternative will be severely penalized by the inability to make reference to the "FDA Approved Uses." Contending that consumers will almost always choose an OTC drug products that has language such as "FDA Approved Uses," the comment added that marketers would be forced to use either alternative 1 or 3 rather than be disadvantaged in the marketplace by using alternative 2. The comment stated that, in practical terms, this means that the previous policy of rigid exclusivity would be perpetuated.

The comment added that denying the right to make reference to "FDA Approved Uses" to the marketer who elected the second alternative would place that marketer at a competitive disadvantage and also would mislead consumers because they would improperly be led to believe that the product bearing the "FDA Approved Uses" language is somehow better than the competing product that does not have such language.

The proposal, and this final rule, provide three alternatives to every manufacturer. A manufacturer who feels competitively disadvantaged by a particular alternative is free to select another alternative, such as one being used by a competitor. Moreover, the agency does not accept the comment's basic premise, that in every instance consumers will prefer a product bearing "FDA Approved" indications. A principal impetus behind the present rulemaking was the belief that there may be many ways of fairly and accurately stating the same information.

A manufacturer may well find that consumers prefer the language it develops over the "FDA Approved" language. The agency believes that substantial numbers of manufacturers will elect to use labeling alternative 3, which combines both the monograph language and the manufacturer's alternative language. This alternative will permit use of the "FDA Approved" designation while also allowing manufacturers flexibility in developing their own wording. In any event, it would be false or misleading to use the words "FDA APPROVED USES" for wording that has not, in fact, been approved by the FDA, as requested by the comment. Accordingly, such a designation may not be used where alternative 2 is selected by a manufacturer.

Manufacturers may also wish to use the FDA monograph language but not use the terminology "APPROVED USES" or "APPROVED INFORMATION." Therefore, the agency has revised the requirements of labeling alternative 1 to make the use of the term "APPROVED USES," or similar designations permitted in the regulation, optional. However, if the term "APPROVED USES" is used, then the indication must appear within a boxed area. Also, the boxed area may not be used unless the "APPROVED USES" designation is also used.

The agency has also revised labeling alternative 2 to delete the reference back to the requirements of paragraph (c)(2)(i), because the original wording was unclear. Alternative 2 has also been clarified to refer only to "other truthful and nonmisleading statements."

9. Several comments stated that manufacturers should be allowed to use more than one of the three alternatives provided in the proposal in the labeling of a particular OTC drug product. As an example, one comment stated that a manufacturer might wish to use the first alternative by listing "APPROVED USES" or "FDA APPROVED USES" in a boxed area on the outer container and also use the third alternative by presenting the same FDA approved indications under "APPROVED USES" or "FDA APPROVED USES" together with alternative truthful and nonmisleading terminology outside the boxed area on the immediate container. Arguing that the third alternative recognizes that a combination of the first and second alternatives is appropriate on a single label, one comment maintained that there is no valid legal or policy reason why a company could not choose the first alternative on the outer container label and the second alternative on the immediate container label. Two comments argued that provided each labeling of an OTC drug product is taken as a whole and is complete, the ability to blend or combine alternatives for use in various component labeling sections would be fully consistent with the intent of the proposal. One comment added that this interpretation maintains the substantive standards of the proposal and preserves the overriding statutory requirement that the labeling not be false or misleading. The comments requested that FDA clarify in the final rule whether more than one alternative may be used.

The agency agrees with the comments that the proposal would enable manufacturers to use more than one of the three alternatives in the labeling of OTC drug products provided that each portion of the labeling complies with applicable statutory and regulatory labeling requirements in all respects. The final regulation has been clarified to state that more than one of the three alternatives may be used in the labeling of any particular OTC drug product marketed under the terms of a final OTC drug monograph.

10. Several comments argued that flexibility of labeling should be applied not only to indications but also to other sections of the labeling, e.g., warnings. One comment claimed that the same arguments could be made for the flexibility of other required labeling, such as directions or warnings, and questioned why, if flexibility of labeling is superior, the proposed rule is limited to indications for use. The comment expressed concern that the proposal "is the crack in the door" and that other required labeling will be given the same treatment later on.

One of the comments discussed the effect of the exclusivity policy, as applied to warnings, directions for use, and statements of identity, on the labeling of multiuse products, such as petrolatum. The comment contended that if a product is simultaneously subject to several final monographs, the policy of exclusivity would require that each specific "warning," "direction for use," and "statement of identity" established in each applicable final monograph be included on the product label, even if they are redundant (though not precisely identical), inconsistent, obvious, or even if their inclusion is impossible because of the small available label space. The comment also contended that the manufacturer would not be permitted to eliminate redundancy and inconsistency, and thereby minimize the burden of compliance, by employing terminology of its own expressing in a truthful and nonmisleading way, the appropriate "warnings," "directions for use," and "statements of identity" based on guidance provided in the applicable final monographs.

The flexibility established by the present regulation does not apply to OTC drug labeling other than indications for use. All other OTC drug labeling must continue to be stated in exact language where exact language has been established and identified by quotation marks in an applicable monograph or by regulation. However, in addition to the indications for use, statements of identity, warnings, and directions may appear within the boxed area. The agency's reasons for this policy are as follows:

*Indications for use.* As stated in the proposal, the agency recognizes that, within limits, there can be various ways of stating the same thing, some of which may even be more meaningful to potential purchasers of OTC drug products. The agency concludes that it can meet its regulatory responsibilities by providing greater flexibility for the use of alternative truthful statements without recourse to the monograph amendment process, which consumes both time and resources. (See comments 2 and 4 above.)

*Statement of identity.* Where it is feasible, some flexibility of labeling is already allowed in the statement of identity for certain OTC drug products, e.g., any of the following statements of identity could be used to describe OTC external analgesic drug products: "external analgesic," "topical analgesic," or "pain-relieving (insert dosage form, e.g., cream, lotion, or ointment)." See the tentative final monograph for OTC external analgesic drug products, published in the **Federal Register** of February 8, 1983 (48 FR 5852). For other OTC drug products, only one statement of identity has been proposed, e.g., "nighttime sleep-aid" or "acne medication." The agency concludes that there is no need to extend flexibility of labeling to the statement of identity, because, as stated above, it is already provided for where applicable. The agency believes that uniformity in this area helps avoid consumer confusion and aids consumer selection of competing products. In addition, where a product is marketed with multiple uses, the agency believes that it is essential that each use be identified in the statement of identity, which by regulation (21 CFR 201.61) must appear on the principal display panel of an OTC drug in package form, because the

prominent location of this information greatly helps consumers in selecting an appropriate OTC drug product to use.

*Warnings.* Unlike indications for use, which pertain to a group of similar OTC drug products, warnings are more likely to be specific to ingredients. The agency believes that concisely and consistently worded warnings are essential to the safe use of an OTC drug product and that permitting flexibility in this section of labeling could put consumers at risk in terms of safe use of an OTC drug product. Accordingly, the exact wording of warnings in an OTC drug monograph will continue to be required. However, where applicable, e.g., in the case of a product covered by several monographs, warnings may be combined to eliminate duplicative words and phrases so long as the resulting warning is clear and understandable. The individual OTC drug monographs already provide for this.

*Directions.* OTC drug monographs do provide for flexibility in directions relating to the dosage for specific ingredients, which is designated in general terms. It is not FDA's intent that certain parts of the dosing information stated in a monograph be used verbatim. Rather, manufacturers, depending on their specific dosage form and the strength of the dosage form, may vary the dosage directions so long as the directions accurately reflect the designated dosage. For example: for a product which contains 25 milligrams (mg) of an active ingredient in a tablet dosage form where the monograph directions are 25 mg three times a day, the directions could read "Take 1 tablet 3 times a day"; or, the same product could be marketed as a 12.5-mg capsule, in which case the directions could read "Take 2 capsules 3 times a day."

In other instances, usually with topical OTC drug products, the agency believes that the safe and effective use of those products would be better ensured by requiring specific monograph language to be used in labeling directions. In these cases the agency has used quotation marks to identify those portions of the monograph directions that must be used exactly. (See the tentative final monograph for OTC wart remover drug products that was published in the **Federal Register** of September 3, 1982; 47 FR 39102.)

The principles discussed above are applicable to multiuse products, such as petrolatum, which was mentioned in the comment.

11. One comment stated that the "other allowable indications" listed in the more recently published tentative final monographs should also be included in the final monographs and should be allowed to be included in the "FDA Approved Uses" boxed area. The comment contended that only indications that have not been reviewed by the agency should be excluded from the boxed area. Another comment suggested the inclusion in proposed monographs of a section for substitute language.

A number of recently published tentative final monographs have included statements captioned "Other Allowable Indications" or "Other Allowable Statements." These statements are comparable to the substitute language described by one comment. As proposed in those tentative final monographs, other allowable statements describing indications would have been permitted to appear elsewhere on the labeling in addition to the monograph-required information, but could not appear in direct conjuction with the required labeling prescribed by the monograph.

In the exclusivity proposal, the agency stated that these additional indications and statements may be developed during the tentative final monograph stage of the OTC drug review, but would not be included in a final monograph because such statements were only examples of other acceptable language. However, the agency has decided that, because these additional terms have been reviewed by FDA, they should be incorporated, wherever possible, in final OTC drug monographs under the heading "Indications" as part of the indications developed under that monograph. By inclusion in the final monograph, they would therefore be permitted to be included in the boxed area. As future final monographs are published, the indications for use section will include such terms, where appropriate. This approach will provide other substitute language as suggested by one comment. As one comment stated, only indications that have not been reviewed by the agency [as well as those found to be nonmonograph in OTC drug rulemaking would then be excluded from the boxed area.

12. Several comments expressed concern about the agency's review of OTC drug labeling and the enforcement of violations under the revised exclusivity policy. One of the comments recommended that a manufacturer be required to send a registered letter to FDA outlining its intentions prior to ordering the printing of any labeling which changes the labeling contained in an approved monograph. The comment stated that this would not be a request for approval—just apprising FDA of what is being undertaken. Stating that the registering of the letter would be for the manufacturer's protection, the comment added that it would then be up to FDA to expedite an analysis of the change. The comment concluded that in this way FDA could stay abreast of all situations and still give the manufacturer more latitude to develop the product.

Several comments argued that without prior FDA approval the use of alternative indication statements would increase the cost of enforcing violations and strain FDA resources by "adding another layer of waiting, negotiation, and review to validate or prohibit statements which may not be truthful and not misleading." Two comments contended that the agency will find it impossible to review and police the infinite variations in language developed as marketers compete to sell their products.

One comment maintained that enforcement will be more cumbersome and difficult for FDA under a revised policy than under the existing exclusivity policy, but will be easier than if the agency had completely abandoned the approved terminology in the OTC drug monographs. The comment added that the monograph terminology will provide a workable standard by which to measure whether alternative terminology accurately expresses the approved indications for use or misbrands the product. Another comment supporting the more flexible labeling approach added that safeguards on checking the labeling language will need to be implemented, while another comment stated that FDA does not enforce regulations as it should now, thus allowing manufacturers enough freedom as it is.

One comment noted that alternative language used in labeling will still be subject to the controlling safeguard that it must be truthful and not misleading and that its substance not render the product misbranded or a new drug requiring FDA approval. The comment added that these continuing standards and FDA monitoring will provide adequate assurance to the public that health and safety considerations are fully taken into account and not overlooked.

Several comments, although less directly related to the question of FDA's review and enforcement of labeling requirements, are appropriate for inclusion here. Contending that the public does not know the subtleties involved in the wording in each product label, one of these comments stated that it will take a great deal of publicity to inform most people, particularly the most vulnerable, that the policy has

become caveat emptor (let the buyer beware). Another comment contended that the proposed rule represents abandonment of FDA's commitment to consumer protection for OTC drug products and would "turn back the clock and re-establish the rule of Caveat Emptor wherever these products are sold."

The agency does not believe it is necessary to require manufacturers to notify FDA by registered mail of any intended changes from monograph labeling. A manufacturer may choose other truthful and nonmisleading language to describe the indications for use, subject to the statutory prohibition against misbranding by the use of false or misleading labeling. As comments noted, the agency emphasizes that the monograph language will be used as a regulatory benchmark to ensure that any alternative language does not exceed the approved indications.

In reference to the comments' concern regarding the difficulty and costliness of enforcement, the agency has routine compliance activities to evaluate OTC drug labeling and will in the normal course of business made determinations as to whether a manufacturer has exceeded the labeling allowed by a final monograph. FDA will carefully examine any alternative language that manufacturers use to ensure that it does not go beyond the approved indications. Accordingly, consumers will continue to be protected. In addition, the agency concludes that the revised rule does not reestablish "caveat emptor." As stated above, FDA will continue to review OTC drug labeling and institute appropriate enforcement action when violations are determined to exist.

13. One comment stated that the use of the term "FDA Approved" on OTC drug labeling prior to promulgation of a final OTC drug monograph is not a true statement, and would, therefore, constitute misbranding. Another comment stated that consumer confusion will result in certain categories of OTC drug products that are subject to a final monograph, such as antacids, could use the "FDA Approved" language while other categories of products could not bear the language because final monographs for those products have not yet been issued. The comment contended that it would appear to consumers as though drugs without the "FDA Approved" designation are "unapproved."

The first comment is correct; until relevant individual OTC drug monographs are issued in final form, the boxed area/"APPROVED USES" concept described in this final rule can not be implemented. A product can not bear an "APPROVED USES" designation until the use has, in fact, been approved by FDA, which will only occur when the final monograph is issued.

In response to the second comment, FDA does not believe that consumers will be confused while the use of "FDA Approved" language is being implemented as final monographs are issued. As the "FDA Approved" language is implemented on a class-by-class basis as final monographs for each class of OTC drug products are issued, all drugs within that class will be implementing the monograph and "FDA Approved" language at the same time. Therefore, competitive products within a particular class of OTC drugs will have similar labeling at or about the same time.

14. Two comments requested that the final rule on exclusivity clearly state that the revised labeling requirements do not apply to cosmetic or cosmetic/drug products. One of the comments maintained that the first alternative treats cosmetic/drug and cosmetic products unfairly because cosmetic/drug products may be precluded from using truthful and nonmisleading cosmetic terminology on key parts of a product label if the first or third alternative is used. The comment added that cosmetic terminology is not reviewed and approved by FDA in the OTC drug monographs and therefore could not be placed in the box. Stating that there are many examples in the marketplace of truthful, nonmisleading cosmetic terminology on the label with drug terminology, the comment added that it is not aware of any consumer confusion from this common practice nor of any expressed agency concern that such a practice would adversely affect the public health. Another comment stated that the options included in the proposal are particularly valuable to products that make both drug and cosmetic claims, because consumers could find a complete description of the product's claims at one location on the label, thus minimizing confusion about the product's performance.

OTC drug monographs cover only the drug use of the active ingredients listed therein and do not apply to the use of the same ingredients in products intended solely as cosmetics. Thus, the final rule does not apply to products marketed solely as cosmetics. However, products labeled for both drug and cosmetic use must conform to the requirements of the pertinent final OTC drug monograph(s), the cosmetic labeling requirements of section 602 of the act (21 U.S.C. 362), and 21 CFR Part 701. As one comment pointed out, cosmetic terminology is not reviewed and approved by FDA in the OTC drug monographs and therefore could not be placed in the box. Thus, cosmetic claims may appear elsewhere in the labeling but not in the box should manufacturers choose alternative one or three for labeling cosmetic/drug products.

15. Several comments included suggestions on various aspects of OTC drug labeling. These included use of simple language, larger print size, pictorial illustrations to make labeling more readily understandable to consumers with impaired vision or limited reading skills, print and/or color contrasts to highlight cautions in using the drug(s), and having terms used in a monograph reflect a greater range of detailed language. One comment suggested that indications worded by a manufacturer should also be boxed, i.e., "NOT APPROVED BY FDA" and color-coded red to distinguish them from "FDA APPROVED" language, which would be color-coded green, while another comment asserted that there would be less confusion if an elipse was used for alternative language and entitled "INFORMATION ACCEPTED BY FDA."

The agency appreciates the comments' suggestions about OTC drug labeling. However, most of these items are already covered by other existing regulations, e.g., 21 CFR 201.15 (prominence of required label statements) and 21 CFR 201.60 (principal display panel), and are outside the scope of this rulemaking.

The agency disagrees with the comments' suggestions that indications worded by a manufacturer should be contained in an elipse or be boxed and color-coded to distinguish those indications from "FDA Approved" language. The agency believes that these suggestions would be confusing and would add little to consumer understanding of OTC drug labeling. In addition, because alternative language is not preaccepted by FDA, the agency concludes that it will be less confusing to consumers if only a single boxed area is used in OT drug labeling wherein only exact monograph language need appear.

16. Several comments expressed concern about the inclusion of side effects and warnings in OTC drug labeling. One comment stated that the manufacturer's goal is to make money; consequently, side effects, as well as interaction with foods, are likely to be glossed over. Another comment stated that drugs are potential poisons and that a number of unwanted reactions occur already, while another comment cited

upset stomach or bleeding that may be caused by aspirin as an example. Another comment noted that warning against use by persons with certain conditions, e.g., diabetes, heart conditions, and thyroid problems, are not foremost on the label or container, but are often in small print near the end of the label or are located on the inside of a container. The comment contended that these warnings should be in large print, at the top of the label, and in a boxed area.

Another comment emphasized that all OTC drug labeling should be required to state the age range for usage, e.g., "Administer only to persons aged 12–70. For persons outside this age range, consult your physician before administering it."

The agency shares the comments' concerns over the necessity of OTC drug labeling to alert consumers to the potential side effects of the product, conditions under which the product should be used with caution, and proper directions for use including age ranges. These items are being addressed in individual OTC drug rulemakings, specific to ingredients contained in OTC drug products. Regarding one comment's suggestion that other labeling, e.g., warnings and dosing information, may be included within the boxed area, the agency notes that the proposal and final regulation provide that option.

17. Referring to the proposed conforming amendment for OTC antacid drug products (21 CFR 331.30), published simultaneously with the exclusivity proposal at 50 FR 15814, two comments noted that it is made clear that, of the several indications listed, it is optional to select any one, some, or all of the indications for use on the product label and labeling. The comments requested that this policy expressly be set forth in the exclusivity proposal itself to clarify that such a policy is applicable to all OTC drug monographs, rather than stating it on a monograph-by-monograph basis.

The agency agrees that labeling should be as flexible as possible as evidenced by the final monograph for OTC antacid drug products. Because the various OTC drug monographs differ in the manner in which "Indications" are described (e.g., a single indication, a broad indication with optional terms, or several indications), the agency considers it more appropriate to apply this selection policy on a monograph-by-monograph basis where applicable. The agency does not believe it necessary to establish an additional regulation to clarify this policy because manufacturers will need to read individual monographs applicable to their products to determine what options are available.

## II. Summary of Changes

1. The agency has clarified the final regulation to state that more than one of the three alternatives may be used in the labeling of an OTC drug product. (See comment 9.)

2. The final rule has been clarified to state that labeling information not identified by quotation marks in a monograph, such as dosage, need not appear in OTC drug product labeling in the exact language established in an OTC final monograph. (See comment 10.)

3. The agency has revised alternative 1 to make the use of the term "FDA APPROVED USES," or similar designations permitted in the regulation, optional. However, as described in the proposal, if the term "FDA APPROVED USES" is used, then the indications information must appear within a boxed area. The boxed area may not be used unless the "FDA APPROVED USES" terminology is also used. The agency has also clarified the wording of alternative 2. (See comment 8.)

4. The agency has clarified the regulatory provisions of alternatives 2 and 3 to read "the provisions of section 502 of the act relating to misbranding" and the "prohibition in section 301(d) of the act against the introduction or delivery for introduction into interstate commerce of unapproved new drugs in violation of section 505(a) of the act." These changes have also been incorporated into the conforming amendments that were proposed for the monographs for OTC antacid, antiflatulent, and cholecystokinetic drug products in 21 CFR Parts 331, 332, and 357, respectively

No comments were received in response to the agency's request for specific comment on the economic impact of this rulemaking (50 FR 15813). The agency has examined the economic consequences of this final rule in conjunction with other rules resulting from the OTC drug review. In a notice published in the **Federal Register** of February 8, 1983 (48 FR 5806), the agency announced the availability of an assessment of these economic impacts. The assessment determined that the combined impacts of all the rules resulting from the OTC drug review do not constitute a major rule according to the criteria established by Executive Order 12291. The agency therefore concludes that not one of these rules, including this final rule for labeling of drug products for OTC human use, is a major rule.

The economic assessment also concluded that the overall OTC drug review was not likely to have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act, Public Law 96–354. That assessment included a discretionary Regulatory Flexibility Analysis in the event that an individual rule might impose an unusual or disproportionate impact on small entities. However, this particular rulemaking for labeling of drug products for OTC human use is not expected to pose such an impact on small businesses. Therefore, the agency certifies that this final rule will not have a significant economic impact on a substantial number of small entities.

## List of Subjects

*21 CFR Part 330*

OTC drugs, Labeling requirements.

*21 CFR Part 331*

OTC drugs, Antacid drug products.

*21 CFR Part 332*

OTC drugs, Antiflatulent drug products.

*21 CFR Part 357*

OTC drugs, Cholecystokinetic drug products.

Therefore, under the Federal Food, Drug, and Cosmetic Act and the Administrative Procedure Act, Subchapter D of Chapter I of Title 21 of the Code of Federal Regulations is amended in Parts 330, 331, 332, and 357 as follows:

## PART 330—OVER-THE-COUNTER (OTC) HUMAN DRUGS WHICH ARE GENERALLY RECOGNIZED AS SAFE AND EFFECTIVE AND NOT MISBRANDED

1. The authority citation for 21 CFR Part 330 is revised as set forth below and the authority citations under §§ 330.2, 330.10, and 330.12 are removed.

Authority: Secs. 201(p), 502, 505, 701, 52 Stat. 1041–1042 as amended, 1050–1053 as amended, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 321(p), 352, 355, 371); 5 U.S.C. 553; 21 CFR 5.11.

2. In Part 330, § 330.1 is amended by redesignating existing paragraph (c) as paragraph (c)(1) and by adding new paragraph (c)(2), to read as follows:

**§ 330.1 General conditions for general recognition as safe, effective, and not misbranded.**

* * * * *

(c)(1) * * *

(2)(i) The label and labeling of the product contain in a prominent and conspicuous location the labeling describing the "Indications" that have been established in an applicable final monograph. At the option of the manufacturer, this labeling may be designated "APPROVED USES," or be given a similar designation as permitted by this paragraph, each time it appears in the labeling, e.g., on the outer carton, inner bottle label, and on any package insert or display material. If the "APPROVED USES" or a similar designation is used, the labeling involved shall appear within a boxed area. Other applicable labeling established under this Subchapter and Subchapter C of this chapter may be included in the boxed area. If such other labeling is included, the boxed area shall be designated "APPROVED INFORMATION" rather than "APPROVED USES." The "indications" information appearing in the boxed area shall be stated in the exact language of the monograph. Other information within the boxed area also shall be stated in exact language where exact language has been established and identified by quotation marks in an applicable monograph or by regulation (e.g., § 201.63 of this chapter). A statement that the information in the box was "published by the Food and Drug Administration" shall appear within the boxed area, or reasonably close by. In lieu of such statement, the designation of the boxed area may be modified to read: "FDA APPROVED USES" or "FDA APPROVED INFORMATION," as appropriate, or "USES (or "INFORMATION") APPROVED BY THE FOOD AND DRUG ADMINISTRATION," or other similar wording.

(ii) At the option of the manufacturer, as an alternative to the requirements of paragraph (c)(2)(i) of this section, the label and labeling of the product may contain in a prominent and conspicuous location other truthful and nonmisleading statements describing only those indications for use that have been established in an applicable monograph, subject to the provisions of section 502 of the act relating to misbranding and the prohibition in section 301(d) of the act against the introduction or delivery for introduction into interstate commerce of unapproved new drugs in violation of section 505(a) of the act. Such labeling shall not be boxed and shall not contain the statements provided in paragraph (c)(2)(i) of this section relating to "APPROVED USES," or "APPROVED INFORMATION," or contain a statement that the labeling has been published by the Food and Drug Administration.

(iii) At the option of the manufacturer, the label and labeling may meet the boxed-area requirements of paragraph (c)(2)(i) of this section and, in addition, other truthful and nonmisleading statements describing only those indications for use that have been established in an applicable monograph may appear elsewhere in the labeling, that is, outside the boxed area, subject to the provisions of section 502 of the act relating to misbranding and the prohibition in section 301(d) of the act against the introduction or delivery for introduction into interstate commerce of unapproved new drugs in violation of section 505(a) of the act.

(iv) At the option of the manufacturer, more than one of the alternatives described in paragraphs (c)(2)(i), (ii), and (iii) may be used in separate labeling, e.g., container label, outer carton, package insert, display material, for a particular OTC drug product provided each labeling complies with all applicable statutory and regulatory labeling requirements in all respects.

(v) The term "prominent and conspicuous location" as used in paragraph (c)(2)(i) and (ii) of this section means that the labeling within the boxed or nonboxed area shall be presented and displayed in such a manner as to render it likely to be read as understood by the ordinary individual under customary conditions at both time of purchase and use.

(vi) Regardless of the alternative selected by the manufacturer to describe indications, paragraphs (c)(2)(i), (ii), and (iii) of this section require other labeling established under this Subchapter and Subchapter C of this chapter to be stated in the exact language where exact language has been established and identified by quotation marks in an applicable monograph or by regulation (e.g., § 201.63 of this chapter).

* * * * *

## PART 331—ANTACID PRODUCTS FOR OVER-THE-COUNTER (OTC) HUMAN USE

3. The authority citation for 21 CFR Part 331 is revised to read as follows:

**Authority:** Secs. 201(p), 502, 505, 701, 52 Stat. 1041–1042 as amended, 1050–1053 as amended, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 321(p), 352, 355, 371); 5 U.S.C. 553; 21 CFR 5.11

4. In Part 331, § 331.30 is amended by revising paragraph (b) to read as follows:

### § 331.30 Labeling of antacid products.

* * * * *

(b) *Indications.* The labeling of the product states, under the heading "Indications," the following: "For the relief of" (optional, any or all of the following:) "heartburn," "sour stomach," and/or "acid indigestion" (which may be followed by the optional statement:) "and upset stomach associated with" (optional, as appropriate) "this symptom" or "these symptoms." Other truthful and nonmisleading statements, describing only the indications for use that have been established and listed above, may also be used, as provided in § 330.1(c)(2) of this chapter, subject to the provisions of section 502 of the act relating to misbranding and the prohibition in section 301(d) of the act against the introduction or delivery for introduction into interstate commerce of unapproved new drugs in violation of section 505(a) of the act.

* * * * *

## PART 332—ANTIFLATULENT PRODUCTS FOR OVER-THE-COUNTER HUMAN USE

5. The authority citation for 21 CFR Part 332 is revised to read as follows:

**Authority:** Secs. 201(p), 502, 505, 701, 52 Stat. 1041–1042 as amended, 1050–1053 as amended, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 321(p), 352, 355, 371); 5 U.S.C. 553; 21 CFR 5.11.

6. In Part 332, § 332.30 is amended by revising paragraph (a) to read as follows:

### § 332.30 Labeling of antiflatulent products.

(a) *Indications.* The labeling of the product states, under the heading "Indications," the following: "antiflatulent" and/or "to alleviate or relieve the symptoms of gas." Other truthful and nonmisleading statements, describing only the indications for use that have been established and listed above, may also be used, as provided in § 330.1(c)(2) of this chapter, subject to the provisions of section 502 of the act relating to misbranding and the prohibition in section 301(d) of the act against the introduction or delivery for introduction into interstate commerce of unapproved new drugs in violation of section 505(a) of the act.

* * * * *

## PART 357—MISCELLANEOUS INTERNAL DRUG PRODUCTS FOR OVER-THE-COUNTER HUMAN USE

7. The authority citation for 21 CFR Part 357 is revised to read as follows:

**Authority:** Secs. 201(p), 502, 505, 701, 52 Stat. 1041–1042 as amended, 1050–1053 as amended, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 321(p), 352, 355, 371); 5 U.S.C. 553; 21 CFR 5.11.

8. In Part 357, § 357.250 is amended by revising paragraph (b) to read as follows:

**§ 357.250 Labeling of cholecystokinetic drug products.**

* * * * *

(b) *Indications.* The labeling of the product states, under the heading "Indications," the following: "For the contraction of the gallbladder during diagnostic gallbladder studies." Other truthful and nonmisleading statements, describing only the indications for use that have been established and listed above, may also be used, as provided in § 330.1(c)(2), subject to the provisions of section 502 of the act relating to misbranding and the prohibition in section 301(d) of the act against the introduction or delivery for introduction into interstate commerce of unapproved new drugs in violation of section 505(a) of the act.

**Frank E. Young,**
*Commissioner of Food and Drugs.*
**Otis R. Bowen,**
*Secretary of Health and Human Services.*
April 14, 1986.

[FR Doc. 86–9720 Filed 4–30–86; 8:45 am]
BILLING CODE 4160–01–M

federal register

Thursday
May 1, 1986

# Part IV

# Department of Agriculture

## Office of Grants and Program Systems

## Competitive Research Grants Program for Forest and Rangeland Renewable Resources for Fiscal Year 1986; Solicitation of Applications

## DEPARTMENT OF AGRICULTURE

### Office of Grants and Program Systems

### Competitive Research Grants Program for Forest and Rangeland Renewable Resources for Fiscal Year 1986; Solicitation of Applications

Notice is hereby given that pursuant to the authority contained in section 5 of the Forest and Rangeland Renewable Resources Research Act of 1978, as amended (16 U.S.C. 1644), the Office of Grants and Program Systems (OGPS), United States Department of Agriculture (USDA), anticipates awarding standard project grants for basic research in the areas of harvesting, wood utilization and forest biology. The total amount expected to be available for this program during fiscal year 1986 is approximately $6,168,636. Long-term projects, up to a limitation of five years, will be encouraged. Grants will be awarded by OGPS to the extent that funds are available.

Pursuant to the Secretary's Memorandum 1030-14 dated January 31, 1986, the authority to administer the $6,507,000 ($6,799,000 reduced by approximately 4.3 percent as mandated by Pub. L. No. 99-177) made available by the Continuing Appropriations Act for fiscal year 1986 for a competitive research grants program for forest research, authorized by section 5 of the Forest and Rangeland Renewable Resources Research Act of 1978, has been transferred to the Office of Grants and Program Systems. Under this authority the Office of Grants and Program Systems may award grants to Federal, State, and other governmental agencies, public or private agencies, institutions, universities, and organizations, and businesses and individuals in the United States. Only proposals from applicants in the United States will be considered for support.

#### Applicable Regulations

This program is subject to the provisions found at 7 CFR Part 3201 (51 FR 15288, April 22, 1986). These provisions set forth procedures to be followed when submitting grant proposals, rules governing the evaluation of proposals and the awarding of grants, and regulations relating to the post-award administration of grant projects. In addition, USDA Uniform Federal Assistance Regulations, 7 CFR Part 3015, as amended will apply to this program.

#### How To Obtain Application Materials

Copies of this proposed solicitation, the Research Grant Application Kit, and the proposed Administrative Provisions for this program (7 CFR Part 3201) may be obtained by writing to the address or calling the telephone number which follows: Grants Administrative Management; Attention: Proposal Services Unit; Office of Grants and Program Systems; U.S. Department of Agriculture; Room 007, J.S. Morrill Building; 15th and Independence Avenue SW.; Washington, DC 20251; telephone number (202) 475-5049.

#### What to Submit

An original and 15 copies of each proposal submitted under this program are requested. This number of copies is necessary to permit thorough, objective peer evaluation of all proposals received before funding decisions are made. In addition to other required forms and certifications included in the Research Grant Application Kit, an original and 15 copies of Form S&E-661, "Grant Application," are requested. Proposers should note that one copy of this form must contain pen-and-ink signatures of the principal investigator(s) and the authorized organizational representative.

All copies of each proposal should be mailed in one package if at all possible. Due to the volume of proposals received, applications submitted in several packages are very difficult to identify. Please see that each copy of each proposal is *stapled securely* in the upper left-hand corner. DO NOT BIND. Information should be typed on one side of the page only.

*Every effort should be made to ensure that the proposal contains all pertinent information when submitted.* Prior to mailing, compare your proposal with the Application Requirements checklist contained in the Research Grant Application Kit and instructions found in 7 CFR Part 3201.

#### Where and When To Submit Grant Applications

Each research grant application must be submitted to: Grants Administrative Management; Attention: Proposal Services Unit; Office of Grants and Program Systems; U.S. Department of Agriculture; Room 007, J.S. Morrill Building; 15th and Independence Avenue SW.; Washington, DC 20251.

To be considered for funding during fiscal year 1986, proposals should be *postmarked by June 2, 1986.*

#### Introduction to Program Description

Standard research grants will be awarded to support basic research in selected areas of (1) harvesting, processing, and utilization of timber resources, with special emphasis on the chemical, mechanical, and engineering properties of wood and wood materials and (2) forest biology, including biotechnology, that are considered by a number of scientific groups to possess exceptional opportunity for fundamental scientific discovery and for contributing, in the long run, to applied research and development vitally needed on important wood utilization and forestry problems. This grants program recognizes that new, innovative approaches and enhanced levels of funding are essential as we seek ways to improve the economic and environmental value of our forest resources.

Consideration will be given to research proposals that address fundamental questions in the areas noted below and that are consistent with the long-range missions of USDA. Basic guidelines are provided to assist members of the scientific community in assessing their interest in the program areas and to delineate certain important areas where new information is vitally needed. However, these guidelines are also meant to be flexible and should not detract from the creativity of potential investigators. OGPS encourages the submission of innovative projects in the so-called "high-risk" category, as well as those that may have greater probability of success.

*Workshops or symposia* that bring together scientists to identify research needs, update information or advance an area of research are recognized as an integral part of research efforts. Support for a limited number of such meetings covering subject matter encompassed by this Competitive Research Grants Program for Forest and Rangeland Renewable Resources will be considered for partial or, if modest, complete support.

This program is divided into the two program areas outlined below, and funding will be divided equally between them. Proposals submitted in response to this solicitation must be identified as to the program area under which they are to be considered for funding (e.g., Wood Chemistry and Biochemistry).

First, the Department will fund proposals concerning the improved utilization of wood and wood fiber. Public and private forests in the United States contain one of our most important renewable natural resources, providing

a continuing supply of wood for industrial materials, chemicals, and energy, as well as other resources and benefits. National requirements for wood, wood fiber, and chemical products, however, increasingly demand the development of innovative and economical conversion processes that effectively utilize total available wood resources. Thus, as the diverse demands placed upon forest resources grow, the Department of Agriculture is encouraging the development of more efficient harvesting, processing, utilization, and management practices.

Second, the Department will fund proposals concerning forest biology (including biotechnology). Forest systems generally are dominated by long-lived trees in either planted or naturally regenerated stands that may vary in composition from one species to complex mixtures of many. These primarily undomesticated populations of forest trees, while dominant, are but one component of larger communities of diverse numbers and combinations of associated organisms. Productivity of the forest ecosystem is thus dependent upon the many complex processes and interactions among trees, other organisms and the physical factors of the environment. While many of these processes and interactions have been identified, studied and described, very little is known of the basic biological mechanisms that underlie and determine their direction and rates.

The following guidelines are provided as a base from which proposals may be developed.

**Specific Areas of Research To Be Supported in Fiscal Year 1986**

*1. Improved Utilization of Wood and Wood Fiber*

Improved wood utilization practices depend upon a continually advancing scientific foundation of basic research in wood properties and fundamental components of wood science. This program area encourages research that addresses critical barriers to improved wood utilization and that will provide the scientific base from which new research and development can proceed. Grants will be awarded to support basic research in the following three catagories of wood science:

*Wood Chemistry and Biochemistry* represents an important area where new basic information is vitally needed and where breakthroughs have a virtually unlimited potential for expanding wood utilization. Basic questions that need to be addressed include the nature of underlying principles governing enzymatic, microbial, and other chemical reactions. Examples of research subjects of interest include bioconversion and deterioration mechanisms, lignin and cellulose polymer modification, surface chemistry, bonding chemistry, and thermal reactions.

*Physical/Mechanical Properties of Wood and Basic Processing Technology* constitutes an area of investigation in which an improve base of scientific knowledge can ensure future development of new products and processes.

Research is encouraged that furthers our understanding of basic mechanisms that impinge upon the structure, physical properties, and basic processing characteristics of wood and reconstituted wood materials. Examples of such research include, but are not limited to, anatomy, wood formation, viscoelasticity and quality investigations, machining processes, heat and mass transfer phenomena, lignocellulose modification, particle/fiber consolidation, non-destructive property evaluation, and materials science principles.

*Structural Wood Engineering* has developed empirically over time and has typically involved incremental improvements upon conventional concepts. Significant improvements depend upon developing an expanded scientific base of knowledge about the use and performance of wood as a structural material. The goal of basic research in this field is to support and encourage innovative approaches to the structural use of wood. Examples of research in this category include reliability-based design, systems modeling and validation, wood/non-wood composites, fasteners, and basic failure mechanisms.

To be considered for support, grant proposals should demonstrate applicability to one of the described areas of research emphasis and must offer a resonable probability of contributing significantly to the present body of scientific knowledge. The Department encourages proposals that emphasize innovative approaches to solving fundamental problems in the field of wood science and technology. Although this program area will emphasize research in the above categories, other new or unusual approaches will not be excluded.

If necessary, further information may be obtained from the Associate Program Manager at (202) 475-3310.

*2. Forest Biology (Including Biotechnology)*

The primary goals of the Forest Biology program area are to promote and fund research that will further the basic knowledge of mechanisms of biological processes in forest organisms and systems and that will contribute to overcoming barriers to optimize the health and productivity of the forest resource. Emphasis will be placed on research proposals that deal with the woody plant component of the forest system. Also, grants will be awarded to support basic studies in the following two categories of forest biology research, each of which has been judged to offer exceptional opportunities for scientific advancement. Thus, proposals in this area of fundamental research are encouraged, but the program will not exclude other new or unusual research approaches.

*Genetic Structure and Function* is an area of research in which new basic knowledge and technology development are critically needed to support future efforts in more intensive forest management. Forest organisms, by virtue of their wide distribution and occurrence in both natural and manipulated ecosystems, offer unique opportunities to analyze, identify and utilize a broad spectrum of variations and adaptations that still persist in the gene pools of existing populations.

Research should address the genetic limits to the health and productivity of wood species, including: Development of techniques for genetic engineering, including those for DNA transfer systems and for determining molecular mechanisms of gene expression; elucidation of mechanisms of morphogenesis at the cellular and organismal levels, including those controlling the development of productive plants from tissue or cell culture; identification and characterization of valuable genes and simply-inherited traits; and determinations of the organization, structure, and function of genomes.

*Mechanisms of Interactions in Forest Systems* is an area of research which requires a significant increase in basic knowledge to support subsequent studies of a more applied nature. Forest productivity is determined by complex climatic, geochemical and physical forces interacting with the living component of the ecosystem, the diverse mixtures of woody species of varying genotype, size and age that exist in various stages of equilibria with each other and with a host of other forest organisms. Understanding basic mechanisms that underlie the dynamic changes that occur as a forest regenerates and matures is essential to determining constraints and

opportunities to improve the health and productivity of the forest resource.

Areas in which basic research is needed to understand mechansims involved in some of those processes include, but are not limited to: Determining mechanisms driving processes such as mycorrhizal symbioses, carbon and nitrogen metabolism, and elucidating mechanisms involved in antagonistic relationships between forest organisms (interspecific interference) such as allelopathy and host-parasite interactions.

To be considered for support, grant proposals should demonstrate applicability to one of the described areas of research emphasis and must offer a reasonable probability of contributing significantly to the present body of scientific knowledge. It is especially important that proposals emphasize innovative approaches to solving fundamental problems in forest biology.

If necessary, further information may be obtained from the Associate Program Manager at (202) 475-3310.

**Supplementary Information**

For reasons set forth in the final rule related notice to 7 CFR Part 3015, Subpart V (48 FR 29115, June 24, 1983), this program is excluded from the scope of Executive Order 12372, which requires intergovernmental consultation with State and local officials.

Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3504 (h)), the collection of information requirements contained in this notice have been approved under OMB Document No. 0525-0001.

Done at Washington, DC, this 24th day of April 1986.

**John Patrick Jordan,**

*Acting Administrator Office, of Grants and Program Systems.*

[FR Doc. 86-9752 Filed 4-30-86; 8:45 am]

BILLING CODE 3410-MT-M

federal register

Thursday
May 1, 1986

# Part V

# Office of Management and Budget

## Budget Rescissions and Deferrals; Notice

## OFFICE OF MANAGEMENT AND BUDGET

### Budget Rescissions and Deferrals

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report three rescission proposals totaling $114,500,000 affecting programs in the Department of Defense—Military.

The details of these rescission proposals are contained in the attached report.

**Ronald Reagan.**

The White House,

April 25, 1986.

BILLING CODE 3110-01-M

CONTENTS OF SPECIAL MESSAGE
(in thousands of dollars)

| RESCISSION NO. | ITEM | BUDGET AUTHORITY |
|---|---|---|
| | **Department of Defense - Military** | |
| | Procurement | |
| R86-81 | Procurement of weapons and tracked combat vehicles, Army | 34,400 |
| R86-82 | Shipbuilding and conversion, Navy | 40,100 |
| R86-83 | Other procurement, Air Force | 40,000 |
| | **Total, rescissions** | 114,500 |

SUMMARY OF SPECIAL MESSAGES
FOR FY 1986
(in thousands of dollars)

| | Rescissions | Deferrals |
|---|---|---|
| Sixth special message: | | |
| New items | 114,500 | --- |
| Revisions to previous special messages | --- | --- |
| Effects of sixth special message | 114,500 | --- |
| Amounts from previous special messages that are changed by this message (changes noted above) | --- | --- |
| Subtotal, rescissions and deferrals | 114,500 | --- |
| Amounts from previous special messages that are not changed by this message | 10,012,392 | 24,720,727 |
| Total amount proposed to date in all special messages | 10,126,892 | 24,720,727 |

R86-81

DEPARTMENT OF DEFENSE - MILITARY

Procurement

Procurement of Weapons and Tracked Combat Vehicles, Army

Of the funds made available under this head in Public Law 98-473, $34,400,000 are rescinded.

Rescission Proposal No: R86-81



**PROPOSED RESCISSION OF BUDGET AUTHORITY**
Report Pursuant to Section 1012 of P.L. 93-344

| | |
|---|---|
| **AGENCY:** Department of Defense - Military | **New budget authority**..... $ (P.L. ) |
| **Bureau:** | **Other budgetary resources** 787,577,501 |
| **Appropriation title and symbol:** Procurement of weapons and tracked combat vehicles, Army 214/62033 | **Total budgetary resources** 787,577,501 |
| | **Amount proposed for rescission** $ 34,400,000 |
| **OMB identification code:** 21-2033-0-1-051 | **Legal authority** (in addition to sec. 1012): [ ] Antideficiency Act |
| **Grant program:** [ ] Yes [X] No | [ ] Other |
| **Type of account or fund:** | **Type of budget authority:** |
| [ ] Annual | [X] Appropriation |
| [X] Multiple-year 9/30/86 (expiration date) | [ ] Contract authority |
| [ ] No-Year | [ ] Other |

**Justification:** Procurement of weapons and tracked combat vehicles, Army provides funds for the construction, procurement, production, and modification of weapons and tracked combat vehicles. These funds are being proposed for rescission to offset fiscal year 1986 increases resulting from a proposed supplemental for military and economic assistance to the Philippines.

**Estimated Program Effect:** This proposal would rescind those funds that were authorized to be transferred under Section 8103 of Public Law 99-190 for "increased readiness of conventional forces in programs funded in the operation and maintenance accounts."

The fiscal year 1986 column of the fiscal year 1987 Budget reflects transfers from prior year unobligated balances in procurement appropriations to operation and maintenance appropriations. The proposed transfers would be reduced by $34.4 million to accommodate this requirement. The following items have been adjusted:

| | ($ in millions) |
|---|---|
| Productivity improvement equipment..... | -15.0 |
| Tactical Army Combat Service Computer System (TACCS)..... | -4.3 |
| Standard Army Automated Contracting System (SAACONS)..... | -3.0 |
| Standard port system ADP..... | -1.1 |
| Air defense training development contract..... | -5.8 |
| Repair parts stockage..... | -5.0 |

**Outlay Effect** (in thousands of dollars):

| 1986 Outlay Estimate Without Rescission | 1986 Outlay Estimate With Rescission | Outlay Savings 1986 | 1987 | 1988 | 1989 | 1990 | 1991 |
|---|---|---|---|---|---|---|---|
| 3,767,500 | 3,743,500 | 24,000 | 10,400 | | | | |

R86-82

DEPARTMENT OF DEFENSE - MILITARY

Procurement

Shipbuilding and Conversion, Navy

Of the funds made available under this head in Public Law 98-473, $40,100,000 are rescinded.

Rescission Proposal No: R86-82

**PROPOSED RESCISSION OF BUDGET AUTHORITY**
Report Pursuant to Section 1012 of P.L. 93-344

| | |
|---|---|
| **AGENCY:** Department of Defense - Military | **New budget authority**..... $ ____ (P.L. ____) |
| **Bureau:** | **Other budgetary resources** 3,196,322,330 |
| **Appropriation title and symbol:** Shipbuilding and conversion, Navy /174/81611 | **Total budgetary resources** 3,196,322,330 |
| | **Amount proposed for rescission** $ 40,100,000 |
| **OMB identification code:** 17-1611-0-1-051 | **Legal authority** (in addition to sec. 1012): [ ] Antideficiency Act |
| **Grant program:** [ ] Yes [X] No | [ ] Other ____ |
| **Type of account or fund:** [ ] Annual | **Type of budget authority:** [X] Appropriation |
| [X] Multiple-year 9/30/88 (expiration date) | [ ] Contract authority |
| [ ] No-Year | [ ] Other ____ |

**Justification:** Shipbuilding and conversion, Navy provides funds for the construction, acquisition, or conversion of naval vessels as authorized by law. These funds are being proposed for rescission to offset fiscal year 1986 increases resulting from a proposed supplemental for military and economic assistance to the Philippines.

**Estimated Program Effect:** This proposal would rescind funds which were authorized to be transferred under Section 8103 of Public Law 99-190 for "increased readiness of conventional forces in programs funded in the operation and maintenance accounts."

The fiscal year 1986 column of the fiscal year 1987 Budget reflects transfers from prior year unobligated balances in procurement appropriations to operation and maintenance appropriations. The proposed transfers would be reduced by $40.1 million to accommodate this requirement. The following item has been adjusted:

| | ($ in millions) |
|---|---|
| Aircraft and other depot maintenance... | -40.1 |

R86-82
2

**Outlay Effect** (in thousands of dollars):

| 1986 Outlay Estimate | | Outlay Savings | | | | | |
|---|---|---|---|---|---|---|---|
| Without Rescission | With Rescission | 1986 | 1987 | 1988 | 1989 | 1990 | 1991 |
| 9,147,200 | 9,119,200 | 28,000 | 12,100 | --- | --- | --- | --- |

R86-83

DEPARTMENT OF DEFENSE - MILITARY

Procurement

Other Procurement, Air Force

Of the funds made available under this head in Public Law 98-473, $40,000,000 are rescinded.

Rescission Proposal No: R86-83

**PROPOSED RESCISSION OF BUDGET AUTHORITY**
Report Pursuant to Section 1012 of P.L. 93-344

| | |
|---|---|
| **AGENCY:** Department of Defense - Military | **New budget authority.....** $ ____ (P.L. ____) |
| **Bureau:** | **Other budgetary resources** 2,111,943,437 |
| **Appropriation title and symbol:** Other procurement, Air Force 575/73080 | **Total budgetary resources** 2,111,943,437 |
| | **Amount proposed for rescission** $ 40,000,000 |
| **OMB identification code:** 57-3080-0-1-051 | **Legal authority** (in addition to sec. 1012): [ ] Antideficiency Act |
| **Grant program:** [ ] Yes [X] No | [ ] Other ____ |
| **Type of account or fund:** | **Type of budget authority:** |
| [ ] Annual | [X] Appropriation |
| [X] Multiple-year 9/30/87 (expiration date) | [ ] Contract authority |
| [ ] No-Year | [ ] Other ____ |

**Justification:** Other procurement, Air Force provides funds for the procurement and modification of equipment including munitions, ground guidance, vehicles, electronic control equipment, and ground electronic and communication equipment. These funds are being proposed for rescission to offset fiscal year 1986 increases resulting from a proposed supplemental for military and economic assistance to the Philippines.

**Estimated Program Effect:** This proposal would rescind those funds that were authorized to be transferred under Section 8103 of Public Law 99-190 for "increased readiness of conventional forces in programs funded in the operation and maintenance accounts."

The fiscal year 1986 column of the fiscal year 1987 Budget reflects transfers from prior year unobligated balances in procurement appropriations to operation and maintenance appropriations. The proposed transfers would be reduced by $40.0 million to accommodate this requirement. The following item has been adjusted:

($ in millions)

*Real property maintenance.....* -40.0

[FR Doc. 86-9813 Filed 4-30-86; 8:45 am]

BILLING CODE 3110-01-C



**Outlay Effect** (in thousands of dollars):

| 1986 Outlay Estimate | | Outlay Savings | | | | | |
|---|---|---|---|---|---|---|---|
| Without Rescission | With Rescission | 1986 | 1987 | 1988 | 1989 | 1990 | 1991 |
| 6,779,300 | 6,751,300 | 28,000 | 12,000 | --- | --- | --- | --- |

# Reader Aids

Federal Register
Vol. 51, No. 84
Thursday, May 1, 1986

## INFORMATION AND ASSISTANCE

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| Problems with subscriptions | 275-3054 |
| Subscriptions (Federal agencies) | 523-5240 |
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| Magnetic tapes of FR, CFR volumes | 275-1184 |
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### PUBLICATIONS AND SERVICES

**Daily Federal Register**

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| Corrections | 523-5237 |
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| Legal staff | 523-4534 |
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**Code of Federal Regulations**

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| Executive orders and proclamations | 523-5230 |
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| **United States Government Manual** | 523-5230 |

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| TDD for the deaf | 523-5229 |

## FEDERAL REGISTER PAGES AND DATES, MAY

16155-16280 ..... 1

## LIST OF PUBLIC LAWS

**Note:** No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

**Last List April 29, 1986.**

## TABLE OF EFFECTIVE DATES AND TIME PERIODS—MAY 1986

This table is used by the Office of the Federal Register to compute certain dates, such as effective dates and comment deadlines, which appear in agency documents. In computing these dates, the day after publication is counted as the first day.

When a date falls on a weekend or holiday, the next Federal business day is used. (See 1 CFR 18.17)

A new table will be published in the first issue of each month.

| DATE OF FR PUBLICATION | 15 DAYS AFTER PUBLICATION | 30 DAYS AFTER PUBLICATION | 45 DAYS AFTER PUBLICATION | 60 DAYS AFTER PUBLICATION | 90 DAYS AFTER PUBLICATION |
|---|---|---|---|---|---|
| May 1 | May 16 | June 2 | June 16 | June 30 | July 30 |
| May 2 | May 19 | June 2 | June 16 | July 1 | July 31 |
| May 5 | May 20 | June 4 | June 19 | July 7 | August 4 |
| May 6 | May 21 | June 5 | June 20 | July 7 | August 4 |
| May 7 | May 22 | June 6 | June 23 | July 7 | August 5 |
| May 8 | May 23 | June 9 | June 23 | July 7 | August 6 |
| May 9 | May 27 | June 9 | June 23 | July 8 | August 7 |
| May 12 | May 27 | June 11 | June 26 | July 11 | August 11 |
| May 13 | May 28 | June 12 | June 27 | July 14 | August 11 |
| May 14 | May 29 | June 13 | June 30 | July 14 | August 12 |
| May 15 | May 30 | June 16 | June 30 | July 14 | August 13 |
| May 16 | June 2 | June 16 | June 30 | July 15 | August 14 |
| May 19 | June 3 | June 18 | July 3 | July 18 | August 18 |
| May 20 | June 4 | June 19 | July 7 | July 21 | August 18 |
| May 21 | June 5 | June 20 | July 7 | July 21 | August 19 |
| May 22 | June 6 | June 23 | July 7 | July 21 | August 20 |
| May 23 | June 9 | June 23 | July 7 | July 22 | August 21 |
| May 27 | June 11 | June 26 | July 11 | July 28 | August 25 |
| May 28 | June 12 | June 27 | July 14 | July 28 | August 26 |
| May 29 | June 13 | June 30 | July 14 | July 28 | August 27 |
| May 30 | June 16 | June 30 | July 14 | July 29 | August 28 |