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Presidential Documents

Title 3—

The President

Proclamation 5427 of January 13, 1986

Save Your Vision Week, 1986

By the President of the United States of America

A Proclamation

Of all the blessings that Americans enjoy, few are more important than good vision. It is this priceless gift that enables us to behold the great beauty of our country and take full advantage of the many opportunities it offers. Yet too many of us take the gift of sight for granted, and each year thousands suffer vision loss that could have been prevented. To avoid such tragedy, all of us must be more aware of what each of us can do to protect our eyes and safeguard our eyesight.

The most important sight-saving precaution is to have regular eye checkups. Such examinations can provide valuable warning of incipient eye diseases that could endanger our vision. Early detection is invaluable, because eye research has produced new treatments that can halt many potentially blinding diseases before they have a chance to impair vision.

For people with diabetes, eye examinations offer an especially good chance to benefit from sight-saving discoveries. Research sponsored by the National Eye Institute has shown that laser treatment can help many people who are at risk of visual loss from diabetic eye disease if the condition is detected early. Anyone with diabetes should be made aware of the importance of regular eye care.

Routine eye examinations are important for people who are middle-aged or older, because that is when many eye diseases have their onset. With regular eye care and prompt attention to conditions that need treatment, most Americans can be free of disabling visual impairment in their later years.

Children also need early and regular eye examinations. Even the healthiest-looking child may have some unsuspected visual problem that needs prompt attention. A routine checkup can detect such disorders in time for effective treatment, sparing the child a needless handicap.

Guarding against eye injuries is important for everyone. In the home as well as in the workplace, people should wear a face mask, goggles, or safety glasses when working with chemicals or machinery that might be dangerous to the eyes. People participating in sports should use appropriate protective eyewear. And children should be taught the basic principles of eye safety.

In addition to saving our own vision, we can give the gift of sight to others after our death. By arranging to become eye donors, Americans can help insure that our Nation's eye banks will be able to continue supplying the precious tissue needed for sight-restoring corneal transplant operations.

We should also support the excellent voluntary organizations that seek to prevent blindness and improve the lives of the visually handicapped. Through their programs of eye research, public education, and special services to people with low vision, these groups make an enormous contribution to the public good.

To encourage our citizens to cherish and protect their sight, the Congress, by joint resolution approved December 30, 1963 (77 Stat. 629, 36 U.S.C. 169a), has

authorized and requested the President to proclaim the first week in March of each year as "Save Your Vision Week."

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby designate the week beginning March 2, 1986, as Save Your Vision Week. I urge all Americans to participate in this observance by making eye care and eye safety an important part of their lives. Also, I invite eye care professionals, the communications media, and all public and private organizations committed to the goal of sight conservation to join in activities that will make Americans more aware of the steps they can take to protect their vision.

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

Ronald Reagan

[FR Doc. 86-1054
Filed 1-14-86; 10:51 am]
Billing code 3195-01-M

Presidential Documents

Proclamation 5428 of January 13, 1986

National Poison Prevention Week, 1986

By the President of the United States of America

A Proclamation

March 16–22, 1986, will mark the 25th observance of National Poison Prevention Week. During the past quarter-century, there has been a remarkable reduction in childhood poisonings. In 1961, when Congress passed the law authorizing this annual proclamation, some 450 children under five years of age were killed each year in poisoning accidents. By 1983 (the last year for which we have complete statistics), the annual death toll for children under five had dropped to 55—an 88% reduction. Some of this improvement can be attributed to the use of child-resistant packaging, while another contributing factor is increased public awareness of the need to keep medicines and household chemicals out of the reach of children.

For the past 25 years, the Poison Prevention Week Council has coordinated a network of health, safety, business, and voluntary organizations in an effort to raise public awareness and to observe National Poison Prevention Week. The Consumer Product Safety Commission, which serves as the secretariat for the Poison Prevention Week Council, administers the Poison Prevention Packaging Act. This Act requires that 16 categories of hazardous household products, including prescription drugs, must be sold in child-resistant, safety packaging. Over the past two and a half decades, poison prevention programs have been implemented at the local level by poison control centers, safety councils, pharmacies, departments of health, hospitals, and many others. All of these organizations deserve great credit for a quarter of a century of success in raising public awareness of poison prevention and in sharply reducing the annual death toll.

We must continue to emphasize the need for poison prevention. Since children are particularly liable to accidental poisoning, their guardians should be informed of the need to use child-resistant packaging and to keep potential poisons out of the reach of children.

To encourage the American people to learn about the dangers of accidental poisonings and to take preventive measures, the Congress, by a joint resolution approved September 26, 1961 (75 Stat. 681), authorizes and requests the President to issue a proclamation designating the third week of March in each year as National Poison Prevention Week.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby designate the week beginning March 16, 1986, as National Poison Prevention Week. I call upon all Americans to observe this week by participating in appropriate observances and programs.

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

Ronald Reagan

[FR Doc. 86-1060
Filed 1-14-86; 10:52 am]
Billing code 3195-01-M

Presidential Documents

Proclamation 5429 of January 13, 1986

National Day of Prayer, 1986

By the President of the United States of America

A Proclamation

Prayer is deeply woven into the fabric of our history from its very beginnings. The same Continental Congress that declared our independence also proclaimed a National Day of Prayer. And from that time forward, it would be hard to exaggerate the role that prayer has played in the lives of individual Americans and in the life of the Nation as a whole.

Our greatest leaders have always turned to prayer at times of crisis. We recall the moving story of George Washington kneeling in the snow at Valley Forge to ask for divine assistance when the fate of our fledgling Nation hung in the balance. And Abraham Lincoln tells us that on the eve of the Battle of Gettysburg, "I went into my room and got down on my knees in prayer." Never before, he added, had he prayed "with as much earnestness."

More than once, Lincoln also summoned the entire Nation to its knees before the God in Whose hand lies the destiny of nations. It was, he said, "fit and becoming in all peoples, at all times, to acknowledge and revere the Supreme Government of God . . . and to pray with all fervency and contrition . . . ."

After the shock of Pearl Harbor, Franklin Roosevelt told us he took courage from the thought that "the vast majority of the members of the human race" joined us in a common prayer for victory as we fought for "freedom under God."

Prayer, of course, is deeply personal: the way in which it finds expression depends on our individual dispositions as well as on our religious convictions. Just as our religious institutions are guaranteed freedom in this land, so also do we cherish the diversity of our faiths and the freedom afforded to each of us to pray according to the promptings of our individual conscience.

Yet the light of prayer has a common core: it is our hopes and aspirations; our sorrows and fears; our deep remorse and renewed resolve; our thanks and joyful praise; and most especially our love—all turned toward God. The Talmud aptly calls prayer the "service of the heart," and Christ enjoins us to "pray without ceasing."

Accordingly, like the Presidents who have come before me, I invite my fellow citizens to join me in earnest prayer that the God Who has led and protected us through so many trials and favored us with such abundant blessings may continue to watch over our land. Let us never forget the wise counsel of Theodore Roosevelt that "all our extraordinary material development . . . will go for nothing unless with that growth goes hand in hand the moral, the spiritual growth that will enable us to use aright the other as an instrument."

In prayer, let us ask that God's light may illuminate the minds and hearts of our people and our leaders, so that we may meet the challenges that lie before us with courage and wisdom and justice. In prayer let us recall with confidence the promise of old that if we humble ourselves before God and pray and seek His face, He will surely hear and forgive and heal and bless our land.

By joint resolution of the Congress approved April 17, 1952, the recognition of a particular day set aside each year as a National Day of Prayer has become a cherished national tradition. Since that time, every President has proclaimed an annual National Day of Prayer, resuming the tradition begun by the Continental Congress.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim Thursday, May 1, 1986, as National Day of Prayer. I call upon all Americans to join me in prayer that day. I ask them to gather in their homes and places of worship with their ministers and teachers of religion and heads of families, to give thanks for every good thing God has done for us and to seek His guidance and strength in the conduct of our lives.

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

Ronald Reagan

[FR Doc. 86-1130
Filed 1-14-86; 4:31 pm]
Billing code 3195-01-M

Presidential Documents

Executive Order 12545 of January 14, 1986

National Commission on Space

By the authority vested in me as President by the Constitution and statutes of the United States of America, including Section 109 of the National Aeronautics and Space Administration Authorization Act of 1986 (Public Law 99–170), and in order to extend the time within which the National Commission on Space may submit its plan and recommendations, it is hereby ordered that Section 2(b) of Executive Order No. 12490 is amended by deleting the words "12 months" and inserting in lieu thereof the words "18 months".

Ronald Reagan

THE WHITE HOUSE,
January 14, 1986.

[FR Doc. 86-1183
Filed 1-15-86; 10:56 am]
Billing code 3195-01-M

Rules and Regulations

Federal Register
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DEPARTMENT OF AGRICULTURE

Farmers Home Administration

7 CFR Part 1900

Farmers Home Administration Appeal Procedure

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule; correction.

SUMMARY: The Farmers Home Administration (FmHA) corrects a final rule published November 1, 1985 (50 FR 45740). With the implementation of FmHA's regulations regarding the Special Servicing of Delinquent and Problem Case FmHA Farm Borrowers, a change was made in Exhibit D of Subpart B of Part 1900 "Farmers Home Administration Appeal Procedure," requiring that the Hearing Officer for all appealed adverse actions taken by the County Supervisor be a District Director from another District. This requirement is appropriate for cases involving Farmer Program decisions since District Directors are often involved in the decision process. However, this requirement is not appropriate in cases involving Single Family Housing decisions since District Directors are generally not involved in the decision process. Accordingly, FmHA corrects this Exhibit to differentiate between cases involving Farmer Program or Single Family Housing decisions.

FOR FURTHER INFORMATION CONTACT: David J. Villano, Senior Realty Specialist, Property Management Branch, Single Family Housing Servicing and Property Management Division, Farmers Home Administration, USDA, Room 5309 South Agriculture Building, Washington, DC 20250, telephone (202) 381–1452.

SUPPLEMENTARY INFORMATION: The following corrections are made in FR Doc. 85–25644 appearing on pages 45740 to 45803 in the issue of November 1, 1985.

PART 1900—GENERAL

1. The authority citation for Part 1900 continues to read as follows:

Authority: 7 U.S.C. 1989, 42 U.S.C. 1480, 5 U.S.C. 301, 7 CFR 2.23; 7 CFR 2.70.

Subpart B—Farmers Home Administration Appeal Procedure

Exhibit D [Corrected]

2. The table and footnote 1 immediately following the table in Exhibit D are corrected to read as follows:

Exhibit D to Subpart B—Hearing/Review Officer Designations

Note.—A Hearing Officer must in all cases be an individual who was not significantly involved in the decision being appealed.

Decision maker or decision	Hearing officer	Review officer
County supervisor for single family housing cases.	District Director or person selected by the State Director.	State Director or designee.
For Farmer Program (FP) cases and FP intent to foreclose real property or chattels.	District Director from another district or a person of equal or greater rank selected by the State Director.	State Director or designee.
County committee	State Director or designee.	Deputy Administrator, Program Operations or designee.
District Director	do	Do.
State Director	Deputy Administrator, program operations or designee.	(No review).
Division Director or Assistant Administrator.	do	Do.
Deputy or Associate Administrator.	Administrator or designee.	Do.
Decision to foreclose real estate:		
(For single-family housing accounts).	State Director or designee.[1]	Deputy Administrator, Program Operations or designee.
(For accounts serviced in the district office).	Deputy administrator, program operations or designee.	(No review).

[1] The individual designated as Hearing Officer may not be an employee who is supervised by the person who approved the foreclosure and accelerated the account, nor can the designee have been involved in the decision to foreclose.

* * * * *

Dated: December 20, 1985.

Vance L. Clark,

Administrator, Farmers Home Administration.

[FR Doc. 86–1032 Filed 1–15–86; 8:45 am]

BILLING CODE 3410–07–M

Animal and Plant Health Inspection Service

9 CFR Part 50

[Docket No. 85–133]

Bovine Tuberculosis Indemnity

AGENCY: Animal and Plant Health Inspection Service.

ACTION: Affirmation of interim rule.

SUMMARY: This document affirms the interim rule which amended the tuberculosis indemnity regulations in 9 CFR Part 50 by allowing, under certain circumstances, extensions of the previous time limits for the identification and appraisal of animals that are classified as reactors or that are otherwise condemned because of tuberculosis. The amendment is necessary to help prevent the spread of tuberculosis.

EFFECTIVE DATE: January 16, 1986.

FOR FURTHER INFORMATION CONTACT: Dr. G.H. Frye, Cattle Diseases Staff, VS APHIS, USDA, Room 814, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8711.

SUPPLEMENTARY INFORMATION:

Background

A document published in the **Federal Register** on October 8, 1985 (50 FR 40962–40963), amended the tuberculosis indemnity regulations in 9 CFR Part 50 by allowing, under certain circumstances, extensions of the previous time limits for the identification and appraisal of animals that are classified as reactors or that are otherwise condemned because of tuberculosis.

Comments were solicited for 60 days after publication of the amendment. One comment supporting the amendment was received. The factual situation which was set forth in the document of October 8, 1985, still provides a basis for the amendment.

Executive Order 12291 and Regulatory Flexibility Act

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

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

It is anticipated that the rule will affect less than one percent of the cattle, swine, and bison in the United States.

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

Executive Order 12372

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

List of Subjects in 9 CFR Part 50

Animal diseases, Cattle, Hogs, Indemnity payments, Tuberculosis.

PART 50—BOVINE TUBERCULOSIS INDEMNITY

Accordingly, the interim rule amending 9 CFR Part 50 which was published at 50 FR 40962–40963 on October 8, 1985, is adopted as a final rule.

Authority: 21 U.S.C 111–113, 114, 114a, 114a–1, 120, 121, 125, 134b; 7 CFR 2.17, 2.51, and 371.2(d).

Done at Washington, DC, this 13 day of January 1986.

J.K. Atwell,

Deputy Administrator, Veterinary Services.

[FR Doc. 86–1030 Filed 1–15–86; 8:45 am]

BILLING CODE 3410-34-M

9 CFR Part 78

[Docket No. 85–128]

Brucellosis in Cattle; State and Area Classifications

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule.

SUMMARY: This document affirms the interim rule which amended the regulations governing the interstate movement of cattle because of brucellosis by including the following 12 Counties in the portion of Florida designated as Class B rather than Class C: Alachua, Baker, Bradford, Clay, Columbia, Duval, Gilchrist, Nassau, Putnam, Saint Johns, Suwannee, and Union. The effect of the rule is to relieve certain restrictions on the interstate movement of cattle from these counties in Florida. The rule is necessary because it has been determined that these counties, together with the previously designated Class B Area of Florida, meet the standards for Class B.

EFFECTIVE DATE: January 16, 1986.

FOR FURTHER INFORMATION CONTACT: Dr. G. H. Frye, Cattle Diseases Staff, VS, APHIS, USDA, Room 814, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8711.

SUPPLEMENTARY INFORMATION:

Background

A document published in the Federal Register on October 7, 1985 (50 FR 40799–40801), amended the brucellosis regulations in 9 CFR Part 78 by including Alachua, Baker, Bradford, Clay, Columbia, Duval, Gilchrist, Nassau, Putnam, Saint Johns, Suwannee, and Union Counties in Florida in the Area of Florida designated as Class B. Prior to the effective date of the interim rule, the 12 counties listed above were included in the Area of Florida designated as Class C. The amendment, which was made effective on October 7, 1985, relieves certain restrictions on the interstate movement of cattle from these 12 counties in Florida.

Comments were solicited for 60 days after publication of the amendment. No comments were received. The factual situation which was set forth in the document of October 7, 1985, still provides a basis for the amendment.

Executive Order 12291 and Regulatory Flexibility Act

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

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

Changing the status of a portion of the State of Florida reduces testing and other requirements on the interstate movement of certain cattle. Cattle moved interstate are moved for slaughter, for use as breeding stock, or for feeding. Testing requirements for cattle moved interstate for immediate slaughter, or to quarantined feedlots are not affected by the change in status. Also, cattle from Certified Brucellosis-Free Herds moving interstate are not affected by the change in status. It has been determined that the change in brucellosis status made by this rule will not affect marketing patterns and will not have a significant economic impact on those persons affected by this document.

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

Executive Order 12372

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

List of Subjects in 9 CFR Part 78

Animal diseases, Brucellosis, Cattle, Hogs, Quarantine, Transportation.

PART 78—BRUCELLOSIS

Accordingly, the interim rule amending 9 CFR Part 78 which was published at 50 FR 40799–40801 on October 7, 1985, is adopted as a final rule.

Authority: 21 U.S.C. 111–114a–1, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 7 CFR 2.17, 2.51, and 371.2(d).

Done at Washington, DC, this 13th day of January 1986.

J.K. Atwell,

Deputy Administrator, Veterinary Services.

[FR Doc. 86-1029 Filed 1-15-86; 8:45 am]

BILLING CODE 3410-34-M

9 CFR Part 166

[Docket No. 85-113]

Swine Health Protection Provisions

AGENCY: Animal and Plant Inspection Service, USDA.

ACTION: Interim rule.

SUMMARY: This document removes Kentucky from the list of States that have primary enforcement responsibility under the Swine Health Protection Act (the Act) and adds Kentucky to the list of States that do not have primary enforcement responsibility under the Act but, under cooperative agreements with the Animal and Plant Health Inspection Service, issue licenses to persons desiring to operate a treatment facility for garbage that is to be treated and fed to swine. This action is taken pursuant to a request from Kentucky and section 10 of the Act. The intended effect of this action is to help ensure that certain requirements for the feeding of garbage to swine under the Act are enforced in Kentucky and thereby help prevent the dissemination of certain swine diseases.

DATES: Effective date is January 16, 1986. Written comments must be received on or before March 17, 1986.

ADDRESSES: Written comments should be submitted to Thomas O. Gessel, Director, Regulatory Coordination Staff, APHIS, USDA, Room 728, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Comments should state that they are in response to Docket Number 85-113. Written comments received may be inspected at Room 728 of the Federal Building between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Dr. L.W. Schnurrenberger, Special Diseases Staff, VS, APHIS, USDA, Room 822, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8487.

SUPPLEMENTARY INFORMATION:

Background

The "Swine Health Protection Provisions" regulations (contained in 9 CFR Part 166 and referred to below as the Federal regulations) were established pursuant to the Swine Health Protection Act (set forth in 7 U.S.C. 3801 *et seq.* and referred to below as the Act). These authorities contain provisions regulating the treatment of garbage to be fed to swine and the feeding thereof in order to prevent the introduction into and dissemination in the United States of certain diseases of swine. The Act, except for authority for certain emergency actions, provides that the provisions of the Act and Federal regulations are to be enforced by the Secretary of Agriculture of the United States (Secretary) only in States that do not have primary enforcement responsibility under the Act.

The Act provides that a State shall have the primary enforcement responsibility for violations of laws and regulations relating to the treatment of garbage to be fed to swine and the feeding thereof during any period for which the Secretary determines that (1) such State has adopted adequate laws and regulations regulating the treatment of garbage to be fed to swine and the feeding thereof which meet the minimum standards of the Act and the regulations promulgated thereunder, (2) such State has adopted and is implementing effective enforcement procedures, and (3) such State keeps records and makes reports as the Secretary may require.

Prior to the effective date of this document, Kentucky was listed in § 166.14(c) of the regulations as a State having primary enforcement responsibility under the Act. Pursuant to a request from Kentucky and pursuant to the requirements of section 10 of the Act, this document removes Kentucky from the list of States that have primary enforcement responsibility under the Act. Therefore, the provisions of the Act and the Federal regulations are now being enforced by the Secretary in Kentucky.

Further, pursuant to the authority in the Act, APHIS enters into cooperative agreements with some States that do not have primary enforcement responsibility under the Act but which have been determined to have adequate facilities, personnel, and procedures, to assist in the administration and enforcement of the Act and regulations. In accordance with these criteria, APHIS has entered into a cooperative agreement with Kentucky under which Kentucky issues licenses to persons desiring to operate a treatment facility for garbage that is to be treated and fed to swine. Therefore, this document adds Kentucky to the list in § 166.14(d) of States that issue licenses under cooperative agreements with APHIS, but do not have primary enforcement responsibility under the Act.

Executive Order 12291 and Regulatory Flexibility Act

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

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

Persons who operate facilities for the treatment of garbage to be fed to swine and certain persons who feed or permit the feeding of garbage to swine are required to be regulated because of the Swine Health Protection Act. Almost all persons who operate facilities for the treatment of garbage to be fed to swine or who feed or permit the feeding of garbage to swine would be considered small entities. Further, the amendments made by this document will affect less than one percent of such persons who operate facilities for the treatment of garbage to be fed to swine and less than one percent of such persons who feed or permit the feeding of garbage to swine.

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

Executive Order 12372

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

Emergency Action

Dr. John K. Atwell, Deputy Administrator of the Animal and Plant Health Inspection Service for Veterinary Services, has determined that an emergency situation exists which warrants publication of this interim rule without prior opportunity for public comment. Immediate action is warranted in order to help ensure that

certain requirements for the feeding of garbage to swine under the Act are enforced in Kentucky and thereby help prevent the dissemination of certain swine diseases.

Further, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that prior notice and other public procedures with respect to this interim rule are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making this interim rule effective less than 30 days after publication of this document in the **Federal Register.** Comments have been solicited for 60 days after publication of this document. A document discussing comments received and any amendments required will be published in the **Federal Register.**

List of Subjects in 9 CFR Part 166

African swine fever, animal diseases, foot-and-mouth disease, garbage, hog cholera, hogs, swine vesicular disease, vesicular exanthema of swine.

PART 166—SWINE HEALTH PROTECTION

Accordingly, Part 166, Title 9, Code of Federal Regulations, is amended as follows:

1. The authority citation for Part 166 continues to read as set forth below:

Authority: 7 U.S.C. 3802, 3803, 3804, 3806, 3809, 3811; 7 CFR 2.17, 2.51, and 371.2(d).

2. Paragraphs (c) and (d) of § 166.14 are revised to read as follows:

§ 166.14 State status.

* * * * *

(c) The following States have primary enforcement responsibilities under the Act: Alabama, Arizona, California, Colorado, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maryland, Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, West Virginia, and Wisconsin.

(d) The following States issue licenses under cooperative agreements with the Animal and Plant Health Inspection Service, USDA, but do not have primary enforcement responsibility under the Act: Alaska, Kentucky, Minnesota, Washington, and Puerto Rico.

* * * * *

Done at Washington, DC, this 13th day of January 1986.

J.K. Atwell,

Deputy Administrator, Veterinary Services.

[FR Doc. 86-1031 Filed 1-15-86; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 11

[Docket No. 24886; Amdt. 11-30]

General Rulemaking Procedures

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment to the FAA's administrative regulations updates the delegation of authority for the promulgation of certain orders involving airspace assignment and use. The amendment reflects the current titles of the positions to which the authority is delegated and eliminates delegation of authority to a regional director.

EFFECTIVE DATE: January 17, 1986.

FOR FURTHER INFORMATION CONTACT: Mr. Brent A. Fernald, Airspace and Air Traffic Rules Branch, ATO-230, Airspace-Rules and Aeronautical Information Division, Air Traffic Operations Service, Office of the Associate Administrator for Air Traffic, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-8626.

SUPPLEMENTARY INFORMATION:

The Rule

Federal Aviation Regulations (FAR) Part 11, Subpart D, Rules and Procedures for Airspace Assignment and Use, establishes FAA procedures for the issuance of regulations for the assignment and use of airspace. These procedures include the internal agency delegations of authority to take these actions. Currently, FAR 11.61(c) defines the "Director" for purposes of Subpart D, as the "Associate Administrator for Programs, the Director, Air Traffic Service (or any person to whom he has delegated his authority in the matter concerned, or a Regional Director." However, current FAA organization does not include any position with the title of Associate Administrator for Programs or Director, Air Traffic Service. This amendment to Part 11 redefines the term "Director" in Section 11.61(c) to specify the position titles of the officials now performing those responsibilities: the Associate Administrator for Air Traffic and the Director, Air Traffic Operations Service. The existing provision for delegation of authority to other persons is retained. Consistent with the recent reorganization of air traffic headquarters elements, the delegation of authority to a regional director is no longer appropriate and is being eliminated. Authority, as necessary will be delegated through the FAA directives system to regional air traffic division managers. Because this amendment involves only matters of internal agency management and personnel, notice and public procedure and publication 30 days prior to implementation are not required under 5 U.S.C. Section 553(a).

List of Subjects in 14 CFR Part 11

General rulemaking procedures, Authority delegations—government agencies.

The Amendment

PART 11—[AMENDED]

Accordingly, Part 11 of the Federal Aviation Regulations (14 CFR Part 11) is amended as follows:

1. The authority citation for Part 11 is revised to read as follows:

Authority: 49 U.S.C. 1341(a), 1343(d), 1348, 1354(a), 1401 through 1405, 1421 through 1431, 1481, and 1502; 49 U.S.C. 106(g) (Revised. Pub. L. 97-449, January 12, 1983).

2. Section 11.61(c) is revised to read as follows:

§ 11.61 Scope.

* * * * *

(c) For the purposes of this subpart, "Director" means the Associate Administrator for Air Traffic or the Director, Air Traffic Operations Service (or any person to whom he has delegated his authority in the matter concerned). The authority which may be delegated is limited to those matters relating to terminal airspace within the United States, as described in § 71.165 of Subpart E, and Subparts F and G of Part 71. This authority may, however, include those matters relating to Federal airways or additional control areas within the United States, as described in Subparts B, C, and I, § 71.163 of Subpart E of Part 71, if they are ancillary to the terminal area airspace matter.

* * * * *

Issued in Washington, D.C., on January 10, 1986.

Donald D. Engen,

Administrator.

[FR Doc. 86-1021 Filed 1-15-86; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 85-NM-66-AD Amdt. 39-5215]

Airworthiness Directives; Boeing Model 747 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing airworthiness directive (AD) which requires inspection of trailing edge flap tracks for corrosion and cracking on certain Boeing Model 747 airplanes. This amendment will allow increased inspection intervals on those airplanes incorporating a maximum operational flap setting of 25 degrees. Investigations have shown that this may be accomplished without adversely impacting safety.

EFFECTIVE DATE: February 24, 1986.

ADDRESSES: The service bulletin specified in this AD may be obtained upon request from the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124–2207. 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 E. 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: A proposal to amend Part 39 of the Federal Aviation Regulations to amend an existing airworthiness directive which requires inspection for and subsequent repair of cracked flap tracks was published in the **Federal Register** on June 16, 1985 (50 FR 28815). The amendment would allow operators to select a reduced flap setting of 25 degrees and thereby extend the required repetitive inspection intervals. The comment period for the proposal closed on September 9, 1985. Interested parties have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to all comments received.

Comments from the Air Transport Association (ATA) of America summarized the comments of six member airlines. One operator supported the AD as proposed. Four operators stated that they plan to continue operating with the 30 degrees flap setting and the present visual inspection requirements. One operator recommended that the flap extension system be placarded rather than blocked off. The FAA has determined that a placard, in this situation, would be ineffective and, therefore, the FAA does not concur with the suggestion.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Inasmuch as this amendment would merely offer alternative inspection intervals and inspection techniques, it will not impose any additional regulatory or economic burden on any person.

For the reasons discussed above, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under 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 rule will not have a significant economic effect on a substantial number of small entities because few, if any, Model 747 airplanes are operated by small entities. A final evaluation has been prepared for this regulation and has been placed in the docket.

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 as follows:

§ 39.13 [Amended]

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 AD 83–21–02, Amendment 39–4745 (48 FR 48220; October 18, 1983), by revising paragraphs E. and F. to read as follows:

E. Concurrent with the modification of paragraph D., above, perform an internal borescope inspection of the flap track in accordance with procedures defined in Boeing Alert Service Bulletin 747–57A2225, Revision 1, or later FAA-approved revision, to determine if corrosion exists. If corrosion or pitting is found, determine its extent by accomplishing the track web X-ray inspection specified in the service bulletin.

1. Perform repeat external inspections for cracks or corrosion penetration through track webs at the intervals shown in the following Table II:

TABLE II

Maximum flap setting used for landings	Internal corrosion classification (b)	Maximum external inspection intervals (landings)	
		Visual inspection	Magnetic particle or penetrant inspection
25°(a)	Heavy	200	250
	Moderate	400	450
	Light	800	850
30°	Heavy	50	65
	Moderate	100	115
	Light	250	265

(a) Quadrant and alternate extension system must be modified to block off selection of flaps 30°.

(b) Classification terms are defined in Paragraph G. of the Accomplishment Instructions of the referenced service bulletin.

F. Repeat the X-ray inspection specified in paragraph E., above, in accordance with Boeing Alert Service Bulletin 747–57A2225, Revision 1, or later FAA-approved revision, on tracks indicating medium or light internal web corrosion at intervals not exceeding one year or until heavy web corrosion is indicated, whichever occurs first. This twelve month inspection interval may be extended to fifteen months, provided a monthly repeat visual inspection is initiated at the twelfth month and continued until the X-ray inspection is accomplished. When the classification of the internal corrosion changes then the inspection interval changes as indicated in paragraph E.1., above. If the previous two X-ray inspections show that corrosion progression has been arrested, the X-ray reinspection interval may be increased from 12 to 24 months until subsequent X-ray inspections indicate noticeable corrosion progression. At that time, the interval for X-ray inspection shall revert to 12 months.

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124–2207. These documents 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.

This amendment becomes effective February 24, 1986.

Issued in Seattle, Washington, on January 9, 1986.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 86–1024 Filed 1–15–86; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 39

[Docket No. 85-NM-161-AD; Amdt. 39-5214]

Airworthiness Directives; Boeing Model 767 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new airworthiness directive (AD) applicable to certain Boeing Model 767 airplanes. This AD requires the inspection of all entry/service door operating mechanisms for integrity of the upper and lower pushrod installations and repair, if necessary. This action is prompted by several reports of defective (insufficient locking torque) self-locking nuts. This condition, if not corrected, could prevent unlatching of the door, which would jeopardize successful emergency evacuation of the airplane.

EFFECTIVE DATE: February 3, 1986.

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. It 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. Pliny Brestel, Airframe Branch, ANM-120S; telephone (206) 431-2931. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: On November 13, 1985, the manufacturer reported to the FAA that, a number of self-locking nuts were found with insufficient locking torque. An investigation was initiated by the manufacturer to determine the application and effect of nut loosening or loss. It was determined that for all entry/service door operating mechanisms, the loss of the nut, and subsequent loss of the corresponding bolt installing either the upper or lower pushrod assembly, would prevent opening of the door.

On December 13, 1985, Boeing issued Service Bulletin 767-52-0041, which describes inspection and repair, if necessary, of all entry/service door operating mechanisms to ensure the integrity of the nut and bolt installation for the upper and lower pushrod assemblies that activate the door latching torque tube.

Since this condition is likely to exist on other airplanes of this model, the FAA has determined that an AD is necessary which requires inspection and repair, if necessary, of all entry/service door operating mechanisms, in accordance with the service bulletin previously mentioned.

Further, 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.

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 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 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 767 airplanes, as listed in Boeing Service Bulletin 767-52-0041, dated December 13, 1985, certificated in any category. Compliance is required within 30 days after the effective date of this AD. To ensure proper door opening, accomplish the following, unless already accomplished:

A. Inspect all entry/service door operating mechanisms for integrity of the upper and lower pushrod installations and repair, if necessary, in accordance with Boeing Service Bulletin 767-52-0041 dated December 13, 1985, or later FAA-approved revisions.

B. 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.

C. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications required by this AD.

All persons affected by this AD who have not already received copies of the service bulletin cited herein may obtain copies upon request from the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. This document 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.

This Amendment becomes effective February 3, 1986.

Issued in Seattle, Washington, on January 9, 1986.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 86-1023 Filed 1-15-86; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 85-ASO-29]

Alteration of Transition Area, Sylacauga, AL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment updates the airport name and associated geographical coordinates contained in the description of the Sylacauga, Alabama transition area. The data contained in the present description are in error and this action will correct the deficiency. No significant change in airspace designation is intended by this action.

DATES: Effective date: 0901 G.m.t., March 13, 1986.

Comments must be received on or before February 13, 1986.

ADDRESSES: Send comments on the rule in triplicate to:

Federal Aviation Administration, Manager, Airspace and Procedures Branch, ASO-530, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320

The official docket may be examined in the Office of the Regional Counsel, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, telephone: (404) 763-7646.

FOR FURTHER INFORMATION CONTACT: Donald Ross, Supervisor, Airspace Section, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763–7646.

SUPPLEMENTARY INFORMATION:

Request for Comments on the Rule

Although this action is in the form of a final rule, which involves editorial corrections to the description of the Sylacauga, Alabama, transition area, and was not preceded by notice and public procedure, comments are invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects of the rule that might suggest the need to modify the rule.

The Rule

The purpose of this amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to correct the name and geographical coordinates of the airport specified in the description of the Sylacauga, Alabama, transition area. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in FAA Order 7400.6B dated January 2, 1986.

Under the circumstances presented, the FAA concludes that there is a need to alter the transition area description to reflect the correct airport name and coordinates. The changes are so minor and nonsubstantive I find that notice or public procedure under 5 U.S.C. 553(b) is unnecessary.

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

List of Subjects in 14 CFR Part 71

Aviation safety, Airspace, Transition area.

Adoption of the Amendment

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

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

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Public Law 97–449, January 12, 1983); [14 CFR 11.69]; 49 CFR 1.47.

2. By amending § 71.181 as follows:

Sylacauga, AL [Revised]

That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of Merkel Field Sylacauga Municipal Airport (lat. 33°10'17" N., long. 86°18'24" W.).

Issued in East Point, Georgia, on January 2, 1986.

William H. Pollard,

Acting Director, Southern Region.

[FR Doc. 86–629 Filed 1–15–86; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 85–AWA–2]

Establishment of Airport Radar Service Areas; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: This action corrects the description of the Will Rogers World Airport, Oklahoma City, OK, Airport Radar Service Area (ARSA). In the final rule an error was made in the establishment of the line between the 5- and 10-mile radii in the description of Will Rogers World Airport ARSA. This action corrects that error.

EFFECTIVE DATE: 0901 UTC, January 16, 1986.

FOR FURTHER INFORMATION CONTACT: Paul Smith, Airspace and Air Traffic Rules Branch (ATO–230), Airspace-Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 426–8783.

SUPPLEMENTARY INFORMATION:

History

Federal Register Document 85–29125 was published on December 9, 1985, that established the Will Rogers World Airport, Oklahoma City, OK, ARSA (50 FR 50254). In the final rule an error was made in the establishment of the line between the 5- and 10-mile radii that parallels Runway 17/35. The line should commence at a point on the 033° bearing from the airport on the 5-mile arc rather than the 023° bearing. This action corrects that error.

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

List of Subjects in 14 CFR Part 71

Aviation safety, Airport radar service areas.

Adoption of the Correction

Accordingly, pursuant to the authority delegated to me, **Federal Register** Document 85–29125, as published in the **Federal Register** on December 9, 1985, (50 FR 50254) is corrected as follows:

On page 50262: Will Rogers World Airport, Oklahoma City, OK [Amended]

In column one, line 23, remove the words "excluding that airspace east of a line beginning on the 023° bearing from the airport at 5 miles" and substitute the words "excluding that airspace east of a line beginning on the 033° bearing from the airport at 5 miles".

Authority: 49 U.S.C. 1348(a) and 1354(a); 49 U.S.C. 106(g) (Revised, Pub. L. 97–449, January 12, 1983); 14 CFR 11.69.

Issued in Washington, DC, on January 13, 1986.

Daniel J. Peterson,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 86–1017 Filed 1–15–86; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 85-AWA-25]

Alteration and Establishment of VOR Federal Airways—CA; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to final rule.

SUMMARY: An error was noted in the description of Federal Airway V-283 between Daggett, CA, and Boulder City, NV, that was published in the Federal Register on November 14, 1985. This action corrects that error.

EFFECTIVE DATE: 0901 G.m.t. January 16, 1986.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace and Air Traffic Rules Branch (ATO-230), Airspace-Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Indpendence Avenue, SW., Washington, DC 20591; telephone: (202) 426-8626.

SUPPLEMENTARY INFORMATION:

History

Federal Register Document 85-27034, published on November 14, 1985, (50 FR 47044) revised the description of VOR Federal Airway V-283. The airway segment between Daggett, CA, and Boulder City, NV, was not described correctly in that document. This action corrects that mistake.

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

List of Subjects in 14 CFR Part 71

Aviation safety, VOR Federal airways.

Adoption of the Correction

Accordingly, pursuant to the authority delegated to me, Federal Register Document 85-27034, as published in the Federal Register on November 14, 1985, (50 FR 47044) is corrected as follows:

Section 71.123 is corrected as follows:

V-283 [Corrected]

By removing the words "Boulder City, NV, 227° radials;" and substituting the words "Boulder City, NV 228° radials;"

Issued in Washington, DC, on December 24, 1985.

Shelomo Wugalter,

Acting Manager, Airspace—Rules and Aeronautical Information Division.

[FR Doc. 86-1042 Filed 1-15-86; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 97

[Docket No. 24885; Amdt. No. 1312]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument rules at the affected airports.

DATES: Effective: An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference—approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

ADDRESSES: Availability of matters incorporated by reference in the amendment as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591;
2. The FAA Regional Office of the region in which the affected airport is located; or
3. The Flight Inspection Field Office which originated the SIAP.

For Purchase—

Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA-430), FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—

Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT: Donald K. Funai, Flight Procedures Standards Branch (AFO-230), Air Transportation Division, Office of Flight Operations, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 426-8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 97) prescribes new, amended, suspended, or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The application FAA Forms are identified as FAA Forms 8260-3, 8260-4, and 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the Federal Register expensive and impractical. Further, airmen do not use the regulatory test of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP

amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs is unnecessary, impracticable, and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

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

Index

List of Subjects in 14 CFR Part 97

Approaches, Standard Instrument.

Issued in Washington, DC on January 10, 1986.

John S. Kern,

Acting Director of Flight Standards.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 G.M.T. on the dates specified, as follows:

PART 97—[AMENDED]

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

Authority: 49 U.S.C. 1348, 1354(a), 1421, and 1510; 49 U.S.C. 106(g) (revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.49(b)(2).

2. By amending: section 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; §97.27 NDB, NDB/DME; §97.29 ILS, ILS/DME, ISMLS, MLS/DME, MLS/RNAV; §97.31 RADAR SIAPs; §97.33 RNAV SIAPs; and §97.35 COPTER SIAPs, identified as follows:

. . . Effective 13 March, 1986

Newport, AR—Newport Muni, VOR/DME RWY 18, Amdt. 1
South Lake Tahoe, CA—Lake Tahoe, VOR/DME-A, Amdt. 2
South Lake Tahoe, CA—Lake Tahoe, LDA/DME RWY 18, Amdt. 4
Rexburg, ID—Rexburg-Madison Co., VOR RWY 35, Amdt. 1
Shreveport, LA—Shreveport Regional, NDB RWY 14, Amdt. 18
Reno, NV—Reno Cannon Intl, VOR-D, Amdt. 5
Rice Lake, WI—Rice Lake Muni, NDB RWY 36, Amdt. 4
Spanaway, WA—Spanaway, VOR/DME RWY 34, Orig, CANCELLED

. . . Effective 13 February, 1986

Raleigh-Durham, NC—Raleigh-Durham, VOR RWY 5R, Amdt. 13
Raleigh-Durham, NC—Raleigh-Durham, VOR RWY 23L, Amdt. 14
Raleigh-Durham, NC—Raleigh-Durham, VOR RWY 32, Amdt. 3
Raleigh-Durham, NC—Raleigh-Durham, NDB RWY 5R, Amdt. 19
Raleigh-Durham, NC—Raleigh-Durham, NDB RWY 23L, Amdt. 3
Raleigh-Durham, NC—Raleigh-Durham, ILS RWY 5R, Amdt. 23
Raleigh-Durham, NC—Raleigh-Durham, ILS RWY 23L, Amdt. 3
Raleigh-Durham, NC—Raleigh-Durham, ILS RWY 23R, Orig.
Raleigh-Durham, NC—Raleigh-Durham, RADAR-1, Amdt. 3

Effective 8 January, 1986

Traverse City, MI—Cherry Capital, VOR-A (TAC), Amdt. 10
Traverse City, MI—Cherry Capital, NDB RWY 28, Amdt. 6
Traverse City, MI—Cherry Capital, ILS RWY 28, Amdt. 8.

[FR Doc. 86-1019 Filed 1-15-86; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Parts 385 and 390

[Docket No. 60-104-6004]

Restrictions on Exports Involving Libya

AGENCY: Export Administration, International Trade Administration, Commerce.

ACTION: Final rule.

SUMMARY: On January 7, 1986, the President issued Executive Order No. 12543 under the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) and other authorities declaring a national emergency with respect to Libya and ordering the imposition of specified sanctions against Libya, including restrictions on exports from the United States to Libya. The Order will be implemented by the Office of Foreign Assets Control in the Department of the Treasury under the Libyan Sanctions Regulations (31 CFR Part 550). The Order also directs other agencies to take all appropriate measures within their authority to carry out the purposes of the Order, including the suspension or termination of licenses or other authorizations.

This rule implements the Order by issuing a General Order under the Export Administration Regulations that, effective February 1, 1986, revokes all authorizations contained in individual and special validated licenses for direct or indirect export from the United States to Libya if such export is prohibited by the Libyan Sanctions Regulations. Authorizations not revoked remain in effect. Revoked licenses must be returned to Export Administration. In those cases where a license includes authorizations that are revoked and ones that continue in effect, the original license need not be returned. In such cases, a copy of the license must be returned. The General Order eliminates possible dual licensing procedures for shipments from the United States to Libya by permitting a license issued by the Treasury Department to serve as the authorization under the Export Administration Regulations for export from the United States. This rule does not otherwise modify any of the export or reexport requirements contained in the Export Administration Regulations.

EFFECTIVE DATE: January 16, 1986.

FOR FURTHER INFORMATION CONTACT: David L. Schlechty, Country Policy, Strategic Planning and Policy Division, Export Administration (Telephone: (202)

377–4252) or Roman W. Sloniewsky, Deputy Assistant General Counsel for Export Administration (Telephone: (202) 377–5301), Department of Commerce, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Rulemaking Requirements

1. Because this rule concerns a foreign and military affairs function of the United States, it is not a rule or regulation within the meaning of section 1(a) of Executive Order 12291, and it is not subject to the requirements of that Order. Accordingly, no preliminary or final Regulatory Impact Analysis has to be or will be prepared.

2. Section 13(a) of the Export Administration Act of 1979, as amended (50 U.S.C. App. 2412(a)) exempts this rule from all requirements of section 553 of the Administrative Procedure Act (APA) (5 U.S.C. 553), including those requiring publication of a notice of proposed rulemaking, an opportunity for public comment, and a delay in effective date. This rule is also exempt from these APA requirements because it involves a foreign and military affairs function of the United States. Further, no other law requires that notice of proposed rulemaking and an opportunity for public comment be given for this rule. Accordingly, it is being issued in final form. However, like other Department of Commerce rules, comments from the public are always welcome. Written comments (six copies) should be submitted to: Betty Ferrell, Regulations Branch, U.S. Department of Commerce, P.O. Box 273, Washington, DC 20044.

3. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given this rule by section 553 of the Administrative Procedure Act (5 U.S.C. 553) or by any other law, under section 603(a) and 604(a)) no initial or final Regulatory Flexibility Analysis has to be or will be prepared.

4. This rule involves collection of information requirements that are subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). The collections mentioned in this rule have been approved by the Office of Management and Budget under control numbers 0625–0001 and 0625–0009. The rule eliminates the need from exporters to obtain an individual or special validated license from Commerce for exports from the United States to Libya that are authorized by the Office of Foreign Assets Control of the Department of the Treasury under Libyan Sanctions Regulations.

List of Subjects

15 CFR Part 385

Communist countries, Exports, Libya.

15 CFR Part 390

Advisory committees, Exports, Libya.

Accordingly, Parts 385 and 390 of the Export Administration Regulations (15 CFR Parts 368–399) are amended as follows:

PART 385—[AMENDED]

1. The authority citation for 15 CFR Parts 385 continues to read as follows:

Authority: Pub. L. 96–72, 93 Stat. 503, 50 U.S.C. App. 2401 *et seq.*, as amended by Pub. L. 97–145 of December 29, 1981 and by Pub. L. 99–64 of July 12, 1985; E.O. 12525 of July 12, 1985 (50 FR 28757, July 16, 1958); Pub. L. 95–223, 50 U.S.C. 1701 *et seq;* E.O. 12532 of September 9, 1985 (50 FR 36861, September 10, 1985).

2. Section 385.7 is amended by adding a note following the introductory paragraph to read as follows:

§ 385.7 Country Group S: Libya.

* * * * *

Note: The Libyan Sanctions Regulations (31 CFR Part 550) administered by the Department of the Treasury restrict exports from the United States to Libya. As reflected in the General Order contained in Section 390.7, effective February 1, 1986, a license issued under the Treasury Regulations will constitute an authorization under the Export Administration Regulations for an export from the United States. No license application need be filed with Commerce. Shipments to Libya from foreign countries that are subject to the provisions of 15 CFR Part 374, § § 376.12 and 379.8 and this section and are not subject to the Libyan Sanctions Regulations continue to require authorization under the Export Administration Regulations.

* * * * *

PART 390—[AMENDED]

3. The authority citation for 15 CFR Part 390 is revised to read as follows:

Authority: Pub. L. 96–72, 93 Stat. 503, 50 U.S.C. App. 2401 *et seq.*, as amended by Pub. L. 97–145 of December 29, 1981 and by Pub. L. 99–64 of July 12, 1985; E.O. 12525 of July 12, 1985 (50 FR 28757, July 16, 1985); 50 U.S.C. 1701 *et seq.*; E.O. 12543 of January 7, 1986 (51 FR 875, January 9, 1986).

4. Section 390.7 is amended by revising the heading, by designating the existing text as paragraph (a), and by adding paragraph (b) and (c) to read as follows:

§ 390.7 General Order on Exports Involving Libya.

(a) * * *

(b) Effective 12:01 a.m. Eastern Standard Time February 1, 1986, any authorization to export directly or indirectly from the United States to Libya contained in a validated export license (including both individual and special licenses) if the export is prohibited by the Libyan Sanctions Regulations (31 CFR Part 550) is hereby revoked. Authorizations not revoked hereby continue in effect. Pursuant to § 372.9(f) of the Export Administration Regulations, revoked licenses must be returned immediately upon revocation to Export Administration. Original licenses need not be returned where they include both authorizations that are revoked and those that continue in effect. In such cases, a copy of the license must be returned.

(c) Effective February 1, 1986, the Libyan Sanctions Regulations issued by the Department of the Treasury impose restrictions on exports from the United States to Libya (31 CFR Part 550). To avoid duplication in licensing procedures, the Department of Commerce will not require exporters to obtain a separate license for exports from the United States to Libya subject to the Libyan Sanctions Regulations that are licensed by the Office of Foreign Assets Control of the Department of the Treasury. Effective February 1, the issuance of such license by the Department of the Treasury shall also constitute an authorization under the Export Administration Regulations. Shipments to Libya from foreign countries that are subject to the provisions of 15 CFR Part 374 and § § 376.12, 379.8 and 385.7 of the Export Administration Regulations and that are not subject to the Libyan Sanctions Regulations continue to require authorization from the Department of Commerce.

Dated: January 14, 1986.

Walter J. Olson,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 86–1098 Filed 1–14–86; 1:57 pm]

BILLING CODE 3510-DT-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 292

[Docket No. RM83–69–000]

Qualifying Facility Status for Hydroelectric Projects Under Sections 201 and 210 of the Public Utility Regulatory Policies Act of 1978

Issued: January 8, 1986.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Order denying petition for rulemaking.

SUMMARY: The Federal Energy Regulatory Commission (Commission) is denying a petition for rulemaking filed by several environmental organizations.

Petitioners requested that the Commission reopen a prior rulemaking proceeding in Docket No. RM79–54, in order to prepare a programmatic environmental impact statement for that rulemaking and amend the Commission's regulations governing qualification for certain incentives for hydroelectric facilities. In the proceeding in Docket No. RM79–54, the Commission, *inter alia*, established criteria and procedures to determine whether certain hydroelectric facilities qualify for benefits under sections 201 and 210 of the Public Utility Regulatory Policies Act of 1978 (PURPA).

The Commission is not persuaded that its implementation of PURPA in Docket No. RM79–54 was incorrect, and continues to believe that its existing approach to consideration of the environmental implications of hydroelectric qualifying facilities is preferable to the petitioners' proposed alternatives.

DATE: This order was issued January 8, 1986.

FOR FURTHER INFORMATION CONTACT:

Joseph R. Hartsoe, Office of the General Counsel, Federal Energy Regulatory Commission, 825 N. Capitol Street, NE., Washington, D.C. 20426, (202) 357–8530

or

John Clements, Office of the General Counsel, Federal Energy Regulatory Commission, 825 N. Capitol Street, NE., Washington, D.C. 20426, (202) 357–8509

Order Denying Petition for Rulemaking

[Docket No. RM83–69–000]

Before Commissioners: Raymond J. O'Connor, Chairman; A.G. Sousa, Charles G. Stalon, Charles A. Trabandt and C.M. Naeve.

Qualifying Facility Status for Hydroelectric Projects Under Sections 201 and 210 of the Public Utility Regulatory Policies Act of 1978.

Issued January 8, 1986.

I. Introduction

The Federal Energy Regulatory Commission (Commission) is denying a petition for rulemaking filed by several environmental groups.[1]

Petitioners request that the Commission reopen a prior rulemaking proceeding,[2] in order to prepare a programmatic environmental impact statement for that rulemaking and amend the Commission's regulations governing qualification for certain incentives for hydroelectric facilities. Order No. 70 established, *inter alia*, criteria and procedures [3] to determine whether certain hydroelectric facilities qualify for benefits under sections 201 and 210 of the Public Utility Regulatory Policies Act of 1978 (PURPA).[4] Petitioners believe that their proposed amendments to the regulations would be preferable from an environmental standpoint and more consistent with the intent of PURPA.

The Commission is denying the petition because it is not persuaded that its prior interpretation and implementation of sections 201 and 210 of PURPA in Order No. 70 was incorrect, and because the Commission believes that its existing approach to consideration of environmental implications of hydroelectric qualifying facilities (QFs) is preferable to Petitioners' proposed alternatives.

II. Background

Section 201 of PURPA requires the Commission to issue rules under which small power production and cogeneration facilities can obtain qualifying status.[5] Qualifying status exempts a facility from regulation under certain provisions of the Federal Power Act (FPA),[6] from regulation under the Public Utility Holding Company Act of 1935,[7] and from certain State laws and regulations pertaining to the regulation of electric utilities. Additionally, utilities must purchase electricity from qualifying facilities at a rate not to exceed the "avoided cost" of generation to the utility. A QF is also entitled to retail electric service on a non-discriminatory basis.

During the rulemaking proceedings to implement sections 201 and 210 of PURPA, the Commission prepared an Environmental Assessment (EA) [8] under the National Environmental Policy Act of 1969 (NEPA).[9] Based on data developed in the EA, the Commission determined that any significant environmental impact that would occur due to an increase in development of hydroelectric projects caused by allowing qualifying status for such projects could best be dealt with on a case-by-case basis, as individual applications to develop and operate projects are filed with the Commission.[10]

Petitioners did not file a petition for rehearing of the final rule. Three years later, on May 16, 1983, Petitioners filed their petition for rulemaking. On August 3, 1984, Petitioners filed a request for rehearing of what they characterized as a "*de facto*" denial of their petition and a request for expedited action. On April 10, 1985, no action having yet been taken by the Commission on the petition, several of the Petitioners brought an action in the United States Court of Appeals for the Ninth Circuit, alleging that the Commission had unreasonably delayed action on the rulemaking petition and that such inaction represented a *de facto* denial of the petition.[11] Petitioners requested that the court order the Commission to reevaluate and amend its regulations permitting QF status for new hydroelectric facilities and to stay those regulations pending a reevaluation.

By order dated December 12, 1985, the court remanded the record at the Commission's request to enable the Commission to issue this order acting on the petition within 90 days. By order dated December 18, 1985, the court remanded also to the Commission Petitioners' request for a stay of the application of the QF regulations to new hydroelectric facilities, with the direction that lack of Commission action within 21 days (January 8, 1986) would be considered a denial of the request. On December 31, 1985, the American Paper Institute filed a motion opposing a stay.

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[1] "Petition for Amendment in 18 CFR 292.204 and 292.207 and for Preparation of an Environmental Impact Statement," filed on May 6, 1983, on behalf of The Natural Resources Defense Council, The National Wildlife Federation, The Sierra Club, National Audubon Society, Western River Guides Association, The American Rivers Conservation Council, Friends of the Earth, Friends of the River Foundation, The Wilderness Society, California Trout, The Planning and Conservation League, The Natural Resources Council of Maine, Trout Unlimited, and the American Wilderness Alliance (collectively, Petitioners).

[2] "Small Power Production and Cogeneration Facilities—Qualifying Status, 45 FR 17,959 (March 20, 1980) (Order No. 70) (Docket No. RM79–54) (issued March 13, 1980).

[3] 18 CFR 292.204 and 292.207 (1985).

[4] 16 U.S.C. 796 and 824a–3 (1982).

[5] Those rules are found in 18 CFR Part 292, Subpart B (1985).

[6] 16 U.S.C. 729–828c (1982).

[7] 15 U.S.C. 79–79z–6 (1982).

[8] Notice of No Significant Impact and Notice of Intent to Prepare Environmental Impact Statement, 45 FR 23, 661 (April 8, 1980) [10 FERC ¶ 61,314] (March 31, 1980)).

[9] 42 U.S.C. 4321–4361 (1982).

[10] However, the Commission did determine that diesel and dual-fuel commercial cogeneration facilities in the Middle Atlantic region might have the potential to cause environmentally significant effects in the near-term. As a result, when the Commission issued its final rule in Order No. 70, it excluded new diesel cogeneration facilities from obtaining qualifying status, pending completion of a Final Environmental Impact Statement (FEIS). 45 FR at 17,995. The Commission issued the FEIS on May 1, 1981.

[11] Sierra Club, *et al.* v. FERC, 9th Circuit No. 84–7720.

III. Discussion

Petitioners make two arguments for reopening Docket No. RM79–54. First, they argue that the Commission erred in the final rule by allowing QF status for new dams. Petitioners contend that Congress intended in PURPA that only existing dams be granted QF status. Second, Petitioners argue that the Commission erred by not properly considering the environmental impacts of allowing QF status for new dams.

In addition to a programmatic EIS, Petitioners request an amendment to the regulations to foreclose qualifying status whenever the facility would adversely affect a waterway found by a Federal or State agency to have important natural, scenic, cultural, or recreational values. Alternatively, Petitioners ask that qualifying status be restricted to existing facilities.

A. QF Status for New Dams

PURPA was intended in part to encourage small power production. It did so by requiring the Commission to promulgate rules requiring electric utilities to purchase power from qualifying facilities at rates not exceeding the utilities' avoided costs of generating power. This preferential QF status was to be granted to, among others, certain small power production facilities that produce electric energy by means of "renewable resources." [12]

In 1979, the Commission issued a Notice of Proposed Rulemaking (NOPR) [13] to implement section 210 of PURPA. The NOPR proposed to restrict QF status for small hydroelectric facilities to existing dams. The NOPR relied on a House Conference Report [14] which stated that water is to be "included within the meaning of the term renewable resources with respect to hydroelectric facilities at existing dams."

Commenters on the NOPR urged the Commission to expand the definition of renewable resources to include water used at both existing and new hydroelectric facilities. In response to these comments, and on further review of the House Conference Report and the legislative history of PURPA, the Commission determined that notwithstanding the language in the Conference Report, Congress had not intended to restrict the meaning of the term "renewable resources" to water at existing dams. The Commission concluded that "such an interpretation conflicts with the conventional use of the term 'renewable resources' as including all hydroelectric resources, not just those using existing dams." [15] Therefore, in the final rule, the Commission promulgated regulations that allow QF status for both new and existing dams.

Petitioners had an opportunity to request rehearing on the final rule and failed to do so. They now contend, collaterally, that the Commission was incorrect in its interpretation of this phrase. However, Petitioners offer no new information or insight indicating that Congress intended to restrict the meaning of the term "renewable resources" to include water only at existing dams. The Commission therefore must reject Petitioners' request to reopen Docket No. RM79–54 on this ground.

B. Environmental Impact of New Hydroelectric Development

NEPA requires Federal agencies to prepare environmental impact statements whenever they undertake major Federal actions significantly affecting the quality of the human environment.[16] In the proceeding underlyng the rules at issue here, the Commission's EA concluded that the PURPA incentives were not likely to encourage construction of new dams in the near term because the costs would outweigh the incentives, with the result that there would be no significant environmental effects during the near term. The EA also stated that the Commission would consider environmental concerns regarding hydroelectric QFs in hydroelectric licensing proceedings.

Petitioners argue, again as a collateral challenge, that by not considering diversion projects, which generally are less expensive to build than dams, the Commission's conclusions concerning market penetration and consequent environmental impacts were faulty. In support of their theory, Petitioners cite various statistics concerning hydroelectric licensing activity since the regulations were promulgated, showing a marked increase in license applications for projects involving new dams and diversions. Petitioners assert that the increase in licensing and exemption proceedings demonstrates that the regulations authorizing eligibility of new structures for QF status represented a major Federal action significantly affecting the quality of the human environment and thus required an environmental impact statement (EIS).

Petitioners also contend that the Commission's practice of evaluating applications on a case-by-case basis does not result in adequate environmental review because the Commission seldom prepares an EIS, and, when it does, it fails to consider the cumulative impact of PURPA-stimulated hydroelectric projects. Finally, Petitioners argue that the Commission has a continuing duty to gather and evaluate new information on the environmental impacts of its actions.[17] In this regard, they claim that the Commission, contrary to its statements in Order No. 70, has failed to monitor the market penetration of new hydroelectric facilities.

Petitioners have not made a persuasive case in favor of a programmatic assessment of the existing regulations at this time. Initially, the Commission notes that Petitioners' charge that the Commission fails to consider cumulative impacts in its hydroelectric licensing proceedings is incorrect. The Commission has established a Cluster Impact Assessment Procedure (CIAP) program for this very purpose. Under this program, the Commission, with assistance from Federal, State, and local agencies, considers the environmental impacts of proposed hydroelectric projects on a cumulative basis.[18]

Petitioners' allegation that the Commission has not monitored the market penetration of new hydroelectric QFs also is not correct. While the Commission had no formal market penetration study ongoing when the petition was filed, the Commission has since undertaken a comprehensive, nation-wide survey of all QFs certified by the Commission or which have filed notices of self-qualification [19] since the

[12] Section 3(17)(A) of the FPA, as amended by section 201 of PURPA. 15 U.S.C. 731 (1982).

[13] Proposed Regulations Providing for Qualification of Small Power Production and Cogeneration Facilities under Section 201 of the Public Utility Regulatory Policies Act of 1978, 44 FR 38,872 (July 3, 1979) (Proposed June 27 1979).

[14] H.R. Conf Rep. No. 1750, 95th Cong., 2nd Sess. (1978).

[15] 45 FR at 17,966.

[16] 42 U.S.C. 4332(2)(C) (1982).

[17] *Citing* Warm Springs Task Force v Gribble, 621 F.2d 1024 (9th Cir. 1980).

[18] Procedures for Assessing Hydro Power Projects clustered in River Basins, 30 FERC ¶ 61,069 (1985); 31 FERC ¶ 61,095 (1985). The Commission also notes that the question of whether or not there are cumulative impacts was considered in licensing proceedings prior to the CIAP program. *See, e.g.*, City of Seattle, Washington, 26 FERC ¶ 61,406 at 61,900 (1984); Puget Sound Power and Light Company and Weyerhauser Company, 26 FERC ¶ 61,405 at 61,891–92 (1984). Such evaluations proceeded irrespective of the PURPA regulations, since QF status does *not* authorize the licensing, siting, construction, or operation of any facility Each QF certification order reflects this fact

[19] Commission certification of QF status is not required. The Commission's regulations provide that

Continued

establishment of the PURPA regulations. This study will give the Commission accurate and detailed information regarding the number of QFs planned, under construction and operating, their size and location, and other information useful in assessing environmental and other impacts of the QF program. This study, which is being conducted on the Commission's behalf by a contractor, is scheduled to be completed in the early autumn of this year.[20]

The Commission continues to adhere to the view that it can most effectively carry out its NEPA responsibilities in the context of hydroelectric licensing or exemption proceedings. A programmatic assessment of the existing QF rules would yield only general information. For instance, the Commission might assess scientific literature concerning the effects of reducing stream flow on fish spawning activity. This abstract information would, however, be of little assistance unless it is analyzed in relation to a specific project or projects. Only in the licensing procedures can the Commission reasonably determine whether a license should be granted or denied, and if granted, what specific mitigative measures are appropriate for that river or watershed. The same is true with respect to exemptions.[21]

Petitioners seek to bolster their request for a programatic EIS by citing *American Public Transit Association* v. *Goldschmidt*, 485 F. Supp. 811 (D.D.C. 1980). There, the District Court held that regulations requiring Federally assisted public transport vehicles to be accessible to the handicapped consitituted a major Federal action with nationwide effects, for which a programmatic EIS was required, notwithstanding that numerous individual EISs would be prepared for site-specific implementing programs. *Goldschmidt*, however, is readily distinguishable. That case involved a regulatory program mandating that specific actions be taken within specific time limits. The regulations embodied a decision which would inevitably result in the expenditure of billions of dollars and, as the agency acknowledged, have significant environmental impacts. Promulgation of those regulations, therefore, involved an "irretrievable commitment" of resources which would preclude alternatives. Hence, issuance of those regulations was itself a major Federal action with significant environmental impacts[22]

The issuance of § 292.204, in Order No. 70, however, embodied no "irreversible commitment" of resources and did not (nor does it now) foreclose future options. As the Commission noted in the EA of March 1980, before any new hydroelectric facility can be constructed, and therefore affect the environment, the Commission must act affirmatively to issue a license or grant an exemption from licensing pursuant to Part I of the Federal Power Act.[23] If the Commission determines that a project would, even with mitigation measures, cause unacceptable adverse impacts on the environment, it will deny the license application.

Exemptions are handled somewhat differently, but with comparable results. Section 30(c) of the FPA gives the United States Fish and Wildlife Service and comparable State agencies the power to impose mandatory conditions on exemptions to protect fish and wildlife resources. These agencies are authorized to consider the individual and cumulative environmental impacts on these resources of issuing exemptions. Pursuant to their analyses, these agencies develop the mitigation measures to be included as mandatory conditions to the exemption. If these agencies determine that the environmental effects of a facility would, even with mitigation conditions, create unacceptable impacts, then this Commission will not grant the application for exemption.[24]

In contrast to the licensing and exemption processes, obtaining QF status does not authorize construction or operation of a facility, establish a site, or require the project developer to seek any licenses or take any other action. It also does not commit any Federal funds and does not determine the outcome of a hydroelectric licensing proceeding. The project developer, the Commission, and all other parties concerned have exactly the same options after certification as before.

Turning to Petitioners' specific alternative proposals, the Commission first notes that they are premised on Petitioners' arguments about the inadequacies of the current rule, which have been rejected above. Moreover, the Commission notes that it is responsible for balancing the aims of PURPA, NEPA, and the FPA. The purpose of Part I of the FPA is comprehensively to develop, conserve, and utililize water resources in the public interest.[25] The clear thrust of PURPA section 210(a) is to encourage small power production and cogeneration. NEPA is not intended to conflict with these purposes, but rather to ensure that the Commission, before taking any action in carrying out its responsibilities, weighs the environmental consequences of its actions and takes appropriate mitigative measures. As shown above, the Commission meets its responsibility to balance these satatutory purposes by evaluating hydroelectric licensing and exemption applications on a case-by-case basis, with due regard for any cumulative impacts. Section 292.204 of the regulations does nothing to foreclose the Commission's ability to take the necessary balanced approach.

Petitioners' proposed alternatives, in the Commission's view, are not sufficiently flexible for the Commission to balance environmental considerations against other considerations. The first alternative, by foreclosing qualifying status whenever the facility would adversely impact a river segment found by a governmental agency to have important natural, scenic, cultural, or recreational values, is overbroad because it gives those values first priority over power

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a facility is a QF if it meets the criteria set forth in the regulations. 18 CFR 292.207(a)(1) (1985). Commission certification is intended to provide certainty in cases where the project developer is in doubt as to whether the contemplated facility meets the criteria. If Commission certification is not sought, the Commission requires, for purposes of monitoring the market penetration of QFs, that the project developer file a notice of self-qualification. *See* 45 FR at 17,971.

[20] The Commission has also compiled a cumulative report on QF filings through December 31, 1984, which includes, *inter alia*, data identifying all certified hydroelectric QFs and their size. "The Qualifying Facilities Report," January 1, 1985.

[21] In this regard, the Commission notes that the fact that substantial numbers of hydroelectric QFs (including diversions) are being certified sooner than was supposed in the EA does not taint the EA's basic analysis. Whether a hydroelectric QF is developed in the near term or long term, its environmental impacts will still be evaluated in the licensing or exemption process.

[22] With respect to the timing of environmental review, it has been observed, in Mobil Oil Corp. v FTC, 562 F.2d 170, 173 (2d Cir. 1977):

(In determining when to prepare an EIS the agency must ascertain to what extent its decision embodies an "irretrievable commitment of resources" which precludes the exercise of future "options.") An EIS is required when the "critical agency decision" is made which results in irreversible and irretrievable commitments of resources to an action which will affect the environment.

[23] 45 FR at 28,563.

[24] Olympus Energy Corporation, 26 FERC ¶ 61,407 (1984). *See also* Douglas Water Power Company, 26 FERC ¶ 61,409 (1984).

[25] FPC v. Union Electric Co., 381 U.S. 90 at 101 (1964). ("[T]he comprehensive development of water power was the central thrust of the [Federal Power] Act."); City of Vanceburg, KY v. FERC, 517 F.2d 630, 632 (D.C. Cir. 1978) (One of the main purposes of the Federal Water Power Act of 1920, which became Part I of the Federal Power Act in 1935, is to encourage the development of hydroelectric power).

production values in all cases.[26] Mitigation measures may well be sufficient to minimize or prevent adverse impacts on these competing values.

Petitioners' second proposed alternative, restricting qualifying status to existing facilities, is not appropriate for the same reason. A particular facility, as licensed, may not jeopardize the river segment's scenic, cultural, or recreational values. Yet, under the second alternative, no new facility built thereon would be eligible for QF status.[27]

In conclusion, the Commission finds that it can best carry out its responsibility to balance the objectives of PURPA, NEPA, and the FPA in the context of small hydroelectric projects by retaining the current regulations regarding eligibility of new facilities for QF status and continuing to assess the environmental impacts of such projects in the context of license and exemption applications, with due regard for cumulative impacts. The petition is, therefore, denied.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-960 Filed 1-15-86; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Parts 207, 213, 220, 221, 231, 232, 241, and 242

[Docket No. R-86-1229; FR-1619]

Prepayment Limitation for Bond-Financed Projects

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Final rule.

SUMMARY: This final rule adopts a proposed rule to permit a mortgage to contain a prepayment restriction and prepayment penalty charge where the mortgage funds were obtained from the proceeds of a bond offering.

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

FOR FURTHER INFORMATION CONTACT: James Hamernick, Director, Office of Multifamily Housing Development, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410. Telephone (202) 755-5720. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: The Department published a proposed rule on June 24, 1985 (50 FR 25996), and in the preamble to that rule (now adopted as the final rule) summarized the substance of the rule. As explained in that summary, this rule allows a mortgage to contain a prepayment prohibition and prepayment penalty charge acceptable to the Commissioner as to term, amount, and conditions, where the mortgage loan is financed by the issuance of bonds.

That preamble further explained that many insured projects are financed from the proceeds of bonds or bond anticipation notes sold to the public. The typical indenture provides, as a protection to the bondholder, a ten-year period during which the bonds cannot be called except for extraordinary events such as a mortgage default (resulting in the payment of FHA mortgage benefits), or a casualty or condemnation proceeding (the proceeds of which will be used to retire the bonds). In the usual case, therefore, there could be no prepayment, for at least ten years, of a mortgage loan financed by such a bond offering.

Although this rule provides for a limitation on prepayment of bond-financed mortgages, it remains the policy of the Department, with respect to most types of unsubsidized mortgage transactions, to discourage restrictions or prohibitions on the prepayment of mortgage indebtedness. That policy is modified in this rule only because of the special nature of bond-financed mortgages.

The proposed rule invited comment for a sixty-day period ending August 23, 1985. No comments were received. Accordingly, the proposed rule is being republished today, without change, as the final rule.

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

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

Under the provisions of 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities. The rule permits contracting parties to provide for limitations on prepayment, but does not impose any new requirements.

This rule was listed as Item 807 (H-54-83; FR-1619) in the Department's Semiannual Agenda of Regulations published on October 29, 1985 (50 FR 44166, 44184) under Executive Order 12291 and the Regulatory Flexibility Act.

The Catalog of Federal Domestic Assistance program numbers are 14.127, 15.134, 14.138, and 14.157

List of Subjects

24 CFR Part 207

Mortgage insurance, Rental housing, Manufactured home parks.

24 CFR Part 213

Mortgage insurance, Cooperatives.

24 CFR Part 220

Home improvements, Mortgage insurance, Urban renewal, Rental housing, Loan Programs: Housing and community development.

24 CFR Part 221

Condominiums, Low and moderate income housing, Mortgage insurance, Displaced families, Single family housing, Projects, Cooperatives.

24 CFR Part 231

Aged, Mortgage insurance.

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[26] At least insofar as hydroelectric facilities 80 MW and smaller are concerned. Facilities larger than 80 MW are not eligible for QF status in any event.

[27] Petitioners' proposal also is at odds with their assertion that NEPA mandates the attainment of "the widest beneficial use of river resources." Surely, the widest beneficial use will not be achieved by a policy that discourages, without any consideration of the specific circumstances, proposals to realize a waterway's power production values.

24 CFR Part 232

Fire prevention, Health facilities, Loan programs: health, Loan programs: housing and community development, Mortgage insurance, Nursing homes, Intermediate care facilities.

24 CFR Part 241

Energy conservation, Mortgage insurance, Solar energy, Projects.

24 CFR Part 242

Hospitals, Mortgage insurance.

Accordingly, the Department amends 24 CFR Parts 207, 213, 220, 221, 231, 232, 241, and 242 to read as follows:

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

1. The authority citation for 24 CFR Part 207 continues to read as follows:

Authority: Secs. 207, 211, National Housing Act (12 U.S.C. 1713, 1715b); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

2. Section 207.14 is amended by revising paragraph (a) and by adding a new paragraph (d) to read as follows:

§ 207.14 Prepayment privilege; prepayment and late charges.

(a) *Prepayment privilege.* Except as otherwise provided in paragraph (d) of this section, the mortgage shall contain a provision permitting the mortgagor to prepay the mortgage in whole or in part upon any interest payment date after giving to the mortgagee 30 days' notice in writing in advance of its intention to so prepay.

* * * * *

(d) *Prepayment of bond-financed mortgages.* Where the mortgage is given to secure a loan made by a lender that has obtained the funds for the loan by the issuance and sale of bonds or bond anticipation notes, or both, the mortgage may contain a prepayment restriction and prepayment penalty charge acceptable to the Commissioner as to term, amount, and conditions.

PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

3. The authority citation for 24 CFR Part 213 continues to read as follows:

Authority: Secs. 211, 213, National Housing Act (12 U.S.C. 1715b, 1715e); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

4. Section 213.18 is amended by revising paragraph (a) and by adding a new paragraph (d) to read as follows:

§ 213.18 Prepayment privilege; prepayment and late charges.

(a) *Prepayment privilege.* Except as otherwise provided in paragraph (d) of this section, the mortgage shall contain a provision permitting the mortgagor to prepay the mortgage in whole or in part upon any interest payment date after giving to the mortgagee 30 days' notice in writing in advance of its intention to so prepay.

* * * * *

(d) *Prepayment of bond-financed mortgages.* Where the mortgage is given to secure a loan made by a lender that has obtained the funds for the loan by the issuance and sale of bonds or bond anticipation notes, or both, the mortgage may contain a prepayment restriction and prepayment penalty charge acceptable to the Commissioner as to term, amount, and conditions.

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

5. The authority citation for 24 CFR Part 220 continues to read as follows:

Authority: Secs. 207, 211, 220, National Housing Act (12 U.S.C. 1713, 1715b, 1715k); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

6. Section 220.590 is amended by revising paragraph (a)(1) and by adding a new paragraph (c) to read as follows:

§ 220.590 Prepayment privilege and prepayment charge.

(a) *Prepayment privilege.* (1) Except as otherwise provided in paragraph (c) of this section, the security instrument shall contain a provision permitting prepayment of the loan in whole or in part upon any interest payment date after giving to the lender 30 days' advance written notice.

* * * * *

(c) *Prepayment of bond-financed mortgages.* Where the mortgage is given to secure a loan made by a lender that has obtained the funds for the loan by the issuance and sale of bonds or bond anticipation notes, or both, the mortgage may contain a prepayment restriction and prepayment penalty charge acceptable to the Commissioner as to term, amount, and conditions.

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

7. The authority citation for 24 CFR Part 221 continues to read as follows:

Authority: Secs. 211, 221, National Housing Act (12 U.S.C. 1715b, 17151); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

8. In § 221.524, paragraph (a)(1) and paragraph (d) are amended to read as follows:

§ 221.524 Prepayment privileges.

(a) Prepayment in full—(1) Without prior Commissioner consent. Except as otherwise provided in paragraph (d) of this section, a mortgage indebtedness may be prepaid in full and the Commissioner's controls terminated without the prior consent of the Commissioner in the following cases:

* * * * *

(d) *Prepayment of bond-financed mortgages.* Where the mortgage is given to secure a loan made by a lender that has obtained the funds for the loan by the issuance and sale of bonds or bond anticipation notes, or both, the mortgage may contain a prepayment restriction and prepayment penalty charge acceptable to the Commissioner as to term, amount, and conditions.

PART 231—HOUSING MORTGAGE INSURANCE FOR THE ELDERLY

9. The authority citation for 24 CFR Part 231 continues to read as follows:

Authority: Secs. 211, 231, National Housing Act (12 U.S.C. 1715b, 1715v); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

10. Section 231.12 is amended by revising paragraph (a) and by adding a new paragraph (d) to read as follows:

§ 231.12 Private mortgagor—nonprofit; prepayment privilege and prepayment charges.

In the case of a private mortgagor—nonprofit:

(a) *Prepayment in full.* Except as otherwise provided in paragraph (d) of this section, the mortgage indebtedness may be prepaid in full and the Commissioner's controls terminated only upon the condition that the Commissioner's prior consent is obtained and upon such terms and conditions as the Commissioner may prescribe.

* * * * *

(d) *Prepayment of bond-financed mortgages.* Where the mortgage is given to secure a loan made by a lender that has obtained the funds for the loan by the issuance and sale of bonds or bond anticipation notes, or both, the mortgage may contain a prepayment restriction and prepayment penalty charge acceptable to the Commissioner as to term, amount, and conditions.

11. Section 231.13 is amended by revising paragraph (a) and by adding a new paragraph (c) to read as follows:

§ 231.13 Private mortgagor—profit; prepayment privileges and prepayment charges.

(a) *Prepayment privilege.* Except as otherwise provided in paragraph (c) of this section, the mortgage shall contain a provision permitting the mortgagor to prepay the mortgage in whole or in part upon any interest payment date after giving to the mortgagee 30 days' notice in writing in advance of its intention to so prepay.

* * * * *

(c) *Prepayment of bond-financed mortgages.* Where the mortgage is given to secure a loan made by a lender that has obtained the funds for the loan by the issuance and sale of bonds or bond anticipation notes, or both, the mortgage may contain a prepayment restriction and prepayment penalty charge acceptable to the Commissioner as to term, amount, and conditions.

PART 232—NURSING HOME AND INTERMEDIATE CARE FACILITIES MORTGAGE INSURANCE

12. The authority citation for 24 CFR Part 232 continues to read as follows:

Authority: Secs. 211, 232, National Housing Act (12 U.S.C. 1715b, 1715w); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

13. Section 232.37 is amended by revising paragraph (a)(1) and by adding a new paragraph (c) to read as follows:

§ 232.37 Prepayment privilege and prepayment charges.

(a) * * *

(1) *Prepayment privilege.* Except as otherwise provided in paragraph (c) of this section, the mortgage shall contain a provision permitting the mortgagor to prepay the mortgage in whole or in part upon any interest payment date after given to the mortgagee 30 days' notice in writing in advance of its intention to so prepay.

* * * * *

(c) *Prepayment of bond-financed mortgages.* Where the mortgage is given to secure a loan made by a lender that has obtained the funds for the loan by the issuance and sale of bonds or bond anticipation notes, or both, the mortgage may contain a prepayment restriction and prepayment penalty charge acceptable to the Commissioner as to term, amount, and conditions.

PART 241—SUPPLEMENTARY FINANCING FOR INSURED PROJECT MORTGAGES

14 The authority citation for 24 CFR Part 241 continues to read as follows:

Authority: Secs. 211, 241, National Housing Act (12 U.S.C. 1715b, 1715z–6); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

15. Section 241.100 is amended by revising the introductory text of paragraph (a)(1) and by adding a new paragraph (c) to read as follows:

§241.100 Prepayment privilege and charge.

(a) *Prepayment privilege.* (1) Except as otherwise provided in paragraph (c) of this section, the security instrument shall contain the following provisions:

* * * * *

(c) *Prepayment of bond-financed mortgages.* Where the mortgage is given to secure a loan made by a lender that has obtained the funds for the loan by the issuance and sale of bonds or bond anticipation notes, or both, the mortgage may contain a prepayment restriction and prepayment penalty charge acceptable to the Commissioner as to term, amount, and conditions.

PART 242—MORTGAGE INSURANCE FOR HOSPITALS

16. The authority citation for 24 CFR Part 242 continues to read as follows:

Authority: Secs. 211, 242, National Housing Act (12 U.S.C. 1715b, 1715z–7); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

17. Section 242.51 is amended by revising paragraph (a)(1) and by adding a new paragraph (c) to read as follows:

§ 242.51 Prepayment privilege and prepayment charges.

(a) * * *

(1) *Prepayment privilege.* Except as otherwise provided in paragraph (c) of this section, the mortgage shall contain a provision permitting the mortgagor to prepay the mortgage in whole or in part upon any interest payment date after giving to the mortgagee 30 days' notice in writing in advance of its intention to so prepay.

* * * * *

(c) *Prepayment of bond-financed mortgages.* Where the mortgage is given to secure a loan made by a lender that has obtained the funds for the loan by the issuance and sale of bonds or bond anticipation notes, or both, the mortgage may contain a prepayment restriction and prepayment penalty charge acceptable to the Commissioner as to term, amount, and conditions.

Dated: January 2, 1986.

Janet Hale,

General Deputy Assistant Secretary for Housing—Deputy Federal Housing Commissioner.

[FR Doc. 86–826 Filed 1–15–86; 8:45 am]

BILLING CODE 4210–27–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 936

Approval of Amendment to the Oklahoma Regulatory Program Under the Surface Mining Control and Reclamation Act of 1977

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

ACTION: Final rule.

SUMMARY: OSM is announcing the approval of a program amendment submitted by Oklahoma as an amendment to the State's permanent regulatory program (hereinafter referred to as the Oklahoma program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment submitted by the Oklahoma Department of Mines (ODM) for the Secretary's approval consists of changes to the definitions of "surface coal mining operations", "coal preparation" and "coal preparation plant". Oklahoma submitted the proposed program amendment on September 11, 1985.

OSM published a notice in the **Federal Register** on November 29, 1985, (50 FR 49072) announcing receipt of the amendment and inviting public comment on the adequacy of the proposed amendment. The public comment period ended December 30, 1985. After providing opportunity for public comment and conducting a thorough review of the program amendment, the Director has determined that the amendment meets the requirements of SMCRA and the Federal regulations and is approving it. The Federal rules at 30 CFR Part 936 codifying decisions concerning the Oklahoma program are being amended to implement this action.

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

EFFECTIVE DATE: January 16, 1986.

FOR FURTHER INFORMATION: Mr. James H. Moncrief, Director, Tulsa Field Office, Room 3014, 333 West Fourth Street, Tulsa, Oklahoma 74103, Telephone: (918) 581–7927.

SUPPLEMENTARY INFORMATION:

I. Background

The Oklahoma program was conditionally approved by the Secretary of the Interior January 19, 1981, (46 FR 4910). Information pertinent to the general background, revisions, modifications and amendments to the proposed permanent program submission as well as the Secretary's findings, the disposition of comments, and a detailed explanaton of the conditions of approval of the Oklahoma program can be found in the January 19, 1981 **Federal Register** (46 FR 4910), in the April 2, 1982 **Federal Register** (47 FR 14152), in the May 4, 1983 **Federal Register** (48 FR 20050) and the August 28, 1984 **Federal Register** (49 FR 34000).

II. Submission of Revisions

On September 11, 1985, the State of Oklahoma submitted to OSM an amendment to its permanent regulatory program. The amendment consists of changes made to three definitions in the approved Oklahoma regulations. The State revised the definitions of "surface coal mining operations", "coal preparation" and "coal preparation plant". The amendment is intended to implement the revised Federal provisions at 30 CFR 700.5 and 701.5 as published in the July 10, 1985 **Federal Register** (50 FR 28186). The November 29, 1985 **Federal Register** (50 FR 49072) announced receipt of the materials and opened the public comment period on the amendment. In that same notice, OSM announced that a public hearing would be held only if requested. No requests were received and no hearing was held. The public comment period closed on December 30, 1985.

III. Director's Findings

In accordance with SMCRA and 30 CFR 732.15 and 732.17, the Director finds that the amendment to the Oklahoma regulations submitted to OSM on September 11, 1985, meets the requirements of SMCRA and 30 CFR Chapter VII, as discussed below.

Oklahoma submitted modifications to revise the definitions of "coal preparation " and "coal preparaton plant" at § 701.5 and "surface coal mining operations" at § 700.5. The revised definitions are identical to the Federal counterpart definitions at 30 CFR 700.5 and 701.5 as published in the July 10, 1985 **Federal Register** (50 FR 28186).

Therefore, the Director finds that these provisions are no less effective than the Federal regulations at 30 CFR 700.5 and 701.5

IV. Public Comments

Pursuant to section 503(b) of SMCRA and 30 CFR 732.17(h)(10)(i), of those Federal agencies invited to comment, none chose to do so. No additional public comments were received.

The disclosure of Federal agency comments is made pursuant to section 503(b) of SMCRA and 30 CFR 732.17(h)(10)(i).

V. Director's Decision

The Director, based on the above finding, is approving the September 11, 1985 amendment to the Oklahoma program. The Director is amending Part 936 of 30 CFR Chapter VII to reflect approval of the above program modification.

VI. Procedural Requirements

1. *Compliance with the National Environmental Policy Act:* The Secretary has determined that, pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. *Executive Order No. 12291 and the Regulatory Flexibility Act:* On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from section 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

This rule will not impose any new requirements; rather, it will ensure that existing requirements established by SMCRA and the Federal rules will be met by the State.

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

List of Subjects in 30 CFR Part 936

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

Dated: January 9, 1986.

James W. Workman,

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

PART 936—OKLAHOMA

30 CFR Part 936 is amended as follows:

1. The authority citation for Part 936 continues to read as follows:

Authority: Sec. 503, Pub. L. 95–87, 91 Stat. 407 (30 U.S.C. 1253), unless otherwise noted.

2. Section 936.15 is amended by adding a new paragraph (g).

936.15 Approval of regulatory program amendments.

* * * * *

(g) The following amendment to the Oklahoma permanent regulatory program submitted to OSM on September 11, 1985, is approved effective January 16, 1986: Revisions to the Oklahoma rules consisting of the definitions of "surface coal mining operations", at § 700.5 and "coal preparation" and "coal preparation plant" at § 701.5.

* * * * *

[FR Doc. 86–957 Filed 1–15–86; 8:45 am]

BILLING CODE 4310–05–M

30 CFR Part 944

Approval of Amendments to the Utah Permanent Program Under the Surface Mining Control and Reclamation Act of 1977

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

ACTION: Final rule.

SUMMARY: OSM is announcing the approval of amendments to the Utah Permanent Regulatory Program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). On October 9, 1985, Utah submitted proposed program amendments for OSM's approval pertaining to permit changes and the definition of "incidental boundary change" (UT–384). The public was invited to comment on these provisions for 30 days (50 FR 47233, November 15, 1985).

After providing opportunity for public comment and conducting a thorough review of the program amendments, OSM has determined that the amendments meet the requirements of SMCRA and the Federal regulations, and the Director, therefore, is approving them. The Federal rules at 30 CFR Part 944 codifying decisions concerning the

Utah program are being amended to implement this action.

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

EFFECTIVE DATE: January 16, 1986.

FOR FURTHER INFORMATION CONTACT: Mr. Arthur W. Abbs, Chief, Division of State Program Assistance, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue NW., Washington, DC 20240; Telephone: (202) 343–5351.

SUPPLEMENTARY INFORMATION:

I. Background on Program Approval

On January 21, 1981, the Secretary of the Interior conditionally approved the Utah program under SMCRA for the regulation of the surface coal mining operations in the State (46 FR 5899–5915).

Information pertinent to the general background, revisions, modifications, and amendments to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval of the Utah program can be found in the January 21, 1981 **Federal Register** (46 FR 5899–5915).

II. Background on Proposed Amendments

On October 9, 1985, the Utah Division of Oil, Gas and Mining (DOGM) submitted proposed regulatory amendments for OSM's approval. The rule changes submitted for approval were adopted by the Utah Board of Oil, Gas and Mining on January 31, 1985, and revised on October 2, 1985.

The amendments include the following modifications to the Utah program:

SMC/UMC 700.5 Definitions

A definition for "incidential boundary change" has been added under this section.

SMC/UMC 771.21 Permit Application Filing Deadlines

Paragraph (b)(3) of this section has been revised.

SMC/UMC 788.12 Permit Revisions

This section has been retitled "Permit Changes," and the existing provisions have been deleted in their entirety and replaced with new language.

III. Director's Findings

The Director finds, in accordance with SMCRA and 30 CFR 732.17 and 732.15, that the program amendments submitted by Utah on October 9, 1985, meet the requirements of SMCRA and 30 CFR Chapter VII as discussed below.

UMC/SMC 700.5

1. Definition of "Incidental Boundary Change"

The State defines "Incidental Boundary Change" as "additions or deletions which result in a net increase to the originally approved permit area which are less than one (1) percent, or 10 acres, whichever is smaller." The definition also specifies that all approved incidental boundary changes over the five-year permit term shall be considered cumulative.

While the Federal regulations do not include a definition of "incidental boundary change", OSM has determined that the definition adopted by Utah does not conflict with the Act or the Federal regulations at 30 CFR 774.13(d) pertaining to permit revisions. Therefore, the Director is approving the State's definition.

2. Modifications to UMC/SMC 771.21

Utah has substituted the term "changes" for "revisions" in paragraph (b)(3) of this section. In addition, the State has modified this section to provide that the Division may approve an alternative timeframe for filing an application for a permit change. The existing rule specifies that applications must be submitted 60 days prior to the date on which the permittee expects to implement the change. The Federal regulations at 30 CFR 774.13 pertaining to permit revisions do not establish a timeframe for the filing of an application for a permit revision. OSM has determined that the State provision, as revised, is not inconsistent with the Federal Act or regulations, and therefore, the Director is approving the modified regulation.

3. Modifications to UMC/SMC 788.12

Utah has deleted the existing rules under 788.12 "Permit Revisions" in their entirety and replaced them with new language under the title "Permit Changes." The new regulations set forth the application procedures that apply to permit changes, and, as required under 30 CFR 774.13(b), establish the scale or extent of revisions for which all permit application requirements and procedures shall apply. Paragraph (b) under this section specifies that any extensions to the approved permit area, except incidental boundary changes, must be processed and approved through application for a new permit and may not be approved under 788.12. The new rules establish two categories of permit changes—significant permit revisions and permit amendments. Significant permit revisions must be reviewed and processed in accordance with all the permit application requirements for notice, public participation and notice of decision, consistent with 30 CFR 774.13(b)(2). Pemit amendments are not subject to the requirements of notice, public participation, or other requirements of SMC/UMC 786.

As required under 30 CFR 774.13(b)(1) Utah has established a time period within which the Division will review and process permit changes. The new rules provide that the Division shall approve or disapprove an application for a permit change within 60 days of receipt of a complete application unless it is physically impossible to perform the review of the application within that time period.

OSM has determined that the regulations adopted by Utah at SMC/UMC 788.12 are no less effective than the Federal requirements pertaining to permit revisions at 30 CFR 774.13. Therefore, the Director is approving these regulations.

IV. Public Comment

On November 15, 1985, OSM established a 30-day comment period on the amendments submitted by the State on October 9, 1985 (50 FR 47233). The comment period closed December 16, 1985. Following is a discussion of the comments received by OSM on Utah's amendment provisions.

(1) The U.S. Department of Agriculture, Forest Service, commented that it should be notified of any proposed permit changes, whether large or small, and be given an opportunity to make recommendations regarding these changes.

Utah's regulations at SMC/UMC 788.12(f) provide that significant permit revisions shall be reviewed and processed in accordance with SMC/UMC 786. SMC/UMC 786 sets forth notice and public comment requirements that ensure that the Forest Service will be given notice of applications for significant permit changes submitted to the Division and be given an opportunity to comment on these. Under Utah's regulations permit amendments are not subject to the notice and public participation requirements of UMC/SMC 786. As noted above, the Forest Service commented that it would like to be notified of all proposed changes, large or small. The Federal regulations at § 774.13 require that the notice and public participation requirements established by the regulatory authority shall apply at a minimum to significant

permit revisions. Utah's rules satisfy this requirement. The Federal regulations do not provide authority for OSM to require Utah to amend its program to apply the public participation requirements under SMC/UMC 786 to permit amendments as well as significant permit revisions.

(2) The Utah Mining Association submitted comments on behalf of the Utah Fuel Company. With regard to the timeframes for filing permit change applications established under SMC/UMC 771.21(b)(3), the Utah Fuel Company commented that alternate time frames should be agreed upon by both the Division and the operator. While the requirement proposed by the commenter does not conflict with the Federal Act or regulations, there is no basis for OSM to require the State to include this requirement in its regulations.

The Utah Fuel Company also suggested that the references in SMC/UMC 788.12 (c), (d), and (f) to "Significant Permit Revision" should be changed to "Significant Permit Change" to be consistent with Utah's replacement of the term "revision" with "change" throughout section 788.12.

While OSM believes this suggestion has merit, OSM has determined that the State provisions are no less effective than the Federal regulations and OSM has no basis to require the State to make the suggested changes.

The Utah Fuel Company further commented that any extensions in the time period established under section 788.12(h) for the Division to make a decision on a permit change application should be decided on jointly by the permittee and the Division. The suggested requirement does not conflict with the Federal Act or regulations but OSM has no basis for requiring the State to adopt the requirement.

(3) The Bureau of Land Management (BLM), U.S. Department of Interior, commented that the one-percent or 10-acre limitation included in the definition of "incidental boundary change" may not be practical in many situations and could be responsible for approval delays and production curtailment. BLM suggested that limitations on size of a change should be determined by environmental consequences not size.

OSM's regulations do not include a definition for "incidental boundary change." OSM has determined that the State's definition does not conflict with the Federal requirements and satisfies the criteria for approval of State program amendments. There is no basis for OSM to require Utah to revise its definition as suggested by the commenter.

BLM further commented that the 60-day lead time for filing a permit change application does not recognize the geologic uncertainties that occur in mineral extraction in surface mining. As discussed in finding 2 above, the Federal regulations at § 774.13 do not specify a permit application filing deadline.

The new language adopted by Utah under SMC/UMC 771.21(b)(3) which allows the Division to approve an "alternative time frame" should provide the Division the necessary flexibility to respond to emergency situations. At any rate, OSM has no basis for requiring the State to revise its provision at § 771.21(b)(3) as suggested by the commenter.

BLM also noted that the mechanism to process changes should allow expeditious approvals so that mining operations will not be interrupted.

The Federal regulations at 30 CFR 774.13 give authority to the regulatory authority in each State to establish the time period within which it will approve or disapprove permit changes. Utah has established a 60-day period for reviewing and processing applications for permit changes. This limitation does not preclude the State from processing applications in a shorter period of time. Regardless, OSM has determined that the State's provisions are not inconsistent with the Federal Act and regulations, and OSM has no authority to require the State to modify its regulatory provision in the manner suggested by the commenter.

V. Director's Decision

Based on the above findings, the Director is approving the amendments to the Utah program as submitted on October 9, 1985.

The Director is amending Part 944 of 30 CFR Chapter VII to implement this decision.

VI. Additional Determinations

1. *Compliance with the National Environmental Policy Act:* The Secretary has determined that, pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. *Executive Order No. 12291 and the Regulatory Flexibility Act:* On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

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

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

List of Subjects in 30 CFR Part 944

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

Dated: January 9, 1986.

James W. Workman,

Director, Office of Surface Mining.

PART 944—UTAH

Part 944 of Title 30 is amended as follows:

1. The authority citation for Part 944 continues to read as follows:

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

2. Section 944.15 is amended by adding a new paragraph (h) to read as follows:

§ 944.15 Approval of amendments to State regulatory program.

* * * * *

(h) The following amendment is approved effective January 16, 1986, modifications to the Utah State Program regulations adopted by the Utah Board of Oil, Gas and Mining on January 31, 1985, as revised on October 2, 1985. Those modifications were as follows: SMC/UMC 700.5—A definition for "incidental boundary change" was added; SMC/UMC 771.21—Paragraph (b)(3) was revised; SMC/UMC 778.12—The existing section was deleted in its entirety and a new section titled "Permit Changes" was adopted.

[FR Doc. 86–958 Filed 1–15–86; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 286a

[DoD Directive 5400.11 and DoD Regulation 5400.11-R]

Privacy Act of 1974, as Amended; Department of Defense Privacy Program

AGENCY: Department of Defense, DoD.

ACTION: Revised final rule.

SUMMARY: This final rule revises the Department of Defense Privacy Program which implements the Privacy Act of 1974, as amended, (5 U.S.C. 552a) within the Department. This revision supersedes a final rule (40 FR 55518) published on November 28, 1975, 32 CFR Part 286a—"Personal Privacy and Rights of Individuals Regarding Their Personal Records." This revision incorporates changes occasioned by DoD Directive 5400.11, June 9, 1982, and DoD Regulation 5400.11–R, August 31, 1983, both entitled: "Department of Defense Privacy Program."

EFFECTIVE DATE: January 16, 1986.

FOR FURTHER INFORMATION CONTACT: Mr. Aurelio Nepa, Jr., Staff Director, Defense Privacy Office, ODASD(A), The Pentagon, Washington, D.C. 20301–1100. Telephone 202/694–3027, Autovon 224–3027.

SUPPLEMENTARY INFORMATION: Subsection 3(f) of the Privacy Act of 1974, as amended (Title 5 U.S.C., section 552a) requires that Federal agencies promulgate rules for implementing the Privacy Act. On November 28, 1975, the Office of the Secretary of Defense published a final rule (40 FR 55518) 32 CFR Part 286a, which implemented DoD Directive 5400.11 dated August 4, 1975, entitled: "Personal Privacy and Rights of Individuals Regarding Their Personal Records." DoD Directive 5400.11, entitled: "Department of Defense Privacy Program" was revised on June 9, 1982. The revised Directive (Subpart—A) sets forth the fundamental policies and procedures for implementing the DoD Privacy Program, delegates authorities, and assigns responsibilities for the administration of the DoD Privacy Program. It further authorizes the publication and maintenance of DoD Regulation 5400.11–R, entitled: "Department of Defense Privacy Program," dated August 31, 1983 (Subpart—B *et seq.*) which contains the uniform detailed procedures for implementation and administration of the Defense Privacy Program by the DoD Components.

The Department of Defense has determined that this revision is not a major rule as defined by Executive Order 12291, is not subject to the relevant provisions of the Regulatory Flexibility Act of 1980 (Pub. L. 90–354) and does not contain reporting or recordkeeping requirements under the criteria of the Paperwork Reduction Act of 1980 (Pub. L. 96–511).

List of Subjects in 32 CFR Part 286a

Privacy.

Accordingly, Part 286a of 32 CFR is revised to read as follows:

PART 286a—DOD PRIVACY PROGRAM

Authority: Privacy Act of 1974, Pub. L. 93–579, 88 Stat. 1896 (5 U.S.C. 552a).

Subpart A—General Provisions

§ 286a.1 Reissuance and purpose.

(a) This part is reissued to consolidate into a single document (32 CFR Part 286a) Department of Defense (DoD) policies and procedures for implementing the Privacy Act of 1974, as amended (5 U.S.C. 522a,) by authorizing the development, publication and maintenance of the DoD Privacy Program set forth by DoD Directive 5400.11, June 9, 1982, and 5400.11–R, August 31, 1983, both entitled: "Department of the Defense Privacy Program."

(b) Its purpose is to delegate authorities and assign responsibilities for the administration of the DoD Privacy Program and to prescribe

uniform procedures for DoD Components consistent with DoD 5025.1–M, "Directives Systems Procedures," April 1981.

§ 286a.2 Applicability and scope.

(a) The provisions of this part apply to the Office of the Secretary of Defense, the Military Departments, the Organization of the Joint Chiefs of Staff, the Unified and Specified Commands, and the Defense Agencies (hereafter referred to collectively as "DoD Components"). This part is mandatory for use by all DoD Components. Heads of DoD Components may issue supplementary instructions only when necessary to provide for unique requirements within their Components. Such instructions will not conflict with the provisions of this part.

(b) The DoD Privacy Program is applicable, but not limited, to the following DoD Components:

(1) Office of the Secretary of Defense and its field activities;

(2) Department of the Army;

(3) Department of the Navy;

(4) Department of the Air Force;

(5) U.S. Marine Corps;

(6) Organization of the Joint Chiefs of Staff;

(7) Unified and Specified Commands;

(8) Office of the Inspector General, DoD;

(9) Defense Advanced Research Projects Agency;

(10) Defense Communications Agency;

(11) Defense Contract Audit Agency;

(12) Defense Intelligence Agency;

(13) Defense Investigative Service;

(14) Defense Logistics Agency;

(15) Defense Mapping Agency;

(16) Defense Nuclear Agency;

(17) Defense Security Assistance Agency;

(18) National Security Agency/Central Security Service;

(19) Uniformed Services University of the Health Sciences.

(c) The provisions of this part shall be made applicable by contract or other legally binding action to U.S. Government contractors whenever a DoD contract is let for the operation of a system of records. For purposes of liability under the Privacy Act of 1974 (5 U.S.C. 552a) the employees of the contractor are considered employees of the contracting DoD Component. See also § 286a.12.

(d) This part does not apply to:

(1) Requests for information from records maintained by the National Security Agency pursuant to Pub. L. 86–36, "National Security Information Exemption," May 29, 1959, and Pub. L. 88–290, "Personnel Security Procedures in the National Security Agency," March 26, 1964. All other systems of records maintained by the Agency are subject to the provisions of this part.

(2) Requests for information from systems of records controlled by the Office of Personnel Management (OPM), although maintained by a DoD Component. These are processed under the applicable parts of the OPM's Federal Personnel Manual (5 CFR Part 297).

(3) Requests for personal information from the General Accounting Office (GAO). These are processed in accordance with DoD Directive 7650.1, "General Accounting Office Access to Records," August 26, 1982.

(4) Requests for personal information from Congress. These are processed in accordance with DoD Directive 5400.4, "Provisions of Information to Congress," January 30, 1978, except for those specific provisions in Subpart E—Disclosure of Personal Information to Other Agencies and Third Parties.

(5) Requests for information made under the Freedom of Information Act (5 U.S.C. 552). These are processed in accordance with "DoD Freedom of Information Act Program" (32 CFR Part 286).

§ 286a.3 Definitions.

Access. The review of a record or a copy of a record or parts thereof in a system of records by any individual (see also paragraph (h) of this section).

Agency. For the purposes of disclosing records subject to the Privacy Act among DoD Components, the Department of Defense is considered a single agency. For all other purposes to include applications for access and amendment, denial of access or amendment, appeals from denials, and record keeping as regards release to non-DoD agencies; each DoD Component is considered an agency within the meaning of the Privacy Act.

Confidential source. A person or organization who has furnished information to the federal government under an express promise that the person's or the organization's identity will be held in confidence or under an implied promise of such confidentialness if this implied promise was made before September 27, 1975.

Disclosure. The transfer of any personal information from a system of records by any means of communication (such as oral, written, electronic, mechanical, or actual review) to any person, private entity, or government agency, other than the subject of the record, the subject's designated agent or the subject's legal guardian.

Individual. A living citizen of the United States or an alien lawfully admitted to the United States for permanent residence. The legal guardian of an individual has the same rights as the individual and may act on his or her behalf. All members of U.S. Armed Forces are considered individuals for Privacy Act purposes. No rights are vested in the representative of a dead person under this part and the term "individual" does not embrace an individual acting in an interpersonal capacity, for example, sole proprietorship or partnership.

Individual access. Access to information pertaining to the individual by the individual or his designated agent or legal guardian.

Law Enforcement Activity. Any activity engaged in the enforcement of criminal laws, including efforts to prevent, control, or reduce crime or to apprehend criminals, and the activities of prosecutors, courts, correctional, probation, pardon, or parole authorities.

Maintain. Includes maintain, collect, use or disseminate.

Official use. Within the context of this part, this term is used when officials and employees of a DoD Component have a demonstrated need for the use of any record or the information contained therein in the performance of their official duties, subject to the "DoD Information Security Program Regulation": (32 CFR Part 159).

Personal information. Information about an individual that is intimate or private to the individual, as distinguished from information related solely to the individual's official functions or public life.

Privacy Act. The Privacy Act of 1974, as amended (5 U.S.C. 552a).

Privacy Act request. A request from an individual for notification as to the existence of, access to, or amendment of records pertaining to that individual. These records must be maintained in a system of records.

Member of the public. Any individual or party acting in a private capacity to include federal employees or military personnel.

Record. Any item, collection, or grouping of information about an individual that is maintained by an agency, including, but not limited to, the individual's education, financial transactions, medical history, and criminal or employment history and that contains the individual's name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph.

Risk assessment. An analysis considering information sensitivity, vulnerabilities, and the cost to a

computer facility or word processing activity in safeguarding personal information processed or stored in the facility or activity.

Routine use. The disclosure of a record outside the Department of Defense for a use that is compatible with the purpose for which the information was collected and maintained by the Department of Defense. The routine use must be included in the published system notice for the system of records involved.

Statistical record. A record maintained only for statistical research or reporting purposes and not used in whole or in part in making determinations about specific individuals.

System of records. A group of records under the control of a DoD Component from which information is retrieved by the individual's name or by some identifying number, symbol, or other identifying particular assigned to the individual. System notices for all Privacy Act systems of records must be published in the Federal Register.

Word processing system. A combination of equipment employing automated technology, systematic procedures, and trained personnel for the primary purpose of manipulating human thoughts and verbal or written or graphic presentations intended to communicate verbally or visually with another individual.

Word processing equipment. Any combination of electronic hardware and computer software integrated in a variety of forms (firmware, programable software, handwiring, or similar equipment) that permits the processing of textual data. Generally, the equipment contains a device to receive information, a computer-like processor with various capabilities to manipulate the information, a storage medium, and an output device.

§ 286a.4 Policy.

(a) *General Policy.* It is the policy of the Department of Defense to safeguard personal information contained in any system of records maintained by DoD Components and to make that information available to the individual to whom it pertains to the maximum extent practicable.

(b) *Permit individual access and amendment.* Individuals are permitted:

(1) To determine what records pertaining to them are being collected, maintained, used, or disseminated.

(2) To gain access to the information pertaining to them maintained in any system of records, and to correct or amend that information.

(3) To obtain an accounting of all disclosures of the information pertaining to them except when disclosures are made to:

(i) DoD personnel in the course of their official duties;

(ii) Under the "DoD Freedom of Information Act Program" (32 CFR Part 286);

(iii) To another agency or to an instrumentality of any governmental jurisdiction within or under control of the United States for civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to the DoD activity which maintains the record specifying the particular portion desired and the law enforcement activity for which the record is sought.

(4) To appeal any refusal to grant access to or amend any record pertaining to them, and to file a statement of disagreement with the record in the event amendment is refused.

(c) *Limit collection, maintenance, use, and dissemination of personal information.* DoD Components are required:

(1) To collect, maintain, use, and disseminate personal information only when it is relevant and necessary to achieve a purpose required by statute or Executive Order.

(2) To collect personal information directly from the individual to whom it pertains to the greatest extent practical.

(3) To inform individuals who are asked to supply personal information for inclusion in any system of records:

(i) The authority for the solicitation;

(ii) Whether furnishing the information is mandatory or voluntary;

(iii) The intended uses of the information;

(iv) The routine disclosures of the information that may be made outside the Department of Defense; and

(v) The effect on the individual of not providing all or any part of the requested information.

(4) To ensure that all records used in making determinations about individuals are accurate, relevant, timely, and complete.

(5) To make reasonable efforts to ensure that records containing personal information are accurate, relevant, timely, and complete for the purposes for which the record is being maintained before making them available to any recipients outside the Department of Defense, other than a federal agency, unless the disclosure is made under 32 CFR Part 286.

(6) To keep no record that describes how individuals exercise their rights guaranteed by the First Amendment of the U.S. Constitution, unless expressly authorized by statute or by the individual to whom the records pertains, or the record is pertinent to and within the scope of an authorized law enforcement activity.

(7) To make reasonable efforts, when appropriate, to notify individuals whenever records pertaining to them are made available under compulsory legal process, if such process is a matter of public record.

(8) To establish safeguards to ensure the security of personal information and to protect this information from threats or hazards that might result in substantial harm, embarrassment, inconvenience, or unfairness to the individual.

(9) To establish rules of conduct for DoD personnel involved in the design, development, operation, or maintenance of any system of records and to train them in these rules of conduct.

(d) *Required public notice and publication.* DoD Components are required to publish in the Federal Register:

(i) A notice of the existence and character of every system of records maintained.

(ii) A notice of the establishment of any new or revised system of records.

(iii) At least 30 days before adoption, advance notice for public comment of any new or intended changes to the routine uses of the information in existing system of records including the categories of users and the purposes of such use.

(e) *Permit exempting eligible systems of records.* DoD Components may exempt from certain specific provisions of the Privacy Act (5 U.S.C. 552a) eligible systems of records, but only when there is an important public purpose to be served and specific statutory for the exemption exists.

(f) *May require annual and other reports.* DoD Components shall furnish the Privacy Office that information required to complete any reports required by the Office of Management and Budget or other authorities.

§ 286a.5 Organization.

(a) *Defense Privacy Board.* Membership of the board shall consist of the Executive Secretary and representatives designated by the Secretaries of the Military Departments; the Assistant Secretary of Defense (Comptroller) (whose designee shall serve as chairman); the Assistant Secretary of Defense (Force Management and Personnel); the General Counsel, Department of

Defense; and the Director, Defense Logistics Agency;

(b) *The Defense Privacy Office.* The office shall consist of a Director, who shall also function as the Executive Secretary of the Defense Privacy Board, and his staff.

(c) *The Defense Privacy Board Legal Committee.* The committee shall be composed of a legal counsel from each of the DoD Components represented on the DoD Privacy Board. The legal counsels shall be appointed by the Executive Secretary in coordination with the Secretaries of the Military Department or the head of the appropriate DoD Components. Other DoD legal counsels may be appointed by the Executive Secretary, after coordination with the appropriate representative of the DoD Component concerned, to serve on the committee.

§ 286a.6 Responsibilities.

(a) *The Assistant Secretary of Defense (Comptroller) (ASD(C)),* or his designee, the *Deputy Assistant Secretary of Defense (Administration) (DASD(A)),* shall:

(1) Direct and administer the DoD Privacy Program.

(2) Develop and maintain DoD Directive 5400.11 and DoD Regulation 5400.11–R (32d CFR Part 286a) consistent with DoD 5025.1–M and other guidance, to ensure timely and uniform implementation of the DoD Privacy Program.

(3) Serve as chairman of the Defense Privacy Board.

(b) *Chairman and members of the Defense Privacy Board* shall:

(1) Serve as the principal policymakers for the DoD Privacy Program and the focal point for implementation of this part.

(2) Ensure that all DoD Components actively participate in establishing policies, procedures, and practices in carrying out the DoD Privacy Program.

(c) *Director, Defense Privacy Office,* shall:

(1) Serve as Executive Secretary and a Member of the Defense Privacy Board.

(2) Monitor implementation of the DoD Privacy Program for the Defense Privacy Board.

(3) Serve as the focal point for the coordination of Privacy Act matters with the Defense Privacy Board; the Defense Privacy Board Legal Committee; the Office of Management and Budget; the General Accounting Office; the Office of the Federal Register, in conjunction with the OSD Federal Register Liaison Officer, and other federal agencies, as required;

(4) Develop and maintain the DoD Privacy Program, DoD Directive 5400.11 and DoD 5400.11–R (32 CFR Part 286a) consistent with DoD 5025.1–M.

(5) Review DoD Component instructions and related issuances pertaining to the DoD Privacy Program and provide overall guidance to avoid conflict with DoD Privacy Program policy and procedures.

(6) Supervise the implementation of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3401 *et seq.*); DoD Directive 5400.12, "Obtaining Information from Financial Institutions" (32 CFR Part 294) and any other legislation that impacts directly on individual privacy.

(7) In conjunction with the Office of the Assistant Secretary of Defense (Force Management and Personnel), the Office of the General Counsel, DoD; and other DoD Components:

(i) Ensure that training programs regarding DoD Privacy Program policies and procedures are established for all DoD personnel whose duties involve design, development, operation, and maintenance of any system of records.

(ii) Coordinate on all DoD personnel policies that may affect the DoD Privacy Program.

(8) In conjuction with the Office of the Deputy Assistant Secretary of Defense (Management Systems), Office of the ASD(C), and other DoD Components, ensure that:

(i) All information requirements developed to collect or maintain personal data conform with DoD Privacy Program standards;

(ii) Procedures are developed to protect personal information while it is being processed or stored in automated data processing or word processing centers.

(9) In conjuction with the Office of the ASD (FM&P), the Defense Manpower Data Center (Defense Logistics Agency), and other DoD Components, ensure that procedures developed to collect or maintain personal data for research purposes conform both to the requirements of the research and DoD Privacy Program standards.

(d) *Members of Defense Privacy Board Legal Committee* shall:

(1) Consider legal questions referred to it by the Board regarding the application of the Privacy Act (5 U.S.C. 552a); DoD Directive 5400.11; and DoD 5400.11–R, (this part) and the implementation of the DoD Privacy Program.

(2) Render advisory opinions to the DoD Privacy Board, subject to approval by the General Counsel, Department of Defense.

(e) The *General Counsel, Department of Defense,* shall:

(1) Review the advisory opinions of the Defense Privacy Board Legal Committee to ensure uniformity in legal positions and interpretations rendered.

(2) Be the final approving authority on all advisory legal opinions rendered by the Defense Privacy Board or the Defense Privacy Board Legal Committee regarding the Privacy Act (5 U.S.C. 552a) or its implementation.

(f) The *Head of Each DoD Component* shall implement the DoD Privacy Program by carrying out the specific responsibilities set forth in § 286a.4(c) and shall:

(1) Establish an active program to implement the DoD Privacy Program.

(2) Provide adequate funds and personnel to support the Privacy Program.

(3) Designate a senior official to serve as the principal point of contact for DoD Privacy matters and to monitor compliance with the program.

(4) Ensure that DoD Privacy Program compliance is reviewed during the internal inspections conducted by Inspectors General or equivalent inspectors.

(5) Ensure that the DoD Component head, a designee, or an appellant reviews all appeals from denials or refusals by Component officials to amend personal records.

(6) Establish rules of conduct to ensure that:

(i) Only personal information that is relevant and necessary to achieve a purpose required by statute or Executive Order is collected, maintained, used or disseminated.

(ii) Personal information is collected to the greatest extent practicable directly from the individual to whom it pertains.

(iii) No records are maintained describing how individuals exercise their rights guaranteed by the First Amendment to the U.S. Constitution unless expressly authorized by statute or the individual to whom they pertain or unless the records pertain to and are within the scope of an authorized law enforcement activity.

(iv) Individuals are granted access to records which pertain to them in systems of records unless the system has been exempted from the access provisions of the Privacy Act (5 U.S.C. 552a).

(v) No system of records subject to the Privacy Act (5 U.S.C. 552a) is maintained, used, or disseminated without prior publication of a system notice in the **Federal Register.**

(vi) All personal information contained in any system of records is

safeguarded against unwarranted and unauthorized disclosure.

(vii) Procedures are established that permit an individual to seek the correction or amendment of any record in a system of records pertaining to the individual unless system of records has been exempted from the amendment procedures of the Privacy Act (5 U.S.C. 552a).

(viii) All personnel whose duties involve design, development, operation, and maintenance of any system of records are trained in the rules of conduct established.

(ix) Assist, upon request, the Defense Privacy Board on matters of special interest.

(g) The *System Manager* for any system of records shall:

(1) Ensure that all personnel who either have access to the system of record or who are engaged in developing or supervising procedures for handling records in the system of records in the system of records are aware of their responsibilities for protecting personal information established by the DoD Privacy Program.

(2) Prepare promptly any required new, amended, or altered system notices for the system of records and submit them through channels for publication in the **Federal Register**.

(3) Notify all Automated Data Processing (ADP) or word processing managers who process information from the system of records that the information is subject to the DoD Privacy Program and the applicable routine uses for the information in the system.

(4) Coordinate with ADP and word processing managers providing services to ensure an adequate risk analysis is conducted.

(5) Coordinate with the servicing ADP and word processing managers to ensure that the system manager is notified when there are changes to processing equipment, hardware or software, and the data base that may require submission of an amended system notice.

(h) *Automated Data Processing (ADP) or Word Processing Managers*, who process information from any system of records, shall:

(1) Ensure that each system manager provides a current system notice or information as to the contents of the system notice for each system of records from which information is to be processed.

(2) Ensure that all personnel who have access to information from a system of records during processing or who are engaged in developing procedures for processing such information are aware of the provisions of the DoD Privacy Program policies and procedures.

(3) Notify promptly the system manager whenever there are changes to processing equipment, hardware or software, and the data base that may require the submission of an amended system notice for any system of records.

(i) *DoD Employees* shall:

(1) Not disclosure any personal information contained in any system of records except as authorized in this part.

(2) Not maintain any official files which are retrievable by name or other personal identifier without first ensuring that a notice for the system has been published in the **Federal Register**.

(3) Report any disclosures of personal information from a system of records or the maintenance of any system of records that are not authorized by this part to the appropriate Privacy Act officials for his or her action.

Subpart B—Systems of Records

§ 286a.10 General.

(a) *System of records.* To be subject to the provisions of this part a "system of records" must:

(1) Consist of "records" (as defined in paragraph (a) of § 286a.3) that are retrieved by the name of an individual or some other personal identifier, and

(2) Be under the control of a DoD Component.

(b) *Retrieval practices.* (1) Records in a group of records that *may be* retrieved by a name or personal identifier are not covered by this part even if the records contain personal data and are under control of a DoD Component. The records *must be*, in fact, retrieved by name or other personal identifier to become a system of records for the purpose of this part.

(2) If files that are not retrieved by name or personal identifier are rearranged in such manner that they are retrieved by name or personal identifier, a new systems notice must be submitted in accordance with paragraph (c) § 286.63 of Subpart G.

(3) If records in a system of records are rearranged so that retrieval is no longer by name or other personal identifier, the records are no longer subject to this part and the system notice for the records shall be deleted in accordance with paragraph (c) of § 286a.64 of Subpart G.

(c) *Relevance and necessity.* Retain in a system of records only that personal information which is relevant and necessary to accomplish a purpose required by a federal statute or an Executive Order.

(d) *Authority to establish systems of records.* Identify the specific statute or the Executive Order that authorize maintaining personal information in each system of records. The existance of a statute or Executive order mandating the maintenance of a system of records does not abrogate the responsibility to ensure that the information in the system of records is relevant and necessary.

(e) *Exercise of First Amendment rights.* (1) Do not maintain any records describing how an individual exercises his or her rights guaranteed by the First Amendment of the U.S. Constitution except when:

(i) Expressly authorized by federal statute;

(ii) Expressly authorized by the individual; or

(iii) Maintenance of the information is pertinent to and within the scope of an authorized law enforcement activity.

(2) First Amendment rights include, but are not limited to, freedom of religion, freedom of political beliefs, freedom of speech, freedom of the press, the right to assemble, and the right to petition.

(f) *System manager's evaluation.* (1) Evaluate the information to be included in each new system before establishing the system and evaluate periodically the information contained in each existing system of records for relevancy and necessity. Such a review shall also occur when a system notice amendment or alteration is prepared (see §§ 286a.63 and 286a.64 of Subpart G).

(2) Consider the following:

(i) The relationship of each item of information retained and collected to the purpose for which the system is maintained;

(ii) The specific impact on the purpose or mission of not collecting each category of information contained in the system;

(iii) The possibility of meeting the information requirements through use of information not individually identifiable or through other techniques, such as sampling;

(iv) The length of time each item of personal information must be retained;

(v) The cost of maintaining the information; and

(vi) The necessity and relevancy of the information to the purpose for which it was collected.

(g) *Discontinued information requirements.* (1) Stop collecting immediately any category or item of personal information for which retention is no longer justified. Also excise this information from existing records, when feasible.

(2) Do not destroy any records that must be retained in accordance with disposal authorizations established under 44 U.S.C., Section 303a, "Examination by the Administrator of General Services of Lists and Schedules of Records Lacking Preservation Value, Disposal of Records."

§ 286a.11 Standards of accuracy.

(a) *Accuracy of information maintained.* Maintain all personal information that is used or may be used to make any determination about an individual with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to ensure fairness to the individual in making any such determination.

(b) *Accuracy determination before dissemination.* Before disseminating any personal information from a system of records to any person outside the Department of Defense, other than a federal agency, make reasonable efforts to ensure that the information to be disclosed is accurate, relevant, timely, and complete for the purpose it is being maintained (see also paragraph (d) of § 286a.30, Subpart D and paragraph (d) of § 286a.40, Subpart E).

§ 286a.12 Government Contractors.

(a) *Applicability to government contractors.* (1) When a DoD Component contracts for the operation or maintenance of a system of records or a portion of a system of records by a contractor, the record system or the portion of the record system affected are considered to be maintained by the DoD Component and are subject to this part. The Component is responsible for applying the requirements of this part to the contractor. The contractor and its employees are to be considered employees of the DoD Component for purposes of the sanction provisions of the Privacy Act during the performance of the contract. Consistent with the Defense Acquisition Regulation (DAR), § 1.327, "Protection of Individual Privacy" contracts requiring the maintenance of a system of records or the portion of a system of records shall identify specifically the record system and the work to be performed and shall include in the solicitation and resulting contract such terms as are prescribed by the DAR.

(2) If the contractor must use or have access to individually identifiable information subject to this part to perform any part of a contract, and the information would have been collected and maintained by the DoD Component but for the award of the contract, these contractor activities are subject to this Regulation.

(3) The restriction in paragraphs (a)(1) and (2) of § 286a.12 do not apply to records:

(i) Established and maintained to assist in making internal contractor management decisions, such as records maintained by the contractor for use in managing the contract;

(ii) Maintained as internal contractor employee records even when used in conjunction with providing goods and services to the Department of Defense; or

(iii) Maintained as training records by an educational organization contracted by a DoD Component to provide training when the records of the contract students are similar to and comingled with training records of other students (for example, admission forms, transcripts, academic counselling and similar records);

(iv) Maintained by a consumer reporting agency to which records have been disclosed under contract in accordance with the Federal Claims Collection Act of 1966, Title 31, United States Code, section 952(d).

(4) DoD Components must publish instruction that:

(i) Furnish DoD Privacy Program guidance to their personnel who solicit, award, or administer government contracts;

(ii) Inform prospective contractors of their responsibilities regarding the DoD Privary Program; and

(iii) Establish an internal system of contractor performance review to ensure compliance with the DoD Privacy Program.

(b) *Contracting procedures.* The Defense Systems Acquisition Regulatory Council (DSARC) is responsible for developing the specific policies and procedures to be followed when soliciting bids, awarding contracts or administering contracts that are subject to this part.

(c) *Contractor compliance.* Through the various contract surveillance programs, ensure contractors comply with the procedures established in accordance with paragraph (b) above of this subpart.

(d) *Disclosure of records to contractors.* Disclosure of personal records to a contractor for the use in the performance of any DoD contrtact by a DoD Component is considered a disclosure within the Department of Defense (see paragraph (b) of § 286a.40, Subpart E). The contractor is considered the agent of the contracting DoD Component and to be maintaining and receiving the records for that Component.

§ 286a.13 Safeguarding personal information.

(a) *General responsibilities.* Establish appropriate administrative, technical and physical safeguards to ensure that the records in every system of records are protected from unauthorized alteration or disclosure and that their confidentiality is protected. Protect the records against reasonably anticipated threats or hazards that could result in substantial harm, embarrassment, inconvenience, or unfairness to any individual about whom information is kept.

(b) *Minimum standards.* (1) Tailor system safeguards to conform to the type of records in the system, the sensitivity of the personal information stored, the storage medium used and, to a degree, the number of records maintained.

(2) Treat all unclassified records that contain personal information that normally would be withheld from the public under Exemption Numbers 6 and 7, of § 286.31, Subpart D of 32 CFR Part 286 (DoD Freedom of Information Act Program) as if they were designated "For Official Use Only" and safeguard them in accordance with the standards established by Subpart E of 32 CFR Part 286 (DoD FOIA Program) even if they are not actually marked "For Official Use Only."

(3) Afford personal information that does not meet the criteria discussed in paragraph (c)(3) of § 286a.13 of this subpart that degree of security which provides protection commensurate with the nature and type of information involved.

(4) Special administrative, physical, and technical procedures are required to protect data that is stored or being processed temporarily in an automated data processing (ADP) system or in a word processing activity to protect it against threats unique to those environments (see Appendices A and B).

(5) Tailor safeguards specifically to the vulnerabilities of the system.

(c) *Records disposal.* (1) Dispose of records containing personal data so as to prevent inadvertent compromise. Disposal methods such as tearing, burning, melting, chemical decomposition, pulping, pulverizing, shredding, or mutilation are considered adequate if the personal data is rendered unrecognizable or beyond reconstruction.

(2) The transfer of large quantities of records containing personal data (for example, computer cards and printouts) in bulk to a disposal activity, such as the Defense Property Disposal Office, is not a release of personal information under

this part. The sheer volume of such transfers make it difficult or impossible to identify readily specific individual records.

(3) When disposing of or destroying large quantities of records containing personal information, care must be exercised to ensure that the bulk of the records is maintained so as to prevent specific records from being readily identified. If bulk is maintained, no special procedures are required. If bulk cannot be maintained or if the form of the records make individually identifiable information easily available, dispose of the record in accordance with paragraph (c)(1) of this section.

Subpart C—Collecting Personal Information

§ 286a.20 General considerations.

(a) *Collect directly from the individual.* Collect to the greatest extent practicable personal information directly from the individual to whom it pertains if the information may be used in making any determination about the rights, privileges, or benefits of the individual under any federal program (see also paragraph (c) of this section).

(b) *Collecting Social Security Numbers (SSNs).* (1) It is unlawful for any federal, state, or local governmental agency to deny an individual any right, benefit, or privilege provided by law because the individual refuses to provide his or her SSN. However, if a federal statute requires that the SSN be furnished or if the SSN is required to verify the identity of the individual in a system of records that was established and in use before January 1, 1975, and the SSN was required as an identifier by a statute or regulation adopted before that date, this restriction does not apply.

(2) When an individual is requested to provide his or her SSN, he or she must be advised:

(i) The uses that will be made of the SSN;

(ii) The statute, regulation, or rule authorizing the solicitation of the SSN; and

(iii) Whether providing the SSN is voluntary or mandatory.

(3) Include in any systems notice for any system of records that contains SSNs a statement indicating the authority for maintaining the SSN and the sources of the SSNs in the system. If the SSN is obtained directly from the individual indicate whether this is voluntary or mandatory.

(4) Executive Order 9397, "Numbering System For Federal Accounts Relating to Individual Persons," November 30, 1943, authorizes solicitation and use of SSNs as numerical identifier for individuals in most federal records systems. However, it does not provide *mandatory* authority for soliciting SSNs.

(5) Upon entrance into military service or civilian employment with the Department of Defense, individuals are asked to provide their SSNs. The SSN becomes the service or employment number for the individual and is used to establish personnel, financial, medical, and other official records. Provide the notification in paragraph (b)(2) of this section to the individual when originally soliciting his or her SSN. After an individual has provided his or her SSN for the purpose of establishing a record, the notification in paragraph (b)(2) is not required if the individual is only requested to furnish or verify the SSNs for identification purposes in connection with the normal use of his or her records. However, if the SSN is to be written down and retained for any purpose by the requesting official, the individual must be provided the notification required by paragraph (b)(2) of this section.

(6) Consult the Office of Personnel Management, Federal Personnel Manual (5 CFR Parts 293, 294, 297 and 735) when soliciting SSNs for use in OPM records systems.

(c) *Collecting personal information from third parties.* It may not be practical to collect personal information directly from the individual in all cases. Some examples of this are:

(1) Verification of information through third party sources for security or employment suitability determinations;

(2) Seeking third party opinions such as supervisory comments as to job knowledge, duty performance, or other opinion-type evaluations;

(3) When obtaining the needed information directly from the individual is exceptionally difficult or may result in unreasonable costs; or

(4) Contacting a third party at the request of the individual to furnish certain information such as exact periods of employment, termination dates, copies of records, or similar information.

(d) *Privacy Act Statements.* (1) When an individual is requested to furnish personal information about himself or herself for inclusion in a system of records, a Privacy Act Statement is required regardless of the medium used to collect the information (forms, personal interviews, stylized formats, telephonic interviews, or other methods). The Privacy Act Statement consists of the elements set forth in paragraph (d)(2) of this section. The statement enables the individual to make an informed decision whether to provide the information requested. If the personal information solicited is not to be incoporated into a system of records, the statement need not be given. However, personal information obtained without a Privacy Act Statement shall not be incorporated into any system of records. When soliciting SSNs for any purpose, see paragraph (b)(2) of this section.

(2) The Privacy Act Statement shall include:

(i) The specific federal statute or Executive Order that authorizes collection of the requested information (see paragraph (d) of § 286a.10).

(ii) The principal purpose or purposes for which the information is to be used;

(iii) The routine uses that will be made of the information (see paragraph (e) of § 286a.41, Subpart E);

(iv) Whether providing the information is voluntary or mandatory (see paragraph (e) of this section); and

(v) The effects on the individual if he or she chooses not to provide the requested information.

(3) The Privacy Act Statement shall be concise, current, and easily understood.

(4) The Privacy Act statement may appear as a public notice (sign or poster), conspicuously displayed in the area where the information is collected, such as at check-cashing facilities or identification photograph facilities.

(5) The individual normally is not required to sign the Privacy Act Statement.

(6) Provide the individual a written copy of the Privacy Act Statement upon request. This must be done regardless of the method chosen to furnish the initial advisement.

(e) *Mandatory as opposed to voluntary disclosures.* Include in the Privacy Act Statement specifically whether furnishing the requested personal data is mandatory or voluntary. A requirement to furnish personal data is mandatory only when a federal statute, Executive Order, regulation, or other lawful order specifically imposes a duty on the individual to provide the information sought, and the individual is subject to a penalty if he or she fails to provide the requested information. If providing the information is only a condition of or prerequisite to granting a benefit or privilege and the individual has the option of requesting the benefit or privilege, providing the information is always voluntary. However, the loss or denial of the privilege, benefit, or entitlement sought may be listed as a consequence of not furnishing the requested information.

§ 286a.21 Forms.

(a) *DoD forms.* (1) DoD Directive 5000.21, "Forms Management Program" provides guidance for preparing Privacy Act Statements for use with forms (see also paragraph (b)(1) of this section).

(2) When forms are used to collect personal information, the Privacy Act Statement shall appear as follows (listed in the order of preference):

(i) In the body of the form, preferably just below the title so that the reader will be advised of the contents of the statement *before* he or she begins to complete the form;

(ii) On the reverse side of the form with an appropriate annotation under the title giving its location;

(iii) On a tear-off sheet attached to the form; or

(iv) As a separate supplement to the form.

(b) *Forms issued by non-DoD activities.* (1) Forms subject to the Privacy Act issued by other federal agencies have a Privacy Act Statement attached or included. Always ensure that the statement prepared by the originating agency is adequate for the purpose for which the form will be used by the DoD activity. If the Privacy Act Statement provided is inadequate, the DoD Component concerned shall prepare a new statement or a supplement to the existing statement before using the form.

(2) Forms issued by agencies not subject to the Privacy Act (state, municipal, and other local agencies) do not contain Privacy Act Statements. Before using a form prepared by such agencies to collect personal data subject to this part, an appropriate Privacy Act Statement must be added.

Subpart D—Access by Individuals

§ 286a.30 Individual access to personnel information.

(a) *Individual access.* (1) The access provisions of this part are intended for use by individuals about whom records are maintained in systems of records. Release of personal information to individuals under this part is not considered public release of information.

(2) Make available to the individual to whom the record pertains all of the personal information that can be released consistent with DoD responsibilities.

(b) *Individual requests for access.* Individuals shall address requests for access to personal information in a system of records to the system manager or to the office designated in the DoD Component rules or the system notice.

(c) *Verification of identity.* (1) Before granting access to personal data, an individual may be required to provide reasonable verification of his or her identity.

(2) Identity verification procedures shall not:

(i) Be so complicated as to discourage unnecessarily individuals from seeking access to information about themselves; or

(ii) Be required of an individual seeking access to records which normally would be available under the "DoD Freedom of Information Act Program" (32 CFR Part 286).

(3) Normally, when individuals seek personal access to records pertaining to themselves, identification is made from documents that normally are readily available, such as employee and military identification cards, driver's license, other licenses, permits or passes used for routine identification purposes.

(4) When access is requested by mail, identity verification may consist of the individual providing certain minimum identifying data, such as full name, date and place of birth, or such other personal information necessary to locate the record sought. If the information sought is of a sensitive nature, additional identifying data may be required. If notarization of requests is required, procedures shall be established for an alternate method of verification for individuals who do not have access to notary services, such as military members overseas.

(5) If an individual wishes to be accompanied by a third party when seeking access to his or her records or to have the records released directly to a third party, the individual may be required to furnish a signed access authorization granting the third party access.

(6) An individual shall not be refused access to his or her record solely because he or she refuses to divulge his or her SSN unless the SSN is the only method by which retrieval can be made. (See paragraph (b) of § 286a.20).

(7) The individual is not required to explain or justify his or her need for access to any record under this part.

(8) Only a denial authority may deny access and the denial must be in writing and contain the information required by paragraph (b) of § 286a.31.

(d) *Granting individual access to records.* (1) Grant the individual access to the original record or an exact copy of the original record without any changes or deletions, except when changes or deletions have been made in accordance with paragraph (e) of this section. For the purpose of granting access, a record that has been amended under paragraph (b) of § 286a.31 is considered to be the original. See pargraph (e) of this section for the policy regarding the use of summaries and extracts.

(2) Provide exact copies of the record when furnishing the individual copies of records under this part.

(3) Explain in terms understood by the requestor any record or portion of a record that is not clear.

(e) *Illegible, incomplete, or partially exempt records.* (1) Do not deny an individual access to a record or a copy of a record solely because the physical condition or format of the record does not make it readily available (for example, deteriorated state or on magnetic tape). Either prepare an extract or recopy the document exactly.

(2) If a portion of the record contains information that is exempt from access, an extract or summary containing all of the information in the record that is releasable shall be prepared.

(3) When the physical condition of the record or its state makes it necessary to prepare an extract for release, ensure that the extract can be understood by the requester.

(4) Explain to the requester all deletions or changes to the records.

(f) *Access to medical records.* (1) Disclose medical records to the individual to whom they pertain, even if a minor, unless a judgment is made that access to such records could have an adverse effect on the mental or physical health of the individual. Normally, this determination shall be made in consultation with a medical doctor.

(2) If it is determined that the release of the medical information may be harmful to the mental or physical health of the individual:

(i) Send the record to a physician named by the individual; and

(ii) In the transmittal letter to the physician explain why access by the individual without proper professional supervision could be harmful (unless it is obvious from the record).

(3) Do not require the physician to request the records for the individual.

(4) If the individual refuses or fails to designate a physician, the record shall not be provided. Such refusal of access is not considered a denial for Privacy Act reporting purposes. (See paragraph (a) of § 286a.31).

(5) Access to a minor's medical records may be granted to his or her parents or legal guardians. However, observe the following procedures:

(i) In the United States, the laws of the particular state in which the records are located may afford special protection to certain types of medical records (for example, records dealing with treatment

for drug or alcohol abuse and certain psychiatric records). Even if the records are maintained by a military medical facilities these statutes may apply.

(ii) For the purposes of parental access to the medical records and medical determinations regarding minors at overseas installation the age of majority is 18 years except when:

(A) A minor at the time he or she sought or consented to the treatment was between 15 and 17 years of age;

(B) The treatment was sought in a program which was authorized by regulation or statute to offer confidentiality of treatment records as a part of the program;

(C) The minor specifically requested or indicated that he or she wished the treatment record to be handled with confidence and not released to a parent or guardian; and

(D) The parent or guardian seeking access does not have the written authorization of the minor or a valid court order granting access.

(iii) If all four of the above conditions are met, the parent or guardian shall be denied access to the medical records of the minor. Do not use these procedures to deny the minor access to his or her own records under this part or any other statutes.

(6) All members of the Military Services and all married persons are not considered minors regardless of age, and the parents of these individuals do not have access to their medical records without written consent of the individual.

(g) *Access to information compiled in anticipation of civil action.* (1) An individual is not entitled under this part to gain access to information compiled in reasonable anticipation of a civil action or proceeding.

(2) The term "civil proceeding" is intended to include quasi-judicial and pretrial judicial proceedings that are the necessary preliminary steps to formal litigation.

(3) Attorney work products prepared in conjunction with quasi-judicial pretrial, and trial proceedings, to include those prepared to advise DoD Component officials of the possible legal consequences of a given course of action, are protected.

(h) *Access to investigatory records.* (1) Requests by individuals for access to investigatory records pertaining to themselves and compiled for law enforcement purposes are processed under this part of the DoD Freedom of Information Program (32 CFR Part 286) depending on which part gives them the greatest degree of access.

(2) Process requests by individuals for access to investigatory record pertaining to themselves compiled for law enforcement purposes and in the custody of law enforcement activities that have been incorporated into systems of records exempted from the access provisions of this part in accordance with section B. of Chapter 5 under reference (f). Do not deny an individual access to the record solely because it is in the exempt system, but give him or her automatically the same access he or she would receive under the Freedom of Information Act (5 U.S.C. 552). See also paragraph (h) of this section.

(3) Process requests by individuals for access to investigatory records pertaining to themselves that are in records systems exempted from access provisions under paragraph (a) of § 286a.52, Subpart F, under this part, or the DoD Freedom of Information Act Program (32 CFR Part 286) depending upon which regulation gives the greatest degree of access (see also paragraph (j) of this section).

(4) Refer individual requests for access to investigatory records exempted from access under a general exemption temporarily in the hands of a noninvestigatory element for adjudicative or personnel actions to the originating investigating agency. Inform the requester in writing of these referrals.

(i) *Nonagency records.* (1) Certain documents under the physical control of DoD personnel and used to assist them in performing official functions, are not considered "agency records" within the meaning of this Regulation. Uncirculated personal notes and records that are not disseminated or circulated to any person or organization (for example, personal telephone lists or memory aids) that are retained or discarded at the author's discretion and over which the Component exercises no direct control, are not considered agency records. However, if personnel are officially directed or encouraged, either in writing or orally, to maintain such records, they may become "agency records," and may be subject to this part.

(2) The personal uncirculated handwritten notes of unit leaders, office supervisors, or military supervisory personnel concerning subordinates are not systems of records within the meaning of this part. Such notes are an extension of the individual's memory. These notes, however, must be maintained and discarded at the discretion of the individual supervisor and not circulated to others. Any established requirement to maintain such notes (such as, written or oral directives, regulations, or command policy) make these notes "agency records" and they then must be made a part of a system of records. If the notes are circulated, they must be made a part of a system of records. Any action that gives personal notes the appearance of official agency records is prohibited, unless the notes have been incorporated into a system of records.

(j) *Relationship between the Privacy Act and the Freedom of Information Act.* (1) Process requests for individual access as follows:

(i) Requests by individuals for access to records pertaining to themselves made under the Freedom of Information Act (5 U.S.C. 552) or the DoD Freedom of Information Act Program (32 CFR Part 286) or DoD Component instuctions implementing the DoD Freedom of Information Act Program are processed under the provisions of that reference.

(ii) Requests by individuals for access to records pertaining to themselves made under the Privacy Act of 1971 (5 U.S.C. 552a), this part, or the DoD Component instructions implementing this part are processed under this part.

(iii) Requests by individuals for access to records about themselves that cite both Acts or the implementing regulations and instructions for both Acts are processed under this part except:

(A) When the access provisions of the DoD Freedom of Information Act Program (32 CFR Part 286) provide a greater degree of access; or

(B) When access to the information sought is controlled by another federal statute.

(C) If the former applies, follow the provisions of 32 CFR Part 286; and if the later applies, follow the access procedures established under the controlling statute.

(iv) Requests by individuals for access to information about themselves in systems of records that do not cite either Act or the implementing regulations or instructions for either Act are processed under the procedures established by this part. However, there is no requirement to cite the specific provisions of this part or the Privacy Act (5 U.S.C. 552a) when responding to such requests. Do not count these requests as Privacy Act request for reporting purposes (see Subpart I).

(2) Do not deny individuals access to personal information concerning themselves that would otherwise be releasable to them under either Act solely because they fail to cite either Act or cite the wrong Act, regulation, or instruction.

(3) Explain to the requester which Act or procedures have been used when granting or denying access under either

Act (see also paragraph (j)(1)(iv) of this section).

(k) *Time limits.* Normally acknowledge requests for access within 10 working days after receipt and provide access within 30 working days.

(l) *Privacy case file.* Establish a Privacy Act case file when required (see paragraph (p) of § 286a.32 of this subpart).

§ 286a.31 Denial of individual access.

(a) *Denying individual access.* (1) An individual may be denied formally access to a record pertaining to him or her only if the record:

(i) Was compiled in reasonable anticipation of civil action (see paragraph (g) of § 286a.30)

(ii) Is in a system of records that has been exempted from the access provisions of this Regulation under one of the permitted exemptions (see Subpart F).

(iii) Contains classified information that has been exempted from the access provision of this part under blanket exemption for such material claimed for all DoD records system (see paragraph (c) of §286a.50 of Subpart F).

(iv) Is contained in a system of records for which access may be denied under some other federal statute.

(2) Only deny the individual access to those portions of the records from which the denial of access serves some legitimate governmental purpose.

(b) *Other reasons to refuse access.* (1) An individual may be refused access if:

(i) The record is not described well enough to enable it to be located with a reasonable amount of effort on the part of an employee familiar with the file; or

(ii) Access is sought by an individual who fails or refuses to comply with the established procedural requirements, including refusing to name a physician to receive medical records when required (see paragraph (f) of §286a.30) or to pay fees (see §286a.33 of this subpart).

(2) Always explain to the individual the specific reason access has been refused and how he or she may obtain access.

(c) *Notifying the individual.* Formal denials of access must be in writing and include as a minimum:

(1) The name, title or position, and signature of a designated Component denial authority;

(2) The date of the denial;

(3) The specific reason for the denial, including specific citation to the appropriate sections of the Privacy Act (5 U.S.C. 552a) or other statutes, this part, DoD Component instructions or Code of Federal Regulations (CFR) authorizing the denial;

(4) Notice to the individual of his or her right to appeal the denial through the Component appeal procedure within 60 calendar days; and

(5) The title or position and address of the Privacy Act appeals official for the Component.

(d) *DoD Component appeal procedures.* Establish internal appeal procedures that, as a minimum, provide for:

(1) Review by the head of the Component or his or her designee of any appeal by an individual from a denial of access to Component records.

(2) Formal written notification to the individual by the appeal authority that shall:

(i) If the denial is sustained totally or in part, include as a minimum:

(A) The exact reason for denying the appeal to include specific citation to the provisions of the Act or other statute, this part, Component instructions or the CFR upon which the determination is based;

(B) The date of the appeal determination;

(C) The name, title, and signature of the appeal authority;

(D) A statement informing the applicant of his or her right to seek judicial relief.

(ii) If the appeal is granted, notify the individual and provide access to the material to which access has been granted.

(3) The written appeal notification granting or denying access is the final Component action as regards access.

(4) The individual shall file any appeals from denial of access within no less than 60 calendar days of receipt of the denial notification.

(5) Process all appeals within 30 days of receipt unless the appeal authority determines that a fair and equitable review cannot be made within that period. Notify the applicant in writing if additional time is required for the appellate review. The notification must include the reasons for the delay and state when the individual may expect an answer to the appeal.

(e) *Denial of appeals by failure to act.* A requester may consider his or her appeal formally denied if the authority fails:

(1) To act on the appeal within 30 days;

(2) To provide the requester with a notice of extension within 30 days; or

(3) To act within the time limits established in the Component's notice of extension (see paragraph (d)(5) of this section).

(f) *Denying access to OPM records held by DoD Components.* (1) The records in all systems of records maintained in accordance with the OPM government-wide system notices are technically only in the temporary custody of the Department of Defense.

(2) All requests for access to these records must be processed in accordance with the Federal Personnel Manual (5 CFR Parts 293, 294, 297 and 735) as well as the applicable Component procedures.

(3) When a DoD Component refuses to grant access to a record in an OPM system, the Component shall instruct the individual to direct his or her appeal to the appropriate Component appeal authority, not the Office of Personnel Management.

(4) The Component is responsible for the administrative review of its denial of access to such records.

§ 286a.32 Amendment of records.

(a) *Individual review and correction.* Individuals are encouraged to review the personnel information being maintained about them by DoD Components periodically and to avail themselves of the procedures established by this part and any other Component regulations to update their records.

(b) *Amending records.* (1) An individual may request the amendment of any record contained in a system of records pertaining to him or her unless the system of record has been exempted specifically from the amendment procedures of this part under paragraph (b) of § 286a.50, Subpart F. Normally, amendments under this part are limited to correcting factual matters and not matters of official judgment, such as performance ratings, promotion potential, and job performance appraisals.

(2) While a Component may require that the request for amendment be in writing, this requirement shall not be used to discourage individuals from requesting valid amendments or to burden needlessly the amendment process.

(3) A request for amendment must include:

(i) A description of the item or items to be amended;

(ii) The specific reason for the amendment;

(iii) The type of amendment action sought (deletion, correction, or addition); and

(iv) Copies of available documentary evidence supporting the request.

(c) *Burden of proof.* The applicant must support adequately his or her claim.

(d) *Identification of requesters.* (1) Individuals may be required to provide

identification to ensure that they are indeed seeking to amend a record pertaining to themselves and not, inadvertently or intentionally, the record of others.

(2) The indentification procedures shall not be used to discourage legitimate requests or to burden needlessly or delay the amendment process. (See paragraph (c) of § 286a.30).

(e) *Limits on attacking evidence previously submitted.* (1) The amendment process is not intended to permit the alteration of evidence presented in the course of judicial or quasi-judicial proceedings. Any amendments or changes to these records normally are made through the specific procedures established for the amendment of such records.

(2) Nothing in the amendment process is intended or designed to permit a collateral attack upon what has already been the subject of a judicial or quasi-judicial determination. However, while the individual may not attack the accuracy of the judicial or quasi-judicial determination under this part, he or she may challenge the accuracy of the recording of that action.

(f) *Sufficiency of a request to amend.* Consider the following factors when evaluating the sufficiency of a request to amend:

(1) The accuracy of the information itself; and

(2) The relevancy, timeliness, completeness, and necessity of the recorded information for accomplishing an assigned mission or purpose.

(g) *Time limits.* (1) Provide written acknowledgement of a request to amend within 10 working days of its receipt by the appropriate systems manager. There is no need to acknowledge a request if the action is completed within 10 working days and the individual is so informed.

(2) The letter of acknowledgement shall clearly identify the request and advise the individual when he or she may expect to be notified of the completed action.

(3) Only under the most exceptional circumstances shall more than 30 days be required to reach a decision on a request to amend. Document fully and explain in the Privacy Act case file (see paragraph (p) of this section) any such decision that takes more than 30 days to resolve.

(h) *Agreement to amend.* If the decision is made to grant all or part of the request for amendment, amend the record accordingly and notify the requester.

(i) *Notification of previous recipients.* (1) Notify all previous recipients of the information, as reflected in the disclosure accounting records, that an amendment has been made and the substance of the amendment. Recipients who are known to be no longer retaining the information need not be advised of the amendment. All DoD Components and federal agencies known to be retaining the record or information, even if not reflected in a disclosure record, shall be notified of the amendment. Advise the requester of these notifications.

(2) Honor all requests by the requester to notify specific federal agencies of the amendment action.

(j) *Denying amendment.* If the request for amendment is denied in whole or in part, promptly advise the individual in writing of the decision to include:

(1) The specific reason and authority for not amending;

(2) Notification that he or she may seek further independent review of the decision by the head of the Component or his or her designee;

(3) The procedures for appealing the decision citing the position and address of the official to whom the appeal shall be addressed; and

(4) Where he or she can receive assistance in filing the appeal.

(k) *DoD Component appeal procedures.* Establish procedures to ensure the prompt, complete, and independent review of each amendment denial upon appeal by the individual. These procedures must ensure that:

(1) The appeal with all supporting materials both that furnished the individual and that contained in Component records is provided to the reviewing official, and

(2) If the appeal is denied completely or in part, the individual is notified in writing by the reviewing official that:

(i) The appeal has been denied and the specific reason and authority for the denial;

(ii) The individual may file a statement of disagreement with the appropriate authority and the procedures for filing this statement;

(iii) If filed properly, the statement of disagreement shall be included in the records, furnished to all future recipients of the records, and provided to all prior recipients of the disputed records who are known to hold the record; and

(iv) The individual may seek a judicial review of the decision not to amend.

(3) If the record is amended, ensure that:

(i) The requester is notified promptly of the decision;

(ii) All prior known recipients of the records who are known to be retaining the record are notified of the decision and the specific nature of the amendment (see paragraph (i) of this section); and

(iii) The requester is notified as to which DoD Components and federal agencies have been told of the amendment.

(4) Process all appeals within 30 days unless the appeal authority determines that a fair review cannot be made within this time limit. If additional time is required for the appeal, notify the requester, in writing, of the delay, the reason for the delay, and when he or she may expect a final decision on the appeal. Document fully all requirements for additional time in the Privacy Case File. (See paragraph (p) of this section)

(l) *Denying amendment of OPM records held by DoD Components.* (1) The records in all systems of records controlled by the Office of Personnel Management (OPM) government-wide system notices are technically only temporarily in the custody of the Department of Defense.

(2) All requests for amendment of these records must be processed in accordance with the OPM Federal Personnel Manual (5 CFR Parts 293, 294, 297 and 735). The Component denial authority may deny a request. However, the appeal process for all such denials must include a review by the Assistant Director for Agency Compliance and Evaluation, Office of Personnel Management, 1900 E Street NW, Washington, DC 20415.

(3) When an appeal is received from a Component's denial of amendment of the OPM controlled record, process the appeal in accordance with the OPM Federal Personnel Manual (5 CFR Parts 293, 294, 297 and 735) and notify the OPM appeal authority listed above.

(4) The individual may appeal any Component decision not to amend the OPM records directly to OPM.

(5) OPM is the final review authority for any appeals from a denial to amend the OPM records.

(m) *Statements of disagreement submitted by individuals.* (1) If the reviewing authority refuses to amend the record as requested, the individual may submit a concise statement of disagreement setting forth his or her reasons for disagreeing with the decision not to amend.

(2) If an individual chooses to file a statement of disagreement, annotate the record to indicate that the statement has been filed (see paragraph (n) of this section).

(3) Furnish copies of the statement of disagreement to all DoD Components and federal agencies that have been provided copies of the disputed

information and who may be maintaining the information.

(n) *Maintaining statements of disagreement.* (1) When possible, incorporate the statement of disagreement into the record.

(2) If the statement cannot be made a part of the record, establish procedures to ensure that it is apparent from the records that a statement of disagreement has been filed and maintain the statement so that it can be obtained readily when the disputed information is used or disclosed.

(3) Automated record systems that are not programed to accept statements of disagreement shall be annotated or coded so that they clearly indicate that a statement of disagreement is on file, and clearly identify the statement with the disputed information in the system.

(4) Provide a copy of the statement of disagreement whenever the disputed information is disclosed for any purpose.

(o) *DoD Component summaries of reasons for refusing to amend.* (1) A summary of reasons for refusing to amend may be included with any record for which a statement of disagreement is filed.

(2) Include in this summary only the reasons furnished to the individual for not amending the record. Do not include comments on the statement of disagreement. Normally, the summary and statement of disagreement are filed together.

(3) When disclosing information for which a summary has been filed, a copy of the summary may be included in the release, if the Component desires.

(p) *Privacy Case Files.* (1) Establish a separate Privacy Case File to retain the documentation received and generated during the amendment or access process.

(2) The Privacy Case File shall contain as a minimum:

(i) The request for amendment or access;

(ii) Copies of the DoD Component's reply granting or denying the request;

(iii) Any appeals from the individual;

(iv) Copies of the action regarding the appeal with supporting documentation which is not in the basic file; and

(v) Any other correspondence generated in processing the appeal, to include coordination documentation.

(3) Only the items listed in paragraphs (p)(4) and (s) of this section may be included in the system of records challenged for amendment or for which access is sought. Do *not* retain copies of unamended records in the basic record system if the request for amendment is granted.

(4) The following items relating to an amendment request may be included in the disputed record system:

(i) Copies of the amended record.

(ii) Copies of the individual's statement of disagreement (see paragraph (m) of this section).

(iii) Copies of Component summaries (see paragraph (o) of this section).

(iv) Supporting documentation submitted by the individual.

(5) The following items relating to an access request may be included in the basic records system:

(i) Copies of the request;

(ii) Copies of the Component's action granting total access.

Note.—A separate Privacy case file need not be created in such cases.

(iii) Copies of the Component's action denying access;

(iv) Copies of any appeals filed;

(v) Copies of the reply to the appeal.

(6) There is no need to establish a Privacy case file if the individual has not cited the Privacy Act (reference (b)), this part, or the Component implementing instruction for this part.

(7) Privacy case files shall not be furnished or disclosed to anyone for use in making any determination about the individual other than determinations made under this part.

§ 286a.33 Reproduction fees.

(a) *Assessing fees.* (1) Charge the individual only the direct cost of reproduction.

(2) Do not charge reproduction fees if copying is:

(i) The only means to make the record available to the individual (for example, a copy of the record must be made to delete classified information); or

(ii) For the convenience of the DoD Component (for example, the Component has no reading room where an individual may review the record, or reproduction is done to keep the original in the Component's file).

(3) No fees shall be charged when the record may be obtained without charge under any other regulation, directive, or statute.

(4) Do not use fees to discourage requests.

(b) *No minimum fees authorized.* Use fees only to recoup direct reproduction costs associated with granting access. Minimum fees for duplication are not authorized and there is no automatic charge for processing a request.

(c) *Prohibited fees.* Do not charge or collect fees for:

(1) Search and retrieval of records;

(2) Review of records to determine releasability;

(3) Copying records for DoD Component convenience or when the individual has not specifically requested a copy;

(4) Transportation of records and personnel; or

(5) Normal postage.

(d) *Waiver of fees.* (1) Normally, fees are waived automatically if the direct costs of a given request is less than $30. This fee waiver provision does not apply when a waiver has been granted to the individual before, and later requests appear to be an extension or duplication of that original request. A DoD Component may, however, set aside this automatic fee waiver provision when on the basis of good evidence it determines that the waiver of fees is not in the public interest.

(2) Decisions to waiver or reduce fees that exceed the automatic waiver threshold shall be made on a case-by-case basis.

(e) *Fees for members of Congress.* Do not charge members of Congress for copying records furnished even when the records are requested under the Privacy Act on behalf of a constituent (see paragraph (k) of § 286a.41 of Subpart E). When replying to a constituent inquiry and the fees involved are substantial, consider suggesting to the Congressman that the constituent can obtain the information directly by writing to the appropriate offices and paying the costs. When practical, suggest to the Congressman that the record can be examined at no cost if the constituent wishes to visit the custodian of the record.

(f) *Reproduction fees computation.* Compute fees using the appropriate portions of the fee schedule in Subpart G of the DoD Freedom of Information Program (32 CFR Part 286).

Subpart E—Disclosure of Personal Information to Other Agencies and Third Parties

§ 286a.40 Conditions of disclosure.

(a) *Disclosures to third parties.* (1) The Privacy Act only compels disclosure of records from a system of records to the individuals to whom they pertain.

(2) All requests by individual for personal information about other individuals (third parties) shall be processed under the DoD Freedom of Information Program (32 CFR Part 286), except for requests by the parents of a minor, or legal guardians of an individual, for access to the records pertaining to the minor or individual.

(b) *Disclosures among DoD Components.* For the purposes of disclosure and disclosure accounting,

the Department of Defense is considered a single agency (see paragraph (a) of § 286a.41).

(c) *Disclosures outside the Department of Defense.* Do not disclose personal information from a system of records outside the Department of Defense unless:

(1) The record has been requested by the individual to whom it pertains.

(2) The written consent of the individual to whom the record pertains has been obtained for release of the record to the requesting agency, activity, or individual, or

(3) The release is for one of the specific nonconsensual purposes set forth in § 286a.41 of this part.

(d) *Validation before disclosure.* Except for releases made in accordance with the Freedom of Information Act (5 U.S.C. 552), before disclosing any personal information to any recipient outside the Department of Defense other than a federal agency or the individual to whom it pertains:

(1) Ensure that the records are accurate, timely, complete, and relevant for agency purposes;

(2) Contact the individual, if reasonably available, to verify the accuracy, timeliness, completeness, and relevancy of the information, if the cannot be determined from the record; or

(3) If the information is not current and the individual is not reasonably available, advise the recipient that the information is believed accurate as of a specific date and any other known factors bearing on its accuracy and relevancy.

§ 286a.41 Nonconsensual disclosures.

(a) *Disclosures within the Department of Defense.* (1) Records pertaining to an individual may be disclosed without the consent of the individual to any DoD official who has need for the record in the performance of his or her assigned duties.

(2) Rank, position, or title alone do not authorize access to personal information about others. An official need for the information must exist before disclosure.

(b) *Disclosures under the Freedom of Information Act.* (1) All records must be disclosed if their release is required by the Freedom of Information Act (5 U.S.C 552) see also the DoD Freedom of Information Program (32 CFR Part 286). The Freedom of Information Act requires that records be made available to the public unless exempted from disclosure by one of the nine exemptions found in the Act. It follows, therefore, that if a record is not exempt from disclosure it must be disclosed.

(2) The standard for exempting most personal records, such as personnel records, medical records, and similar records, is found in Exemption Number 6 of § 286.31 of 32 CFR Part 286. Under that exemption, release of personal information can only be denied when its release would be a "clearly unwarranted invasion of personal privacy."

(3) Release of personal information in investigatory records including personnel security investigation records is controlled by the broader standard of an "unwarranted invasion of personal privacy" found in Exemption Number 7 of § 286.31 of 32 CFR Part 286. This broader standard applies only to investigatory records.

(4) See 32 CFR Part 286 for the standards to use in applying these exemptions.

(c) *Personal information that is normally releasable.*—(1) *DoD civilian employees.* (i) Some examples of personal information regarding DoD civilian employees that normally may be released without a clearly unwarranted invasion of personal privacy include:

(A) Name.

(B) Present and past postion titles.

(C) Present and past grades.

(D) Present and past salaries.

(E) Present and past duty stations.

(F) Office or duty telephone numbers.

(ii) All disclosures of personal information regarding federal civilian employees shall be made in accordance with the Federal Personnel Manual (FPM) 5 CFR Parts 293, 294, 297 and 735.

(2) *Military members.* (i) While it is not possible to identify categorically information that must be released or withheld from military personnel records in every instance, the following items of personal information regarding military members normally may be disclosed without a clearly unwarranted invasion of their personal privacy:

(A) Full name.

(B) Rank.

(C) Date of rank.

(D) Gross salary.

(E) Past duty assignments.

(F) Present duty assignment.

(G) Future assignments that are officially established.

(H) Office of duty telephone numbers.

(I) Source of commission.

(J) Promotion sequence number.

(K) Awards and decorations.

(L) Attendance at professional military schools.

(M) Duty status at any given time.

(ii) All releases of personal information regarding military members shall be made in accordance with the standards established by 32 CFR Part 286.

(3) *Civilian employees not under the FPM.* (i) While it is not possible to identify categorically those items of personal information that must be released regarding civilian employees not subject to the Federal Personnel Manual (5 CFR Parts 293, 294, 297 and 735), such as nonappropriated fund employees, normally the following items may be released without a clearly unwarranted invasion of personal privacy:

(A) Full name.

(B) Grade or position.

(C) Date of grade.

(D) Gross salary.

(E) Present and past assignments.

(F) Future assignments, if officially established.

(G) Office or duty telephone numbers.

(ii) All releases of personal information regarding civilian personnel in this category shall be made in accordance with the standards established by 32 CFR Part 286, the DoD Freedom of Information Program.

(d) *Release of home addresses and home telephone numbers.* (1) The release of home addresses and home telephone numbers normally is considered a clearly unwarranted invasion of personal privacy and is prohibited. However, these may be released without prior specific consent of the individual if:

(i) The individual has indicated previously that he or she interposes no objection to their release (see paragraphs(d)(3) and (4) of this section);

(ii) The source of the information to be released is a public document such as commercial telephone directory or other public listing;

(iii) The release is required by federal statute (for example, pursuant to federally-funded state programs to locate parents who have defaulted on child support payments (42 U.S.C. section 653); or

(iv) The releasing official releases the information under the provisions of the DoD Freedom of Information Act Program (32 CFR Part 286).

(2) A request for a home address or telephone number may be referred to the last known address of the individual for a direct reply by him or her to the requester. In such cases the requester shall be notified of the referral.

(3) When collecting lists of home addresses and telephone numbers, the individual may be offered the option of authorizing the information pertaining to him or her to be disseminated without further permission for specific purposes, such as locator services. In these cases, the information may be disseminated for the stated purpose without further

consent. However, if the information is to be disseminated for any other purpose, a new consent is required. Normally such consent for release is in writing and signed by the individual.

(4) Before listing home addresses and home telephone numbers in DoD telephone directories, give the individuals the opportunity to refuse such a listing. Excuse the individual from paying any additional cost that may be associated with maintaining an unlisted number for government-owned telephone services if the individual requests his or her number not be listed in the directory under this part.

(5) Do not sell or rent lists of individual names and addresses unless such action is specifically authorized.

(e) *Disclosures for established routine uses.* (1) Records may be disclosed outside the Department of Defense without consent of the individual to whom they pertain for an established routine use.

(2) A routine use shall:

(i) Be compatible with and related to the purpose for which the record was compiled;

(ii) Identify the persons or organizations to whom the record may be released;

(iii) Identify specifically the uses to which the information may be put by the receiving agency; and

(iv) Have been published previously in the **Federal Register** (see paragraph (i) of § 286a.62, Subpart G).

(3) Establish a routine use for each user of the information outside the Department of Defense who need official access to the records.

(4) Routine uses may be established, discontinued, or amended without the consent of the individuals involved. However, new or changed routine uses must be published in the **Federal Register** at least 30 days before actually disclosing any records under their provisions (see Subpart G).

(5) In addition to the routine uses established by the individual system notices, common blanket routine uses for all DoD-maintained systems of records have been established (see Appendix C). These blanket routine uses are published only at the beginning of the listing of system notices for each Component in the **Federal Register** (see paragraph (a)(1) of § 286a.62, Subpart G). Unless a system notice specifically excludes a system from a given blanket routine use, all blanket routine uses apply.

(6) If the recipient has not been identified in the **Federal Register** or a use to which the recipient intends to put the record has not been published in the system notice as a routine use, the written permission of the individual is required before release or use of the record for that purpose.

(f) *Disclosures to the Bureau of the Census.* Records in DoD systems of records may be disclosed without the consent of the individuals to whom they pertain to the Bureau of the Census for purposes of planning or carrying out a census survey or related activities pursuant to the provisions of 13 U.S.C., section 8.

(g) *Disclosures for statistical research and reporting.* (1) Records may be disclosed for statistical research and reporting without the consent of the individuals to whom they pertain. Before such disclosures the recipient must provide advance written assurance that:

(i) The records will be used as statistical research or reporting records;

(ii) The records will only be transferred in a form that is not individually identifiable; and

(iii) The records will not be used, in whole or in part, to make any determination about the rights, benefits, or entitlements of specific individuals.

(2) A disclosure accounting (see paragraph (a) of § 286.44) is not required when information that is not identifiable individually is released for statistical research or reporting.

(h) *Disclosures to the National Archives and Records Administration (NARA) General Services Administration.* (1) Records may be disclosed without the consent of the individual to whom they pertain to the NARA if they:

(i) Have historical or other value to warrant continued preservation; or

(ii) For evaluation by the NARA to determine if a record has such historical or other value.

(2) Records transferred to a Federal Records Center (FRC) for safekeeping and storage do not fall within this category. These remain under the control of the transferring Component, and the FRC personnel are considered agents of the Component which retains control over the records. No disclosure accounting is required for the transfer of records to the FRCs.

(i) *Disclosures for law enforcement purposes.* (1) Records may be disclosed without the consent of the individual to whom they pertain to another agency or an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity, provided:

(i) The civil or criminal law enforcement activity is authorized by law;

(ii) The head of the law enforcement activity or a designee has made a written request specifying the particular records desired and the law enforcement purpose (such as criminal investigations, enforcement of a civil law, or a similar purpose) for which the record is sought; and

(iii) There is no federal statute that prohibits the disclosure of the records.

(2) Normally, blanket requests for access to any and all records pertaining to an individual are not honored.

(3) When a record is released to a law enforcement activity under paragraph (i)(1) of this section, maintain a disclosure accounting. This disclosure accounting shall not be made available to the individual to whom the record pertains if the law enforcement activity requests that the disclosure not be released.

(4) The blanket routine use for Law Enforcement (Appendix C, section A.) applies to all DoD Component systems notices (see paragraph (e)(5) of this section). Only by including this routine use can a Component, on its own initiative, report indications of violations of law found in a system of records to a law enforcement activity without the consent of the individual to whom the record pertains (see paragraph (i)(1) of this section when responding to requests from law enforcement activities).

(j) *Emergency disclosures.* (1) Records may be disclosed without the consent of the individual to whom they pertain if disclosure is made under compelling circumstances affecting the health or safety of any individual. The affected individual need not be the subject of the record disclosed.

(2) When such a disclosure is made, notify the individual who is the subject of the record. Notification sent to the last known address of the individual as reflected in the records is sufficient.

(3) The specific data to be disclosed is at the discretion of releasing authority.

(4) Emergency medical information may be released by telephone.

(k) *Disclosures to Congress and the General Accounting Office.* (1) Records may be disclosed without the consent of the individual to whom they pertain to either House of the Congress or to any committee, joint committee or subcommittee of Congress if the release pertains to a matter within the jurisdiction of the committee. Records may also be disclosed to the General Accounting Office (GAO) in the course of the activities of GAO.

(2) The blanket routine use for "Congressional Inquiries" (see Appendix C, section D.) applies to all systems; therefore, there is no need to verify that the individual has authorized

the release of his or her record to a congressional member when responding to a congressional constituent inquiry.

(3) If necessary, accept constituent letters requesting a member of Congress to investigate a matter pertaining to the individual as written authorization to provide access to the records to the congressional member or his or her staff.

(4) The verbal statement by a congressional staff member is acceptable to establish that a request has been received from the person to whom the records pertain.

(5) If the constituent inquiry is being made on behalf of someone other than the individual to whom the record pertains, provide the congressional member only that information releasable under the Freedom of Information Act (5 U.S.C. 552). Advise the congressional member that the written consent of the individual to whom the record pertains is required before any additional information may be released. Do not contact individuals to obtain their consents for release to congressional members unless a congressional office specifically requests that this be done.

(6) Nothing in paragraph (k)(2) of this section prohibits a Component, when appropriate, from providing the record directly to the individual and notifying the congressional office that this has been done without providing the record to the congressional member.

(7) See paragraph (e) of § 286a.33 for the policy on assessing fees for Members of Congress.

(8) Make a disclosure accounting each time a record is disclosed to either House of Congress, to any committee, joint committee, or subcommittee of Congress, to any congressional member, or GAO.

(l) *Disclosures under court orders.* (1) Records may be disclosed without the consent of the person to whom they pertain under a court order signed by a judge of a court of competent jurisdiction. Releases may also be made under the compulsory legal process of federal or state bodies having authority to issue such process.

(2) When a record is disclosed under this provision, make reasonable efforts to notify the individual to whom the record pertains, if the legal process is a matter of public record.

(3) If the process is not a matter of public record at the time it is issued, seek to be advised when the process is made public and make reasonable efforts to notify the individual at that time.

(4) Notification sent to the last known address of the individual as reflected in the records is considered reasonable effort to notify.

(5) Make a disclosure accounting each time a record is disclosed under a court order or compulsory legal process.

(m) *Disclosures to consumer reporting agencies.* (1) Certain personal information may be disclosed to consumer reporting agencies as defined by the Federal Claims Collection Act of 1966, as amended (31 U.S.C. section 952(d)).

(2) Under the provisions of paragraph (m)(1) of this section, the following information may be disclosed to a consumer reporting agency:

(i) Name, address, taxpayer identification number (SSN), and other information necessary to establish the identity of the individual.

(ii) The amount, status, and history of the claim.

(iii) The agency or program under which the claim arose.

(3) The Federal Claims Collection Act of 1966, as amended (31 U.S.C. section 952(d)) specifically requires that the system notice for the system of records from which the information will be disclosed indicates that the information may be disclosed to a "consumer reporting agency."

§ 286a.42 Disclosures to Commercial Enterprises.

(1) *General policy.* (1) Make releases of personal information to commercial enterprises under the criteria established by the DoD Freedom of Information Program (32 CFR Part 286).

(2) The relationship of commercial enterprises to their clients or customers and to the Department of Defense are not changed by this part.

(3) The DoD policy on personal indebtedness for military personnel is contained in 32 CFR Part 43a and for civilian employees in the Office of Personnel Management, Federal Personnel Manual (5 CFR Part 550).

(b) *Release of personal information.* (1) Any information that must be released under the Freedom of Information (5 U.S.C. 552) may be released to a commercial enterprise without the individual's consent (see paragraph (b) of § 286a.41 of this subpart).

(2) Commercial enterprises may present a signed consent statement setting forth specific conditions for release of personal information. Statements such as the following, if signed by the individual, are considered valid:

I hereby authorize the Department of Defense to verify my Social Security Number or other identifying information and to disclose my home address and telephone number to authorized representatives of (name of commercial enterprise) so that they may use this information in connection with my commercial dealings with that enterprise. All information furnished will be used in connection with my financial relationship with (name of commercial enterprise).

(3) When a statement of consent as outlined in paragraph (b)(2) of this section is presented, provide the requested information if its release is not prohibited by some other regulation or statute.

(4) Blanket statements of consent that do not identify specifically the Department of Defense or any of its Components, or that do not specify exactly the type of information to be released, may be honored if it is clear that the individual in signing the consent statement intended to obtain a personal benefit (for example, a loan to buy a house) and was aware of the type information that would be sought. Care should be exercised in these situations to release only the minimum amount of personal information essential to obtain the benefit sought.

(5) Do not honor request from commercial enterprises for official evaluation of personal characteristics, such as evaluation of personal financial habits.

§ 286a.43 Disclosures to the Public from Health Care Records.

(a) *Section applicability.* This section applies to the release of information to the news media or the public concerning persons treated or hospitalized in DoD medical facilities and patients of nonfederal medical facilities for whom the cost of the care is paid by the Department of Defense.

(b) *General disclosure.* Normally, the following may be released without the patient's consent.

(1) Personal information concerning the patient. See 32 CFR Part 286, The DoD Freedom of Information Act Program and paragraph (c) of § 286a.41.

(2) Medical condition:

(i) Date of admission or disposition;

(ii) The present medical assessment of the individual's condition in the following terms if the medical doctor has volunteered the information:

(A) The individual's condition is presently (stable) (good) (fair) (serious) or (critical), and

(B) Whether the patient is conscious, semiconscious, or unconscious.

(c) *Individual consent.* (1) Detailed medical and other personal information may be released in response to inquiries from the news media and public if the patient has given his or her informed consent to such a release.

(2) If the patient is not conscious or competent, no personal information except that required by the Freedom of Information Act (5 U.S.C. 552) shall be released until there has been enough improvement in the patient to ensure he or she can give informed consent or a guardian has been appointed legally for the patient and the guardian has given consent on behalf of the patient.

(3) The consent described in paragraph (c)(1) of this section regarding patients who are minors must be given by the parent of legal guardian.

(d) *Information that may be released with individual consent.* (1) Any item of personal information may be released, if the patient has given his or her informed consent to its release.

(2) Releasing medical information about patients shall be done with discretion, so as not to embarrass the patient, his or her family, or the Department of Defense, needlessly.

(e) *Disclosures to other government agencies.* This subpart does not limit the disclosures of personal medical information to other government agencies for use in determining eligibility for special assistance or other benefits.

§ 286a.44 Disclosure accounting.

(a) *Disclosure accountings.* (1) Keep an accurate record of all disclosures made from any system of records except disclosures:

(i) To DoD personnel for use in the performance of their official duties; or

(ii) Under 32 CFR Part 286, The DoD Freedom of Information Program.

(2) In all other cases a disclosure accounting is required even if the individual has consented to the disclosure of the information pertaining to him or her.

(3) Disclosure accountings:

(i) Permit individuals to determine to whom information has been disclosed;

(ii) Enable the activity to notify past recipients of disputed or corrected information (paragraph (i)(1) of § 286a.32, Subpart D); and

(iii) Provide a method of determining compliance with paragraph (c) of § 286a.40.

(b) *Contents of disclosure accountings.* As a minimum, disclosure accounting shall contain:

(1) The date of the disclosure.

(2) A description of the information released.

(3) The purpose of the disclosure.

(4) The name and address of the person or agency to whom the disclosure was made.

(c) *Methods of disclosure accounting.* Use any system of disclosure accounting that will provide readily the necessary disclosure information (see paragraph (a)(3) of this section).

(d) *Accounting for mass disclosures.* When numerous similar records are released (such as transmittal of payroll checks to a bank), identify the category of records disclosed and include the data required by paragraph (b) of this section in some form that can be used to construct an accounting disclosure record for individual records if required (see paragraph (a)(3) of this section).

(e) *Disposition of disclosure accounting records.* Retain disclosure accounting records for 5 years after the disclosure or the life of the record, whichever is longer.

(f) *Furnishing disclosure accountings to the individual.* (1) Make available to the individual to whom the record pertains all disclosure accountings except when:

(i) The disclosure has been made to a law enforcement activity under paragraph (i) of § 286a.41 and the law enforcement activity has requested that disclosure not be made; or

(ii) The system of records has been exempted from the requirement to furnish the disclosure accounting under the provisions of paragraph (b) of § 286a.50, Subpart F.

(2) If disclosure accountings are not maintained with the record and the individual requests access to the accounting, prepare a listing of all disclosures (see paragraph (b) of this section) and provide this to the individual upon request.

Subpart F—Exemptions

§ 286a.50 Use and establishment of exemptions.

(a) *Types of exemptions.* (1) There are two types of exemptions permitted by the Privacy Act.

(i) General exemptions that authorize the exemption of a system of records from all but certain specifically identified provisions of the Act.

(ii) Specific exemptions that allow a system of records to be exempted only from certain designated provisions of the Act.

(2) Nothing in the Act permits exemption of any system of records from all provisions of the Act (see Appendix D).

(b) *Establishing exemptions.* (1) Neither general nor specific exemptions are established automatically for any system of records. The head of the DoD Component maintaining the system of records must make a determination whether the system is one for which an exemption properly may be claimed and then propose and establish an exemption rule for the system. No system of records within the Department of Defense shall be considered exempted until the head of the Component has approved the exemption and an exemption rule has been published as a final rule in the **Federal Register** (see paragraph (e) of § 286a.60, Subpart G).

(2) Only the head of the DoD Component or an authorized designee may claim an exemption for a system of records.

(3) A system of records is considered exempt only from those provisions of the Privacy Act (5 U.S.C. 552a) which are identified specifically in the Component exemption rule for the system and which are authorized by the Privacy Act.

(4) To establish an exemption rule, see § 286a.61 of Subpart G.

(c) *Blanket exemption for classified material.* (1) Include in the Component rules a blanket exemption under 5 U.S.C. 552a(k)(1) of the Privacy Act from the access provisions (5 U.S.C. 552a(d)) and the notification of access procedures (5 U.S.C. 522a(e)(4)(H)) of the Act for all classified material in any system of records maintained.

(2) Do not claim specifically an exemption under section 552a(k)(1) of the Privacy Act for any system of records. The blanket exemption affords protection to all classified material in all systems of records maintained.

(d) *Provisions from which exemptions may be claimed.* (1) The head of a DoD Component may claim an exemption from any provision of the Act from which an exemption is allowed (see Appendix D).

(2) Notify the Defense Privacy Office ODASD(A) before claiming an exemption for any system of records from the following:

(i) The exemption rule publication requirement (5 U.S.C. 552a(j)) of the Privacy Act.

(ii) The requirement to report new systems of records (5 U.S.C. 552a(o)); or

(iii) The annual report requirement (5 U.S.C. 552a(p)).

(e) *Use of exemptions.* (1) Use exemptions only for the specific purposes set forth in the exemption rules (see paragraph (b) of § 286a.61, Subpart G).

(2) Use exemptions only when they are in the best interest of the government and limit them to the specific portions of the records requiring protection.

(3) Do not use an exemption to deny an individual access to any record to which he or she would have access

under the Freedom of Information Act (5 U.S.C. 552).

(f) *Exempt records in nonexempt systems.* (1) Exempt records temporarily in the hands of another Component are considered the property of the originating Component and access to these records is controlled by the system notices and rules of the originating Component.

(2) Records that are actually incorporated into a system of records may be exempted only to the extent the system of records into which they are incorporated has been granted an exemption, regardless of their original status or the system of records for which they were created.

(3) If a record is accidentally misfiled into a system of records, the system notice and rules for the system in which it should actually be filed will govern.

§ 286a.51 General exemptions.

(a) *Use of the general exemptions.* (1) No DoD Component is authorized to claim the exemption for records maintained by the Central Intelligence Agency established by 5 U.S.C. 552a(j)(1) of the Privacy Act.

(2) The general exemption established by 5 U.S.C. 552a(j)(2) of the Privacy Act may be claimed to protect investigative records created and maintained by law-enforcement activities of a DoD Component.

(3) To qualify for the (j)(2) exemption, the system of records must be maintained by an element that performs as its principal function enforcement of the criminal law, such as U.S. Army Criminal Investigation Command (CIDC), Naval Investigative Service (NIS), the Air Force Office of Special Investigations (AFOSI), and military police activities. Law enforcement includes police efforts to detect, prevent, control, or reduce crime, to apprehend or identify criminals; and the activities of correction, probation, pardon, or parole authorities.

(4) Information that may be protected under the (j)(2) exemption include:

(i) Records compiled for the purpose of identifying criminal offenders and alleged offenders consisting only of identifying data and notations of arrests, the nature and disposition of criminal charges, sentencing, confinement, release, parole, and probation status (so-called criminal history records);

(ii) Reports and other records compiled during criminal investigations, to include supporting documentation.

(iii) Other records compiled at any stage of the criminal law enforcement process from arrest or indictment through the final release from parole supervision, such as presentence and parole reports.

(5) The (j)(2) exemption does not apply to:

(i) Investigative records prepared or maintained by activities without primary law-enforcement missions. It may not be claimed by any activity that does not have law enforcement as its principal function.

(ii) Investigative records compiled by any activity concerning employee suitability, eligibility, qualification, or for individual access to classified material regardless of the principal mission of the compiling DoD Component.

(6) The (j)(2) exemption claimed by the law-enforcement activity will not protect investigative records that are incorporated into the record system of a nonlaw enforcement activity or into nonexempt systems of records (see paragraph (f)(2) of § 286a.50). Therefore, all system managers are cautioned to comply with the various regulations prohibiting or limiting the incorporation of investigatory records into system of records other than those maintained by law-enforcement activities.

(b) *Access to records for which a (j)(2) exemption is claimed.* Access to investigative records in the hands of a law-enforcement activity or temporarily in the hands of a military commander or other criminal adjudicative activity shall be processed under 32 CFR Part 286, The DoD Freedom of Information Act Program, provided that the system of records from which the file originated is a law enforcement record system that has been exempted from the access provisions of this part (see paragraph (h) of § 286a.30, Subpart D).

§ 286a.52 Specific Exemptions.

(a) *Use of the specific exemptions.* The specific exemptions permit certain categories of records to be exempted from certain specific provisions of the Privacy Act (see Appendix D). To establish a specific exemption, the records must meet the following criteria (parenthetical references are to the appropriate subsection of the Privacy Act (5 U.S.C. 552a(k)):

(1) *The (k)(1).* Information specifically authorized to be classified under the DoD Information Security Program Regulation, 32 CFR Part 159. (see also paragraph (c) of this section).

(2) *The (k)(2).* Investigatory information compiled for law-enforcement purposes by nonlaw enforcement activities and which is not within the scope of paragraph (a) of § 286a.51. If an individual is denied any right, privilege or benefit that he or she is otherwise entitled by federal law or for which he or she would otherwise be eligible as a result of the maintenance of the information, the individual will be provided access to the information except to the extent that disclosure would reveal the identity of a confidential source. This subsection when claimed allows limited protection of investigative reports maintained in a system of records used in personnel or administrative actions.

(3) *The (k)(3).* Records maintained in connection with providing protective services to the President and other individuals under 18 U.S.C., Section 3506.

(4) *The (k)(4).* Records maintained solely for statistical research or program evaluation purposes and which are not used to make decisions on the rights, benefits, or entitlement of an individual except for census records which may be disclosed under 13 U.S.C., section 8.

(5) *The (k)(5).* Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for federal civilian employment, military service, federal contracts, or access to classified information, but only to the extent such material would reveal the identity of a confidential source. This provision allows protection of confidential sources used in background investigations, employment inquiries, and similar inquiries that are for personnel screening to determine suitability, eligibility, or qualifications.

(6) *The (k)(6).* Testing or examination material used solely to determine individual qualifications for appointment or promotion in the federal or military service, if the disclosure would compromise the objectivity or fairness of the test or examination process.

(7) *The (k)(7).* Evaluation material used to determine potential for promotion in the Military Services, but only to the extent that the disclosure of such material would reveal the identity of a confidential source.

(b) *Promises of confidentiality.* (1) Only the identity of sources that have been given an express promise of confidentiality may be protected from disclosure under paragraphs (a)(2), (5) and (7) of this section. However, the identity of sources who were given implied promises of confidentiality in inquiries conducted before September 27, 1975, may also be protected from disclosure.

(2) Ensure that promises of confidentiality are used on a limited basis in day-to-day operations. Establish appropriate procedures and identify fully those categories of individuals who

may make such promises. Promises of confidentiality shall be made only when they are essential to obtain the information sought.

(c) *Access to records for which specific exemptions are claimed.* Deny the individual access only to those portions of the records for which the claimed exemption applies.

Subpart G—Publication Requirements

§ 286a.60 Federal Register publication.

(a) *What must be published in the* **Federal Register.** (1) Three types of documents relating to the Privacy Program must be published in the **Federal Register:**

(i) DoD Component Privacy Program rules;

(ii) Component exemption rules; and

(iii) System notices.

(2) See DoD 5025.1–M, "Directives Systems Procedures," and DoD Directive 5400.9, (32 CFR Part 296) "Publication of Proposed and Adopted Regulations Affecting the Public" for information pertaining to the preparation of documents for publication in the **Federal Register.**

(b) *The effect of publication in the* **Federal Register.** Publication of a document in the **Federal Register** constitutes official public notice of the existence and content of the document.

(c) *DoD Component rules.* (1) Component Privacy Program procedures and Component exemption rules are subject to the rulemaking procedures prescribed in 32 CFR Part 296.

(2) System notices are not subject to formal rulemaking and are published in the **Federal Register** as "Notices," not rules.

(3) Privacy procedural and exemption rules are incorporated automatically into the Code of Federal Regulations (CFR). System notices are not published in the CFR.

(d) *Submission of rules for publication.* (1) Submit to the Defense Privacy Office, ODASD(A), all proposed rules implementing this part in proper format (see Appendices E, F and G) for publication in the **Federal Register.**

(2) This part has been published as a final rule in the **Federal Register** (32 CFR Part 286a). Therefore, incorporate it into your Component rules by reference rather than by republication.

(3) DoD Component rules that simply implement this part need only be published as final rules in the **Federal Register** (see DoD 5025.1–M, "Directives System Procedures," and DoD Directive 5400.9, "Publication of Proposed and Adopted Regulations Affecting the Public," (32 CFR Part 296).

(4) Amendments to Component rules are submitted like the basic rules.

(5) The Defense Privacy Office ODASD(A) submits the rules and amendments thereto to the **Federal Register** for publication.

(e) *Submission of exemption rules for publication.* (1) No system of records within the Department of Defense shall be considered exempt from any provision of this part until the exemption and the exemption rule for the system has been published as a final rule in the **Federal Register** (see paragraph (c) of this section).

(2) Submit exemption rules in proper format to the Defense Privacy Office ODASD(A). After review, the Defense Privacy Office will submit the rules to the **Federal Register** for publication.

(3) Exemption rules require publication both as proposed rules and final rules (see DoD Directive 5400.9, 32 CFR Part 296).

(4) Section 286a.61 of this subpart discusses the content of an exemption rule.

(5) Submit amendments to exemption rules in the same manner used for establishing these rules.

(f) *Submission of system notices for publication.* (1) While system notices are not subject to formal rulemaking procedures, advance public notice must be given before a Component may begin to collect personal information or use a new system of records. The notice procedures require that:

(i) The system notice describes the contents of the record system and the routine uses for which the information in the system may be released.

(ii) The public be given 30 days to comment on any proposed routine uses before implementation; and

(iii) The notice contain the data on which the system will become effective.

(2) Submit system notices to the Defense Privacy Office in the Federal Register format (see Appendix E). The Defense Privacy Office transmits the notices to the **Federal Register** for publication.

(3) Section 286a.62 of this subpart discusses the specific elements required in a system notice.

§ 286a.61 Exemption rules.

(a) *General procedures.* Paragraph (b)(1) of § 286a.50, Subpart F, provides the general guidance for establishing exemptions for systems of records.

(b) *Contents of exemption rules.* (1) Each exemption rule submitted for publication must contain the following:

(i) The record system identification and title of the system for which the exemption is claimed (see § 286a.62 of this subpart);

(ii) The specific subsection of the Privacy Act under which exemptions for the system are claimed (for example, 5 U.S.C. 552a(j)(2), 5 U.S.C. 552a(k)(3); or 5 U.S.C. 552a(k)(7);

(iii) The specific provisions and subsections of the Privacy Act from which the system is to be exempted (for example, 5 U.S.C. 552a(c)(3), or 5 U.S.C. 552a(d)(1)–(5)) (see Appendix D); and

(iv) The specific reasons why an exemption is being claimed from each subsection of the Act identified.

(2) Do not claim an exemption for classified material for individual systems of records, since the blanket exemption applies (see paragraph (c) of § 286a.50 of Subpart F).

§ 286a.62 System notices.

(a) *Contents of the system notices.* (1) The following data captions are included in each system notice:

(i) System identification (see paragraph (b) of this section).

(ii) System name (see paragraph (c) of this section).

(iii) System location (see paragraph (d) of this section).

(iv) Categories of individuals covered by the system (see paragraph (e) of this section).

(v) Categories of records in the system (see paragraph (f) of this section).

(vi) Authority for maintenance of the system (see paragraph (g) of this section).

(vii) Purpose(s) (see paragraph (h) of this section).

(viii) Routine uses of records maintained in the system, including categories of users, uses, and purposes of such uses (see paragraph (i) of this section).

(ix) Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system (see paragraph (j) of this section).

(x) Systems manager(s) and address (see paragraph (k) of this section).

(xi) Notification procedure (see paragraph (l) of this section).

(xii) Record access procedures (see paragraph (m) of this section).

(xiii) Contesting records procedures (see paragraph (n) of this section.)

(xiv) Record source categories (see paragraph (o) of this section).

(xv) Systems exempted from certain provision of the Act (see paragraph (p) of this section).

(2) The captions listed in paragraph (a)(1) of this section have been mandated by the Office of Federal Register and must be used exactly as presented.

(3) A sample system notice is shown in Appendix E.

(b) *System identification.* The system identifier must appear on all system notices and is limited to 21 positions, including Component code, file number and symbols, punctuation, and spacing.

(c) *System name.* (1) The name of the system should reasonably identify the general purpose of the system and, if possible, the general categories of individuals involved.

(2) Use acronyms only parenthetically following the title or any portion thereof, such as, "Joint Uniform Military Pay System (JUMPS)." Do not use acronyms that are not commonly known unless they are preceded by an explanation.

(3) The system name may not exceed 55 character positions including punctuation and spacing.

(d) *System location.* (1) For systems maintained in a single location provide the exact office name, organizational identity, and address or routing symbol.

(2) For geographically or organizationally decentralized systems, specify each level of organization or element that maintains a segment of the system.

(3) For automated data systems with a central computer facility and input/output terminals at several geographically separated locations, list each location by category.

(4) When multiple locations are identified by type of organization, the system location may indicate that official mailing addresses are contained in an address directory published as an appendix to the Component system notices in the **Federal Register.** Information concerning format requirements for preparation of an address directory may be obtained from the project officer, Air Force 1st Information Systems Group (AF/1ISG/GNR), Washington, DC 20330–6345.

(5) If no address directory is used or the addresses in the directory are incomplete, the address of each location where a segment of the record system is maintained must appear under the "System Location" caption.

(6) Classified addresses are not listed, but the fact that they are classified is indicated.

(7) Use the standard U.S. Postal Service two letter state abbreviation symbols and zip codes for all domestic addresses.

(e) *Categories of individuals covered by the system.* (1) Set forth the specific categories of individuals to whom records in the system pertain in clear, easily understood, nontechnical terms.

(2) Avoid the use of broad over-general descriptions, such as "all Army personnel" or "all military personnel" unless this actually reflects the category of individuals involved.

(f) *Categories of records in the system.* (1) Describe in clear, nontechnical terms the types of records maintained in the system.

(2) Only documents actually retained in the system of records shall be described, not source documents that are used only to collect data and then destroyed.

(g) *Authority for maintenance of the system.* (1) Cite the specific provision of the federal statute or Executive Order that authorizes the maintenance of the system.

(2) Include with citations for statutes the popular names, when appropriate (for example, Title 51, United States Code, section 2103, "Tea-Tasters Licensing Act"). and for Executive Orders, the official title (for example, Executive Order No. 9397, "Numbering System for Federal Accounts Relating to Individual Persons").

(3) Cite the statute or Executive Order establishing the Component for administrative housekeeping records.

(4) If the Component is chartered by a DoD Directive, cite that Directive as well as the Secretary of Defense authority to issue the Directive. For example, "Pursuant to the authority contained in the National Security Act of 1947, as amended (10 U.S.C. 133d), the Secretary of Defense has issued DoD Directive 5105.21, the charter of the Defense Intelligence Agency (DIA) as a separate Agency of the Department of Defense under his control. Therein, the Director, DIA, is charged with the responsibility of maintaining all necessary and appropriate records."

(h) *Purpose or purposes.* (1) List the specific purposes for maintaining the system of records by the Component.

(2) Include the uses made of the information within the Component and the Department of Defense (so-called "internal routine uses").

(i) *Routine uses.* (1) The blanket routine uses (Appendix C) that appear at the beginning of each Component compilation apply to all systems notices unless the individual system notice specifically states that one or more of them do not apply to the system. List the blanket routine uses at the beginning of the Component listing of system notices (see paragraph (e)(5) of § 286a.41 of Subpart E).

(2) For all other routine uses, when practical, list the specific activity to which the record may be released, to include any routine automated system interface (for example, "to the Department of Justice, Civil Rights Compliance Division," "to the Veterans Administration, Office of Disability Benefits," or "to state and local health agencies").

(3) For each routine user identified, include a statement as to the purpose or purposes for which the record is to be released to that activity (see paragraph (e) of § 286a.41 of Subpart E). The routine uses should be compatible with the purpose for which the record was collected or obtained (see paragraph (p) of § 286a.3, Subpart A).

(4) Do not use general statements, such as, "to other federal agencies as required" or "to any other appropriate federal agency."

(j) *Policies and practices for storing, retiring, accessing, retaining, and disposing of records.* This caption is subdivided into four parts:

(1) *Storage.* Indicate the medium in which the records are maintained. (For example, a system may be "automated", maintained on magnetic tapes or disks, "manual", maintained in paper files, or "hybrid", maintained in a combination of paper and automated form.) Storage does not refer to the container or facility in which the records are kept.

(2) *Retrievability.* Specify how the records are retrieved (for example, name and SSN, name, SSN) and indicate whether a manual or computerized index is required to retrieve individual records.

(3) *Safeguards.* List the categories of Component personnel having immediate access and those responsible for safeguarding the records from unauthorized access. Generally identify the system safeguards (such as storage in safes, vaults, locked cabinets or rooms, use of guards, visitor registers, personnel screening, or computer "fail-safe" systems software). Do not describe safeguards in such detail so as to compromise system security.

(4) *Retention and Disposal.* Indicate how long the record is retained. When appropriate, also state the length of time the records are maintained by the Component, when they are transferred to a Federal Records Center, length of retention at the Record Center and when they are transferred to the National Archivist or are destroyed. A reference to a Component regulation without further detailed information is insufficient.

(k) *System manager(s) and address.* (1) List the title and address of the official responsible for the management of the system.

(2) If the title of the specific official is unknown, such as for a local system, specify the local commander or office head as the systems manager.

(3) For geographically separated or organizationally decentralized activities for which individuals may deal directly with officials at each location in

exercising their rights, list the position or duty title of each category of officials responsible for the system or a segment thereof.

(4) Do not include business or duty addresses if they are listed in the Component address directory.

(l) *Notification procedures.* (1) If the record system has been exempted from subsection (e)(4)(G) of the Privacy Act (5 U.S.C. 552a) (see paragraph (d) of § 286a.50), so indicate.

(2) For all nonexempt systems, describe how an individual may determine if there are records pertaining to him or her in the system. The procedural rules may be cited, but include a brief procedural description of the needed data. Provide sufficient information in the notice to allow an individual to exercise his or her rights without referral to the formal rules.

(3) As a minimum, the caption shall include:

(i) The official title (normally the system manager) and official address to which the request is to be directed;

(ii) The specific information required to determine if there is a record of the individual in the system.

(iii) Identification of the offices through which the individual may obtain access; and

(iv) A description of any proof of identity required (see paragraph (c)(1) of § 286a.30).

(4) When appropriate, the individual may be referred to a Component official who shall provide this data to him or her.

(m) *Record access procedures.* (1) If the record system has been exempted from subsection (e)(4)(H) of the Privacy Act (5 U.S.C. 552a) (see paragraph (d) of § 286a.50), so indicate.

(2) For all nonexempt records systems, describe the procedures under which individuals may obtain access to the records pertaining to them in the system.

(3) When appropriate, the individual may be referred to the system manager or Component official to obtain access procedures.

(4) Do not repeat the addresses listed in the Component address directory but refer the individual to that directory.

(n) *Contesting record procedures.* (1) If the record system has been exempted from subsection (e)(4)(H) of the Privacy Act (5 U.S.C. 552a) (see paragraph (d) of § 286a.50), so indicate.

(2) For all nonexempt systems of records, state briefly how an individual may contest the content of a record pertaining to him or her in the system.

(3) The detailed procedures for contesting record accuracy, refusal of access or amendment, or initial review and appeal need not be included if they are readily available elsewhere and can be referred to by the public. (For example, "The Defense Mapping Agency rules for contesting contents and for appealing initial determinations are contained in DMA Instruction 5400.11 (32 CFR Part 295c).")

(4) The individual may also be referred to the system manager to determine these procedures.

(o) *Record source categories.* (1) If the record system has been exempted from subsection (e)(4)(I) of the Privacy Act (5 U.S.C. 552a) (see paragraph (d) of § 286a.50, Subpart F), so indicate.

(2) For all nonexempt systems of records, list the sources of the information in the system.

(3) Specific individuals or institutions need not be identified by name, particularly if these sources have been granted confidentiality (see paragraph (b) of § 286a.52, Subpart F).

(p) *System exempted from certain provisions of the Act.* (1) If no exemption has been claimed for the system, indicate "None."

(2) If there is an exemption claimed indicate specifically under which subsection of the Privacy Act (5 U.S.C. 552a) it is claimed.

(3) Cite the regulation and CFR section containing the exemption rule for the system. (For example, "Parts of this record system may be exempt under Title 5, United States Code, Sections 552a(k)(2) and (5), as applicable. See exemption rules contained in Army Regulation 340–21 (32 CFR Part 505).")

(q) *Maintaining the master DoD system notice registry.* (1) The Defense Privacy Office, ODASD(A) maintains a master registry of all DoD record systems notices.

(2) Coordinate with the Defense Privacy Office, ODASD(A) to ensure that all new systems are added to the master registry and all amendments and alterations are incorporated into the master registry.

§ 286a.63 New and altered record systems.

(a) *Criteria for a new record system.* (1) A new system of records is one for which there has been no system notice published in the **Federal Register.**

(2) If a notice for a system of records has been canceled or deleted before reinstating or reusing the system, a new system notice must be published in the **Federal Register.**

(b) *Criteria for an altered record system.* A system is considered altered whenever one of the following actions occurs or is proposed:

(1) A significant increase or change in the number or type of individuals about whom records are maintained.

(i) Only changes that alter significantly the character and purpose of the record system are considered alterations.

(ii) Increases in numbers of individuals due to normal growth are not considered alterations unless they truly alter the character and purpose of the system;

(iii) Increases that change significantly the scope of population covered (for example, expansion of a system of records covering a single command's enlisted personnel to include all of the Component's enlisted personnel would be considered an alteration).

(iv) A reduction in the number of individuals covered is not an alteration, but only an amendment (see paragraph (a) of § 286a.64 of this subpart).

(v) All changes that add new categories of individuals to system coverage require a change to the "Categories of individuals covered by the system" caption of the notice (paragraph (e) of § 286a.62) and may require changes to the "Purpose(s)" caption (paragraph (h) of § 286a.62).

(2) An expansion in the types or categories of information maintained.

(i) The addition of any new category of records not described under the "Categories of Records in System" caption is considered an alteration.

(ii) Adding a new data element which is clearly within the scope of the categories of records described in the existing notice is an amendment (see paragraph (a) of § 286a.64 of this subpart).

(iii) All changes under this criterion require a change to the "Categories of Records in System" caption of the notice (see paragraph (f) of § 286a.62 of this subpart).

(3) An alteration in the manner in which the records are organized or the manner in which the records are indexed and retrieved.

(i) The change must alter the nature of use or scope of the records involved (for example, combining records systems in a reorganization).

(ii) Any change under this criteria requires a change in the "Retrievability" caption of the system notice (see paragraph (j)(2) of § 286a.62 of this subpart).

(iii) If the records are no longer retrieved by name or personal identifier cancel the system notice (see paragraph (a) of § 286a.10 of Subpart B).

(4) A change in the purpose for which the information in the system is used.

(i) The new purpose must not be compatible with the existing purposes for which the system is maintained or a

use that would not reasonably be expected to be an alteration.

(ii) If the use is compatible and reasonably expected, there is no change in purpose and no alteration occurs.

(iii) Any change under this criterion requires a change in the "Purpose(s)" caption (see paragraph (h) of § 286a.62 of this subpart) and may require a change in the "Authority for maintenance of the system" caption (see paragraph (g) of § 286a.62 of this subpart).

(5) Changes that alter the computer environment (such as changes to equipment configuration, software, or procedures) so as to create the potential for greater or easier access.

(i) Increasing the number of offices with direct access is an alteration.

(ii) Software releases, such as operating systems and system utilities that provide for easier access are considered alterations.

(iii) The addition of an on-line capability to a previously batch-oriented system is an alteration.

(iv) The addition of peripheral devices such as tape devices, disk devices, card readers, printers, and similar devices to an existing ADP system constitute an amendment if system security is preserved (see paragraph (a) of § 286a.64 of this subpart).

(v) Changes to existing equipment configuration with on-line capability need not be considered alterations to the system if:

(A) The change does not alter the present security posture; or

(B) The addition of terminals does not extend the capacity of the current operating system and existing security is preserved;

(vi) The connecting of two or more formerly independent automated systems or networks together creating a potential for greater access is an alteration.

(vii) Any change under this caption requires a change to the "Storage" caption element of the systems notice (see paragraph (j)(1) of § 286a.62 of this subpart).

(c) *Reports of new and altered systems.* (1) Submit a report of a new or altered system to the Defense Privacy Office before collecting information for or using a new system or altering an existing system (see Appendix F and paragraph (d) of this section).

(2) The Defense Privacy Office, ODASD(A) coordinates all reports of new and altered systems with the Office of the Assistant Secretary of Defense (Legislative Affairs) and the Office of the General Counsel, Department of Defense.

(3) The Defense Privacy Office prepares for the DASD(A)'s approval and signature the transmittal letters sent to OMB and Congress (see paragraph (e) of this section).

(d) *Time restrictions on the operation of a new or altered system.* (1) All time periods begin from the date the DASD(A) signs the transmittal letters (see paragraph (c)(3) of this section). The specific time limits are:

(i) 60 days must elapse before data collection forms or formal instructions pertaining to the system may be issued.

(ii) 60 days must elapse before the system may become operational; (that is, collecting, maintaining, using, or disseminating records from the system) (see also paragraph (f) of § 286a.60 of this subpart).

(iii) 60 days must elapse before any public issuance of a Request for Proposal or Invitation to Bid for a new ADP or telecommunication system.

Note.—Requests for delegation of procurement authority may be submitted to the General Services Administration during the 60 days' waiting period, but these shall include language that the Privacy Act reporting criteria have been reviewed and that a system report is required for such procurement.

(4) Normally 30 days must elapse before publication in the **Federal Register** of the notice of a new or altered system (see paragraph (f) of § 286a.60 of this subpart) and the preamble to the **Federal Register** notice must reflect the date the transmittal letters to OMB and Congress were signed by DASD(A).

(2) Do not operate a system of records until the waiting periods have expired (see § 286a.103 of Subpart K).

(e) *Outside review of new and altered systems reports.* If no objections are received within 30 days of a submission to the President of the Senate, Speaker of the House of Representatives, and the Director, OMB, of a new or altered system report it is presumed that the new or altered systems have been approved as submitted.

(f) *Exemptions for new systems.* See paragraph (e) of § 286a.60 of this subpart for the procedures to follow in submitting exemption rules for a new system of records.

(g) *Waiver of time restrictions.* (1) The OMB may authorize a federal agency to begin operation of a system of records before the expiration of time limits set forth in paragraph (d) of § 286a.63 of this subpart.

(2) When seeking such a waiver, include in the letter of transmittal to the Defense Privacy Office, ODASD(A) an explanation why a delay of 60 days in establishing the system of records would not be in the public interest. The transmittal must include:

(i) How the public interest will be affected adversely if the established time limits are followed; and

(ii) Why earlier notice was not provided.

(3) When appropriate, the Defense Privacy Office, ODASD(A) shall contact OMB and attempt to obtain the waiver.

(i) If a waiver is granted, the Defense Privacy Office, ODASD(A) shall notify the subcommittee and submit the new or altered system notice along with any applicable procedural or exemption rules for publication in the **Federal Register.**

(ii) If the waiver is disapproved, the Defense Privacy Office, ODASD(A) shall process the system the same as any other new or altered system and notify the subcommittee of the OMB decision.

(4) Under no circumstances shall the routine uses for new or altered system be implemented before 30 days have elapsed after publication of the system notice containing the routine uses in the **Federal Register.** This period cannot be waived.

§ 286a.64 Amendment and deletion of Systems Notices.

(a) *Criteria for an amended system notice.* (1) Certain minor changes to published systems notices are considered amendments and not alterations (see paragraph (b) of § 286a.63 of this subpart).

(2) Amendments do not require a report of an altered system (see paragraph (c) of § 286a.63 of this subpart), but must be published in the **Federal Register.**

(b) *System notices for amended systems.* When submitting an amendment for a system notice for publication in the **Federal Register** include:

(1) The system identification and name (see paragraph (b) and (c) of § 286a.62 of this subpart).

(2) A description of the nature and specific changes proposed.

(3) The full text of the system notice is not required if the master registry contains a current system notice for the system (see paragraph (q) of § 286a.62 of this subpart).

(c) *Deletion of system notices.* (1) Whenever a system is discontinued, combined into another system, or determined no longer to be subject to this part, a deletion notice is required.

(2) The notice of deletion shall include:

(i) The system identification and name.

(ii) The reason for the deletion.

(3) When the system is eliminated through combination or merger, identify the successor system or systems in the deletion notice.

(d) *Submission of amendments and deletions for publication.* (1) Submit amendments and deletions to the Defense Privacy Office, ODASD(A) for transmittal to the **Federal Register** for publication.

(2) Include in the submission at least one original (not a reproduced copy) in proper **Federal Register** format (see Appendix G).

(3) Multiple deletions and amendments may be combined into a single submission.

Subpart H—Training Requirements

§ 286a.70 Statutory training requirements.

The Privacy Act of 1974, as amended (5 U.S.C. 552a), requires each agency to establish rules of conduct for all persons involved in the design, development, operation, and maintenance of any system of record and to train these persons with respect to these rules.

§ 286a.71 OMB training guidelines.

The OMB guidelines require all agencies additionally to:

(a) Instruct their personnel in their rules of conduct and other rules and procedures adopted in implementing the Act, and inform their personnel of the penalties for noncompliance.

(b) Incorporate training on the special requirements of the Act into both formal and informal (on-the-job) training programs.

§ 286a.72 DoD training programs.

(a) To meet these training requirements, establish three general levels of training for those persons who are involved in any way with the design, development, operation, or maintenance of any system of records. These are:

(1) *Orientation.* Training that provides basic understanding of this Regulation as it applies to the individual's job performance. This training shall be provided to personnel, as appropriate, and should be a prerequisite to all other levels of training.

(2) *Specialized training.* Training that provides information as to the application of specific provisions of this part to specialized areas of job performance. Personnel of particular concern include, but are not limited to personnel specialists, finance officers, special investigators, paperwork managers, and other specialists (reports, forms, records, and related functions), computer systems development personnel, computer systems operations personnel, statisticians dealing with personal data and program evaluations, and anyone responsible for implementing or carrying out functions under this part.

(3) *Management.* Training designed to identify for responsible managers (such as, senior system managers, denial authorities, decision-makers, and the managers of the functions described in § 286a.70 of this subpart) considerations that they shall take into account when making management decisions regarding the Defense Privacy Program.

(b) Include Privacy Act training in courses of training when appropriate. Stress individual responsibilities and advise individuals of their rights and responsibilities under this part.

§ 286a.73 Training methodology and procedures.

(a) Each DoD Component is responsible for the development of training procedures and methodology.

(b) The Defense Privacy Office, ODASD(A) will assist the Components in developing these training programs and may develop Privacy training programs for use by all DoD Components.

(c) All training programs shall be coordinated with the Defense Privacy Office, ODASD(A) to avoid duplication and to ensure maximum effectiveness.

§ 286a.74 Funding for training.

Each DoD Component shall fund its own Privacy training program.

Subpart I—Reports

§ 286a.80 Requirements for reports.

The Defense Privacy Office, ODASD(A) shall establish requirements for DoD Privacy Reports and DoD Components may be required to provide data.

§ 286a.81 Suspense for submission of reports.

The suspenses for submission of all reports shall be established by the Defense Privacy Office, ODASD(A).

§ 286a.82 Reports control symbol.

Any report established by this subpart in support of the Defense Privacy Program shall be assigned Report Control Symbol DD–COMP(A)1379. Special one-time reporting requirements shall be licensed separately in accordance with DoD Directive 5000.19 "Policies for the Management and Control of Information Requirements" and DoD Directive 5000.11, "Data Elements and Data Codes Standardization Program."

Subpart J—Inspections

§ 286a.90 Privacy Act inspections.

During internal inspections, Component inspectors shall be alert for compliance with this part and for managerial, administrative, and operational problems associated with the implementation of the Defense Privacy Program.

§ 286a.91 Inspection reporting.

(a) Document the findings of the inspectors in official reports that are furnished the responsible Component officials. These reports, when appropriate, shall reflect overall assets of the Component Privacy Program inspected, or portion thereof, identify deficiencies, irregularities, and significant problems. Also document remedial actions taken to correct problems identified.

(b) Retain inspections reports and later follow-up reports in accordance with established records disposition standards. These reports shall be made available to the Privacy Program officials concerned upon request.

Subpart K—Privacy Act Enforcement Actions

§ 286a.100 Administrative remedies.

Any individual who feels he or she has a legitimate complaint or grievance against the Department of Defense or any DoD employee concerning any right granted by this part shall be permitted to seek relief through appropriate administrative channels.

§ 286a.101 Civil actions.

An individual may file a civil suit against a DoD Component or its employees if the individual feels certain provisions of the Act have been violated (see 5 U.S.C. 552a(g), of the Privacy Act.

§ 286a.102 Civil remedies.

In addition to specific remedial actions, subsection (g) of the Privacy Act (5 U.S.C. 552a) provides for the payment of damages, court cost, and attorney fees in some cases.

§ 286a.103 Criminal penalties.

(a) The Act also provides for criminal penalties (see 5 U.S.C. 552a(i). Any official or employee may be found guilty of a misdemeanor and fined not more than $5,000 if he or she willfully:

(1) Discloses personal information to anyone not entitled to receive the information (see Subpart E); or

(2) Maintains a system of records without publishing the required public notice in the **Federal Register** (see Subpart G).

(b) A person who requests or obtains access to any record concerning another individual under false pretenses may be found guilty of misdemeanor and fined up to $5,000.

§ 286a.104 Litigation status sheet.

Whenever a complaint citing the Privacy Act is filed in a U.S. District Court against the Department of Defense, a DoD Component, or any DoD employee, the responsible system manager shall notify promptly the Defense Privacy Office, ODASD(A). The litigation status sheet at Appendix H provides a standard format for this notification. The initial litigation status sheet forwarded shall, as a minimum, provide the information required by items 1 through 6. A revised litigation status sheet shall be provided at each stage of the litigation. When a court renders a formal opinion or judgment, copies of the judgment and opinion shall be provided to the Defense Privacy Office with the litigation status sheet reporting that judgment or opinion.

Subpart L—Matching Program Procedures

§ 286a.110 OMB Matching guidelines.

The OMB has issued special guidelines to be followed in programs that match the personal records in the computerized data bases of two or more federal agencies by computer (see Appendix I). These guidelines are intended to strike a balance between the interest of the government in maintaining the integrity of federal programs and the need to protect individual privacy expectations. They do not authorize matching programs as such and each matching program must be justified individually in accordance with the OMB guidelines.

§ 286a.111 Requesting matching programs.

(a) Forward all requests for matching programs to include necessary routine use amendments (see paragraph (i) of § 286a.62 of Subpart G) and analysis and proposed matching program reports (see subsection E.6. of Appendix I) to the Defense Privacy Office, ODASD(A).

(b) The Defense Privacy Office shall review each request and supporting material and forward the report and system notice amendments to the **Federal Register**, OMB, and Congress, as appropriate.

(c) Changes to existing matching programs shall be processed in the same manner as a new matching program report.

§ 286a.112 Time limits for submitting matching reports.

(a) No time limits are set by the OMB guidelines. However, in order to establish a new routine use for a matching program, the amended system notice must have been published in the **Federal Register** at least 30 days before implementation (see paragraph (f) of § 286a.60 of Subpart G).

(b) Submit the documentation required by paragraph (a) of § 286a.111 of this subpart to the Defense Privacy Office at least 45 days before the proposed initiation date of the matching program.

(c) The Defense Privacy Office may grant waivers to the 45 days' deadline for good cause shown. Requests for waivers shall be in writing and fully justified.

§ 286a.113 Matching programs among DoD Components.

(a) For the purpose of the OMB guidelines, the Department of Defense and all DoD Components are considered a single agency.

(b) Before initiating a matching program using only the records of two or more DoD Components, notify the Defense Privacy Office that the match is to occur. The Defense Privacy Office may request further information from the Component proposing the match.

(c) There is no need to notify the Defense Privacy Office of computer matches using only the records of a single Component.

§ 286a.114 Annual review of systems of records.

The system manager shall review annually each system of records to determine if records from the system are being used in matching programs and whether the OMB Guidelines have been complied with.

Appendix A—Special Considerations for Safeguarding Personal Information in ADP Systems

(See paragraph (b) of § 286a.13, Subpart B)

A. General

1. The Automated Data Processing (ADP) environment subjects personal information to special hazards as to unauthorized compromise alteration, dissemination, and use. Therefore, special considerations must be given to safeguarding personal information in ADP systems.

2. Personal information must also be protected while it is being processed or accessed in computer environments outside the data processing installation (such as, remote job entry stations, terminal stations, minicomputers, microprocessors, and similar activities).

3. ADP facilities authorized to process classified material have adequate procedures and security for the purposes of this Regulation. However, all unclassified information subject to this Regulation must be processed following the procedures used to process and access information designated "For Official Use Only" (see "DoD Freedom of Information Act Program" (32 CFR Part 286)).

B. Risk Management and Safeguarding Standards

1. Establish administrative, technical, and physical safeguards that are adequate to protect the information against unauthorized disclosure, access, or misuse (see Transmittal Memorandum No. 1 to OMB Circular A–71—Security of Federal Automated Information Systems).

2. Technical and physical safeguards alone will not protect against unintentional compromise due to errors, omissions, or poor procedures. Proper administrative controls generally provide cheaper and surer safeguards.

3. Tailor safeguards to the type of system, the nature of the information involved, and the specific threat to be countered.

C. Minimum Administrative Safeguard

The minimum safeguarding standards as set forth in paragraph (b) of § 286a.13, Subpart B apply to all personal data within any ADP system. In addition:

1. Consider the following when establishing ADP safeguards:

a. The sensitivity of the data being processed, stored and accessed;

b. The installation environment;

c. The risk of exposure;

d. The cost of the safeguard under consideration.

2. Label or designate output and storage media products (intermediate and final) containing personal information that do not contain classified material in such a manner as to alert those using or handling the information of the need for special protection. Designating products "For Official Use Only" in accordance with Subpart E of 32 CFR Part 286, "DoD Freedom of Information Act Program," satisfies this requirement.

3. Mark and protect all computer products containing classified data in accordance with the DoD Information Security Program Regulation (32 CFR Part 159) and the ADP Security Manual (DoD 5200.28–M).

4. Mark and protect all computer products containing "For Official Use Only" material in accordance with Subpart E of 32 CFR Part 286.

5. Ensure that safeguards for protected information stored at secondary sites are appropriate.

6. If there is a computer failure, restore all protected information being processed at the time of the failure using proper recovery procedures to ensure data integrity.

7. Train all ADP personnel involved in processing information subject to this part in proper safeguarding procedures.

D. Physical Safeguards

1. For all unclassified facilities, areas, and devices that process information subject to this part, establish physical safeguards that protect the information against reasonably

identifiable threats that could result in unauthorized access or alteration.

2. Develop access procedures for unclassified computer rooms, tape libraries, micrographic facilities, decollating shops, product distribution areas, or other direct support areas that process or contain personal information subject to this part that control adequately access to these areas.

3. Safeguard on-line devices directly coupled to ADP systems that contain or process information from systems of records to prevent unauthorized disclosure use or alteration.

4. Dispose of paper records following appropriate record destruction procedures.

E. Technical Safeguards

1. The use of encryption devices solely for the purpose of protecting unclassified personal information transmitted over communication circuits or during processing in computer systems is normally discouraged. However, when a comprehensive risk assessment indicates that encryption is cost-effective it may be used.

2. Remove personal data stored on magnetic storage media by methods that preclude reconstruction of the data.

3. Ensure that personal information is not inadvertently disclosed as residue when transferring magnetic media between activities.

4. When it is necessary to provide dial-up remote access for the processing of personal information, control access by computer-verified passwords. Change passwords periodically or whenever compromise is known or suspected.

5. Normally the passwords shall give access only to those data elements (fields) required and not grant access to the entire data base.

6. Do not rely totally on proprietary software products to protect personnel data during processing or storage.

F. Special Procedures

1. System Managers shall:

a. Notify the ADP manager whenever personal information subject to this Regulation is to be processed by an ADP facility.

b. Prepare and submit for publication all system notices and amendments and alterations thereto (see paragraph (f) of § 286a.60 of Subpart G).

c. Identify to the ADP manager those activities and individuals authorized access to the information and notify the manager of any changes to the access authorizations.

2. ADP personnel shall:

a. Permit only authorized individuals access to the information.

b. Adhere to the established information protection procedures and rules of conduct.

c. Notify the system manager and ADP manager whenever unauthorized personnel seek access to the information.

3. ADP installation managers shall:

a. Maintain an inventory of all computer program applications used to process information subject to this part to include the identity of the systems of records involved.

b. Verify that requests for new programs or changes to existing programs have been published as required (see paragraphs (a) and (b) of § 286a.63, Subpart G).

c. Notify the system manager whenever changes to computer installations, communications networks, or any other changes in the ADP environment occur that require an altered system report be submitted (see paragraph (b) of § 286a.63, Subpart G).

G. Record Disposal

1. Dispose of records subject to this part so as to prevent compromise (see paragraph (c) of § 286a.13 of Subpart B). Magnetic tapes or other magnetic medium, may be cleared by degaussing, overwriting, or erasing. Unclassified carbon ribbons are considered destroyed when placed in a trash receptacle.

2. Do not use respliced waste computer products containing personal data.

H. Risk Assessment for ADP Installations That Process Personal Data

1. A separate risk assessment is not required for ADP installations that process classified material. A simple certification by the appropriate ADP official that the facility is cleared to process a given level of classified material (such as, Top Secret, Secret, or Confidential) and that the procedures followed in processing "For Official Use Only" material are to be followed in processing personal data subject to this Regulation is sufficient to meet the risk assessment requirement.

2. Prepare a formal risk assessment for each ADP installation (to include those activities with terminals and devices having access to ADP facilities) that processes personal information subject to this part and that do not process classified material.

3. Address the following in the risk assessment:

a. Identify the specific systems of records supported and determine their impact on the mission of the user.

b. Identify the threats (internal, external, and natural) to the data.

c. Determine the physical and operational (to include software) vulnerabilities.

d. Evaluate the relationships between vulnerabilities and threats.

e. Assess the impact of unauthorized disclosure or modification of the personal information.

f. Identify possible safeguards and their relationships to the threats to be countered.

g. Analyze the economic feasibility of adopting the identified safeguards.

h. Determine the safeguard to be used and develop implementation plans.

i. Discuss contingency plans including operational exercise plans.

j. Determine if procedures proposed are consistent with those identified in the system notices for system of records concerned.

k. Include a vulnerability assessment.

3. The risk assessment shall be reviewed by the appropriate Component officials.

4. Conduct a risk assessment at least every 5 years or when there is a change to the installation, its hardware, software, or administrative procedures that increase or decrease the likelihood of compromise or present new threats to the information.

5. Protect the risk assessment as it is a sensitive document.

6. Retain a copy of the risk assessment at the installation and make it available to appropriate inspectors and authorized personnel.

7. Include a summary of the current risk assessment with any report of new or altered system submitted in accordance with paragraph (c) of § 286a.63, Subpart G, for any system from which information will be processed.

8. Complete a formal risk assessment at the beginning of the design phase for each new unclassified ADP installation and before beginning the processing of personal data on a regular basis in existing ADP facility that do not process classified data.

Appendix B—Special Considerations for Safeguarding Personal Information During Word Processing

(See paragraph (b) of § 286a.13, Subpart B)

A. Introduction

1. Normally, word processing support is provided under two general concepts. They are:

a. Word processing centers (WPCs), and

b. Work groups or clusters.

2. A WPC generally provides support to one or more functional areas. Characteristically, the customer delivers (by written draft or dictation) the information to be processed to the WPC. The WPC process the information and returns it to the customer. There are generally two types of WPCs.

a. A WPC may operate independent of the customer's functon, providing service in much the same manner as a data processing installation provides ADP support, or a message center provides electronic message service, or

b. A WPC may work within a customer's function providing support to that function. The support being centralized in a WPC to take advantage of increased productivity.

3. A work group or cluster generally consists of one or more pieces of word processing equipment that are integrated into the functional office support system. The overall word processing and functional management may be one and the same. Depending on the size of the support job, there may be a work group or cluster manager. Normally, however, they will be located within or in close proximity to the functional area supported. Information flows in and out of the work group or cluster by normal office routine and the personnel are an integral part of the office staff.

B. Minimum Standards of Protection

1. Regardless of configuration (WPC or work group), all personal data processed using word processing equipment shall be afforded the standards of protection required by paragaph (b) of § 286a.13, Subpart B.

2. The remaining special considerations discussed in this Appendix are primarily for WPCs operating independent of the customer's function. However, managers of other WPCs, work groups, and work clusters are encouraged to consider and adopt, when

appropriate, the special considerations discussed herein.

3. WPCs that are not independent of a customer's function, work groups, and work clusters are not required to prepare formal written risk assessments (see section H., below).

C. WPC Information Flow

1. In analyzing procedures required to safeguard adequately personal information in a WPC, the basic elements of WPC information flow and control must be considered. These are:

a. Information receipt.

b. Information processing.

c. Information return.

d. Information storage or filing.

2. WPCs do not control information acquisition or its ultimate use by the customers and, therefore, these are not addressed.

D. Safeguarding Information During Receipt

1. The word processing manager shall establish procedures.

a. That require each customer who requests that information subject to this part be processed to identify specifically that information to the WPC personnel. This may be done by:

(1) Providing a check-off type entry on the WPC work requests;

(2) Requiring that the WPC work requests be stamped with a special legend, or that a special notation be made on the work requests;

(3) Predesignating specifically a class of documents as coming within the provisions of this part (such as, all officer effectiveness reports, all recall rosters, and all medical protocols).

(4) Using a special cover sheet both to alert the WPC personnel as to the type information, and to protect the document during transmittal;

(5) Requiring an oral warning on all dictation; or

(6) Any other procedures that ensure the WPC personnel are alerted to the fact that personal data subject to this part is to be processed.

b. To ensure that the operators or other WPC personnel receiving data for processing that has not been identified to be under the provisions of this part but that appear to be personal promptly call the information to the attention of the WPC supervisor or the customer;

c. To ensure that any request for the processing of personal data that the customer has not identified as being in a system of records and that appears to meet the criteria set forth in paragraph (a) of § 286a.10, Subpart B is called to the attention of the appropriate supervisory personnel and system manager.

2. The WPC supervisor shall ensure that personal information is not inadvertently compromised within the WPC.

E. Safeguarding Information During Processing

1. Each WPC supervisor shall establish internal safeguards that shall protect personal data from compromise while it is being processed.

2. Physical safeguards may include:

a. Controls on individual access to the center;

b. Machine configurations that reduce external access to the information being processed, or arrangements that alert the operator to the presence of others;

c. Using certain specific machines to process personal data;

d. Any other physical safeguards, to include special technical arrangements that will protect the data during processing.

3. Other safeguards may include:

a. Using only certain selected operators to process personal data;

b. Processing personal data only at certain times during the day without the WPC manager's specific authorization;

c. Using only certain tapes or diskettes to process and store personal data;

d. Using continuous tapes for dictation of personal data;

e. Requiring all WPC copies of documents to be marked specifically so as to prevent inadvertent compromise;

f. Returning extra copies and mistakes to the customer with the product;

g. Disposing of waste containing personal data in a special manner;

h. Any other local procedures that provide adequate protection to the data being processed.

F. Safeguarding Information During Return

1. The WPC shall protect the data until it is returned to the customer or placed into a formal distribution channel.

2. In conjunction with the appropriate administrative support personnel and the WPC customers, the WPC manager shall establish procedures that protect the information from the time word processing is completed until it is returned to the customer.

3. Safeguarding procedures may include:

a. Releasing products only to specifically identifiable individuals;

b. Using sealed envelopes to transmit products to the customer;

c. Using special cover sheets to protect products similar to the one discussed in subparagraph D.1.a.(4), above;

d. Handcarrying products to the customers;

e. Using special messengers to return the products;

f. Any other procedures that protect adequately products from compromise while they are awaiting return or being returned to the customer.

G. Safeguards During Storage

1. The WPC manager shall ensure that all personal data retained in the center for any purpose (including samples) are protected properly.

2. Safeguarding procedures may include:

a. Marking all hard copies retained with special legends or designators;

b. Storing media containing personal data in separate files or areas;

c. Marking the storage containers for media containing personal data with special legends or notations;

d. Restricting the reuse of media used to process personal data or erasing automatically the media before reuse;

e. Establishing special criteria for the WPC retention of media used to store and process personal data;

f. Returning the media to the customer for retention with the file copies of the finished products;

g. Discouraging, when practical, the long-term storage of personal data in any form within the WPC;

h. Any other filing or storage procedures that safeguard adequately any personal information retained or filed within the WPC.

H. Risk Assessment for WPCs

1. Each WPC manager shall ensure that a formal, written risk assessment is prepared for each WPC that processes personal information subject to this part.

2. The assessment shall address the areas discussed in sections D., E., F., and G. of this Appendix, as well as any special risks that the WPC location, configuration, or organization may present to the compromise or alteration of personal data being processed or stored.

3. A risk assessment shall be conducted at least every 5 years or whenever there is a change of equipment, equipment configuration, WPC location, WPC configuration or modification of the WPC facilities that either increases or decreases the likelihood of compromise of personal data.

4. Copies of the assessment shall be retained by the WPC manager and made available to appropriate inspectors, as well as to personnel studying equipment for facility upgrading or modification.

5. Every new WPC shall have a formal risk assessment completed before beginning the processing of personal data.

I. Special Considerations in WPC Design and Modification

Procedures shall be established to ensure that all personnel involved in the design of WPCs or the acquisition of word processing equipment are aware of the special considerations required when processing personal data subject to this part.

Appendix C—DoD Blanket Routine Uses

(See paragraph (e) of § 286a.41, Subpart E)

A. Routine Use—Law Enforcement

If a system of records maintained by a DoD Component 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 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 agency concerned, whether federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

B. Routine Use—Disclosure when Requesting Information

A record from a system of records maintained by a Component may be disclosed as a routine use to a federal, state, or local agency maintaining civil, criminal, or

other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a Component decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

C. Routine Use—Disclosure of Requested Information

A record from a system of records maintained by a Component may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary tothe requesting agency's decision on the matter.

D. Routine Use—Congressional Inquiries

Disclosure from a system of records maintained by a Component 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.

E. Routine Use—Private Relief Legislation

Relevant information contained in all systems of records of the Department of Defense published on or before August 22, 1975, will be disclosed to the OMB in connection with the review of private relief legislation as set forth in OMB Circular A-19 (reference (u)) at any stage of the legislative coordination and clearance process as set forth in that Circular.

F. Routine Use—Disclosures Required by International Agreements

A record from a system of records maintained by a Component may be disclosed to foreign law enforcement, security, investigatory, or administrative authorities to comply with requirements imposed by, or to claim rights conferred in, international agreements and arrangements including those regulating the stationing and status in foreign countries of DoD military and civilian personnel.

G. Routine Use—Disclosure to State and Local Taxing Authorities

Any information normally contained in Internal Revenue Service (IRS) Form W-2 which is maintained in a record from a system of records maintained by a Component may be disclosed to state and local taxing authorities with which the Secretary of the Treasury has entered into agreements under 5 U.S.C., sections 5516, 5517, and 5520 (reference (v)) and only to those state and local taxing authorities for which an employee or military member is or was subject to tax regardless of whether tax is or was withheld. This routine use is in accordance with Treasury Fiscal Requirements Manual Bulletin No. 76-07.

H. Routine Use—Disclosure to the Office of Personnel Management

A record from a system of records subject to the Privacy Act and maintained by a Component may be disclosed to the Office of Personnel Management (OPM) concerning information on pay and leave, benefits, retirement deduction, and any other information necessary for the OPM to carry out its legally authorized government-wide personnel management functions and studies.

I. Routine Use—Disclosure to the Department of Justice for Litigation

A record from a system of records maintained by this component may be disclosed as a routine use to any component of the Department of Justice for the purpose of representing the Department of Defense, or any officer, employee or member of the Department in pending or potential litigation to which the record is pertinent.

J. Routine Use—Disclosure to Military Banking Facilities Overseas

Information as to current military addresses and assignments may be provided to military banking facilities who provide banking services overseas and who are reimbursed by the Government for certain checking and loan losses. For personnel separated, discharged, or retired from the Armed Forces, information as to last known residential or home of record address may be provided to the military banking facility upon certification by a banking facility officer that the facility has a returned or dishonored check negotiated by the individual or the individual has defaulted on a loan and that if restitution is not made by the individual, the U.S. Government will be liable for the losses the facility may incur.

K. Routine Use—Disclosure of Information to the General Services Administration (GSA)

A record from a system of records maintained by this component may be disclosed as a routine use to the General Services Administration (GSA) for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

L. Routine Use—Disclosure of Information to the National Archives and Records Administration (NARA)

A record from a system of records maintained by this component may be disclosed as a routine use to the National Archives and Records Administration (NARA) for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

M. Routine Use—Disclosure to the Merit Systems Protection Board

A record from a system of records maintained by this component may be disclosed as a routine use to the Merit Systems Protection Board, including the Office of the Special Counsel for the purpose of litigation, including administrative proceedings, appeals, special studies of the civil service and other merit systems, review of OPM or component rules and regulations, investigation of alleged or possible prohibited personnel practices; including administrative proceedings involving any individual subject of a DoD investigation, and such other functions, promulgated in 5 U.S.C. 1205 and 1206, or as may be authorized by law.

Appendix D.—Provisions of the Privacy Act From Which a General or Specific Exemption May Be Claimed

[See paragraph (d) of § 286a.50, Subpart F]

Exemption		Section of the Privacy Act
(j)(2)	(k)(1-7)	
No	No	(b)(1) Disclosures within the Department of Defense.
No	No	(2) Disclosures to the public.
No	No	(3) Disclosures for a "routine use."
No	No	(4) Disclosures to the Bureau of Census.
No	No	(5) Disclosures for statistical research and reporting.
No	No	(6) Disclosures to the National Archives.
No	No	(7) Disclosures for law enforcement purposes.
No	No	(8) Disclosures under emergency circumstances.
No	No	(9) Disclosures to the Congress.
No	No	(10) Disclosures to the General Accounting Office.
No	No	(11) Disclosures pursuant to court orders.
No	No	(12) Disclosure to consumer reporting agencies.
No	No	(c)(1) Making disclosure accountings.
No	No	(2) Retaining disclosure accountings.
Yes	Yes	(c)(3) Making disclosure accounting available to the individual.
Yes	No	(c)(4) Informing prior recipients of corrections.
Yes	Yes	(d)(1) Individual access to records.
Yes	Yes	(2) Amending records.
Yes	Yes	(3) Review of the component's refusal to amend a record.
Yes	Yes	(4) Disclosure of disputed information.
Yes	Yes	(5) Access to information compiled in anticipation of civil action.
Yes	Yes	(e)(1) Restrictions on collecting information.
Yes	No	(e)(2) Collecting directly from the individual.
Yes	No	(3) Informing individuals from whom information is requested.
No	No	(e)(4)(A) Describing the name and location of the system.
No	No	(B) Describing categories of individuals.
No	No	(C) Describing categories of records.
No	No	(D) Describing routine uses.
No	No	(E) Describing records management policies and practices.
No	No	(F) Identifying responsible officials.
Yes	Yes	(e)(4)(G) Procedures for determining if a system contains a record on an individual.
Yes	Yes	(H) Procedures for gaining access.
Yes	Yes	(I) Describing categories of information sources.
Yes	No	(e)(5) Standards of accuracy.
No	No	(e)(6) Validating records before disclosure.
No	No	(e)(7) Records of first amendment activities.
No	No	(e)(8) Notification of disclosure under compulsory legal process.
No	No	(e)(9) Rules of conduct.
No	No	(e)(10) Administrative, technical and physical safeguards.
No	No	(11) Notice for new and revised routine uses.
Yes	Yes	(f)(1) Rules for determining if an individual is subject of a record.
Yes	Yes	(f)(2) Rules for handling access requests.
Yes	Yes	(f)(3) Rules for granting access.
Yes	Yes	(f)(4) Rules for amending records.
Yes	Yes	(f)(5) Rules regarding fees.
Yes	No	(g)(1) Basis for civil action.
Yes	No	(g)(2) Basis for judicial review and remedies for refusal to amend.

APPENDIX D.—PROVISIONS OF THE PRIVACY ACT FROM WHICH A GENERAL OR SPECIFIC EXEMPTION MAY BE CLAIMED—Continued

[See paragraph (d) of § 286a.50, Subpart F]

Exemption		Section of the Privacy Act
(j)(2)	(k)(1-7)	
Yes	No	(g)(3) Basis for judicial review and remedies for denial of access.
Yes	No	(g)(4) Basis for judicial review and remedies for other failure to comply.
Yes	No	(g)(5) Jurisdiction and time limits.
Yes	No	(h) Rights of legal guardians.
No	No	(i)(1) Criminal penalties for unauthorized disclosure.
No	No	(2) Criminal penalties for failure to publish.
No	No	(3) Criminal penalties for obtaining records under false pretenses.
Yes [1]	No	(j) Rulemaking requirement.
N/A	No	(j)(1) General exemption for the Central Intelligence Agency.
N/A	No	(j)(2) General exemption for criminal law enforcement records.
Yes	N/A	(k)(1) Exemption for classified material.
N/A	N/A	(k)(2) Exemption for law enforcement material.
Yes	N/A	(k)(3) Exemption for records pertaining to Presidential protection.
Yes	N/A	(k)(4) Exemption for statistical records.
Yes	N/A	(k)(5) Exemption for investigatory material compiled for determining suitability for employment or service.
Yes	N/A	(k)(6) Exemption for testing or examination material.
Yes	N/A	(k)(7) Exemption for promotion evaluation materials used by the Armed Forces.
Yes	No	(l)(1) Records stored in GSA records centers.
Yes	No	(l)(2) Records archived before Sept. 27, 1975.
Yes	No	(l)(3) Records archived on or after Sept. 27, 1975.
Yes	No	(m) Applicability to Government contractors.
Yes	No	(n) Mailing lists.
Yes [1]	No	(o) Reports on new systems.
Yes [1]	No	(p) Annual report.

[1] See paragraph (d) of § 286.50, Subpart F.

Appendix E—Sample of New or Altered System of Records Notice in "Federal Register" Format

(See paragraph (f) of § 286a.60, Subpart G)

DEPARTMENT OF DEFENSE

Defense Nuclear Agency

Privacy Act of 1974; New System of Records

AGENCY: Defense Nuclear Agency (DNA).

ACTION: Notice of a new record system.

SUMMARY: The Defense Nuclear Agency is adding a new system of records to its inventory of systems of records subject to the Privacy Act of 1974. The system notice for the new system is set forth below.

DATES: This system shall be effective (30 days after publication in the Federal Register) unless comments are received which result in a contrary determination.

ADDRESS: Send comments to the System Manager identified in the system notice.

FOR FURTHER INFORMATION CONTACT: Robert L. Brittigan, General Counsel, Defense Nuclear Agency, Washington, D.C. 20305, Telephone (202) 325-7681.

SUPPLEMENTARY INFORMATION: The Defense Nuclear Agency record system notice as prescribed by the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have appeared in the Federal Register on September 28, 1981 (46 FR 51073) and February 16, 1982 (47 FR 6829).

The Defense Nuclear Agency has submitted a new system report on March 27, 1982, for this system of records under the provisions of 5 U.S.C. 552a(o) of the Privacy Act.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

Sample

HDNA 609-03

System name: Personnel Exposed to Radiation from Nuclear Tests.

System Location: Headquarters, Defense Nuclear Agency, Washington, D.C. 20305, Main computer location.

Categories of individuals covered by the system: All DoD and DoD-affiliated personnel, military and civilian, who participated in the U.S. Government atmospheric nuclear test programs in the Pacific and at the Nevada Test Site.

Categories of records in the system: Personal information consisting of name, rank, service number, last known or current address, dates of test participation, exposure and unit of assignment.

Authority for maintenance of the system: 10 U.S.C. Section 133, Powers of an Executive Department of a Military Department to Prescribe Departmental Regulations; 10 U.S.C. Section 133, Secretary of Defense: Appointment, Powers, Duties and Delegation by; DoD Directive 5105.31, "Defense Nuclear Agency (DNA)."

Purpose(s): To identify those individuals who may have been exposed to radiation from nuclear atmospheric test conducted by the U.S. Government in the Pacific or at the Nevada Test Site.

Information is provided to the medical services of all the Military Departments to identify military and retired personnel who were exposed to ionizing radiator during testing.

Routine uses of records maintained in the system including categories of users, and the purpose of such uses:

To the National Research Council and Center for Disease Control to determine the effects of ionizing radiation for the limited purpose of conducting epidemiological studies of the atmospheric nuclear weapons tests on DoD participants in those tests.

To the Department of Energy (DoE) to identify DoE contractor personnel exposed to ionizing radiation during nuclear testing for the limited purpose of conducting epidemiological studies of radiation effects of individuals so identified.

To the Department of Transportation (DoT) for the limited purpose of identifying DoT and DoT-affiliated personnel exposed to ionizing radiation during nuclear testing.

To the Veterans Administration to make determinations on service-connected disability for the purpose of resolving claims.

Policies and Practices for storing, retrieving, accessing, retaining, and disposing of records in the system.

Storage: Paper records in file folders; computer magnetic tape disks and printouts in secure computer facility.

Retrievability: Paper records filed in folders and computer magnetic tape and disk retrieved by name.

Safeguards: Paper records are filed in folders stored in locked security safes. Magnetic tapes stored in a vault in a secure computer area.

Retention and disposal: Paper records are retained until information is transferred to magnetic tapes; then destroyed. Magnetic tapes and disks are retained indefinitely.

System manager(s) and address: Director, Defense Nuclear Agency, Attn.: Privacy Act Officer, Washington, D.C. 20305, telephone (202) 325-7681.

Notification procedure: Information may be obtained from the System Manager.

Record access procedures: Requests should be addressed to the System Manager.

Contesting record procedures: The agency's rules for contesting contents and appealing initial determinations are contained in DNA Instruction 5400.11 (32 CFR Part 291a). Additional information may be obtained from the System Manager.

Record source categories: DNA records, searches of DoD records by other DoD Components, and from individuals voluntarily contacting DNA by telephone or mail.

Systems exempted from certain provision of the Act: None.

Appendix F.—Format for New or Altered System Report

(See paragraph (c) of § 286a.63, Subpart G)

The report on a new or altered system shall consist of a transmittal letter, a narrative statement, and include supporting documentation.

A. *Transmittal Letter.* The transmittal letter to the Director, Defense Privacy Office, ODASD(A), shall include any request for waivers as set forth in paragraph (g) of § 286a.63, Subpart G. The narrative statement shall be attached thereto.

B. *Narrative Statement.* The narrative statement is typed in double space on standard bond paper in the format shown at attachment 1. The statement includes:

1. *System identification and name.* This caption sets forth the identification and name of the system (see paragraphs (b) and (c) of § 286a.62, Subpart G).

2. *Responsible official.* The name, title, address, and telephone number of the privacy official responsible for the report and to whom inquiries and comments about the report may be directed by Congress, the Office of Management and Budget, or Defense Privacy Office.

3. *Purpose of the system or nature of the change proposed.* Describe the purpose of the new system. For an altered system, describe the nature of the change being proposed.

4. *Authority for the system.* See paragraph (g) of § 286a.62, Subpart G.

5. *Number of individuals.* The approximate number of individuals about whom records are to be maintained.

6. *Information on First Amendment activities.* Describe any information to be kept on the exercise of individual's First Amendment rights and the basis for maintaining it as provided for in paragraph (e) of § 286a.10, Subpart B.

7. *Measures to ensure information accuracy.* If the system is to be used to make determinations about the rights, benefits, or entitlements of individuals; describe the measures being established to ensure the accuracy, currency, relevance, and completeness of the information used for these purposes.

8. *Other measures to ensure system security:* Describe the steps taken to minimize the risk of unauthorized access to the system. A more detailed assessment of security risks and specific administrative, technical, and physical safeguards shall be available for review upon request.

9. *Relationship to state and local government activities.* Describe the relationship of the system to state or local government activities that are the sources, recipients, or users of the information in the system.

C. *Supporting Documentation.* Item 10 of the narrative is captioned *Supporting Documents.* A positive statement for this caption is essential for those enclosures that are not required to be enclosed. For example, "No changes to the existing Army procedural or exemption rules (32 CFR Part 505) are required for this proposed system." List in numerical sequence only those enclosures that are actually furnished. The following are typical enclosures that may be required:

1. For a new system, an advance copy of the system notice which is proposed for publication. For an altered system (see paragraph (d) of § 286a.64, Subpart G) an advance copy of the notice reflecting the specific changes proposed.

2. An advance copy of any new rules or changes to the published Component rules to be issued for the new or altered system. If no change to existing rules is required, so state in the narrative.

3. An advance copy of any proposed exemption rule if the new or altered system is to be exempted in accordance with Subpart F. If there is no exemption, so state in the narrative.

4. Any other supporting documentation that may be pertinent or helpful in understanding the need for the system or clarifying its intended use. While not required, such documentation, when available, is helpful in evaluating the new or altered system.

Attachment 1.—Sample Format for Narrative Statement

DEPARTMENT OF DEFENSE

(Component Name)

REPORT ON NEW (OR ALTERED) SYSTEM UNDER THE PRIVACY ACT OF 1974

(Indicate none or not applicable, as appropriate.)

1. *System Identification and name:*

2. *Responsible official:*

3. *Purpose(s) of the System:* (for a new system only) or *Nature of the Change(s) Proposed:* (for altered system).

4. *Authority for the System:*

5. *Number of Individuals:*

6. *Information on First Amendment Activities:*

7. *Measures to Ensure Information Accuracy:*

8. *Other Measures to Ensure System Security:*

9. *Relations to State or Local Government Activities:*

10. *Supporting Documentation:* (Indicate here, as a positive statement, those enclosures *not* required as set forth in section C. of the format instructions.)

SIGNATURE BLOCK OF SUBMITTING OFFICIAL

Attachment 2.—Sample Report

DEPARTMENT OF DEFENSE

Defense Nuclear Agency

REPORT ON NEW SYSTEM UNDER THE PRIVACY ACT OF 1974

1. *System Identification and Name:* HDNA 609–03, entitled "Personnel Exposed To Radiation From Nuclear Tests."

2. *Responsible Official:* Robert L. Brittigan, General Counsel, Defense Nuclear Agency, Washington, D.C. 20305. Telephone: Area Code 202 325–7781.

3. *Purpose(s) of the System:* To consolidate into one system the names, addresses, and exposures of all DoD or DoD-associated personnel who may have been exposed to ionizing radiation during the atmospheric nuclear testing programs in the Pacific and at the Nevada Test Site.

4. *Authority for the System:* See "Authority for Maintenance of the System" caption of the attached proposed system notice.

5. Number of Individuals: Approximately 300,00 individuals will be affected by this new system, since the system includes all DoD and DoD-affiliated participants in the atmospheric nuclear tests program.

6. *Information on First Amendment Activities:* None.

7. *Measures to Ensure Information Accuracy:* Records consist of personal data to be provided by the individual such as name, rank, service number, last known or current address, dates of test participation, exposure date, if available, and unit of assignment. When the information has been obtained from sources other than the individual, follow-up is attempted to ensure accuracy.

8. *Other Measures to Ensure System Security:*

a. Paper records before processing for computer storage are retained in locked filing cabinets located in limited access facilities at DNA Headquarters and the Armed Forces Radiobiology Research Institute.

b. Privacy data in the Headquarters, DNA, ADP facility is afforded the same protection as classified data in that the DNA computer system employs a File Security System (FSS) to protect classified and privacy data files from being accessed by unauthorized user.

9. *Relations to State and Local Government Activities:* None

10. *Supporting Documentation:* No changes to existing procedural or exemption rules are required for this proposed new system.

Robert L. Brittigan

General Counsel

Enclosures—2

1. Advance copy of proposed system notice.

2. Copy of tasking memorandum from the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) to the Director, Defense Nuclear Agency, "DoD Personnel Participation in Atmosperic Nuclear Weapons Testing," January 28, 1978.

Note.–Enclosures are not included in the sample, above.

Appendix G.—Sample Deletions and Amendments to Systems Notices in "Federal Register" Format

(See paragraph (d) of § 286a.64, Subpart G)

DEPARTMENT OF DEFENSE

Department of Air Force

Privacy Act of 1974; Deletions and Amendments to Systems of Records Notices

AGENCY: Department of the Air Foce, DoD.

ACTION: Notice of deletions and amendments to systems of records.

SUMMARY: The Air Force proposes to delete three and amend two notices for systems of records subject to the Privacy Act of 1974. The specific changes to the notices being amended are set forth below followed by the system notices, as amended, published in their entirety.

DATES: These systems notices shall be amended as proposed without further notice on (30 days after publication in the **Federal Register** unless comments are received that would result in a contrary determination.

ADDRESS: Send comments to the system manager identified in the particular system notice concerned.

FOR FURTHER INFORMATION CONTACT: Mr. Jon E. Updike, HQ USAF/DAQD, The Pentagon, Washington, D.C. 20330–5024, Telephone: (202) 694–3431 Autovon: 224–3431

SUPPLEMENTARY INFORMATION: The Air Force sytems of records notices inventory subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published to date in the **Federal Register** as follows:

FR Doc. 80–28255 (46 FR 50785) September 28, 1980

FR Doc. 80–31218 (46 FR 56774) October 28, 1980

FR Doc. 80–32284 (46 FR 58195) November 8, 1980

FR Doc. 80–33780 (46 FR 59996) November 23, 1980

The proposed amendments are not within the purview of the provisions of 5 U.S.C.

552a(o) which requires the submission of an altered system report.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

Deletions

F01001 OQPTFLA

System name: Human Reliability for Special Missions.

Reason: This system is covered by F03004 AFDPMDB Advanced Personnel Data System (APDS) (46 FR 50821) August 28, 1981.

F01003 OBXQPCA

System name: Cadet Promotion List.

Reason: This system has been incorporated into F03502 AFA A Cadet Management System (46 FR 50875) July 28, 1981.

F01102 OYUEBLA

System name: Locator or Personnel Data file.

Reason: This sytem is covered by F01102 DAYX A Base, Unit, and Organizational Military and Civilian Personnel Locator Files (46 FR 50800) October 28, 1981.

Amendments

F03501 DPMDQJA

System name: Military Personnel Records System.

Changes:

System Location: In line 8, change "Adjustment" to Adjutant".

External users, uses and purposes:

Add at end:

"American National Red Cross. Information to local Red Cross offices for emergency assistance to military members, dependents, relatives, or other persons if conditions are compelling."

"Drug Enforcement Administration" (added to those agencies listed under Department of Justice).

"Department of Labor: Bureau of Employees' Compensation—medical information for claims of civilian employees formerly in military service; Employment and Training Administration—verification of service-related information for unemployment compensation claims; Labor-Management Services Administration—for investigations of possible violations of labor laws and preemployment investigations; National Research Council—for medical research purposes; U.S. Soldiers' and Airmen's Home—service information to determine eligibility."

F03504 OJMPLSC

System name: Assessments Screening Records.

Changes:

System location: In line 1, change "3700 Personnel Processing Group" to "3507 Airman Classification Squadron."

Retention and disposal: Delete entry and substitute: "Records on airmen accepted for sensitive or high risk assignments are retained in the office files for 18 months, then destroyed. Records of nonselectees are retained in office files for 1 year, then destroyed. Destruction is by tearing into pieces, shredding, pulping, macerating, or burning."

Systems manager: In line 1, change "3700 PPGP (CCO)," to "3507 Airman Classification Squadron."

Record source categories: Add at end, "peers, character references, and the individual member."

Appendix H.—Litigation Status Sheet

(See § 286a.104, Subpart K)

1. Case Number.[1]
2. Requester.
3. Document Title or Description.[2]
4. Litigation:
   a. Date Complaint Filed.
   b. Court.
   c. Case File Number[1]
5. Defendants (DoD Component and individual).
6. Remarks (brief explanation of what the case is about).
7. Court Action:
   a. Court's Finding.
   b. Disciplinary Action (as appropriate).
8. Appeal (as appropriate):
   a. Date Complaint Filed.
   b. Court.
   c. Case File Number.[1]
   d. Court's Finding.
   e. Disciplinary Action (as appropriate).

Appendix I.—Office of Management and Budget (OMB)

Matching Guidelines

(See § 286a.110, Subpart L)

A. *Purpose.* These guidelines supplement and shall be used in conjunction with OMB Guidelines on the Administration of the Privacy Act of 1974, issued on July 1, 1975, and supplemented on November 21, 1975. They replace earlier guidance on conducting computerized matching programs issued on March 30, 1979. They are intended to help agencies relate the procedural requirements of the Privacy Act to the operational requirements of computerized matching. They are designed to address the concerns expressed by the Congress in the Privacy Act of 1974 that "the increasing use of computers and sophisticated information technology, while essential to the efficient operation of the Government, has greatly magnified the harm to individual privacy that can occur from any collection, maintenance, use, or dissemination of personal information." These guidelines do not authorize activities that are not permitted by law, nor do they prohibit activities expressly required to be performed by law. Complying with these guidelines, however, does not relieve a federal agency of the obligation to comply with the provisions of the Privacy Act, including any provisions not cited in these guidelines.

B. *Scope.* These guidelines apply to all agencies subject to the Privacy Act of 1974 (5 U.S.C. 552a) and to all matching programs:

1. Performed by a federal agency, whether the personal records used in the match are federal or nonfederal.

2. For which a federal agency discloses any personal records for use in a matching program performed by any other federal agency or any nonfederal organization.

C. *Effective Date.* These guidelines are effective on May 11, 1982.

D. *Definitions.* For the purposes of the Guidelines, all the terms defined in the Privacy Act of 1974 apply.

1. *Personal Record.* Any information pertaining to an individual that is stored in an automated system of records; for example, a data base which contains information about individuals that is retrieved by name or some other personal identifier.

2. *Matching Program.* A procedure in which a computer is used to compare two or more automated systems of records or a system of records with a set of nonfederal records to find individuals who are common to more than one system or set. The procedure includes all of the steps associated with the match, including obtaining the records to be matched, actual use of the computer, administrative and investigative action on the hits, and disposition of the personal records maintained in connection with the match. It should be noted that a single matching program may involve several matches among a number of participants. Matching programs do not include the following:

a. Matches that do not compare a substantial number of records, such as, comparison of the Department of Education's defaulted student loan data base with the Office of Personnel Management's federal employee data base would be covered; comparison of six individual student loan defaultees with the OPM file would not be covered.

b. Checks on specific individuals to verify data in an application for benefits done reasonably soon after the application is received.

c. Checks on specific individuals based on information which raises questions about an individual's eligibility for benefits or payments done reasonably soon after the information is received.

d. Matches done to produce aggregate statistical data without any personal identifiers.

e. Matches done to support any research or statistical project when the specific data are not to be used to make decisions about the rights, benefits, or privileges of specific individuals.

f. Matches done by an agency using its own records.

3. *Matching Agency.* The federal agency which actually performs the match.

4. *Source Agency.* The federal agency which discloses records from a system of records to be used in the match. Note that in some circumstances a source agency may be the instigator and ultimate beneficiary of the matching program, as when an agency lacking computer resources uses another agency to perform the match. The disclosure of records to the matching agency and any later disclosure of "hits" (by either the matching or the source agencies) must be done in accordance with the provisions of paragraph (b) of the Privacy Act.

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[1] Number used by the Component for reference purposes

[2] Indicate the nature of the case, such as, "Denial of access," "Refusal to amend," "Incorrect records," or other violations of the Act (specify).

5. *Hit.* The identification, through a matching program, of a specific individual.

E. *Guidelines for Agencies Participating in Matching Programs.* Agencies should acquire and disclose matching records and conduct matching programs in accordance with the provisions of this section and the Privacy Act.

1. *Disclosing Personal Records for Matching Programs.*

a. *To another federal agency.* Source agencies are responsible for determining whether or not to disclose personal records from their systems and for making sure they meet the necessary Privacy Act disclosure provisions when they do. Among the factors source agencies should consider are:

(1) Legal authority for the match;

(2) Purpose and description of the match;

(3) Description of the records to be matched;

(4) Whether the record subjects have consented to the match; or whether disclosure of records for the match would be compatible with the purpose for which the records were originally collected; that is, whether disclosure under a "routine use" would be appropriate; whether the soliciting agency is seeking the records for a legitimate law enforcement activity—whichever is appropriate; or any other provision of the Privacy Act under which disclosure may be made;

(5) Description of additional information which may be subsequently disclosed in relation to "hits";

(6) Subsequent actions expected of the source (for example, verification of the identity of the "hits" or follow-up with individuals who are "hits");

(7) Safeguards to be afforded the records involved, including disposition.

b. If the agency is satisfied that disclosure of the records would not violate its responsibilities under the Privacy Act, it may proceed to make the disclosure to the matching agency. It should ensure that only the minimum information necessary to conduct the match is provided. If disclosure is to be made pursuant to a "routine use" (Section (b)(3) of the Privacy Act), it should ensure that the system of records contains such a use, or it should publish a routine use notice in the **Federal Register**. The agency should also be sure to maintain an accounting of the disclosures pursuant to Section (c) of the Privacy Act.

c. To a nonfederal entity. Before disclosing records to a nonfederal entity for a matching program to be carried out by that entity, a source agency should, in addition to all of the consideration in paragraph E.1.a., above, also make reasonable efforts, pursuant to Section (e)(6) of the Privacy Act, to "assure that such records are accurate, complete, timely, and relevant for agency purposes."

2. *Written Agreements.* Before disclosing to either a federal or nonfederal entity, the source agency should require the matching entity to agree in writing to certain conditions governing the use of the matching file; for example, that the matching file will remain the property of the source agency and be returned at the end of the matching program (or destroyed as appropriate); that the file will be used and accessed only to match the file or files previously agreed to; that it will not be used to extract information concerning "non-hit" individuals for any purpose, and that it will not be duplicated or disseminated within or outside the matching agency unless authorized in writing by the source agency.

3. *Performing Matching Programs.* (a) Matching agencies should maintain reasonable administrative, technical, and physical security safeguards on all files involved in the matching program.

(b) Matching agencies should insure that they have appropriate systems of records including those containing "hits," and that such systems and any routine uses have been appropriately noticed in the **Federal Register** and reported to OMB and the Congress, as appropriate.

4. *Disposition of Records.* a. Matching agencies will return or destroy source matching files (by mutual agreement) immediately after the match.

b. Records relating to hits will be kept only so long as an investigation, either criminal or administrative, is active, and will be disposed of in accordance with the requirements of the Privacy Act and the Federal Records Schedule.

5. *Publication Requirements.* a. Agencies, before disclosing records outside the agency, will publish appropriate "routine use" notices in the **Federal Register**, if necessary.

b. If the matching program will result in the creation of a new or the substantial alteration of an existing system of records, the agency involved should publish the appropriate **Federal Register** notice and submit the requisite report to OMB and the Congress pursuant to OMB Circular No. A–108.

6. *Reporting Requirements.* a. As close to the initiation of the matching program as possible, matching agencies shall publish in the **Federal Register** a brief public notice describing the matching program. The notice should include:

(1) The legal authority under which the match is being conducted;

(2) A description of the matching program including whether the program is one time or continuing, the organizations involved, the purpose or purposes for which the program is being conducted, and the procedures to be used in matching and following up on the "hits";

(3) A complete description of the personal records to be matched, including the source or sources, system of records identifying data, date or dates and page number of the most recent **Federal Register** full text publication when appropriate;

(4) The projected start and ending dates of the program;

(5) The security safeguards to be used to protect against unauthorized access or disclosure of the personal records; and

(6) Plans for disposition of the source records and "hits."

7. Agencies should send a copy of this notice to the Congress and to OMB at the same time it is sent to the **Federal Register**.

a. Agencies should report new or altered systems of records as described in paragraph E.5.b., above, as necessary.

b. Agencies should also be prepared to report on matching programs pursuant to the reporting requirements of either the Privacy Act or the Paperwork Reduction Act. Reports will be solicited by the Office of Information and Regulatory Affairs and will focus on both the protection of individual privacy and the government's effective use of information technology. Reporting instructions will be disseminated to the agencies as part of either the reports required by paragraph (p) of the Privacy Act, or Section 3514 of Pub. L. 96–511.

8. *Use of Contractors.* Matching programs should, as far as practicable, be conducted "in-house" by federal agencies using agency personnel, rather than by contract. When contractors are used, however,

a. The matching agency should, consistent with paragraph (m) of the Privacy Act, cause the requirements of that Act to be applied to the contractor's performance of the matching program. The contract should include the Privacy Act clause required by Federal Personnel Regulation Amendment 155 (41 CFR 1–1.337–5);

b. The terms of the contract should include appropriate privacy and security provisions consistent with policies, regulations, standards, and guidelines issued by OMB, GSA, and the Department of Commerce;

c. The terms of the contract should preclude the contractor from using, disclosing, copying, or retaining records associated with the matching program for the contractor's own use;

d. Contractor personnel involved in the matching program shall be made explicitly aware of their obligations under the Act and of these guidelines, agency rules, and any special safeguards in relation to each specific match performed.

e. Any disclosures of records by the agency to the contractor should be made pursuant to a "routine use" (5 U.S.C. 552a(b)(3)).

F. *Implementation and Oversight.* OMB will oversee the implementation of these guidelines and shall interpret and advise upon agency proposals and actions within their scope, consistent with Section 6 of the Privacy Act.

Linda M. Lawson,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

January 9, 1986.

[FR Doc. 86–841 Filed 1–15–86; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD7 84–29]

Drawbridge Operation Regulations; Florida, Georgia and South Carolina; Correction

AGENCY: Coast Guard, DOT.

ACTION: Final rule, correction.

SUMMARY: This document corrects a final rule on drawbridge requirements that appeared at page 51246 in the Federal Register of Monday, December

16, 1985 (50 FR 51246). The action is necessary to delete the word "not" which was inadvertently included in one paragraph of the published rule.

EFFECTIVE DATE: This regulation is effective on January 15, 1986.

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

List of Subjects in 33 CFR Part 117

Bridges.

Correction

Accordingly, the Coast Guard is correcting FR Doc. 85–29706 appearing on page 51246 in the **Federal Register** issue of December 16, 1985. On page 51249, §117.261(bb) is corrected to read as follows:

(bb) *SR810 bridge, mile 1050.0 at Deerfield Beach.* The draw shall open on signal; except that, from November 1 through May 31 from 11 a.m. to 5 p.m. on Saturdays, Sundays and federal holidays, the draw need open only on the hour, quarter-hour, half-hour, and three-quarter hour.

Dated: January 6, 1986.

G.S. Duca,

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

[FR Doc. 86–1003 Filed 1–15–86; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 117

[CGD13 85–15]

Drawbridge Requirements; Grays Harbor, Highway Bridges, Aberdeen and Hoquiam, WA

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the Washington Department of Transportation (WDOT), the Coast Guard is changing the regulations governing the following highway bridges: SR–101 Bridge across the Chehalis River at Aberdeen; Heron Street Bridge and Wishkah Street Bridge across the Wishkah River at Aberdeen; and the Simpson Avenue Bridge and Riverside Avenue Bridge across the Hoquiam River at Hoquiam. The change would require one hour advance notice for all bridge openings, except for the SR–101 Bridge across the Chehalis River, which would open on call without advance notice, from one hour before sunrise to one hour after sunset. This change is being made because WDOT can realize savings in operating costs through its implementation. This action will relieve the bridge owner of the burden of having persons constantly available to open the draws and still provide for the reasonable needs of navigation. Current regulations require: The SR–101 Bridge across the Chehalis River to open on signal for the passage of vessels, except for weekday morning and afternoon closed periods; the Simpson Avenue Bridge across the Hoquiam River requires one hour advance notice for openings; the Riverside Avenue Bridge across the Hoquiam River opens on signal from 4 a.m. to 8 p.m. and requires one hour advance notice for openings at all other times; the draws of the Heron Street Bridge and the Wishkah Street Bridge across the Wishkah River both require one-half hour advance notice for openings. Also, the Coast Guard is revoking the regulation for the Union Pacific railroad bridge across the Chehalis River, mile 13.1, at South Montesano, because the bridge has been removed.

EFFECTIVE DATE: These regulations become effective on February 18, 1986.

FOR FURTHER INFORMATION CONTACT: John E. Mikesell, Chief, Bridge Section, Aids to Navigation Branch. Telephone: (206) 442–5864.

SUPPLEMENTARY INFORMATION: On October 3, 1985, the Coast Guard published proposed rules (50 FR 40407) concerning this amendment. The Commander, Thirteenth Coast Guard District, also published the proposal as a Public Notice dated October 18, 1985. In each notice interested parties were given until November 18, 1985 to submit comments.

Drafting Information

The drafters of this notice are: John E. Mikesell, project officer, and Lieutenant Commander Judith M. Hammond, project attorney.

Discussion of Comments

Three comments were received in response to the notices. A federal resource agency offered no objection to the proposal. A local tug boat company wanted the SR–101 Bridge to be manned 24 hours a day to accommodate traffic which might develop if the adjacent railroad bridge were removed. Also, they proposed additional changes to the regulations for the SR–101 Bridge which will be covered by a separate rulemaking. The tug boat company's concerns were based on the rumored abandonment of the rail line crossing the Chehalis River into Aberdeen. The local pilots association objected to the proposed change, citing reasons of safety and cost effectiveness without providing substantive information for either. The pilots concerns had previously been presented at preliminary meetings and were generally negated by information and data presented by WDOT.

Economic Assessment and Certification

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

The economic impact of this proposal has been found to be so minimal that a full regulatory evaluation is unnecessary. There has been a substantial reduction in the number of openings of all Grays Harbor area bridges because many of the commercial activities that formerly required bridge openings are no longer active. Major vessels requiring opening of the SR–101 Bridge across the Chehalis River normally pass through the bridge during the period from one hour before sunrise to one hour after sunset. The change would have no effect on these operations. Openings of the other bridges are infrequent and, with the partial exception of the Riverside Avenue Bridge, already require advance notice. The regulations pertaining to the Union Pacific railroad bridge at South Montesano are now meaningless, because the bridge no longer exists. Since the economic impact of these regulations is expected to be minimal, the Coast Guard certifies that they will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

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

PART 117—DRAWBRIDGE REQUIREMENTS

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

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–01(g).

2. Section 117.1031 (a) and (b) is revised to read as follows:

§ 117.1031 Chehalis River.

(a) The draw of the Union Pacific railroad bridge, mile 0.0, at Aberdeen,

shall open on a signal of three prolonged blasts.

(b) The draw of the SR–101 highway bridge, mile 0.1, at Aberdeen, shall open on a signal of two short blasts followed by one prolonged blast from one hour before sunrise to one hour after sunset, except that from 7:15 a.m. to 8:15 a.m. and 4:15 p.m. to 5:15 p.m., Monday through Friday, except Federal holidays, the draw need not be opened for the passage of vessels of less than 5,000 gross tons. At all other times, the draw shall open on signal if at least one hour notice is given by marine radio, telephone, or other suitable means to the Washington Department of Transportation.

* * * * *

§ 117.1031 [Amended]

3. Section 117.1031(c) is revoked.

4. Section 117.1047(c) and (d) is revised to read as follows:

§ 117.1047 Hoquiam River.

* * * * *

(c) The draw of Simpson Avenue Bridge, mile 0.5, at Hoquiam, shall open on signal if at least one hour notice is given by marine radio, telephone, or other suitable means to the Washington Department of Transportation. The opening signal is two prolonged blasts followed by one short blast.

(d) The draw of the Riverside Avenue Bridge, mile 0.9, at Hoquiam, shall open on signal if at least one hour notice is given by marine radio, telephone, or other suitable means to the Washington Department of Transportation. The opening signal is two prolonged blasts followed by two short blasts.

* * * * *

5. Section 117.1065(c) is revised to read as follows:

§ 117.1065 Wishkah River.

* * * * *

(c) The draws of the Heron Street Bridge, mile 0.2, and the Wishkah Street Bridge, mile 0.4, at Aberdeen, shall open on signal if a least one hour notice is given by marine radio, telephone, or other suitable means to the Washington Department of Transportation. The opening signal for both bridges is one prolonged blast followed by two short blasts.

Dated: December 31, 1986.

H.W. Parker,

Rear Admiral, U.S. Coast Guard, Commander, 13th Coast Guard District.

[FR Doc. 86–1001 Filed 1–15–86; 8:45 am]

BILLING CODE 4910–14–M

33 CFR Part 117

[CGD8–85–17]

Drawbridge Operation Regulations; Lafourche Bayou, Louisiana

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the Louisiana Department of Transportation and Development (LDOTD), the Coast Guard is changing the regulation which would have governed the operation of the swing span bridge now under construction over Lafourche Bayou, mile 49.2, on LA3220 near Lockport, Lafourche Parish, Louisiana. The bridge is scheduled for completion in March 1986, and upon completion would be required to open on signal at all times unless this change is effected. The change will require that at least four hours advance notice be given for an opening of the draw between 6 p.m. and 10 a.m. and that it open on signal otherwise.

This change is being made so the bridge can operate under the same regulation in existence for the swing span bridge on LA655 over Lafourche Bayou, mile 50.8, 1.6 miles upstream, considering that vessel traffic through the two bridge sites is virtually the same. This action will relieve the bridge owner of the burden of having a person constantly available at the bridge during the advance notice period of 6 p.m. to 10 a.m., while still providing for the reasonable needs of navigation.

EFFECTIVE DATE: This regulation becomes effective on February 18, 1986.

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

SUPPLEMENTARY INFORMATION: On 24 October 1985, the Coast Guard published a proposed rule (50 FR 43257) concerning this amendment. The Commander, Eighth Coast Guard District, also published the proposal as a public notice dated 30 October 1985. In each notice interested persons were given until 9 December 1985 to submit comments.

Drafting Information

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

Discussion of Comments

The only comments received in response to the notices were two letters offering no objections to the proposal.

Economic Assessment and Certification

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

The economic impact of this regulation has been found to be so minimal that a full regulatory evaluation is unnecessary. The basis for this conclusion is that the regulation simply extends the operation regulation now in effect for the existing bridge at mile 50.8, to the bridge under construction at mile 49.2, in that the traffic through the existing bridge is considered representative of the traffic to be expected through the bridge under construction. As is the case for the existing bridge, mariners can reasonably give four hours advance notice for an opening of the new bridge, from ashore or afloat, by placing a collect call at any time to the bridge owner at the LDOTD District Office in Lafayette, Louisiana, telephone (318) 233–7404, or during normal office hours to the LDOTD Office in Houma, Louisiana, telephone (504) 851–0900. Similarly, these mariners are mainly repeat users and scheduling their arrival at the bridge at the appointed time should involve little or no additional expense to them. Since the economic impact of this proposal is expected to be minimal, the Coast Guard certifies that, if adopted, if will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

Regulation

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

PART 117—DRAWBRIDGE OPERATION REGULATIONS

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

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

2. Section 117.465 is amended by revising paragraph (a) to read as follows:

§ 117.465 Lafourche Bayou.

(a) The draws of the S3220 bridge, mile 49.2 near Lockport, and the S655 bridge, mile 50.8 at Lockport, shall open on signal; except that, from 6 p.m. to 10 a.m. the draws shall open on signal if at least four hours notice is given. During

the advance notice period, the draws shall open on less than four hours notice for an emergency and shall open on demand should a temporary surge in waterway traffic occur.

* * * * *

Dated: December 31, 1985.

Clyde T. Lusk, Jr.,

Rear Admiral, U.S. Coast Guard; Commander, Eighth Coast Guard District.

[FR Doc. 86-839 Filed 1-15-86; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 165

[CCGD11-85-03]

Regulated Navigation Area; San Pedro Bay, CA

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This regulation corrects the name of two reference points for the San Pedro Bay Regulated Navigation Area. These corrections change the name of Long Beach Entrance Light 2 to read Long Beach Entrance Channel Light 2 and changes the name of Los Angeles Main Channel Light 2 to read Los Angeles Main Channel Entrance Light 2. The intended effect of this regulation is to conform the names of the navigational aids in the Code of Federal Regulations to the names of navigational aids listed on local charts.

DATES: These regulations become effective on January 16, 1986.

FOR FURTHER INFORMATION CONTACT: Commander (m), Eleventh Coast Guard District, Suite 709, Union Bank Bldg., 400 Oceangate, Long Beach CA 90822. Telephone: (213)590-2301. Atten.: ENS J. Czamanske.

SUPPLEMENTARY INFORMATION: A notice of proposed rule making was not published for this regulation and it is being made effective in less than 30 days from the date of publishing. The changes implemented by this rulemaking are strictly editorial in nature and do not change the boundaries of the regulated navigation area. Therefore, the Coast Guard has determined that good cause exists under U.S.C. 553(d)(3) to issue the final rule without prior notice and to make this rulemaking effective in less than 30 days.

Drafting Information

The drafters of this regulation are ENS J. Czamanske, project officer, Eleventh Coast Guard District Marine Safety Division, and LT J.R. McFaul, project attorney, Eleventh Coast Guard District Legal Office.

Discussion of Regulation

This revision of Section 165.1109 corrects "Long Beach Entrance Light 2" to read "Long Beach Entrance Channel Light 2" in Paragraph(a) and Subparagraph (b)(2); "Los Angeles Main Channel Light 2" is corrected to read "Los Angeles Main Entrance Channel Light 2" in Subparagraph (b)(1).

Economic Assessment and Certification

These regulations are considered to be non-major under Executive Order 12291 on Federal Regulations and non-significant under Department of Transportation regulatory policies and procedures [44 FR 11034; February 26, 1979]. The economic impact has been found to be so minimal that a full regulatory evaluation is unnecessary. There is no economic impact because this regulation constitutes merely nomenclature changes to navigational aids already established and charted. This regulation will conform the names of the aids in the Code of Federal Regulations to the names of aids listed on local charts.

Since the impact of these regulations is expected to be minimal, the Coast Guard certifies that they will not have a significant impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

Final Regulation

In consideration of the foregoing, Part 165 of Title 33 of the Code of Federal Regulations is amended as follows:

PART 165—[AMENDED]

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1225 and 1231; 50 U.S.C. 191; 49 CFR 1.46(n)(4) and 33 CFR 1.05-1(g)(4), 6.04-1, 6.04-6, and 160.5(c).

§ 165.1109 [Amended]

2. In § 165.1109 paragraph (a) is revised to read as follows:

(a) The following is a Regulated Navigation Area—The waters of San Pedro Bay enclosed by a line beginning at Los Angeles Light, latitude 33°42'30.6" N., longitude 118°15'02.5" W.; thence easterly along the Los Angeles-Long Beach Middle Breakwater to Long Beach Channel Entrance Light 2, latitude 33°43'23.5" N., longitude 118°10'46.9" W.; thence southerly to latitude 33°42'09.0" N., longitude 118°10'23.0" W.; thence westerly to latitude 33°42'09.0" N., longitude 118°11'33.3" W.; thence southwesterly to latitude 33°41'40.5" N., longitude 118°13'02.2" W.; thence westerly to latitude 33°41'36.1" N., longitude 118°13'43.0" W.; thence southwesterly to latitude 33°41'13.8" N., longitude 118°14'52.2" W.; thence northerly to the beginning point at Los Angeles Light.

* * * * *

3. In § 165.1109 paragraphs (b)(1) and (b)(2) are revised to read as follows:

(b) * * *

(1) The Los Angeles Pilot Area is enclosed by a line beginning at Los Angeles Light, latitude 33°42'30.6" N., longitude 118°15'02.5" W.; thence easterly to Los Angeles Main Channel Entrance Light 2, latitude 33°42'38.6" N., longitude 118°14'37.5" W.; thence southeasterly to latitude 33°41'36.1" N., longitude 118°13'43.0" W.; thence southwesterly to latitude 33°41'13.8" N., longitude 118°14'52.2" W.; thence northerly to the beginning point.

(2) The Long Beach Pilot Area is enclosed by a line beginning at Long Beach Light, latitude 33°43'23.5" N., longitude 118°11'09.3" W.; thence easterly to Long Beach Channel Entrance Light 2, latitude 33°43'23.5" N., longitude 118°10'46.9" W.; thence southerly to latitude 33°42'09.0" N., longitude 118°10'23.0" W.; thence westerly to latitude 33°42'09.0" N., longitude 118°11'33.3" W.; thence northeasterly to the beginning point.

* * * * *

Dated: December 31, 1985.

A.B. Beran,

Rear Admiral (lower half), U.S. Coast Guard, Commander, Eleventh Coast Guard District.

[FR Doc. 86-1002 Filed 1-15-86; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF EDUCATION

Office of Educational Research and Improvement

34 CFR Part 772

Library Services and Construction Act; State-Administered Program and Direct Grant Programs for Indian Tribes and Hawaiian Natives, Foreign Language Materials Acquisition, and Literacy

Correction

In FR Doc. 85-19404, beginning on page 33172, in the issue of Friday, August 16, 1985, make the following correction.

On page 33167, in the first column, in § 772.31, paragraphs (a)(2) through (b)(1) were omitted. The complete text of § 772.31 (a) and (b) reads as follows:

§ 772.31 What selection criteria does the Secretary use?

(a) *Plan of operation.* (15 points)

(1) The Secretary reviews each application to determine the quality of the plan of operation for the project.

(2) The Secretary looks for—

(i) High quality in the design of the project;

(ii) An effective plan of management that insures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective; and

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(b) *Quality of key personnel.* (15 points)

(1) The Secretary reviews each application to determine the qualifications of the key personnel the applicant plans to use on the project.

(2) The Secretary considers—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (b)(2) (i) and (ii) of this section will commit to the project; and

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(3) To determine personnel qualifications, the Secretary considers experience and training, in fields related to the objectives of the project, as well as other evidence that the applicant provides.

* * * * *

BILLING CODE 1505-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-9-FRL-2948-1]

Approval and Promulgation of Implementation Plans; Montana; Billings CO; Missoula CO; Missoula TSP; Source Test Procedures

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving four requested revisions to the Montana Implementation Plan submitted by the State of Montana as required under section 110 of the Clean Air Act. These revisions, concerning approval of plans for attainment of air quality standards for Carbon Monoxide (CO) in Billings and Missoula; deletion of requirements in the Missoula Total Suspended Particulate (TSP) plan; and approval of statewide source test procedures, were proposed in the **Federal Register** on July 23, 1984 at 49 FR 29620. The Colstrip TSP plan, also proposed on July 23 was separated and published previously as a final rule (50 FR 16475, April 26, 1985).

Approval of the Billings and Missoula CO plans today removes the Clean Air Act section 110(a)(2)(I) construction ban on new or modified major CO emitting sources which has been in effect in these areas.

EFFECTIVE DATE: This action takes effect January 16, 1986.

ADDRESSES: Copies of the revision are available for public inspection between 8 a.m. and 4 p.m. Monday through Friday at the following offices:

Environmental Protection Agency, Montana Office, Federal Building, Room 292, 301 South Park, Helena, Montana 59626

Environmental Protection Agency, Region VIII, Air Programs Branch, One Denver Place, 999 18th Street, Suite 1300, Denver, Colorado 80202-2413

Public Information Reference Unit, EPA Library, 401 M Street SW., Washington, DC

Office of the Federal Register, Room 8401, 1100 L Street NW., Washington, DC

FOR FURTHER INFORMATION CONTACT: Jay M. Sinott, EPA Montana Office, Federal Building, 301 South Park, Drawer 10096, Helena, Montana 59626, CML: (406) 449-5486, FTS: 585-5486.

SUPPLEMENTARY INFORMATION: EPA is today approving four revisions to the Montana Implementation Plan. These revisions were proposed for approval in the **Federal Register** on July 23, 1984 (49 FR 29620). The Colstrip TSP plan, also proposed for approval on July 23, was separated from this package and given final approval on April 26, 1985 (50 FR 16475). The four actions include final approval of CO plans for Billings and Missoula; a revision to the Missoula TSP plan; and approval of Montana's list of source test procedures. Each of these actions are discussed briefly below. More detailed discussion of the background of each of these actions may be found in previous **Federal Register** notices published on July 5, 1983 (48 FR 30696) and July 23, 1984 (49 FR 29620).

Only the Missoula CO plan drew any public comment following the proposed approval of these actions. The concerns raised in the one letter of comment are addressed in detail below. These concerns provide no rationale which warrants disapproval of the Missoula CO plan.

Background

I. Billings Carbon Monoxide Plan

Montana's original Part D CO plan for attainment of CO standards in the Billings area was submitted to EPA on April 24, 1979. On March 4, 1980 (45 FR 14036), EPA conditionally approved this plan. Additional air quality modeling was required as a condition of approval; as well as any additional controls necessary to demonstrate attainment by 1982. A revision, responding to EPA's conditions, was submitted by the Governor of Montana on August 14, 1981. The modeling study submitted as part of this revision predicted continued violation of the 8-hour average CO standard, beyond 1982, at one location within the Yellowstone County fair grounds. Ambient monitoring was instituted at this site in response to the study results and no violations were documented in calendar years 1981 through 1984. Traffic flow improvements achieved as part of the plan and projected automobile CO emission reductions indicate that CO standards will continue to be attained in the Billings area.

On July 5, 1983 (48 FR 30696), the agency proposed approval of the plan and proposed to disapprove a request for extension of the attainment date to 1987. The Agency also proposed a construction ban on new or modified major CO emitting sources because of the extension denial and failure to meet the conditions of the 1979 plan to demonstrate attainment by 1982. Today's final approval of the Billings

CO plan removes the potential of a construction ban.

If 1985 ambient monitoring data continues to show attainment of the CO standards, as expected, a request to redesignate the Billings area as a CO attainment area is expected from the State within the next year.

II. Missoula Carbon Monoxide Plan

The Missoula area was designated nonattainment for the 8-hour CO standard on the basis of data collected in the vicinity of the Brooks-South-Russell intersection. The Montana Implementation Plan submission of April 24, 1979, however, did not include a carbon monoxide plan for the Missoula area. Only a schedule for updating the emissions inventory, dispersion modeling and developing the necessary control strategies was included. Since the plan was already several months past due, EPA considered this response unsatisfactory and the plan was disapproved on March 4, 1980 (45 FR 14036).

The Missoula CO plan was submitted by the State on August 14, 1981. On July 5, 1983 (48 FR 30696), EPA proposed to approve the Missoula plan and disapproved Montana's request for extension of the final attainment date of 1987. Today's approval of the Missoula CO plan removes a moratorium on the construction of major CO emitting sources in the area which has been in effect since the plan was originally disapproved on March 4, 1980.

All corrective measures called for in the Missoula CO plan will be implemented by December 31, 1985. This has been determined to be the most expeditious practicable date by which the Brooks-South-Russell intersection may be reconstructed. A modeling study predicts that improved traffic flow through the intersection, currently undergoing reconstruction, will reduce the 8-hour concentration of CO in the vicinity to 8.33 parts per million, below the 9 ppm standard.

Though violations of the standard have historically been localized, a potential exists that minor violations may be occurring areawide related to the recent proliferation of residential wood combustion. Ambient monitoring continues and further studies are planned. Should an areawide problem be documented, further revision of the plan will be required.

III. Missoula TSP Plan

In the March 23, 1984 Federal Register, EPA proposed to approve a revision to the Missoula TSP plan removing two street paving projects from the particulate control strategy. Additional street paving projects, not required in the plan, more than compensate for these deletions. Missoula's original TSP plan was approved by EPA on March 4, 1980 (45 FR 14036). EPA received no comments on its proposed approval of this TSP plan revision.

IV. Source Test Procedures

In the July 23, 1984 Federal Register, EPA proposed to approve several source testing provisions of the Montana Implementation Plan. Montana's source test procedures are generally those of Appendix A of 40 CFR Part 60. The revisions approved today: allow the State to specify alternate procedures, where appropriate; allow the State to require the "back half" be included in particulate measurements for sources not subject to Federal New Source Performance Standards; and include language in the Montana Plan which provides for enforcement of State source testing requirements.

Missoula CO Comments

Below are addressed questions submitted by a commentor:

1. The commentor asked whether Missoula has been sanctioned as a nonattainment area with a disapproved plan and whether any sanctions are currently in effect:

Regarding sanctions; a construction ban is in effect in Missoula against CO emitting sources; lack of a fully approved plan has not resulted in withholding of any federal funds.

2. The commentor asked why the 18 EPA recommended transportation control measures, specifically including an automobile inspection and maintenance program, were not required as part of the Missoula plan:

Missoula was required to evaluate the 18 EPA recommended transportation control measures. The majority of these measures, designed for much larger metropolitan areas, are not possible or appropriate for Missoula. Missoula's plan includes one of the measures, traffic flow improvement, at the intersection discussed previously. Many of the other measures are actually in use to varying degrees, but are not included in the plan since they are not required for demonstration of attainment at the localized area in violation. Notable efforts to achieve reasonable further progress include reduced fares on the local bus system during periods of poor air quality and an "alert" system which includes mandatory wood burning restrictions and a call for voluntary reduction in traffic. An alert is triggered by high or predicted high TSP levels. Attainment has been predicted for Missoula without institution of an inspection and maintenance program. Such a program is not required for cities with less than 200,000 population nor appropriate for solution of Missoula's unique problems.

3. The commentor questioned the appropriateness of approving a plan calling for attainment in 1985 for an area not granted an extension beyond 1982:

Missoula did not receive an extension of their attainment date since an adequate plan was in effect in 1981 which provides for attainment as expeditiously as practicable (the end of the 1985 construction season). This is in keeping with the November 2, 1983 policy (48 FR 50694), and thus the Missoula plan is approvable with the proposed attainment date.

4. The commentor asked for a summary of Missoula CO monitoring efforts:

One CO monitor is currently in operation in a Missoula residential area. The State is planning the installation of two additional monitors. One of these will be used to measure the effectiveness of traffic improvements near the Brooks-South-Russell intersection and the other will be placed in a residential area as part of Missoula's effort to determine the extent of areawide CO pollution.

5. The commentor questioned the timing of the proposed action by EPA and the appropriateness of considering the State's August 14, 1981 submittal a response to EPA's November 2, 1983 Policy Statement:

Approval of this plan was delayed as EPA sought an equitable policy for handling a multitude of nonattainment areas which were unable to meet strictly the date imposed by the 1977 Clean Air Act Amendments.

Final Action

EPA is approving nonattainment area plans submitted by the State of Montana which provide for the attainment of National Ambient Air Quality Standards for CO in Billings and Missoula and a revision to the Missoula TSP plan. The Agency is also approving a list of statewide source test procedures.

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

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by March 17, 1986. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).).

List of Subjects in 40 CFR Part 52

Air pollution control, Incorporation by reference, Particulate matter, Carbon monoxide, Reporting and record keeping requirements.

Note.—In corporation by reference of the State Implementation Plan for the State of Montana was approved by the Director of the Federal Register on July 1, 1982.

Dated: December 11, 1985.

Lee M. Thomas,

Administrator.

PART 52—[AMENDED]

Part 52 of Chapter 1, Title 40 40 CFR Part 52 is amended as follows:

Subpart BB—MONTANA

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

Authority: 42 U.S.C. 7401–7642.

2. Section 52.1370 is amended by adding paragraph (c)(14) as follows:

§ 52.1370 Identification of plan.

* * * * *

(c) * * *

(14) Revisions to the SIP for Missoula and Billings Carbon Monoxide (CO) and Missoula Total Suspended Particulate (TSP) Attainment Plans were submitted by the Governor on August 14, 1981. A revision specifying a list of statewide source test procedures was submitted by the Governor on September 21, 1981.

(i) Incorporation by reference.

(A) Letter from Governor Ted Schwinden to EPA Region VIII Regional Administrator dated September 21, 1981, and document entitled "Montana SDHED–AQB Sampling and Analytical Procedures" as part of the SIP, adopted December 31, 1972.

(B) Missoula City Council Resolution Number 4146 approving amendments to Missoula Total Suspended Particulate and Carbon Monoxide Air Quality Attainment Plans, adopted on May 4, 1981.

(C) Missoula Board of County Commissioners Resolution number 81–73 approving changes in the Missoula TSP and CO State Implementation Plan, adopted on May 13, 1981.

(ii) Additional material.

(A) "Missoula SIP Revisions; Revision to Total Suspended Particulates Stategies and Strategy Development and Implementation for Carbon Monoxide," 1981.

(B) Certification of approval by Montana Board of Health and Environmental Sciences on May 28, 1981 of the "Transportation Control Plan" (July, 1980) prepared by Billings-Yellowstone City-County Planning Board.

(C) Billings-Yellowstone City-County Planning Board "Transportation Control Plan", July, 1980, approved on May 28, 1981.

§ 52.1384 [Removed]

3. Section 52.1384 is removed and reserved.

A. In § 52.1375 the table is revised as follows:

§ 52.1375 Attainment dates for national standards.

* * * * *

Air quality control region and nonattainment area	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Ozone
	Primary	Secondary	Primary	Secondary			
Billings Intrastate:							
a. Yellowstone County	c	c	a	c	b	e	b
b. Billings	e	e	a	c	b	f	b
c. Laurel	c	c	e	e	b	b	b
d. Remainder AQCR	c	c	a	c	b	b	b
Great Falls Intrastate:							
a. Great Falls	e	e	c	c	b	e	b
b. Remainder AQCR	b	b	c	c	b	b	b
Helena Intrastate:							
a. Anaconda	b	b	h	h	b	b	b
b. East Helena	e	e	e	e	b	b	b
c. Butte	e	g	b	b	b	b	b
d. Remainder AQCR	b	b	b	b	b	b	b
Miles City Intrastate:							
a. Colstrip	e	g	b	b	b	b	b
b. Remainder AQCR	b	b	b	b	b	b	b
Missoula Intrastate:							
a. Missoula	f	f	b	b	b	f	b
b. Columbia Falls	e	e	b	b	b	b	b
c. Remainder AQCR	c	c	b	b	b	b	b

a. Air quality levels presently below primary standards or area is unclassifiable.
b. Air quality levels presently below secondary standards or area is unclassifiable.
c. July 1975.
d. May 31, 1977.
e. December 31, 1982.
f. December 31, 1985.
g. Eighteen-month extension granted.
h. May 19, 1981.

Note.—Footnotes which are italic are prescribed by the Administrator because the plans do not provide a specific date, or the date provided is not acceptable.

Source: Subject to plan requirements and attainment dates established under section 110(a)(2)(A) of the Act prior to the 1977 Clean Air Act Amendments remains obligated to comply with those requirements by the earlier deadlines. The earlier attainment dates are set out at 40 CFR 52.325 (1978).

[FR Doc. 86–965 Filed 1–16–86; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Part 52

[A–5–FRL–2954–4]

Approval and Promulgation of Implementation Plans; Illinois

AGENCY: Environmental Protection Agency (USEPA).

ACTION: Final rulemaking.

SUMMARY: USEPA announces final disapproval of the incorporation of Illinois Pollution Control Board (IPCB) Rule 203(d)(5)(B)(iii) into the Illinois State Implementation Plan (SIP). This rulemaking also responds to the public comments received in response to USEPA's March 27, 1985 (50 FR 12093) notice of proposed rulemaking. Rule 203(d)(5)(B)(iii) was submitted by the State to satisfy the requirements of Part D of the Clean Air Act (Act).

ADDRESSES: Copies of the SIP revision, public comments on the notice of proposed rulemaking and other materials relating to this rulemaking are available for inspection at the following addresses: (It is recommended that you telephone Randolph O. Cano, at (312) 886–6036, before visiting the Region V Office.)

U.S. Environmental Protection Agency, Region V, Air and Radiation Branch (5AR–26), 230 South Dearborn Street, Chicago, Illinois 60604

Illinois Environmental Protection Agency, Division of Air Pollution Control, 2200 Churchill Road, Springfield, Illinois 62706.

FOR FURTHER INFORMATION CONTACT: Randolph O. Cano, Air and Radiation Branch (5AR–26), Environmental Protection Agency, Region V, Chicago, Illinois 60604, (312) 886–6036.

SUPPLEMENTARY INFORMATION: On September 3, 1981 (46 FR 44172), USEPA disapproved the incorporation of IPCB Rule 203(d)(5)(B)(iii) into the Illinois TSP SIP. This rule regulates coke pushing emissions. The four reasons for

disapproval listed in the September 3, 1981, final rulemaking are as follows:

(1) The regulation is ambiguous about whether the 0.03 or 0.06 gr/dscf limitation applies to traveling hood stationary gas cleaner control systems;

(2) The term "stationary hood system" applies to coke side sheds and an emissions limitation of 0.03 gr/dscf is excessively lenient because of unique shed dilution effects;

(3) The regulation lacks testing definitions; and

(4) The 90 percent design efficiency provision is not a quantifiable emissions limitation and, given that Illinois Rule 203(f) (fugitive particulate matter regulation) is not applicable to coke plant pushing operations, there is a need for pushing opacity standards. (46 FR 44178).

Subsequent to the September 3, 1981, disapproval, agreement was reached between USEPA and the Illinois Environmental Protection Agency (IEPA) on ways to resolve the four reasons for disapproval listed above. First, Illinois agreed to apply the 0.03 gr/dscf emission limit to traveling hood stationary gas cleaning control systems. This requirement was to be inserted as a condition of any operating permit issued to a source Subject to Rule 203(d)(5)(B)(iii) by Illinois and the permits were to be submitted to USEPA. The second issue, leniency of the regulation of coke side sheds, became moot since no operating coke side sheds exist or are planned for Illinois. Thirdly, Illinois agreed to include in each permit an appropriate method for testing the outlet of gas cleaning systems on pushing control devices. Finally, Illinois agreed to require as conditions in source operating permits for all pushing sources, opacity limits or other objective limits reflecting the operation of control designed to capture 90 percent of particulate emissions during pushing operations. The State further agreed to submit all coke pushing permits to USEPA.

Based on this agreement, USEPA proposed approval of and solicited public comment on the incorporation of IPCB Rule 203(d)(5)(B)(iii) into the Illinois TSP SIP on November 24, 1982 (47 FR 53057). This proposed approval was based on the expressed understanding that "IEPA will insure application of reasonably available control technology (RACT) requiring the inclusion of specific opacity emission limitations in source operating permits or the inclusion of some other USEPA approved objective performance standard. The State will also include appropriate test methods in the permits and submit the permits to USEPA".

On August 9, 1983, the State provided USEPA copies of operating permits for Interlake, Inc., and Granite City Steel. Analysis of the operating permits received indicates that the State has failed to implement the terms of the agreement reached with USEPA. Specifically, the permits submitted failed to contain opacity limits or other objective limits reflective of 90 percent capture of fugitive particulate emissions.

Because the State failed to implement the terms of the agreement reached with USEPA, on March 27, 1985 (50 FR 12943), USEPA published a supplemental proposed rulemaking which proposed to disapprove the incorporation of Rule 203(d)(5)(B)(iii) into the SIP.

Public Comments Received

In response to the March 27, 1985, notice of proposed rulemaking (NPR), IEPA submitted comments dated June 25, 1985. IEPA responded that the conditions agreed to with USEPA were not included in operating permits because IEPA belives that it may lack the authority under State law to impose such conditions. IEPA also commented that the appropriate remedy for the coke pushing rule deficiencies is for the IPCB to promulgate amendments to the regulation. IEPA committed to propose to the IPCB by August 12, 1985, coke pushing regulations designed to be approvable as part of the SIP by USEPA.

Citizens for a Better Environment (CBE) responded to the March 27, 1985, NPR on June 17, 1985. CBE commented that the deficiencies cannot be corrected through the permit process because only the IPCB has the authority to adopt emission limits under Illinois law.

Counsel for Granite City Steel Division of National Steel Corporation; Interlake, Inc.; and LTV Steel Company, Inc., responded to the March 27, 1985, NPR in comments received June 26, 1985. Those comments "incorporate[d] . . . by reference . . . [the commenters'] previous comments submitted in regard to the Illinois State Implementation Plan for total suspended particulates, including their Petition for Reconsideration submitted on October 2, 1981."

USEPA Response

The steel companies have submitted comments on several actions in the Illinois TSP SIP, which concern many TSP sources other than coke pushing operations.

Thus, steel company commenters' incorporation by reference of all previously submitted comments on the Illinois TSP SIP does not provide adequate guidance as to their concerns about USEPA's proposed disapproval of the coke pushing rule. In any event, the Agency has responded to the commenters' previously submitted comments in the previous actions on the Illinois TSP SIP and in a November 24, 1982 Response to Petition for Reconsideration (47 FR 53001). USEPA incorporates those responses by reference here. The USEPA notes, however, that many of the previously submitted comments, and accordingly, the USEPA's responses, do not address the Illinois coke pushing rule and do not otherwise appear to be relevant to the approvability of that rule. In any event, the steel companies' previously submitted comments do not warrant any change in USEPA's position on the approvability of the coke oven pushing rule.

Because the authority of IEPA under Illinois law to adopt emission limits is questionable, USEPA agrees with the first two commenters that the deficiencies in the coke oven pushing rule should be corrected by the IPCB. The State must cure the deficiencies identified in the coke oven pushing rule before USEPA can propose approval of such a rule.

Final Determination

Having reviewed the public comments received, USEPA finds that the deficiencies identified in the March 27, 1985, notice of proposed rulemaking remain. USEPA, therefore, disapproves the incorporation of Rule 203(d)(5)(B)(iii) into the Illinois' SIP and affirms the September 3, 1981 (46 FR 44172), final disapproval. The scope of this action is limited to disapproval of 203(d)(5)(B)(iii).

Under Executive Order 12291, today's action is not "Major." It has been submitted to the Office of Management and Budget (OMB) for review.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by 60 days from today. This action may not be challenged later in proceedings to enfore its requirements. (See 307(b)(2).)

Authority: 42 U.S.C. 7401–7642.

Dated: January 9, 1986.

Lee M. Thomas,

Administrator.

[FR Doc. 86–967 Filed 1–15–86; 8:45 am]

BILLING CODE 6560–50–M

40 CFR Part 52

[A-10-FRL-2955-7]

Approval and Promulgation of Implementation Plans: Oregon

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA today approves amendments to the Oregon State Implementation Plan (SIP) as submitted by the Oregon State Department of Environmental Quality (ODEQ) on May 6, 1985. This revision amends Definitions (OAR 340-24-305 (20) and (22)) of the Oregon Vehicle Inspection Program and slightly modifies the Light Duty Motor Vehicle Emission Control Test Method (OAR 340-24-310 through 350 as amended). EPA is approving the amendments because these changes will improve the operation and efficiency of the testing program.

EFFECTIVE DATES: This action will be effective on March 17, 1986 unless notice is received before February 18, 1986 that someone wishes to submit adverse or critical comments. If such notice is received, EPA will open a formal 30-day comment period on this action.

ADDRESSES: Copies of materials submitted to EPA may be examined during normal business hours at the following locations:

Public Information Reference Unit, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460

Air Programs Branch (10A-85-11), Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101

Department of Environmental Quality, Yeon Building, 522 SW. Fifth, Portland, Oregon 97204.

Copy of the State's submittal may be examined at: The Office of Federal Register, 1101 L Street NW., Room 8401, Washington, D.C.

Comments should be addressed to: Laurie M. Kral, Air Programs Branch, M/S 532, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

FOR FURTHER INFORMATION CONTACT: Loren C. McPhillips, Air Programs Branch, M/S 532, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101, Telephone (206) 442-4233, FTS 399-4233.

SUPPLEMENTARY INFORMATION: On June 24, 1980, EPA published in the **Federal Register** (45 FR 42265) final rulemaking on Part D revisions to the Oregon SIP. As part of that action, EPA approved the ongoing Portland Inspection and Maintenance (I/M) program on the condition that ODEQ submit adequate operating rules for this program by July 5. 1980. ODEQ responded on July 26, 1980, by submitting a SIP revision which included regulations OAR 340-24-300 through 340-24-350. On January 2, 1981, EPA approved this revision (46 FR 35).

On May 6, 1985, ODEQ submitted amendments to the Vehicle Inspection Program Operating rules by incorporating changes to the definitions (OAR 340-24-305 (20) and (22)). In addition, a minor revision to the emission testing procedures contained in the section, "Light Duty Motor Vehicle Emission Control Test Method (OAR 340-24-310 through 350)" was also submitted. Since these changes will improve the operational procedures and will not affect the program's effectiveness, EPA is initiating action today to approve the amendments.

Administrative Review: The public should be advised that this action will be effective 60 days from the date of this **Federal Register** notice. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments on any or all of the revisions approved herein, the action on these revisions will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw the final action on these revisions and another will begin a new rulemaking by announcing a proposal of the action on these revisions and establish a comment period.

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

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

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by March 17, 1986. This action may not be challenged later in proceedings to enforce its requirements (see 307(b)(2)).

List of Subjects 40 CFR Part 52

Air Pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations, Reporting and Recording requirements, Incorporation by reference.

Dated: January 10, 1986.

Lee N. Thomas,

Administrator.

Note.—Incorporation by reference of the Implementation Plan for the State of Oregon was approved by the Director of the Office of Federal Register on July 1, 1982.

PART 52—[AMENDED]

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

SUBPART MM—Oregon

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

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

2. Section 52.1970 is revised by adding paragraph (c)(72) as follows:

§ 52.1970 Identification of plan.

* * * * *

(c) * * *

(72) Revisions to the Oregon SIP were submitted by the Director on May 6, 1985. Revisions are: definitions to the Vehicle Inspection Operating Rules (OAR 340-24-305 (20) and (22)) and the Light Duty Motor Vehicle Emission Control Test Method (OAR 340-24-310 through 350 as amended).

(i) Incorporation by Reference.

(A) Amendments to OAR (340-24-305 (20) and (22)) as adopted by the Environmental Quality Commission on November 2, 1984.

(B) Amendments to OAR 340-24-310 through 350 as amended as adopted by the Environmental Quality Commission on April 19, 1985.

[FR Doc. 86-971 Filed 1-15-86; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 97

[PR Docket No. 85-51]

Amendment of the Amateur Rules To Prohibit Disqualified Persons From Participating in Third-Party Communications; Correction

AGENCY: Federal Communications Commission

ACTION: Final rule; Correction.

SUMMARY: This document corrects a typographical error contained in final regulations pertaining to third-party communications which were published on December 3, 1985 (50 FR 49555).

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Maurice J. DePont, Private Radio Bureau, Washington, D.C. 20554, (202) 632-4964.

SUPPLEMENTARY INFORMATION:

Erratum

In the matter of amendment of § 97.114 of the Amateur Radio Service rules to prohibit disqualified persons from participating in third-party communications, PR Docket No. 85-61.

Released: January 10, 1986.

The Report and Order (FCC 85-618) adopted November 20, 1985, in the above-entitled proceeding is corrected as follows:

In the Appendix, in § 97.114(c)(2), after the word "proceedings;" change the text to read:

"or who is the subject of a cease and desist order which relates to amateur operation and which is still in effect."

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 86-942 Filed 1-15-86; 8:45 am]

BILLING CODE 6712-01-M

Proposed Rules

Federal Register
Vol. 51, No. 11
Thursday, January 16, 1986

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

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

7 CFR Part 1772

Approval of Standards, Specifications, Equipment Contract Forms, Manual Sections, and Drawings and Acceptance of Materials and Equipment for the Telephone Program

AGENCY: Rural Electrification Administration, USDA.

ACTION: Proposed rule; extension of comment period.

SUMMARY: In the Federal Register of October 17, 1985 (50 FR 42029), Rural Electrification Administration (REA) proposed a new 7 CFR 1772.1, Approval of Standards, Specifications, Equipment Contract Forms, Manual Sections, and Drawings and Acceptance of Materials and Equipment for the Telephone Program. This material was previously set forth in REA Bulletin 345–3, Acceptance of Standards, Specifications, Equipment Contract Forms, Manual Sections, Drawings, Materials and Equipment Acceptable for Rural Electrification Administration Financing for the Telephone Program. The new section revises and codifies the provisions of the bulletin including revisions limiting the use of letters of technical acceptance. REA asked that written public comments be submitted by December 16, 1985. REA has determined that additional time should be allowed because the original time may not have been adequate to allow all interested parties to fully consider the new § 1772.1.

DATE: The deadline for submitting written public comments is hereby extended to January 31, 1986.

FOR FURTHER INFORMATION CONTACT: E.J Cohen, Engineering Management and Standards Engineer, Telecommunications Engineering and Standards Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 382–8698.

Dated: January 10, 1986.

Jack Van Mark,

Acting Administrator.

[FR Doc. 86–948 Filed 1–15–86; 8:45 am]

BILLING CODE 3410–15–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 85–AWA–47]

Proposed Alteration of VOR Federal Airway

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the description of a segment of Federal Airway V–426 located in the vicinity of St. Louis, MO. This action would eliminate a dogleg between St. Louis and Decatur, IL, by creating a direct route, thereby improving flight planning and efficiency.

DATE: Comments must be received on or before March 3, 1986.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA, Central Region, Attention: Manager, Air Traffic Division, Docket No. 85–AWA–47, Federal Aviation Administration, 601 East 12th Street, Federal Building, Kansas City, MO 64106.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace and Air Traffic Rules Branch (ATO–230), Airspace-Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426–8626.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 85–AWA–47." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to realign VOR Federal Airway segment V–426, between St. Louis, MO, and Decatur, IL. Currently V–426 is aligned between St. Louis and Decatur via an east dogleg. This action would eliminate that dogleg by realigning that segment via a direct route. Section 71.123 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6A dated January 2, 1985.

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

List of Subjects in 14 CFR Part 71

Aviation safety, VOR Federal Airways.

The Proposed Amendment

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

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

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

§ 71.123 [Amended]

2. Section 71.123 is amended as follows:

V–426 [Revised]

From St. Louis, MO, to Decatur, IL.

Issued in Washington, D.C., on January 9, 1986.

Daniel J. Peterson,

Manager, Airspace-Rules and Aeronautical Information Division.

FR Doc. 86–1025 Filed 1–15–86; 8:45 am]

BILLING CODE 4910–13–M

TENNESSEE VALLEY AUTHORITY

18 CFR Part 1301

Freedom of Information Act; Procedures

AGENCY: Tennessee Valley Authority.

ACTION: Proposed rule.

SUMMARY: TVA is proposing an amendment to regulations on responding to Freedom of Information Act requests for records. The proposed rule would express TVA's commitment to protecting the privacy of individuals who express in confidence views and information about TWA activities, including nuclear plant safety.

DATE: Comments must be submitted on or before February 18, 1986.

ADDRESS: Comments should be addressed to: Craven Crowell, Director of Information, Tennessee Valley Authority, 400 West Summit Hill Drive, Knoxville, Tennessee 37902. Comments will be available for public inspection at the above address.

FOR FURTHER INFORMATION CONTACT: Craven Crowell, Director of Information, Tennessee Valley Authority, 400 West Summit Hill Drive, Knoxville, Tennessee 37902, (615) 632–6315.

SUPPLEMENTARY INFORMATION: TVA continually strives to conduct its activities in accordance with the highest standards of health, safety, and integrity. As part of this process, TVA has various procedures for allowing employees or other individuals to express in confidence views and information about TVA activities, and for investigating such matters. TVA recognizes that many such individuals want their identities to remain confidential, as disclosure of their identities may influence personal and working relationships, affect future employment prospects, cause public embarrassment, or otherwise invade personal privacy.

Exemption 6 of the FOIA protects from disclosure "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." In responding to FOIA requests for personal information, TVA is required by exemption 6 to balance the degree of invasion of personal privacy against the public interest in disclosure. As shown by the proposed regulation, TVA believes the general public interest in disclosure of the identities of individuals expressing concerns in confidence is usually outweighed by the privacy interests of such individuals and by other public interests. The particular identity of an individual making an allegation would not ordinarily be of significant public interest. In addition, TVA believes there is in fact a public interest in nondisclosure of such identities because the willingness of such individuals to express their views frankly is an important element in the continued safety, health, and integrity of TVA programs.

Of course, neither the FOIA nor implementing regulations provide authority to withhold information from Congress.

Executive Order No. 12291, Paperwork Reduction Act, and Regulatory Flexibility Act

TVA has determined that the proposed rule, which relates to agency management, is not a major rule under Executive Order No. 12291 and would not have a significant economic impact on a substantial number of small entities as described by the Regulatory Flexibility Act. Therefore, no regulatory impact analysis has been prepared. The proposed rule contains no information collection requirements subject to Office of Management and Budget approval under the Paperwork Reduction Act.

List of Subjects in 18 CFR Part 1301

Procedures Public information, Freedom of information.

Therefore, TVA proposes to amend 18 CFR Part 1301 as follows:

PART 1301—PROCEDURES

1. The authority citation for Part 1301 continues to read as follows:

Authority: 48 Stat. 58, as amended; 16 U.S.C. 831–831dd, unless otherwise noted.

2. Section 1301.1 is amended by revising paragraph (a)(6) to read as follows:

§ 1301.1 Records.

(a) * * *

(6) Personnel and medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. TVA has various procedures for allowing employees or other individuals to express in confidence views and information about any TVA activity, including nuclear plant safety. In acting on each FOIA request, TVA considers the disclosure of information which would reveal the identity of otherwise uninvolved individuals in connection with their expression of such views and information to be contrary to the public interest in having such information provided to TVA and an unwarranted

invasion of personal privacy, except where an immediate and direct need in connection with the public health or safety requires disclosure.

* * * * *

Dated: January 7, 1986.

W.F. Willis,

General Manager.

[FR Doc. 86-912 Filed 1-15-86; 8:45 am]

BILLING CODE 8120-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 101

[Docket Nos. 77P-0428 and 77P-0358]

Food Ingredient Labeling; Exemptions

AGENCY: Food and Drug Administration.

ACTION: Tentative final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a tentative final rule that would permit food ingredients present at levels of 2 percent or less by weight to be listed in other than descending order of predominance by weight when a manufacturer is unable to adhere to a constant formulation. The listing of such ingredients would have to be preceded by a quantifying statement such as "Contains 2% or less of _____." This tentative final rule would eliminate unnecessary labeling costs that ultimately would be passed on to the consumer.

DATE: Comments by March 17, 1986.

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

FOR FURTHER INFORMATION CONTACT: Elizabeth J. Campbell, Center for Food Safety and Applied Nutrition (HFF-312), Food and Drug Administration, 200 C Street SW., Washington, DC 20204, 202-485-0175.

SUPPLEMENTARY INFORMATION:

Background

In the Federal Register of April 7, 1978 (43 FR 14677), FDA published a proposal to amend § 101.4 (21 CFR 101.4) to permit ingredients present in bakery foods at levels of 2 percent or less by weight to be listed in other than descending order of predominance when (1) the manufacturer is unable to adhere to a constant formulation with such ingredients, and (2) the ingredients appear at the end of the ingredient statement following the quantifying statement "contains 2 percent or less of each of the following: _____." The proposal was based on petitions from the American Bakers Association (Docket No. 77P-0428) and the Independent Bakers Association (Docket No. 77P-0358).

The bakery industry cannot always practicably list minor ingredients in decreasing order of predominance because variations in the raw materials and seasonal conditions require adjustments in the concentration of minor ingredients that frequently result in changes in the order of predominance. The petitions explained that, unless the bakery industry was given a more flexible labeling format, bakers would be forced to avoid appropriate formula adjustments or to maintain inordinately large inventories of labels with different ingredient lists.

From the data submitted in the petitions, the agency concluded that there is a need for bakers to have available a labeling format that allows the adjustment of minor ingredients in a formula without undertaking a complete label change, each time the formula must be adjusted, to meet the requirement of listing of ingredients in descending order of predominance. Because FDA was persuaded that this need was urgent, the agency advised in the preamble to the proposal that, pending issuance of a final regulation on the matter, no regulatory action would be taken against any bakery product on the basis of improper order of predominance labeling of ingredients when the ingredients are declared in accordance with the provisions of the proposed exemption.

The Tentative Final Rule

A number of comments on the proposal asked that an exemption from the order of predominance requirements be granted for ingredients present at 2 percent or less in all food commodities. Some of these comments advised that the existing order of predominance requirement is impracticable because it forces many firms to choose between maintaining numerous label stocks, thereby increasing consumer costs, and avoiding appropriate formula adjustments, thereby producing imperfect products.

From the comments FDA learned that ingredients that are present in a finished food at a concentration of 2 percent or less are almost invariably noncharacterizing ingredients that are present in the food to achieve a specific functional effect, e.g., inhibit mold, serve as an emulsifier or stabilizer, prevent caking, etc. Variations in the properties of the characterizing ingredients of the food often require adjustment in the concentration of the noncharacterizing ingredients. The effects of weather conditions may also require adjustment in the concentration of noncharacterizing ingredients present in the finished food. Because a number of the noncharacterizing ingredients may be present at approximately the same level in a given food, minute changes in the concentration of one such ingredient could result in a change in the order of predominance and thus require a different label. If the new label is not in a firm's label stocks, the firm may not package the food with the appropriate formula adjustment without violating FDA's regulations. Examples given of products that often face formula adjustment problems included flour based mixes, pizzas, pie fillings, icings, spreads, ice cream, soft drinks, canned fruits and vegetables, and enriched vegetable protein products.

A few comments pointed out that if the proposed regulation is not revised at least to permit bakery mixes to qualify for the exemption, bakers would not be completely relieved of their problems. These comments stated that the lack of identical labeling provisions for bakery mixes and baked products could result in confusion among bakers. The comments said that when a baker prepares baked goods from bakery mixes, the baker relies upon the manufacturer's ingredient list to determine appropriate ingredient lists for their baked goods. If the exemption does not apply to bakery mixes, the baker would not know if any changes in an ingredient list on a bakery mix involved an ingredient of 2 percent or less by weight; consequently, the baker could be confused over whether or not it would be necessary to revise an ingredient list on a bakery product prepared from a bakery mix.

Thus, it appears that when manufacturers have formula variability problems, order of predominance requirements for ingredient lists may be impracticable for ingredients present in food products at levels of 2 percent or less by weight. In the past it has been FDA's policy, where practicable, to increase flexibility in ingredient labeling regulations in order to reduce manufacturing costs that would be passed on to the consumer. This policy is consistent with the objectives of section 403(i) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 343(i)). That section provides that the label of a fabricated food must bear the common or usual names of each ingredient, unless the ingredient is a spice, flavoring, or coloring. For a long

time, FDA has recognized that the costs of maintaining numerous label stocks for each affected commodity are considerable and that any such costs are surely passed on to consumers. These costs cannot be justified in light of the fact that order of predominance information is not highly significant to consumers when ingredients are present at concentrations of only 2 percent or less.

Accordingly, FDA is issuing this tentative final rule that would establish for all foods an order of predominance exemption for low concentrations of ingredients, i.e., 2 percent or less by weight. This exemption would permit more information to be conveyed to consumers than is required by existing regulations because manufacturers will not be permitted to use the exemption unless a quantifying statement such as "Contains 2% or less of ____" precedes the names of the appropriate ingredients. These ingredients would normally be listed in the ingredient statement solely by their common or usual names or chemical names with no information about which ingredients are present at less than (and conversely at more than) 2 percent. FDA advises that this exemption would apply only to situations where formula variability problems are present.

Comments

The agency received 12 letters in response to the proposal, each containing 1 or more comments, from industry, trade associations, a state agency, and consumers. Most of the comments endorsed the proposal, several suggested modifications, and one opposed it. In addition to these comments, on June 8, 1978, the American Bakers Association, the American Frozen Food Institute, the American Meat Institute, the Biscuit and Cracker Manufacturers' Association, the Grocery Manufacturers of America, Inc., the International Association of Ice Cream Manufacturers, and the National Association of Margarine Manufacturers sent FDA a joint petition (Docket No. 78P–0184) in which the organizations requested that § 101.4 be further amended to permit ingredients present in all foods at levels of 2 percent or less by weight to be listed in other than descending order of predominance. The agency has treated that portion of the joint petition that pertains to the proposal as a comment on the proposal. In the preparation of this tentative final rule, FDA has also considered comments on the order of predominance issue received in response to the 1978 food labeling hearings, FDA's December 21, 1979 (44 FR 75990) publication of its tentative positions on issues discussed at these hearings, and the 1980 hearings on FDA's tentative positions.

Response to Comments

A summary of the comments on the proposal and FDA's responses follows:

1. One comment, relying on section 403(i) of the act, said FDA should grant exemptions from all ingredient listing requirements that result in unnecessary costs, hinder industry competition, or prove to be impracticable.

FDA believes that it should grant exemptions from the labeling requirements of section 403(i) of the act where compliance is impracticable, or where compliance results in deception or unfair competition. The agency believes that this tentative final rule is consistent with this philosophy.

2. One comment suggested that in any order of predominance exemption for ingredients present in low concentrations, the characterizing ingredients present in such concentrations should be required to be placed at the end of the list of ingredients. The comment reasoned that this required placement was necessary to assure that the importance of characterizing ingredients is not exaggerated.

FDA disagrees with the suggestion. The agency has adequate safeguards to prevent any exaggeration of the importance of characterizing ingredients in a product at low concentrations. Section 102.5(b) (21 CFR 102.5(b)) states, "The common or usual name of a food shall include the percentage(s) of any characterizing ingredient(s) or component(s) when * * * the labeling or the appearance of the food may otherwise create an erroneous impression that such ingredient(s) or component(s) is present in an amount greater than is actually the case." Consequently, a declaration of the percentage of the characterizing ingredient(s) could be required if the order of ingredient listing were misleading. Further, the suggested placement requirements for characterizing and noncharacterizing ingredients could create confusion among both consumers and manufacturers. Some consumers may not understand such a multiplicity of placement requirements for ingredients, and some manufacturers may have difficulty in assessing whether an ingredient should be classified as characterizing or noncharacterizing, particularly when the ingredient serves more than one purpose.

3. One comment said it would be improper to require any quantifying statement to appear before the name of food ingredients exempted from order of predominance requirements. The comment pointed out that 21 CFR 701.3(f) already exempts cosmetic ingredients of 1 percent or less from order of predominance requirements without imposing any requirements for a quantifying statement. The comment said a quantifying statement for an order of predominance exemption for food would only add unnecessary length to the statement of ingredients. The comment also said that no problems have been created for consumers by the absence of required quantifying statements for cosmetics, and that the absence of such requirements in the cosmetic regulation (21 CFR 701.3(f)) establishes an agency policy that quantifying statements are unnecessary for order of predominance exemptions, and therefore FDA could not have a different policy for foods without giving a thorough explanation for the difference. In support of this position, the comment cited a number of court cases concerning Federal agency policy changes without adequate explanation: *Marine Space Enclosures, Inc.* v. *Federal Maritime Commission*, 420 F.2d 577, 585 (D.C. Cir. 1969); *International Union, UAW* v. *NLRB*, 495 F.2d 1329, 1341 (D.C. Cir. 1972); *Distrigas of Massachusetts Corp.* v. *FPV*, 517 F.2d 761, 765–766 (1st Cir. 1975); *Teamsters Local Union 769* v. *NLRB*, 532 F.2d 1385, 1392 (D.C. Cir. 1976); *Greater Boston TV Corp.* v. *FCC*, 444 F.2d 841, 852 (D.C. Cir. 1970), *cert. denied*, 403 U.S. 923 (1971); *Breman* v. *Gilles & Cotting, Inc.*, 504 F.2d 1255, 1264 (4th Cir. 1974); and *FTC* v. *Crowther*, 430 F.2d 510, 514 (D.C. Cir. 1970).

The agency disagrees with the underlying premise of the comment, that aspects of the regulation of food ingredient labeling must conform to those for cosmetic ingredient labeling. Although the labeling of food and cosmetics is regulated under comparable provisions of the act, as well as the Fair Packaging and Labeling Act (15 U.S.C. 1451, et seq.), their nature, use, and importance are so different that it is not reasonable to assume that an established policy for one must control or dictate policies for the other. For health reasons alone, the agency strongly believes that it is essential that consumers be afforded the opportunity to make an informative selection of the foods they buy and eat. Simply stated, quantitative information is more important for foods than for cosmetics.

Even if the policies expressed in this tentative final rule were a significant departure from agency policy, FDA is following the necessary and appropriate

procedures for establishing a different policy. That is, the agency has identified in this rulemaking process those changes it wishes to make and has articulated sound reasons for the changes. The Administrative Procedure Act and the interpreting case law require nothing more. See, e.g., *Rhodia v. FDA*, 608 F.2d 1376, 1379 (D.C. Cir. 1979).

If the agency were not to require the quantifying statement provided for in this tentative final rule, the information loss to consumers resulting from the order of predominance exemptions could be significant. The quantifying statements are specifically designed to minimize that loss of information. Although the comment stated that it would be overly burdensome for industry to comply with the requirement of providing ingredient statements, the comment failed to identify—much less substantiate—what a specific burden might be. In fact, the requirement has not proved burdensome to the bakery industry, which for the past 6 years has been labeling products with a quantifying statement that is somewhat less flexible than that contained in this tentative final rule.

4. One comment asked that FDA be more flexible about the format and content of the quantifying statement. The comment suggested that the format be modified to permit a phrase such as "contains 2% of _____" or "less than 2%_____" because such a phrase would be just as informative as, and considerably shorter than, the proposed statement. The comment also suggested that manufacturers be permitted to be more specific about the content of the statement by stating lower thresholds (rounded to the nearest 0.5%) in the quantifying statement (e.g., "contains 1.5% or less of _____" or "contains 0.5% or less of _____"). The comment said that lower thresholds should benefit consumers by permitting more extensive listing of ingredients in order of predominance when practicable.

The agency has been persuaded that it would be in the best interest of both consumers and industry to permit more flexibility in the format and content of the quantifying statement. Accordingly, the tentative final rule does not specify any particular format for the statement, thereby permitting quantifying statements such as the ones suggested by the comment. Also, the tentative final rule would permit quantifying statements to be expressed with threshold percentage levels of 2, 1.5, 1, or 0.5. The statement may not be misleading in any manner, however, and FDA cautions that firms will have to exercise care with their statement format. For example, when firms elect to use a format such as "Contains _____% or less of _____", FDA would consider it misleading to have any ingredients to which the statement applies be present in an amount greater than the stated threshold. A format such as "Contains _____% of _____" would be of little value to firms. If minor ingredients happen to be present in precisely the same concentration, the general order of predominance provisions of § 101.4 already permit firms to list such ingredients in any order as long as the ingredients appear in their appropriate order of predominance in relation to the remaining ingredients.

Environmental Issues

The agency has determined pursuant to 21 CFR 25.24(a)(11) (April 26, 1985; 50 FR 18636) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Economic Issues

In accordance with Executive Order 12291, FDA has analyzed the effects of this tentative final rule, and the agency has determined that the rule is not a major rule as defined by the Order. This tentative final rule would provide, if promulgated, an optional exemption for some foods containing ingredients at levels of 2 percent or less by weight from an existing mandatory requirement that each ingredient be listed in descending order of predominance. Manufacturers would therefore not be required to change existing labels, and they may be provided with greater flexibility in listing mandatory information on new labels. No increase in manufacturer's labeling costs is therefore expected.

In accordance with the Regulatory Flexibility Act, FDA has examined the effect of this tentative final rule (which legally is a proposed rule) would have on small entities, including small businesses. The tentative final rule, if promulgated, will provide more flexibility in labeling procedures for both large and small businesses as stated above. FDA certifies in accordance with section 605(b) of the Regulatory Flexibility Act that no significant economic impact on a substantial number of small entities would derive from this action.

Interested persons may, on or before March 17, 1986, submit to the Dockets Management Branch (address above) written comments regarding this tentative final rule. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 101

Food labeling, Misbranding, Nutrition labeling, Warning statements.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, Part 101 would be amended as follows:

PART 101—FOOD LABELING

1. The authority citation for 21 CFR Part 101 is revised to read as follows:

Authority: Secs. 4, 6, Pub. L. 89–755, 80 Stat. 1297, 1299, 1300 (15 U.S.C. 1453, 1455); secs. 201, 403, 701(a), Pub. L. 717, 52 Stat. 1040–1042 as amended, 1047–1048 as amended, 1055 (21 U.S.C. 321, 343, 371(a)); 21 CFR 5.10, 5.11; § 101.4 is issued only under secs. 201, 403, 701(a), 52 Stat. 1040–1042 as amended, 1047–1048 as amended, 1055 (21 U.S.C. 321, 343, 371(a); 21 CFR 5.10.

2. In § 101.4 by redesignating paragraph (a) as (a)(1) and adding new paragraph (a)(2), to read as follows:

§ 101.4 Food; designation of ingredients.

(a)(1) * * *

(2) The descending order of predominance requirements of paragraph (a)(1) of this section do not apply to ingredients present in amounts of 2 percent or less by weight when a manufacturer is unable to adhere to a constant pattern of formulation with these ingredients; provided that, the listing of these ingredients is placed at the end of the ingredient statement following an appropriate quantifying statement, e.g., "Contains _____% or less of _____" or "Less than _____ of _____". The blank within the quantifying statement shall be filled in with a threshold level of 2%, or, if desired, 1.5%, 1.0%, or 0.5%, as appropriate. No ingredient to which the quantifying phrase applies may be present in an amount greater than the stated threshold.

* * * * *

Dated: December 7, 1985.

Frank E. Young,

Commissioner of Food and Drugs.

[FR Doc. 86–927 Filed 1–15–86; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 167

[CGD-84-004]

Port Access Study; Approach to New York

AGENCY: Coast Guard, DOT.

ACTION: Notice of Study Results; Correction.

SUMMARY: This document corrects an error in the geographical description of the eastbound shipping safety fairway off New York as it appeared in the Federal Register on Friday, December 13, 1985 (50 FR 50925).

FOR FURTHER INFORMATION CONTACT: LTJG D. Reese, Office of Navigation (G-NSR-3), Room 1408, U.S. Coast Guard Headquarters, 2100 Second St., SW., Washington, DC 20593, telephone (202) 245-0108, between 8:00 a.m. and 3:30 p.m., Monday through Friday, except holidays.

The following correction is made in FR Doc. 85-29478, appearing on 50925 in the issue of December 13, 1985:

1. On page 50928, at the top of the first column, in the description of the eastbound traffic lane of the fairway, the sixth geographical position "40°32'07"N, 70°13'36"W" is corrected is corrected to read "40°32'07"N, 70°19'19"W."

Dated: January 8, 1986.

T.J. Wojnar,

Rear Admiral, U.S. Coast Guard Chief, Office of Navigation.

[FR Doc. 86-1004 Filed 1-15-86; 8:45 am]

BILLING CODE 4910-14-M

VETERANS ADMINISTRATION

38 CFR Part 21

Subsistence Allowance for Dependents and Incarcerated Veterans

AGENCY: Veterans Administration.

ACTION: Proposed rules.

SUMMARY: The Veterans Administration proposes to amend regulations for the payment of subsistence allowance to incarcerated veterans and for payment of the portion of subsistance allowance payable to the veterans' dependents. The amendments authorize payment of subsistence allowance to certain incarcerated veterans and terminate payment of the portion of the subsistence allowance payable to dependents earlier than under prior provisions. These amendments bring VA regulations into conformity with Pub. L. 97-253, Omnibus Reconciliation Act of 1982 and Pub. L. 97-306, Veterans Compensation, Education and Employment Amendments of 1982.

DATES: Comments must be received on or before March 17, 1986. These amendments are proposed to be effective on the same dates as the provisions of law which they implement. Provisions concerning incarcerated veterans become effective October 14, 1982, and provisions governing payments to veterans' dependents are effective October 1, 1982.

ADDRESSES: Interested persons are invited to submit written comments, suggestions or objections regarding these amendments to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420. All written comments received will be available for public inspection only in the Veterans Services Unit, room 132, at the above address, only between the hours of 8 a.m. to 4:30 p.m. Monday through Friday (except holidays) until March 31, 1986.

FOR FURTHER INFORMATION CONTACT: Dr. Karen Boies (202) 389-2886.

SUPPLEMENTARY INFORMATION: Under Pub. L. 97-306, section 205, subsistence allowance is not payable to an incarcerated veteran in training under the vocational rehabilitation program if the veteran has been convicted of a felony. Previously, payment of subsistence allowance to incarcerated veterans was generally precluded, both for veterans convicted of a felony and those not convicted of a felony. Sections 21.276, 21.322 and 21.324 are changed to incorporate these provisions of law.

Pub. L. 97-253, section 401, establishes new dates for terminating awards to dependents. Previously, the portion of a subsistence allowance payable for a dependent terminated at the end of the calendar year in which the veteran lost the dependent through death, divorce, or remarriage. Under the new provision the portion of the allowance for the dependent is terminated the end of the month in which the change in dependent status occurs. Sections 21.322 and 21.324 are amended to incorporate these provisions of law.

The amendments to §§ 21.276, 21.322 and 21.324 will better acquaint eligible veterans, educational institutions, and the public at large with the way the provisions will be implemented.

These proposed regulations do not meet the criteria for major rules as contained in Executive Order 12291, Federal Regulation. The proposal will not have a $100 million annual effect on the economy, will not cause a major increase in costs or prices, and will not have any other significant effect on the economy.

The Administrator has certified that these proposed rules will not, if promulgated, have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601-612. Pursuant to 5 U.S.C. 605(b), these proposed rules are therefore exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604. The reasons for this certification are that the proposed amendments simply make the regulations consistent with recent statutory changes. Thus, no regulatory burdens are imposed on small entities by these changes.

The Catalog of Federal Domestic Assistance Number is 64.116. LIST OF SUBJECTS IN 38 CFR Part 21: Civil rights, claims, education, grant programs, loan programs, reporting requirements, schools, veterans, vocational education, vocational rehabilitation.

Approved: December 6, 1985.

By direction of the Administrator:

Everett Alvarez, Jr.,

Deputy Administrator.

PART 21—[AMENDED]

38 CFR Part 21, Vocational Rehabilitation and Education is amended as follows:

1. Section 21.276 is amended by removing paragraphs (i), (j) and (k) and by revising paragraphs (b) through (h) to read as follows:

§ 21.276 Incarcerated veterans.

* * * * *

(b) *Definition.* The term "incarcerated veteran" means any veteran incarcerated in a Federal, State, or local prison, jail, or other penal institution for a felony. It does not include any veteran who is pursuing a rehabilitation program under ch. 31 while residing in a halfway house or participating in a work-release program in connection with such veteran's conviction of a felony. (38 U.S.C. 1508(g)) (Oct. 14, 1982)

(c) *Subsistence allowance not paid to an incarcerated veteran.* A subsistence allowance may not be paid to an incarcerated veteran convicted of a felony, but the VA may pay all or part of the veteran's tuition and fees. (38 U.S.C. 1508(g))

(d) *Halfway house.* A subsistence allowance may be paid to a veteran pursuing a rehabilitation program while residing in a halfway house as a result of a felony conviction when all of the veteran's living expenses are paid by a

non-VA Federal, State, or local government program. (38 U.S.C. 1508(a) and (g))

(e) *Work-release program.* a subsistence allowance may be paid to a veteran in a work-release program as a result of a felony conviction. (38 U.S.C. 1508(g))

(f) *Services.* The VA may provide other appropriate services, including but not limited to medical, reader service, and tutorial assistance necessary for the veteran to pursue his or her rehabilitation program. (38 U.S.C. 1508(g))

(g) *Payment of allowances at the rates paid under ch. 34.* a veteran incarcerated for a felony conviction or a veteran in a halfway house or work-release program who elects payment at the educational assistance rate paid under ch. 34 shall be paid in accordance with the provisions of law applicable to other incarcerated veterans training under ch. 34. (38 U.S.C. 1780(a))

(h) *Apportionment.* Apportionment of subsistence allowance which began before October 17, 1980 made to dependents of an incarcerated veteran convicted of a felony may be continued. (38 U.S.C. 1508(g), Pub. L. 97–306)

§ 21.322 [Amended]

2. Section 21.322 is amended by removing paragraph (f)(3) and by removing "1780(a)" from the authority cite following it.

3. In § 21.324, paragraph (n)(3) is removed, and paragraphs (c), (d), (e)(1), and (n)(2) are revised to read as follows:

§ 21.324 Reduction or termination dates of subsistence allowance.

* * * * *

(c) *Death of a dependent.* (1) *Before October 1, 1982.* Last day of the calendar year in which death occurs, unless the veteran's program is terminated earlier under other provisions. (38 U.S.C. 3013)

(2) *After September 30, 1982.* Last day of the month in which death occurs unless discontinuance is required at an earlier date under other provisions. (38 U.S.C. 3012(b), 3013)

(d) *Divorce* (1) *Before October 1, 1982.* Last day of the calendar year in which divorce occurs, unless the veteran's program is terminated earlier under other provisions. (38 U.S.C. 3013)

(2) *After September 30, 1982.* Last day of the month in which divorce occurs unless discontinuance is required at an earlier date under other provisions. (38 U.S.C. 3012(b), 3013)

(e) *Child.* (1) *Marriage.* (i) *Before October 1, 1982.* Last day of the month in which the marriage occurs, unless the veteran's program is terminated earlier under other provisions. (38 U.S.C. 3013)

(ii) *After September 30, 1982.* Last day of the month in which the marriage occurs, unless discontinuance is required at an earlier date under other provisions. (38 U.S.C. 3012(b), 3013)

* * * * *

(n) *Incarceration in prison or jail.* * * *

(2) *Halfway house or work-release program.* The subsistence allowance of a veteran in a halfway house or work-release program as a result of conviction of a felony will be reduced under the provisions of § 21.276 the date on which the Federal government or a State or local government pays all of the veterans living expenses. (38 U.S.C. 1508(g))

* * * * *

[FR Doc. 86–982 Filed 1–15–86; 8:45 am]

BILLING CODE 8320–01–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Public Hearing and Reopening of Comment Period on Proposed Threatened Status and Critical Habitat; Waccamaw Silverside

AGENCY: Fish and Wildlife Service, Interior.

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

SUMMARY: The Service has received a request, as provided for by section 4(b)(5)(E) of the Endangered Species Act, for a public hearing on the Service's proposal to list the Waccamaw silverside (*Menidia extensa*) as threatened with critical habitat. This notice announces a public hearing for the proposal and reopens the comment period until ten days after the date of the public hearing.

DATES: Comments on this proposal must be received by February 22, 1986. A public hearing on the proposal will be held February 12, 1986, from 7:30 p.m. to 10:00 p.m.

ADDRESSES: The public hearing will be held at the Lake Waccamaw Boys Home Educational Building, at the intersection of US 74–76 and Flemington Drive, Lake Waccamaw, North Carolina. Written comments and materials should be sent to the Field Supervisor, Endangered Species Field Office, U.S. Fish and Wildlife Service, 100 Otis Street, Room 224, Asheville, North Carolina 28801. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the Asheville Endangered Species Field Office.

FOR FURTHER INFORMATION CONTACT: Ms. Nora Murdock at the above Field Office address (704/259–0321 or FTS 672–0321).

SUPPLEMENTARY INFORMATION:

Background

The Waccamaw silverside (*Menidia extensa*) is a small fish known to exist only in Lake Waccamaw and the upper Waccamaw River in Columbus County, North Carolina. This species has a very short life cycle, dying shortly after spawning as a one-year-old. Therefore, if a year class of the silverside fails to reproduce in any one year, the species could be lost. Although present population levels of this species and environmental conditions are good, any activity resulting in serious deterioration of water quality, even on a short-term basis, could cause the extinction of this fish. On November 7, 1985, the Service proposed the species as threatened, with critical habitat, in the **Federal Register** (50 FR 46320). Section 4(b)(5)(E) of the Endangered Species Act provides for a public hearing on such proposed listings, if requested. On December 16, 1985, the Service received a letter reqesting a hearing from Mr. Thomas W. Elliott, Mayor of the Town of Lake Waccamaw.

The Service has scheduled a public hearing on the proposal to list the Waccamaw silverside as threatened, with critical habitat. The hearing will be held at the Lake Waccamaw Boys Home Educational Building, at the intersection of US 74–76 and Flemington Drive, Lake Waccamaw, North Carolina, from 7:30 p.m. to 10:00 p.m. Those parties wishing to make statements for the record should have available a copy of their statements to be presented to the Service at the start of the hearing on February 12, 1986. Oral statements may be limited to 5 or 10 minutes, if the number of parties present that evening necessitates some limitation. There are no limits to the length of written comments presented at this hearing or mailed to the Service.

The comment period on the proposal orignially closed on January 6, 1986. In order to accommodate the hearing, the Service also reopens the public comment period. Written comments may now be submitted for this proposal until February 22, 1986, to the Asheville Endangered Species Field Office (see **ADDRESSES** section).

Author

The primary author of this notice is Ms. Nora Murdock, U.S. Fish and Wildlife Service, Endangered Species Field Office, 100 Otis Street, Room 224, Asheville, North Carolina 28801.

Authority

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

List of Subjects in 50 CFR Part 17

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

Dated: January 9, 1986.

John Christian,

Acting Regional Director.

[FR Doc. 86–918 Filed 1–15–86; 8:45 am]

BILLING CODE 4310-55-M

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50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Public Hearing and Reopening of Comment Period on Proposed Threatened Status; Flattened Musk Turtle

AGENCY: Fish and Wildlife Service, Interior.

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

SUMMARY: The Service announces a public hearing on the proposal to list the flattened musk turtle as a threatened species to be held at the Social Security Auditorium, Southwestern Program Services Center, 2001 12th Avenue North, Birmingham, Alabama, on February 6, 1986, from 7:00 p.m. to 10:00 p.m. This hearing was requested by Mr. Charles A. Powell, III, on behalf of the Alabama Coal Association as provided in section 4(b)(5)(E) of the Engandere Species Act of 1973, as amended. This notice reopens the comment period until ten days after the date of the public hearing.

DATES: A public hearing will be held from 7:00 p.m. to 10:00 p.m. on February 6, 1986. Comments on this proposal must be received by February 16, 1986.

ADDRESSES: The public hearing will be held at the Social Security Auditorium, Southwestern Program Services Center, 2001 12th Avenue North, Birmingham, Alabama. Written comments and materials should be sent to the Endangered Species Field Office, U.S. Fish and Wildlife Service, Jackson Mall Office Center, Suite 316, 300 Woodrow Wilson Avenue, Jackson, Mississippi 39213. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Mr. Dennis B. Jordan at the above address (601/965–4900 or FTS 490–4900).

SUPPLEMENTARY INFORMATION:

Background

The flattened musk turtle is a small aquatic turtle found only in Alabama in the upper Black Warrior River system from Bankhead Dam northward. About 15 percent of this habitat seems to contain healthy reproducing populations. The flattened musk turtle was included in a notice of review of 12 species of turtles, published in the Federal Register for June 6, 1977 (42 FR 28903). The Service then contracted a status survey to Dr. Robert H. Mount and the following year included the species as a category 1 species in a Notice of Review of Vertebrate Wildlife for Listing as Endangered or Threatened Species (December 30, 1982; 47 FR 58454). Additional survey work was sponsored by the Alabama Coal Association and Drummond Coal Company.

On December 1, 1983, the Service received a petition to list the flattened musk turtle, dated November 30, 1983, from the Environmental Defense Fund. On November 1, 1985, the Service proposed the species as threatened in the Federal Register (50 FR 45638). Public hearings are provided for in section 4(b)(5)(E) of the Act if requested within 45 days of publication of the proposal. The Service has scheduled a public hearing on the proposal to list the flattened musk turtle as threatened. The hearing will be held at the Social Security Auditorium, Southwestern Program Services Center, 2001 12th Avenue North, Birmingham, Alabama, from 7:00 p.m. to 10:00 p.m. Those parties wishing to make statements for the record should have available a copy of their statements to be presented to the Service at the start of the hearing on February 6, 1986. Oral statements may be limited to 5 or 10 minutes, if the number of parties present that evening necessitates some limitation. There are no limits to the length of written comments presented at this hearing or mailed to the Service. The comment period on the proposal originally closed on December 31, 1985. In order to accommodate the hearing, the Service also reopens the public comment period. Written comments may now be submitted for this proposal until February 16, 1986, to the Jackson Endangered Species Field Office (see **ADDRESSES** section).

Author

The primary author of this notice is Mr. John J. Pulliam (see **ADDRESSES** section) at (601/965–4900 or FTS 490–4900).

Authority

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

List of Subjects in 50 CFR Part 17

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

Dated: January 9, 1986.

John Christian,

Acting Regional Director.

[FR Doc. 86–919 Filed 1–15–86; 8:45 am]

BILLING CODE 4310-55-M

Notices

Federal Register
Vol. 51, No. 11
Thursday, January 16, 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.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Programmatic Memorandum of Agreement for the Historic Properties Affected by the Bureau of Land Management's Issuance of a Federal Right-of-Way for the El Paso Electric Co. 345 kV Arizona Inter-Connection Transmission Line From Springerville, NM to Deming, NM

AGENCY: Advisory Council on Historic Preservation.

ACTION: Notice.

SUMMARY: The Advisory Council on Historic Preservation proposes to execute a Programmatic Memorandum of Agreement pursuant to § 800.8 of the Council's regulations, "Protection of Historic and Cultural Properties" (36 CFR Part 800), with the U.S. Department of the Interior, Bureau of Land Management, New Mexico State Office, the New Mexico State Historic Preservation Officer and the El Paso Electric Company regarding the identification, evaluation and treatment of historic properties that may be affected as a result of the issuance of the Federal right-of-way for the El Paso Electric Company's proposed 345kV Arizona Inter-connection Transmission Line Project, Springville, New Mexico to Deming, New Mexico. The proposed Programmatic Memorandum of Agreement will establish mechanisms by which historic and cultural properties will be identified, evaluated and protected in order to meet the requirements of section 106 of the National Historic Preservation Act (16 U.S.C. 470f).

Comments Due: February 13, 1986.

FOR FURTHER INFORMATION CONTACT: Additional information regarding this Programmatic Memorandum of Agreement is available from the Executive Director, Advisory Council on Historic Preservation, Western Division of Project Review, 730 Simms Street, Room 450, Golden, Colorado 80401, telephone (303) 236–2682.

Dated: January 10, 1986.

Robert R. Garvey, Jr.,
Executive Director.

[FR Doc. 86–979 Filed 1–15–86; 8:45 am]
BILLING CODE 4310–10–M

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

Implementation of Pub. L. 99–190 (General Funds)

AGENCY: Rural Electrification Administration (REA), USDA.

ACTION: Notice.

SUMMARY: Pub. L. 99–190, the Continuing Resolution for FY 1986, which provides funding for Agriculture, Rural Development and Related agencies including REA, contains a provision "that no funds appropriated in this Act may be used to deny or reduce loans or loan advances based upon a borrower's level of general funds." This provision covers insured and guaranteed loans or loan advances from the Rural Electrification and Telephone Revolving Fund and the Rural Telephone Bank.

EFFECTIVE DATE: December 20, 1985.

FOR FURTHER INFORMATION CONTACT: Jack Van Mark, Deputy Administrator, Rural Electrification Administration, 12th and Independence Avenue, SW., Washington, DC 20250, (202) 382–9542.

SUPPLEMENTARY INFORMATION: REA Bulletin 1–7, General Funds, dated December 6, 1977, sets forth REA policy and recommendations with respect to general funds of REA electric borrowers. Section II, Policy of Bulletin 1–7 states: "When reviewing the amount of an application for an insured or guaranteed loan, REA will take into consideration the amount of the applicant's general funds on hand and the amount of general funds that can reasonably be expected to be generated in the construction period covered by the loan. The amount of general funds on hand will be considered in reviewing requisitions for loan fund advances."

REA Bulletin 300–5, General Funds, dated August 19, 1968, sets forth Rural Electrification Administration policy and recommendations with respect to general funds of REA telephone borrowers. Section II. Policy of Bulletin 300–5 states: "It is the policy of REA, when reviewing a loan application and determining the amount of the loan, or when reviewing requisitions for loan fund advances, to take into consideration this amount of the applicant's general funds."

7 CFR 1610.8, Adoption of applicable REA policies states: "The policies embodied in the REA Bulletins identified below, as they may be amended or supplemented from time to time, will, insofar as applicable, be utilized by the Governor in carrying out the Bank's loan program . . . . ."

Pub. L. 99–190, the Continuing Resolution for FY 1986, which provides funding for Agriculture, Rural Development and Related Agencies including REA, contains a provision "that no funds appropriated in this Act may be used to deny or reduce loans or loan advances based upon a borrower's level of general funds." Pub. L. 99–190 was signed into law by the President on December 19, 1985.

Notwithstanding the provisions of REA Bulletin 1–7 and 300–5, and other applicable bulletins and regulations, REA will not deny or reduce loans or loan advances based on a borrower's level of general funds in accordance with the terms and conditions of the Pub. L. 99–190.

Dated: January 10, 1986.

Jack Van Mark,
Acting Administrator.

[FR Doc. 86–947 Filed 1–15–86; 8:45 am]
BILLING CODE 3410–15–M

Soil Conservation Service

Madison County Landfill Critical Area Treatment, RC&D Measure, NY

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a Finding of No Significant Impact.

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

Madison County Landfill Critical Area Treatment RC&D Measure, Madison County, New York.

FOR FURTHER INFORMATION CONTACT: Paul A. Dodd, State Conservationist, Soil Conservation Service, James M. Hanley Federal Building, 100 S. Clinton Street, Room 771, Syracuse, New York 13260, telephone (315) 423–5521.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Paul A. Dodd, State Conservationist, has determined that the preparation of an environmental impact statement is not needed for this project.

The measure concerns a plan for reducing critical erosion on 9 acres and along 650 feet of diversion at the Madison County Landfill which results from steep slopes and lack of permanent vegetative cover. Erosion and sedimentation will be reduced, permanent vegetation will be established, and improved aesthetic values will result from the installation of project measures. The planned works of improvement include grading and shaping, addition of subsoil and topsoil, and fertilizing, seeding, and mulching of the completed site area.

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 request at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Paul A. Dodd.

No administrative action on implementing 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. 10.901—Resource Conservation and Development—and is subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and Local officials)

Dated: January 6, 1986.

Paul A. Dodd,

State Conservationist.

[FR Doc. 86–910 Filed 1–15–86; 8:45 am]

BILLING CODE 3410–16–M

Townsend Road Critical Area Treatment, RC&D Measure, NY

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a Finding of No Significant Impact.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Townsend Road Critical Area Treatment RC&D Meaures, Schuyler County, New York.

FOR FURTHER INFORMATION CONTACT: Paul A. Dodd, State Conservationist, Soil Conservation Service, James M. Hanley Federal Building, 100 S. Clinton Street, Room 771, Syracuse, New York 13260, telephone (315) 423–5521.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Paul A. Dodd, State Conservationist, has determined that the preparation of an environmental impact statement is not needed for this project.

The measure concerns a plan for reducing critical erosion along 250 feet of streambank on Townsend Road in the Town of Dix which results from high streamflows and nonchoesive soil material. Erosion and sedimentation will be reduced, the integrity of the adjacent highway will be maintained, and the annual cost of maintenance will be reduced through the installation of project measures. The planned works of improvement include grading and shaping, installation of gravel bedding and rock rip-rap, and seeding and mulching of the completed site area.

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 developed during the environmental assessment are on file and may be reviewed by contacting Paul A. Dodd.

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

Dated: January 6, 1986.

(This activity is listed in the Catalog of Federal Domestic Assistance under No. 10.901—Resource Conservation and Development—and is subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and Local officials)

Paul A. Dodd,

State Conservationist.

[FR Doc. 86–911 Filed 1–15–86; 8:45 am]

BILLING CODE 3410–6–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–122–503]

Certain Iron Construction Castings From Canada: Final Determination of Sales at Less Than Fair Value

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice.

SUMMARY: We have determined that certain iron construction castings from Canada are being, or are likely to be, sold in the United States at less than fair value. We have notified the U.S. International Trade Commission (ITC) of our determination, and the ITC will determine, within 45 days of publication of this notice, whether a U.S. industry is materially injured, or is threatened with material injury, by imports of this merchandise. We have directed the U.S. Customs Service to continue to suspend liquidation of the subject merchandise as described in the "Suspension of Liquidation" section of this notice.

EFFECTIVE DATE: January 16, 1986.

FOR FURTHER INFORMATION CONTACT: Patrick O'Mara or Mary Clapp, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 377–3798 or 377–1769.

SUPPLEMENTARY INFORMATION:

Final Determination

We have determined that certain iron construction castings from Canada are being, or are likely to be, sold in the United States at less than fair value, as provided in section 735 of the Tariff Act of 1930, as amended (19 U.S.C. 1673d) (the Act). The weighted-average margins for individual companies investigated are listed in the "Suspension of Liquidation" section of this notice.

Case History

On May 13, 1985, we received a petition filed in proper form from the Municipal Castings Fair Trade Council, on behalf of the U.S. industry producing iron construction castings. In

compliance with the filing requirements of section 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleged that imports of the subject merchandise from Canada are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act and that these imports materially injure, or threaten material injury to, a U.S. industry.

After reviewing the petition, we determined that it contained sufficient grounds upon which to initiate an antidumping investigation. We initiated the investigation on June 7, 1985 (50 FR 24264), and notified the ITC of our action.

On June 27, 1985, the ITC found that there was a reasonable indication that imports of certain iron construction castings from Canada were materially injuring, or threatening material injury to, a U.S. industry (U.S. ITC Pub. No. 27498, July 3, 1985).

We investigated Mueller Canada, Inc. (Mueller), LaPerle Foundry, Ltd. (LaPerle), and Bibby Ste. Croix Foundries, Inc. (Bibby), three manufacturers who account for at least 60 percent of the exports of the subject merchandise to the United States. We examined 100 percent of the sales made by these companies of the subject merchandise during the period of investigation.

On June 17 and July 8, 1985, questionnaires were presented to LaPerle, Bibby, and Mueller. Responses to the questionnaires were received August 9, 16 and 23, 1985, respectively. We verified the respondents' questionnaire responses from September 16 to September 27, 1985.

On October 21, 1985, we made an affirmative preliminary determination (50 FR 43592).

We conducted a public hearing on November 26, 1985.

Scope of Investigation

The merchandise covered by this investigation consists of certain iron construction castings, limited to manhole covers, rings and frames, catch basins, grates and frames, cleanout covers and frames used for drainage or access purposes for public utility, water and sanitary systems; and valve, service, and meter boxes which are placed below ground to encase water, gas, or other valves, or water or gas meters. These articles must be of cast iron, not alloyed, and not malleable, and are currently classifiable under item number 657.09 of the *Tariff Schedules of the United States* (TSUS). The period of investigation is December 1, 1984 through May 31, 1985.

Fair Value Comparisons

To determine whether sales of the subject merchandise in the United States were made at less than fair value, we compared the United States price with the foreign market value.

United States Price

As provided in section 772(b) of the Act, we used the purchase price of the subject merchandise since it was sold prior to the date of importation to unrelated purchasers in the United States. We calculated the purchase price based on the FOB or CIF packed price net of all discounts. We deducted, where appropriate, foreign inland freight, rebates, and handling and brokerage charges.

Foreign Market Value

In accordance with section 773(a) of the Act, we calculated foreign market value based on home market sales, packed or unpacked, to unrelated purchasers. From these prices we deducted, where appropriate, inland freight and discounts.

We made adjustments, where appropriate, for differences in credit costs and the difference in commissions in accordance with § 353.15 of our Regulations (19 CFR 353.15). We also deducted, where appropriate, the home market packing cost and added the packing cost incurred on sales to the United States. Pursuant to § 353.56 of our Regulations, we made currency conversions at the rates certified by the Federal Reserve Bank for the dates of the sales to the United States.

We made comparisons of "such or similar" merchandise based on weight, grade, overall size and dimension, and production inputs.

Verification

In accordance with section 776(a) of the Act, we verified the information provided by the respondents by using standard verification procedures including examination of records and selection of original source documentation containing relevant information.

Petitioner's Comments

Comment #1: The petitioner contends that the companies investigated account for an insignificant amount of exports of Canadian construction castings.

DOC Position: Based on the information contained in the record in this investigation, the Department is satisfied that a sufficient number of exports of Canadian construction castings were included for review. Since some items of merchandise classified under the applicable TSUS number 657.09 do not fall within the scope of this investigation, a comparison between import statistics and reported sales does not accurately reflect market share.

Comment #2: The petitioner argues that the Department should disregard sales to LaPerle's related home market distributor for purposes of the final determination in the investigation.

DOC Position: We agree. For purposes of the preliminary determination, the Department did not use these sales. We viewed home market sales to LaPerle's related home market distributor as sales "to a person related to the seller of the merchandise" as described by § 353.22 of our Regulations. The competitor price lists submitted by LaPerle as additional information were considered insufficient evidence to allow us to determine that sales to the related home market distributor were at arm's length. The Department does not consider these sales to have been made "at prices comparable to those at which such or similar merchandise is sold to persons unrelated to the seller." Section 353.22 of the Regulations. Consequently, the previously excluded sales to LaPerle's related home market distributor were excluded from consideration for purposes of the final determination of foreign market value.

Comment #3: The petitioner argues that the Department should reject LaPerle's claim for a level of trade adjustment.

DOC Position: We agree. Section 353.19 of the Regulations provides that the comparison of U.S. and foreign market prices will generally be made at the same commercial level of trade. Furthermore, if sales at the same level of trade are insufficient in number to permit comparison, a comparison will be made at the nearest comparable level of trade and appropriate adjustments will be made for differences affecting price comparability.

All of LaPerle's sales to the United States were sales made to distributors. LaPerle's sales to its related customer in Canada constitute LaPerle's only distributor sales in Canada. These sales are being disregarded because of the relationship.

The balance of LaPerle's Canadian sales were made to end-users. Consequently, the Department compared these sales with the U.S. distributor sales as a comparison made "at the nearest comparable level of trade." LaPerle argues that since it submitted information concerning indirect selling expenses related solely to the third party sales, the Department should effect adjustments for "differences affecting price

comparability." However, the respondents provided no supporting documents to substantiate the information submitted. Therefore, the Department has denied the claim since the documentation provided was not sufficient to prove that the differences in prices in the two markets were due to differences in the level of trade.

Comment #4: The petitioner contends that the Department should use exporter's sales price in the case of Bibby. Alternatively, the petitioner argues that if the Department uses a purchase price as it did in its preliminary determination, the purchases price should be based on the price to Bibby's related U.S. distributor, or upon the resale price less the distributor's markup.

DOC Position: We disagree. Where merchandise is sold to an unrelated party prior to importation, we determine United States price under the provision for purchase price since the provision specifically covers such sales. We apply exporter's sales price when the sales to the unrelated United States purchaser are made after importation. We interpret the phrase "before or after importation" as providing one statutory basis for calculating United States price in instances where an individual sale is filled in part by merchandise which had not been imported at the time of such sale.

Based on the foregoing, we have determined that these sales fall within the definition of purchase price. Since purchase price deductions are limited to "any additional costs, charges and expenses, and United States import duties incident in bringing the merchandise from the place of shipment in the country of exportation to the place of delivery in the United States" and export taxes (19 U.S.C. 1677a(d)(2)), we have not deducted the distributor's markup.

Comment #5: Petitioner urges the Department not to average United States price for respondent Bibby.

DOC Position: We agree. Contrary to respondent's argument, the legislative history does not suggest that section 777A requires us to weight-average United States price whenever we weight-average foreign market value. Rather, Congress intended to expand the instances in which the administering authority may use sampling and averaging techniques to include "United States price or foreign market value." H. Rep. No. 1156, 98th Cong., 2d Sess. 186 (1984).

Congress gave use the authority to select appropriate averaging techniques representative of the transactions under investigation. As the legislative history of the 1984 Act plainly indicates, section 777A was enacted to reduce the Department's costs and administrative burden in cases involving a large number of sales or adjustments by permitting us to use averaging techniques in computing United States price or foreign market value. H. Rep. No. 725, 98th Cong., 2d Sess. 45–46 (1984). We have concluded that it is not appropriate to use this discretionary authority in this case.

Comment #6: The petitioner contends that Bibby's discounts should not be treated as circumstance of sale adjustments.

DOC Position: We agree. Although the Department has the authority to treat discounts as circumstance of sale adjustments, the Department generally has treated discounts as reductions in price. Therefore, consistent with past practice, the Department has used the price net of discounts to arrive at both purchase price and foreign market value.

Comment #7: The petitioner urges the Department to reject Bibby's proposed method of establishing foreign market value by sum averaging the parts of the various complete valve and service boxes.

DOC Position: Sales of valve boxes in the Canadian market were recorded in component form since Bibby's Canadian customers were invoiced by reference to component parts and prices. The Department accordingly employed a sum weight-averaging technique to determine the average price per pound for a complete valve box sold by its parts.

An average component price was calculated since component part price was not constant. The average weight of a complete "box" was calculated by summing the average weights of each of the components. The average price per pound was then determined by dividing the average price by the average weight, box by box.

Comment #8: The petitioner claims that the Department should disallow a circumstance of sale adjustment for Mueller's home market sales commissions since these commissions were paid to a related party and the Department has consistently interpreted the statute and regulations to preclude adjustments for intracompany transfers such as payments to related parties.

DOC Position: We disagree. We recognize that, in general, the Department has not permitted circumstance of sale adjustments for commission payments to related parties. The principle behind denying a circumstance of sale adjustment for payments to related parties is that such payments are merely intracompany transfers of funds; these payments are considered to be part of the general expenses of the company, not costs directly related to particular sales.

Though salesmen of the Mueller product are salaried employees, no selling is required to receive this salary. However, selling is required to receive the commissions. The amount of commission paid varies according to the negotiated details of the employment contract of each individual Mueller salesman.

While we continue to hold that circumstances of sale adjustments for commission payments to related parties are not generally allowable, we determined in this case that the salesmen in question operated as unrelated parties, and an adjustment for commission payments to them was allowed. *See,* Egg Filler Flats from Canada; Final Determination of Sales at Less Than Fair Value, 50 FR 24009 (1985).

Comment #9: The petitioner argues that the Department should conduct a second verification of certain items alleged to have been inadequately verified in the original trip. Absent such a verification, petitioner urges the Department to use the best information otherwise available.

DOC Position: We disagree. The responses were verified using standard verification procedures. The discrepancies did not exceed the normal error rates customarily found in the course of any investigation. Therefore, we did not consider re-verification appropriate.

Comment #10: The petitioner urges the Department to adopt more appropriate model comparisons than those used for purposes of the preliminary determination.

DOC Position: The petitioner's suggested changes to the Department's model comparisons for Mueller and LaPerle would base the comparison entirely upon relative weight. The Department recognizes that a skewing effect might occur in the comparison of unequally weighted product group comparisons. Consequently, the Department has revised its Mueller model matches somewhat to address this concern.

The Department has also adopted, in part, the revised model comparison submitted on December 2, 1985, by respondent LaPerle for use in model comparisons for this company's product. The exhaustive comparison submitted is a more adequate model match than that used in our preliminary determination as it groups a product not only by reference to its weight, but also by reference to its

shape, overall dimension, and various production inputs.

Comment #11: Petitioner contends that LaPerle's rebate calculations should be reassessed in light of the time value of money involved.

DOC Position: We disagree. Consistent with past practice, when a rebate is received at the end of the year for sales over the course of the year, we use the actual rebate received and do not adjust for the time value of money. In addition, the methodology applied in countervailing duty cases for determining the present value of a benefit adjusts the value once a year. We do not adjust for a period of less than one full year.

Respondents' Comments—Respondent Bibby

Comment #1: Bibby urges the Department to correct computational errors which may have affected the weighted-average dumping margins calculated for the preliminary determination.

DOC Position: Any computational errors in the preliminary determination were corrected in the calculation of dumping margins for the final determination.

Comment #2: Bibby argues that the Department should treat its discounts as a difference in circumstance of sale and adjust accordingly.

DOC Position: We disagree. See DOC position to petitioner's comment at comment #6.

Comment #3: Bibby argues that the Department should average United States price.

DOC Position: We disagree. See DOC position to petitioner's comment. #5.

Comment #4: Bibby argues that the Department should use purchase price to calculate United States price.

DOC Position: We agree. See DOC position to petitioner's comment #4.

Respondent LaPerle

Comment #1: LaPerle requests that the Department treat light and heavy construction castings as two distinct products and to calculate separate weighted averages for each.

DOC Position: The Department has discretion in defining the "class or kind" of merchandise subject to an investigation and in determining whether to differentiate among products within that class or kind. As we have stated in other cases, the Department will employ the same criteria used to determine class or kind in determining whether separate rates should apply. The criteria used for class or kind determinations include but are not limited to: the general physical characteristics of the merchandise, the expectation of the ultimate purchaser, the channels of trade in which the merchandise moves, the ultimate use of the merchandise in question, and the way the product is advertised and displayed for sale to the public. We believe that light and heavy construction castings should be considered within the same "class or kind" of merchandise.

In examining the general physical characteristics of light and heavy castings, we noted that both light and heavy castings are made of cast-iron. We also noted that both light and heavy castings are produced in generally the same method throughout the world. While heavy castings and light castings are not interchangeable, the use of both light and heavy castings is similar. Both light and heavy castings are used by industry to provide access to subterranean public utility systems. We also determined that both types of castings move in the same channels of trade, and are sold to the same types of end-users.

We have therefore determined that light and heavy construction castings are of the same class or kind, and that any differences between the two types of castings are not significant enough to warrant the application of separate margins.

Comment #2: LaPerle argues that the Department should accept the reported home market rebates in its calculation of foreign market value.

DOC Position: The Department verified these amounts and included the reported home market rebates in its calculation of foreign market value. We did not, however, adjust for the time value of money. For a further discussion, see DOC position to petitioner's comment #11.

Comment #3: Respondent LaPerle urges the Department to accept the revised freight costs offered at the time of verification.

DOC Position: The Department has accepted LaPerle's freight costs. The verification bore out the changes to the freight costs initially recorded by LaPerle in its questionnaire response. Though the changes may have been substantial, the Department is satisfied with the revised figures after full verification of all charges.

Suspension of Liquidation

In accordance with section 733(d) of the Act, we are directing the United States Customs Service to continue to suspend liquidation of all entries of certain iron construction castings from Canada that are entered, or withdrawn from warehouse, for consumption, on or after October 21, 1985. The Customs Service shall require a cash deposit or the posting of a bond equal to the estimated final weighted-average amounts by which the foreign market value of the merchandise subject to this investigation exceeds the United States price as shown in the table below. This suspension of liquidation will remain in effect until further notice.

Manufacturer/producer/exporter	Weighted-average margin
Mueller Canada, Inc.	9.8
LaPerle Foundry, Ltd.	7.4
Bibby Ste. Croix Foundries, Inc.	10.9
All others	10.2

ITC Notification

In accordance with section 735(f) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all nonprivileged and nonconfidential information relating to this investigation. We will allow the ITC access to all privileged and confidential information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration. The ITC will determine whether these imports materially injure, or threaten material injury to, a U.S. industry within 45 days of the publication of this notice. If the ITC determines that material injury or the threat of material injury does not exist, this proceeding will be terminated and all securities posted as a result of the suspension of liquidation will be refunded or cancelled. If, however, the ITC determines that such injury does exist, we will issue an antidumping duty order, directing Customs officers to assess antidumping duties on the subject products entered, or withdrawn from warehouse, for consumption on or after the date of suspension of liquidation, equal to the amount by which the foreign market value of the merchandise exceeds the U.S. price.

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

Paul Freedenberg,

Assistant Secretary for Trade Administration.

January 6, 1986.

[FR Doc. 86-981 Filed 1-15-86; 8:45 am]

BILLING CODE 3510-DS-M

National Oceanic and Atmospheric Administration

Coastal Zone Management; Federal Consistency Appeal by Gulf Oil Corporation From Objection by the California Coastal Commission to Plan of Exploration for OCS P 0505

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Decision sustaining appeal.

SUMMARY: On March 13, 1985, Gulf Oil Corporation (Gulf) appealed to the Secretary of Commerce under section 307(c)(3)(A) and (B) of the Coastal Zone Management Act. The appeal was filed from an objection from the California Coastal Commission (Commission) to Gulf's Plan of Exploration (POE) for Outer Continental Shelf Lease Tract P 0505, located approximately four miles west from Point Sal on the California shore, near the San Luis Obispo-Santa Barbara County line. Gulf's POE encompassed a single exploratory well to be used to delineate a field estimated at 30 million barrels of oil and 30 billion cubic feet of natural gas.

The Commission found Gulf's project inconsistent with the federally-approved California Coastal Management Program because of: (1) The lack of onshore facilities to ensure the safest and most efficient method of oil exploration, development and transportation, and (2) the cumulative effects of offshore operations on coastal resources.

On December 23, 1985, the Secretary of Commerce issued a decision sustaining Gulf's appeal under 15 CFR 930.121 with the following findings:

(1) Exploratory drilling on OCS P 0505 would contribute to the national interest in attaining energy sufficiency and thereby furthers one or more of the competing national objectives contained in sections 302 and 303 of the CZMA;

(2) The adverse effects of the project on the natural resources of the coastal zone are not substantial enough to outweigh its contribution to the national interest;

(3) The proposed activity will not violate any requirements of the Clean Air Act or Clean Water Act; and

(4) There is no reasonable alternative available which would allow the proposed activity to be conducted in a manner consistent with the California Coastal Management Program.

The Secretary of Commerce also decided under 15 CFR 930.122 that Gulf had not demonstrated that its proposed exploratory well directly supports national defense or national security interests and that such interests would be significantly impaired if the drilling could not go forward as planned.

This decision will allow the Minerals Management Service and other Federal agencies to issue any necessary permits for Gulf's POE activities.

FOR FURTHER INFORMATION CONTACT: L. Pittman, Attorney-Advisor, Office of the Assistant General Counsel for Ocean Services, National Oceanic and Atmospheric Administration, Room 270, Page 1 Building, 2001 Wisconsin Avenue, NW., Washington, DC 20235; (202) 254–7512.

[Federal Domestic Assistance Catalog No. 11.419 Coastal Zone Management Program Administration]

Dated: January 9, 1986.

Daniel W. McGovern,

General Counsel, National Oceanic and Atmospheric Administration.

[FR Doc. 86–951 Filed 1–15–86; 8:45 am]

BILLING CODE 3510-08-M

COMMODITY FUTURES TRADING COMMISSION

Minneapolis Grain Exchange—High Fructose Corn Syrup-55 Futures Contract

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of availability of the terms and conditions of proposed commodity futures contract.

SUMMARY: The Minneapolis Grain Exchange ("MGE") has applied for designation as a contract market in High Fructose Corn Syrup-55 ("HFCS–55"). The Director of the Division of Economic Analysis of the Commodity Futures Trading Commission ("Commission"), acting pursuant to the authority delegated by Commission Regulation 140.96, has determined that publication of the proposal for comment is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATE: Comments must be received on or before March 17, 1986.

ADDRESS: Interested persons should submit their views and comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581. Reference should be made to the MGE HFCS-55 futures contract.

FOR FURTHER INFORMATION CONTACT: Fred Linse, Division of Economic Analysis, Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581, (202) 254–7303.

Copies of the terms and conditions of the proposed MGE HFCS–55 futures contract will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581. Copies of the terms and conditions can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 254–6314.

Other materials submitted by the MGE in support of its application for contract market designation may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145 (1984)), except to the extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9. Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Acts Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the terms and conditions of the proposed futures contract, or with respect to other material submitted by the MGE in support of its application, should send comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581, by March 17, 1986.

Issued in Washington, D.C., on January 13, 1986.

Paula A. Tosini,

Director, Division of Economic Analysis.

[FR Doc. 86–989 Filed 1–15–86; 8:45 am]

BILLING CODE 6351-01-M

Philadelphia Board of Trade—British Pound, Swiss Franc, French Franc, Canadian Dollar, West German Mark, Japanese Yen and the European Currency Unit Futures Contracts

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of availability of the terms and conditions of proposed commodity futures contracts.

SUMMARY: The Philadelphia Board of Trade ("PHBT") has applied for designation as a contract market in the British pound, Swiss franc, French franc, Canadian dollar, West German mark, Japanese yen and the European Currency Unit. The Director of the Division of Economic Analysis of the

Commodity Futures Trading Commission ("Commission"), acting pursuant to the authority delegated by Commission Regulation 140.96, has determined that publication of the proposals for comment is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATE: Comments must be received on or before March 17, 1986.

ADDRESS: Interested persons should submit their views and comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581. Reference should be made to the particular PHBT foreign currency and European Currency Unit futures contracts.

FOR FURTHER INFORMATION CONTACT: Naomi Jaffe, Division of Economic Analysis, Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581, (202) 254–7227.

Copies of the terms and conditions of the proposed PHBT futures contracts will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581. Copies of the terms and conditions can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 254–6314.

Other materials submitted by the PHBT in support of its applications for contract market designation may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145 (1984)), except to the extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9. Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Acts Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the terms and conditions of the proposed futures contracts, or with respect to other materials submitted by the PHBT in support of its applications, should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581.

Issued in Washington, D.C., on January 13, 1986.

Paula A. Tosini,

Director, Division of Economic Analysis.

[FR Doc. 86–990 Filed 1–15–86; 8:45 am]

BILLING CODE 6351–01–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Import Restraint Limits for Certain Cotton, Wool and Man-Made Fiber Textile Products Produced or Manufacturer in Malaysia Effective on January 1, 1986

Correction

In FR Doc. 85–30670, beginning on page 52990 in the issue of Friday, December 27, 1985, make the following corrections:

1. On page 52990, in the second and third columns, in the table of restraints limits, wherever "yd ²" appears (except in the entry for Category 631), it should read "square yards".

2. On the same page, in the third column, in the table of restraint limits, in the entry for Category 631, "yd ²" should read "pairs".

BILLING CODE 1505–01–M

Announcing Import Restraint Limits for Certain Wool and Man-Made Fiber Textile Product From the Polish People's Republic Effective on January 1, 1986

Correction

In FR Doc. 85–30584, beginning on page 52984 in the issue of Friday, December 27, 1985, make the following correction: On page 52984, in the second and third columns, in the table of restraint limits, wherever "yd ²" appears, it should read "square yards".

BILLING CODE 1505–01–M

Import Levels for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Taiwan

Correction

In FR Doc. 85–30762, beginning on page 52989 in the issue of Friday, December 27, 1985, make the following correction: On page 52990, in the first column, in the third line of the table of restraint limit, "yd ²" should read "square yards".

BILLING CODE 1505–01–M

Import Restraint Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Turkey Effective on January 1, 1986

Correction

In FR Doc. 85–30585, appearing on page 52985 in the issue of Friday, December 27, 1985, in the first line of the table of restraint limits, "yd.²" should read "square yards".

BILLING CODE 1505–01–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Intelligence Agency Scientific Advisory Committee; Meeting

AGENCY: Defense Intelligence Agency Scientific Advisory Committee.

ACTION: Notice of closed meeting.

SUMMARY: Pursuant to the provisions of Subsection (d) of section 10 of Pub. L. 92–463, as amended by section 5 of Pub. L. 94–409, notice is hereby given that a closed meeting of the DIA Scientific Advisory Committee has been scheduled as follows:

DATES: Wednesday and Thursday, 29–30, January 1986, 9:00 a.m to 5:00 p.m. each day.

ADDRESS: The DIAC, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Lt Col Harold E. Linton, USAF, Executive Secretary, DIA Scientific Advisory Committee, Washington, D.C. 20301 (202/373–4930).

SUPPLEMENTARY INFORMATION: The entire meeting is devoted to the discussion of classified information as defined in Section 552b(c)(1), Title 5 of the U.S. Code and therefore will be close to the public. The Committee will receive briefings on and discuss several current critical intelligence issues and advise the Director, DIA on related scientific and technical intelligence matters.

Linda M. Lawson,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

January 10, 1986.

[FR Doc. 86–931 Filed 1–15–86; 8:45 am]

BILLING CODE 3810–01–M

Defense Science Board Task Force on DNA Management; Meetings

ACTION: Notice of Advisory Committee meetings.

SUMMARY: The Defense Science Board Task Force on DNA Management will

meet in closed session on 11–12 February 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 these meetings the Task Force will review Defense Nuclear Agency management structure, organization and staffing to determine if they are appropriate for fulfilling the Agency's mission. Emphasis will include Agency functions as well as relationships with other U.S. Government Agencies and offices.

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 Panel meeting, concerns matters listed in 5 U.S.C. 552b(c)(1) (1982), and that accordingly this meeting will be closed to the public.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

January 14, 1986.

[FR Doc. 86–1008 Filed 1–15–86; 8:45 am]

BILLING CODE 3810–01–M

Defense Science Board Task Force on Multi-National FOFA; Meetings

ACTION: Notice of Advisory Committee meetings.

SUMMARY: The Defense Science Board Task Force on Multi-National FOFA will meet in closed session on 19 February 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 Task Force will continue to review, in detail, classified material associated with conventional military capabilities in NATO with a view towards future U.S. and NATO requirements.

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 Panel meeting, concerns matters listed in 5 U.S.C. 552b(c)(1) (1982), and that accordingly this meeting will be closed to the public.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

January 14, 1986.

[FR Doc. 86–1009 Filed 1–15–86; 8:45 am]

BILLING CODE 3810–01–M

Department of the Air Force

USAF Scientific Advisory Board; Meeting

January 9, 1985.

The USAF Scientific Advisory Board Aeronautical Systems Division (ASD) Advisory Group will meet February 4, 1986, from 8:00 A.M. to 4:30 P.M., and February 5, 1986, from 8:00 A.M. to 3:00 P.M. at SAD Headquarters, Building 14, Area B, Wright Patterson AFB, OH.

The purpose of this meeting is to receive briefings on and to advise the Division Commander on the Precision Location Strike System.

This meeting will involve discussions of classified defense matters listed in section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at (202) 697–4648.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 86–933 Filed 1–15–86; 8:45 am]

BILLING CODE 3910–01–M

Department of the Army

Intent To Grant a Limited Exclusive Patent License to T&E International, Inc.

The Department of the Army announces its intention to grant T&E International, Inc., a corporation of the State of Maryland, a limited exclusive license under U.S. Patent Nos. 4,248,342, issued February 3, 1981, 4,325,309, issued April 20, 1982, 4,326,468, issued April 27, 1982, and 4,347,796, issued September 7, 1982, all entitled "Blast Suppressive Shielding", by P.V. King, et al.

The proposed limited exclusive license will comply with the terms and conditions of 35 U.S.C. 209 and the Department of Commerce's regulations at 37 CFR Part 404. The proposed license may be granted unless, within 60 days from the date of this notice, the Department of the Army receives written evidence and argument which establishes that the grant of the proposed license would not serve the public interest. All comments and materials must be submitted to the Chief, Patents, Copyrights, and Trademarks Division, U.S. Army Legal Services Agency, 5611 Columbia Pike, Falls Church, VA 22041–5013.

For further information concerning this notice, contact: Lieutenant Colonel

Francis A. Cooch, USALSA (JALS–PC), Nassif Bldg.—Room 332A, Falls Church, VA 22041–5013, Telephone No. (Area Code 202) 756–2434/2435.

John O. Roach II,

Army Liaison Officer With the Federal Register.

[FR Doc. 86–914 Filed 1–15–86; 8:45 am]

BILLING CODE 3710–08–M

Corps of Engineers, Department of The Army

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for a Navigation Project on the Little River, Niagara County, NY, Under Authority of a Resolution Passed by the Committee on Public Works and Transportation of the House of Representatives

AGENCY: Army Engineer District, Buffalo, DOD.

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement (DEIS).

Proposed Action: The proposed action would involve dredging of a 2,000-foot X 50–foot wide channel at 4 feet below low water datum (LWD) beginning at the Niagara River and leading up to the boat ramp at Griffon Park. Annual maintenance dredging, primarily at the channel entrance, of approximately 1,760 cubic yards would be required.

Alternatives Considered: Three alternatives are being considered during the planning of this project. These are:

Alternative 1. Dredging a 2,000-foot X 50-foot channel to a depth of 3 feet below LWD with annual maintenance dredging of 1,580 cubic yards.

Alternative 2. Dredging a 2,000-foot X 50-foot channel to a depth of 4 feet below LWD with annual maintenance dredging of 1,760 cubic years.

Alternative 3. Dredging a 2,000-foot X 50-foot channel to a depth of 5 feet below LWD with annual maintenance dredging of 1,970 cubic yards.

Alternative 4. No Action—This alternative does not provide navigational improvements on the Little River.

Alternative 2 has proven to be the most acceptable solution to the navigation problems on the Little River.

Scoping Process: Agency coordination has been initiated and an Initial Appraisal was completed in June 1985. Scoping by the Corps of Engineers will include continued coordination with interested local, State, and Federal agencies, as well as other parties. All interested parties are urged to participate actively in the scoping process by submitting their concerns to the Buffalo District.

Significant Issues: Issues to be addressed in the DEIS include, but are not limited to: handling, transport and safe disposal of heavily polluted sediments, water quality, fish and wildlife resources, wetlands preservation, recreational opportunity.

Availability: The DEIS is expected to be available for public and agency review in November 1986.

ADDRESS: Questions about the proposed action and DEIS can be answered by Mark Bagdovitz, U.S. Army Engineer District, Buffalo, 1776 Niagara Street, Buffalo, New York 14207, (716) 876–5454.

Daniel R. Clark,

Colonel, Corps of Engineers, District Engineer.

Dated: January 6, 1986.

FR Doc. 86–913 Filed 1–15–86; 8:45 am]

BILLING CODE 3710–GP–M

DELAWARE RIVER BASIN COMMISSION

Meeting and Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, January 22, 1986 beginning at 1:30 p.m. in the Goddard Conference Room of the Commission's offices at 25 State Police Drive, West Trenton, New Jersey. The hearing will be part of the Commission's regular business meeting which is open to the public.

An informal pre-meeting conference among the Commissioners and staff will be open for public observation at about 11:30 a.m. at the same location.

Applications for Approval of the Following Projects Pursuant to Article 10.3, Article 11 and/or section 3.8 of the Compact:

1. *Philadelphia Electric Company D–69–210 CP (Final) Revision 5.* An application by the Philadelphia Electric Company (PECO) to temporarily, during 1986, revise portions of the Limerick Electric Generating Project as included in the Comprehensive Plan and to approve the temporary changes under Section 3.8 of the Compact. The proposed revisions consist of (1) a substitution of dissolved oxygen controls (average of 5.1 mg/l and instantaneous of 4.2 mg/l) in lieu of the existing 59 °F temperature limitation to determine the availability of Schuylkill River water and (2) a transfer of the current consumptive use of water at existing operating generating stations to new consumptive use at the Limerick Generating Station. The approval of the transfer is requested for such periods during 1986 when flow or dissolved oxygen constraints would otherwise prevent the withdrawal of water for consumptive use of Limerick Unit I. The application requests that 3.5 million gallons per day (mgd) be transferred from Titus Generating Stations Units 1, 2 and 3 and 1.7 mgd from the Cromby Generating Station Unit No. 2 to allow the consumptive use of 5.2 mgd at Limerick Generating Station. Similar revisions were previously approved by DRBC in the fall of 1985 for a temporary period ending December 31, 1985. However, the applicant (PECO) has requested that the DRBC-imposed requirement of 7.0 mg/l minimum of dissolved oxygen during the period March 1 to June 15 not be a condition of approval for 1986. The Limerick Electric Generating Project is located in Limerick Township Montgomery County, Pennsylvania.

2. *Getty Pipeline Inc. D–79–37 (Revised).* Approval is sought for various revisions in the design, construction, and operation of the 23-mile long, 16-inch diameter, petroleum products pipeline that was installed between Getty Oil Refinery, Delaware City, New Castle County, Delaware and the Sun Pipeline Twin Oaks Pump Station in Marcus Hook, Delaware County, Pennsylvania. The principal changes involve: testing pressures; distances between the pipeline and other buried lines; methods used to protect the pipeline when installed beneath stream beds; and the final cost of the project. Changes were made to conform with the requirements and guidelines of the U.S. Department of Transportation.

3. *Philadelphia Suburban Water Company—Great Valley Division D–84–30 CP.* A ground water withdrawal project to supply a new housing subdivision (Hunt Country Estates) and to augment supplies to the applicant's existing Milltown distribution system. The total requested withdrawal rate from new Well Nos. 21A, B, C and D is 13.53 million gallons (mg)/30 days. The project is located in East Goshen Township, Chester County, Pennsylvania, and is in the Southeastern Pennsylvania Ground Water Protected Area.

4. *Mantua Township Municipal Utilities Authority D–85–16 CP.* The purpose of this project is to provide a consolidated allocation of ground water to the Mantua Township Municipal Utilities Authority which consists of the former Mantua, Sewell, and Edenwood Water Companies; and also to approve the withdrawal of ground water from Well Nos. 1 and 2, not previously

included in the Comprehensive Plan. Existing wells supply an average of 15.7 mg/30 days for domestic use in Mantua Township, located in Gloucester County, New Jersey. The applicant proposes to increase withdrawals to 30.9 mg/30 days by the year 1990.

5. *Philadelphia Suburban Water Company—Great Valley Division D–85–19 CP.* Application for approval of a new well (No. 24—Radley Mews) which would provide 0.18 mgd (5.4 mg/30 days) of water to the applicant's Radley Run system in Birmingham Township, Chester County, Pennsylvania. The 491 foot deep well is located approximately 200 feet south of the East Bradford Township line and 110 feet northwest of Plum Run, in the Southeastern Pennsylvania Ground Water Protected Area.

6. *Blue Ridge Real Estate Company (Jack Frost Ski Area) D–85–81.* Modification and expansion of the applicant's sewage treatment plant serving the Jack Frost Ski Lodge and Snow Ridge Development in Kidder Township, Carbon County, Pennsylvania. The existing 30,000 gallons per day (gpd) package extended air plant will be used for sludge storage and a new 400,000 gpd facility constructed using the activated sludge process. Treated effluent will continue to discharge to Porter Run, a tributory of the Lehigh River at River Mile 183.66–83.5–1.5.

7. *Pocono Farms East Water Company D–85–86 CP.* A ground water withdrawal project to supply up to 0.11 mgd of water to the applicant's distribution system from new Well No. 4E. The total withdrawal from all wells will be limited to 0.11 mgd. The project is located in Coolbaugh Township, Monroe County, Pennsylvania.

Documents relating to these items may be examined at the Commission's offices. With the exception of D–69–210 CP (Final) Revision 5, preliminary dockets are available in single copies upon request. Please contact David B. Everett. Persons wishing to testify at this hearing are requested to register with the Secretary prior to the hearing.

Susan M. Weisman,

Secretary.

January 7, 1986.

[FR Doc. 86–906 Filed 1–15–86; 8:45 am]

BILLING CODE 6360-01-M

DEPARTMENT OF EDUCATION

National Advisory Council on Continuing Education; Meeting

AGENCY: National Advisory Council on Continuing Education, Ed.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of an Executive Committee meeting of the National Advisory Council on Continuing Education. It also describes the functions of the Council. Notice of meetings is required under section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATES: February 4–5, 1986.

ADDRESS: 2000 L Street, NW., Suite 560, Washington, D.C. 20006

FOR FURTHER INFORMATION CONTACT: Dr. William G. Shannon, Executive Director, National Advisory Council on Continuing Education, 2000 L Street, NW., Suite 560, Washington, D.C. 20036. Telephone: (202) 634–6077.

SUPPLEMENTARY INFORMATION: The National Advisory Council on Continuing Education is established under section 117 of the Higher Education Act (20 U.S.C. 1109), as amended. The Council is established to advise the President, the Congress, and the Secretary of the Department of Education on the following subjects:

(a) An examination of all federally supported continuing education and training programs, and recommendations to eliminate duplication and encourage coordination among these programs;

(b) The preparation of general regulations and the development of policies and procedures related to the administration of Title I of the Higher Education Act; and

(c) Activities that will lead to changes in the legislative provisions of this title and other federal laws effecting federal continuing education and training programs.

The meetings of the Council are open to the public. However, because of limited space, those interested in attending are asked to call the Council's office beforehand.

The Executive Committee will meet from 9:00 A.M. to 4:30 P.M. on February 4 and from 9:00 A.M. to 12:00 P.M. on February 5, 1986.

The proposed agenda includes:

—Plans for 1986 activities
—Review of Council/OECD Conference
—Legislative update
—Council staff assignments/awards
—Other business

Records are kept of all Council proceedings and are available for public inspection at the office of the National Advisory Council on Continuing Education, 2000 L Street, NW., Suite 560, Washington, D.C.

Signed at Washington, D.C. on January 6, 1986.

William G. Shannon,

Executive Director.

[FR Doc. 86–934 Filed 1–15–86; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Office of the Secretary

Nuclear Waste Policy Act of 1982; Availability of Crystalline Repository Project Draft Area Recommendation Report and Announcement of Public Information Meetings and Hearings

Note.—The Department of Energy requested that this notice be published on January 16, 1986. It was inadvertently published on January 10 at 50 FR 1275. It is being reprinted on the date originally requested.

AGENCY: Office of Civilian Radioactive Waste Management, DOE.

ACTION: Notice of availability of draft Area Recommendation Report; announcement of public information meetings and hearings, and solicitation of comments.

EFFECTIVE DATE: January 16, 1986.

SUMMARY: The Department of Energy (DOE) has published a draft Area Recommendation Report (ARR) for 90 days of public comment. The document identifies candidate areas in crystalline rock selected through the use of the final Region-to-Area Screening Methodology for the Crystalline Repository Project. The draft report also identifies those candidate areas which are proposed as potentially acceptable sites for area phase field studies for the second deep geologic nuclear waste repository. The proposed candidate areas were selected from the 235 crystalline rock bodies which previously were identified by DOE in a series of Regional Characterization Reports which followed a national survey of crystalline rock. The 235 crystalline rock bodies are located in the following 17 States in the North Central, Northeastern, and Southeastern regions of the United States:

North Central-Michigan, Minnesota, Wisconsin
Northeast—Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rdode Island, Vermont
Southest—Georgia, Maryland, North Carolina, South Carolina, Virginia

A series of information meetings will be held to facilitate the public's review of the draft ARR. In addition, public

hearings will be held on the draft ARR to receive oral as well as written comments. Written and oral comments will be given equal consideration. After consideration of comments received during the comment period, DOE will publish the final ARR.

It is anticipated that the final ARR will serve as the decision-basis document for the identification of potentially acceptable sites, as required under 10 CFR Section 960.3–2–1 of the DOE "General guidelines for the Recommendation of Sites for Nuclear Waste Repositories" (Siting Guidelines). The final ARR will describe the process and the considerations leading to the formal identification of potentially acceptable sites in crystalline rock.

DATES: Written comments should be received at DOE by April 16, 1986, to ensure consideration in the preparation of the final ARR.

ADDRESS: Written comments on the draft ARR should be addressed to: U.S. Department of Energy, ATTN: Comments-Draft ARR, Crystalline Repository Project Office, Chicago Operations Office, 9800 South Cass Avenue, Argonne, Illinois 60439.

FOR FURTHER INFORMATION CONTACT:

1. Dr. Sally A. Mann, Project Manager, Crystalline Repository Project Office, Chicago Operations Office, U.S. Department of Energy, 9800 South Cass Avenue, Argonne, Illinois 60439, Phone: (312) 972–2548.

2. Ellison S. Burton, Director, Siting Division (RW–25) Office of Civilian Radioactive Waste Management, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, Phone: (202) 252–1116.

3. Robert Mussler, Esq., Deputy Assistant General Counsel for Environment, Office of General Counsel, U.S. Department of Energy, Washington, DC 20585, Phone; (202) 252–6947.

In addition to sending copies of the draft ARR to individuals upon request, DOE will make the draft AAR available for review in reading rooms at DOE headquarters and field offices, at a central location in the capital of each of the 17 States listed above, at tribal headquarters of certain Indian Tribes in the 17 States, and in various public libraries in the above 17 States.

A future **Federal Register** notice will list the dates and locations for public hearings.

SUPPLEMENTARY INFORMATION:

I. Background

By the end of this century, the United Stats plans to begin operation of a geologic repository for the permanent disposal of spent nuclear fuel and high-level radioactive waste. The Nuclear Waste Policy Act of 1982 (Pub. L. 97–425) (the Act), specifies the process for selecting repository sites and assigns to DOE the responsibility for locating, constructing, operating, and decommissioning the repository. DOE is presently considering nine sites in six States for the possible location of the first repository, which is scheduled to begin operation by 1998, and has published draft environmental assessments for these nine sites for public review and comment (See **Federal Register**, 49 FR 49540, 12–20–84).

The Act also authorizes DOE to site a second geologic repository. If Congress authorizes the construction of a second repository, it is expected that the second repository will begin operation by about the year 2006. DOE is studying crystalline rock bodies as a potential host medium for the second repository. In addition, sites recommended for site characterization for the first repository but not selected as the final site, and sites identified but not nominated for the first repository, will be considered for the second repository.

The identification of potentially acceptable sites in crystalline rock is being conducted in accordance with the Siting Guidelines. A national survey of crystalline rocks identified the North Central, Northeastern, and Southeastern regions as the most favorable regions in the United States for siting a geologic repository in crystalline rock. DOE has identified 17 States within these regions containing crystalline rock suitable for further study.

Recently, DOE has issued its final region-to-area screening methodology document and regional characterization reports for the three regions with crystalline rock under consideration as a possible host for the second repository. These reports, which were developed in consultation with the 17 States, describe the methodology and data to be used to conduct region-to-area screening. The draft ARR contains the results of this screening process and identifies proposed potentially acceptable sites for further study.

After consideration of comments received, the ARR will be finalized. At that time, potentially acceptable sites in crystalline rock will be formally identified by the Secretary of Energy and notifications to States and Indian Tribes will be made, as required by the Act and the DOE Siting Guidelines. Shortly thereafter, DOE will begin a limited field study program on the identified sites, in preparation for the nomination of sites as suitable for detailed site characterization under Section 112 of the Act. The field studies will be conducted in accordance with Area Characterization Plans, which will be issued in draft for review and comment. The work performed by DOE during this phase will be focused on obtaining the types of information required for the nomination of sites as suitable for site characterization, as outlined in Appendix IV of the Siting Guidelines.

II. Comment Procedures

A. Availability of Draft ARR

Copies of the draft ARR have been distributed to Federal, State, Indian tribe, and local agencies, as well as to organizations and individuals which have requested information about the nuclear waste repository siting process. Requests for copies of the draft ARR should include the requestor's name, address, and zip code. A daytime telephone number and area code should be included, if available. Send written requests to: U.S. Department of Energy, ATTN: Draft ARR, Crystalline Repository Project Office, Chicago Operations Office, 9800 South Cass Avenue, Argonne, Illinois 60439.

Copies of the draft ARR are available for public inspection at the following DOE Public Reading Rooms at the indicated times Monday through Friday, except Federal holidays and where noted below:

1. DOE Public Reading Room, Room 1E–190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 252–6020, 9:00 a.m. to 4:00 p.m.

2. Albuquerque Operations Office, Kirtland Air Force Base, National Atomic Museum Library, Public Reading Room, Albuquerque, New Mexico 87115, (505) 844–8443, 9:00 a.m. to 5:00 p.m.

3. Chicago Operations Office, 9800 South Cass Avenue, Argonne, Illinois 60439, (312) 972–2010, 8:00 a.m. to 5:00 p.m.

4. Idaho Operations Office, 550 2nd Street, Headquarters 199, Idaho Falls, Idaho 83401, (208) 526–0271, 8:00 a.m. to 5:00 p.m.

5. Nevada Operations Office, Public Docket Room, 2753 South Highland, Las Vagas, Nevada 89114, (702) 734–3521, 8:00 a.m. to 4:30 p.m.

6. Oak Ridge Operations Office, 200 Administration Road, Room G208, Federal Building, Oak Ridge, Tennessee 37830, (615) 576–1218, 8:00 a.m. to 4:30 p.m.

7. Richland Operations Office, Hanford Science Center, Rockwell Hanford Operations, 825 Jadwin Avenue, Federal Building, Richland,

Washington 99352, (509) 376–8273, Sunday 1:00 p.m. to 5:00 p.m., Monday through Saturday 9:00 to 5:00 p.m.

8. San Francisco Operations Office, 1333 Broadway, Wells Fargo Building, Reading Room, Room 240, Oakland, California 94612, (415) 273–4358, 8:30 a.m. to 4:00 p.m.

9. Savannah River Operations Office, 211 York Street, NE., Federal Building, Aiken, South Carolina 29801, (803) 725–3267, 8:30 a.m. to 4:00 p.m.

10. Boston Support Office, Analex Building, Room 1002, 150 Causeway Street, Boston, Massachusetts 02114, (617) 223–2525, 8:30 a.m. to 5:30 p.m.

11. New York Support Office, 26 Federal Plaza, Room 3200, New York, New York 10278, (212) 264–1021, 8:00 a.m. to 5:30 p.m.

B. Written Comments

Interested parties are invited to provide written comments on the draft ARR to: U.S. Department of Energy, ATTN: Comments—Draft ARR, Crystalline Repository Project Office, Chicago Operations Office, 9800 South Cass Avenue, Argonne, Illinois 60439.

All comments should be received at DOE by April 16, 1986, to ensure consideration in preparing the final ARR.

C. Public Hearings

DOE plans to schedule public hearings in the 17 crystalline States, no sooner than March 1, 1986. The specific date, time, and location for each hearing; and procedures for the conduct of the hearings, will be announced in a future **Federal Register** notice.

D. Public Meetings

Prior to the public hearings, DOE will also conduct informal public information meetings on the draft ARR.

These meetings will be for the purpose of facilitating the review of the draft ARR by the public and will not be for the purpose of receiving public comments. The public is invited to comment directly to DOE in writing or at the public hearings noted above.

DOE will schedule public information meetings in the State capital of each of the 17 crystalline States. Other meetings will be scheduled as arranged.

In addition, DOE will issue specific information on the time and place of the meetings in the local news media at each location.

For further information on the public meetings, Dr. Mann may be contacted at the address and phone number listed above.

Issued in Washington, DC, January 6, 1986.

Ben C. Rusche,

Director, Office of Civilian Radioactive Waste Management.

[FR Doc. 86–566 Filed 1–9–86; 8:45 am]

BILLING CODE 1505-01-M

Economic Regulatory Administration

Proposed Remedial Order; Magna Energy Corp.

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of Proposed Remedial Order to Magna Energy Corporation.

SUMMARY: Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives Notice of a Proposed Remedial Order which was issued to Magna Energy Corporation (Magna), 11511 Katy Freeway, Suite 365, Houston, Texas 77079. This Proposed Remedial Order allege that Magna charged prices in excess of its actual purchase prices in violation of 10 CFR 212.186, 210.62(c) and 205.202 during the period December 1978 through December 1980 in the amount of $15,034,994.76. In addition, the Proposed Remedial Order also alleges that Magna charged prices in excess of its permissible average markup in violation of 10 CFR 212.183 during 1979 in the amount of $1,738,637.00.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from: Office of Freedom of Information Reading Room, United States Department of Energy, Forrestal Building, Room 1E–190, 1000 Independence Ave., SW., Washington, D.C. 20585.

Within fifteen (15) days of publication of this Notice any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, U.S. Department of Energy, Forrestal Building, Room 6F–078, 1000 Independence Avenue, SW., Washington, D.C. 20585, in accordance with 10 CFR 205.193. The notice shall be filed in duplicate, shall briefly describe how the person would be aggrieved by issuance of the Proposed Remedial Order as a final order and shall state the person's intention to file a Statement of Objections.

Pursuant to 10 CFR 205.193(c), a person who files a Notice of Objection shall on the same day serve a copy of the Notice upon: Sandra K. Webb, Director, Economic Regulatory Administration, U.S. Department of Energy, One Allen Center, Suite 610, 500 Dallas Street, Houston, Texas 77002 and upon: Carl A. Corrallo, Esquire, Chief Counsel for Administration Litigation, Economic Regulatory Administration, U.S. Department of Energy, Room 3H–017, RG–15, 1000 Independence Avenue, SW., Washington, D.C. 20585.

Issued in Houston, Texas, on the 6th day of December 1985

Sandra K. Webb,

Director, Houston Office, Economic Regulatory Administration.

[FR Doc. 85–940 Filed 1–15–86; 8:45 am]

BILLING CODE 6450-01-M

Office of Energy Research

Energy Research Advisory Board, Civil Nuclear Power Panel; Open Meeting

Notice is hereby given of the following meeting:

Name: Civilian Nuclear Power Panel of the Energy Research Advisory Board (ERAB).

Date and Time: January 24, 1986—10:00 a.m.–5:00 p.m.

Place: Department of Energy, 1000 Independence Avenue, SW, Room 4A–110, Washington, DC 20585.

Contact: Charles E. Cathey, Department of Energy, Office of Energy Research, 1000 Independence Avenue, SW, Washington, DC 20585, (202) 252–2263.

Purpose of the Parent Board: To advise the Department of Energy (DOE) on the overall research and development conducted in DOE and to provide long-range guidance in these areas to the Department.

Purpose of the Panel: The Civilian Nuclear Power Panel is a subgroup of ERAB and reports to the parent Board. The purpose of the Panel is to review the draft Strategic Plan for Civilian Reactor Research and Development prepared by the Department of Energy.

Tentative Agenda:

- Administrative items
- Report of Subpanel on Light Water Reactor Utilization and Improvement
- Report of Subpanel on Advanced Reactor Development
- Report of Subpanel on Institutional Challenges
- Presentation by the Chairman, Maine Public Utilities Commission
- Panel discussion with Managers of Department of Energy Field Offices
- General discussion
- Public Comment (10 minute rule)

Public Participation: The meeting is open to the public. Written statements may be filed with the Panel either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Charles Cathey at the address or telephone number listed

above. Requests must be received 5 days prior to the meeting and reasonable provisions will be made to include the presentation on the agenda. The Chairperson of the Panel is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Transcripts: Available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC between 9:00 a.m. and 4:00 p.m., Monday through Friday except Federal holidays.

Issued in Washington, D.C., on January 10, 1986.

Charles E. Cathey,

Deputy Director, Science and Technology Affairs Staff, Office of Energy Research.

[FR Doc. 86–1035 Filed 1–15–86; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket No. CI86–139–000]

Chevron U.S.A. Inc.; Application for Permanent Abandonment Authorization, Termination of Certificate Obligations, and Cancellation of Rate Schedule

January 10, 1986.

Take notice that on December 20, 1985, as supplemented on January 2, 1986, Chevron U.S.A. Inc. (Applicant), P.O. Box 7643, San Francisco, California 94120 filed an application pursuant to § 7(b) of the Natural Gas Act and 18 CFR 2.77 and 157.30 of the Commission's Regulations thereunder for authorization to abandon permanently the obligations established under a certificate of public convenience and necessity issued in Docket No. CI61–1377. Applicant also seeks to cancel its FERC Gas Rate Schedule No. 58.

Pursuant to a June 1, 1981, rollover agreement between Applicant and Valero Interstate Transmission Company (VITCO), Applicant has agreed to make sales from leases in the North East Thompsonville Field, Jim Hogg County, Texas, for a 10-year period. VITCO resold the gas purchased from Chevron [1] to Transcontinental Gas Pipe Line Corporation (Transco). Upon expiration of the Transco/VITCO contract, Transco filed to cease purchases and VITCO filed for abandonment authorization on behalf of the producers which sold gas to VITCO and for abandonment of its sale to Transco. Under the VITCO proposal, VITCO would be the sole marketing agent for the producers. Several producers, including Chevron, opposed VITCO's request.

A settlement between the parties was approved by the Commission by order of August 2, 1985, issued in *Transcontinental Gas Pipe Line Corporation*, Docket Nos. CP84–183–000 and CP84–183–001; *Valero Interstate Transmission Company*, Docket No. CP85–186–000; and *Shell Western E&P Inc.*, Docket Nos. CI85–206–000, CI85–207–000 and CI85–213–000. Under the terms of the settlement, producers received limited-term abandonment of their certificated gas for 180-days, with the last day being January 28, 1986. The producers were to be their own exclusive marketers of gas for the first 90 days and VITCO could sell 50% of the producers' deliverability for the second 90 days. The settlement provides that if at the end of 180 days VITCO has not developed a market to guarantee takes of 50% of the producers' deliverability for a five-year period, the Commission would set the producer abandonment applications for an expedited hearing. Chevron, herein, seeks permanent abandonment authorization, effective January 29, 1986, for such sales in order to sell to another purchaser.

Chevron requests expedited abandonment treatment under the procedures of 18 CFR 2.77. First, Chevron states that its NGPA section 106(a) gas was shut-in without payment in violation of contractual take-or-pay obligations for several months prior to the granting of the limited-term abandonment on August 2, 1985. Chevron states that from January 1, 1985, through August 2, 1985, VITCO's takes averaged only about 12% per month of Chevron's deliverability and by July 1985, when Transco ceased taking gas from VITCO, VITCO took less than 5% of Chevron's deliverability. As a result of VITCO's actions Chevron states it came close to losing two of its seven leases. Secondly, Chevron states that under VITCO's current market situation, Chevron's wells could be completely shut-in at the expiration of the 180-day limited-term abandonment. Chevron states that from its contracts with VITCO, it appears that VITCO has not developed any market substantial enough to replace the lost Transco market as required by the settlement. By letter dated January 2, 1986, Chevron states that its average daily deliverability is 4,200 Mcf. Currently, Chevron is selling 90% of deliverability to its refinery in Port Arthur, Texas. VITCO has not drawn on the 50% of Chevron's deliverability to which it is entitled.

Should VITCO develop a reliable replacement market by January 28, 1985, Chevron states it will withdraw its application for abandonment filed December 20, 1985.

Any person desiring to be heard or to make any protest with reference to said application should, on or before 15 days after the date of publication of this notice in the Federal Register, file with the Federal Energy Regulatory Commission, Washington, DC 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86–991 Filed 1–15–86; 8:45 am]

BILLING CODE 6717–01–M

[1] VITCO also sells gas purchased from Shell Western E&P Inc.

[Docket No. RP86–15–002]

Columbia Gas Transmission Corp.; Proposed Changes in FERC Gas Tariff

January 10, 1986.

Take notice that Columbia Gas Transmission Corporation (Columbia), on January 8, 1986, tendered for filing proposed changes to its FERC Gas Tariff, Original Volume No. 1, to be effective January 6, 1986:

Third Revised Sheet No. 16A2
First Revised Sheet No. 45H
Original Sheet No. 45I
First Revised Sheet No. 45J
First Revised Sheet No. 45L
First Revised Sheet No. 45M
Original Sheet No. 45O
First Revised Sheet No. 72F

Columbia states that these changes are being filed pursuant to an order issued by the Federal Energy Regulatory Commission on January 3, 1986. The order accepted in part and rejected in part certain tariff sheets implementing a new General Transportation Service (GTS) Rate Schedule for firm and interruptible transportation service. The subject order suspended the

effectiveness of those tariff sheets for one day so that they may be effective on January 6, 1986, subject to refund. This acceptance was conditioned upon Columbia refiling within five (5) days to make conforming changes to certain rejected tariff sheets, as reflected on Appendix B of the subject order, to comply with the instant order and Order 436. The Commission also stated that the rejection of these tariff sheets by its January 3, 1986 order is without prejudice to refiling based upon Commission action on Columbia's petition for Emergency Clarification and the outcome of an informal technical conference.

Columbia also states that it is withdrawing its Third Revised Sheet No. 16A2, issued December 2, 1985, accepted for filing, to be effective January 1, 1986 pursuant to the subject order and, in lieu thereof, is filing Third Revised Sheet No. 16A2, issued January 8, 1986, to be effective January 6, 1986, which reflects in its GTS rates the approved GRI Funding unit in effect for the year 1986.

Copies of the filing were served upon the Company's jurisdictional customers, interested state regulatory commissions, and other relevant persons.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedures. All such motions or protests should be filed on or before January 17, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of Columbia's filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-992 Filed 1-15-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA86-2-21-000, 001]

Columbia Gas Transmission Corp.; Proposed Changes in FERC Gas Tariff

January 10, 1986.

Take notice that Columbia Gas Transmission Corporation (Columbia) on January 7, 1986, tendered for filing the following proposed changes to its FERC Gas Tariff, Original Volume No. 1, to be effective on January 1, 1986:

One hundred and third Revised Sheet No. 16

Thirty-ninth Revised Sheet No. 64

Columbia states that these tariff sheets are being filed pursuant to Section 20.3(b) of Columbia's FERC Gas Tariff, Original Volume No. 1, to reflect the impact of a change in Columbia's contractual entitlements from Texas Eastern Transmission Corporation (Texas Eastern), one of its pipeline suppliers. On November 27, 1986, Texas Eastern filed tariff sheets in Docket No. CP84-429-001 which provide for a 100,000 Dth per day reduction in firm sales service to Columbia under Rate Schedule DCQ in Zone C. Such filing was accepted by the Commission on December 9, 1985, to become effective December 31, 1985. As a result of the reflection of the foregoing contract reduction, Columbia states that the rates contained on One hundred and third Revised Sheet No. 16 and Thirty-ninth Revised Sheet No. 64 reflect a $.242 per Dth reduction in the Demand Rate Applicable to Non-Shielded Customers and a $.212 per Dth reduction in the Demand Rate Applicable to Shielded Customers. These revised rates result in a reduction in revenue for the months of January and February 1986 of $2,231,639. Although the Texas Eastern tariff sheets are to become effective December 31, 1985, Columbia proposes that the instant filing become effective January 1, 1986. In light of the relatively small amounts involved, Columbia does not believe it reasonable to incur the administrative burden and costs associated with reflecting the change for one day in a billing period. Columbia has requested a waiver of § 20.3(b) of its tariff to reflect this one day change in Account No. 191.

Copies of the filing were served upon the Company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, Union Center Plaza Building, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before January 17, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of Columbia's filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-962 Filed 1-15-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP85-169-00]

Consolidated Gas Transmission Corp.; Motion To Place Tariff Sheets Into Effect

January 10, 1986.

Take notice that on December 31, 1985, Consolidated Gas Transmission Corporation (Consolidated) tendered for filing Seventh Revised Sheet No. 31 and First Revised Sheet Nos. 65, 67, 70, 72, 107 and 226 to its FERC Gas Tariff, Original Volume No. 1 with a motion to place these tariff sheets into effect on January 1, 1986. According to § 381.103(b)(2)(iii) of the Commission's regulations (18 CFR 381.103(b)(2)(iii)), the date of filing is the date on which the Commission receives the appropriate filing fee, which in the instant case was not until January 8, 1986.

Consolidated states this filing is in full compliance with Ordering Paragraphs (B) and (C) of the suspension order issued July 31, 1985 in Docket No. RP85-169-000. Consolidated requests waiver of the Commission Rules and Regulations as may be required to permit the revised tariff sheets to become effective on January 1, 1986.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before January 17, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-963 Filed 1-15-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP86-14-002]

Columbia Gulf Transmission Co.; Proposed Changes in FERC Gas Tariff

January 10, 1986.

Take notice that Columbia Gulf Transmission Company (Columbia Gulf) on January 8, 1986, tendered for filing proposed changes to its FERC Gas Tariff, Original Volume No. 1, to be effective on January 6, 1986:

Original Sheet No. 75
Original Sheet No. 76
First Revised Sheet No. 77
First Revised Sheet No. 79
First Revised Sheet No. 80
Original Sheet No. 82
First Revised Sheet No. 98
Original Sheet No. 137
Original Sheet No. 138
First Revised Sheet No. 146
First Revised Sheet No. 147
First Revised Sheet No. 148
Original Sheet No. 151
First Revised Sheet No. 153

Columbia Gulf states that these changes are being filed pursant to an order issued by the Federal Energy Regulatory Commission on January 3, 1986. The order accepted in part and rejected in part certain tariff sheets implementing new General Transportation Service Rate Schedules (GTS–1 and GTS–2) for firm and interruptible transportation service. The subject order suspended the effectiveness of those tariff sheets for one day so that they may be effective on January 6, 1986, subject to refund. This acceptance was conditioned upon Columbia Gulf refiling within five (5) days to make conforming changes to certain rejected tariff sheets, as reflected on Appendix B of the subject order, to comply with the instant order and Order 436. The Commission also stated that the rejection of these tariff sheets by its January 3, 1986 order is without prejudice to refiling based upon Commission action on Columbia Gulf's petition for Emergency Clarification and the outcome of an informal technical conference.

Copies of the filing were served upon the Company's jurisdictional customers, interested state regulatory commissions and other relevant persons.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, Union Center Plaza Building, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before January 15, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of Columbia Gulf's filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86–993 Filed 1–15–86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP85-11-016]

K N Energy, Inc.; Proposed Changes in FERC Gas Tariff

January 13, 1986.

Take notice that K N Energy, Inc., on January 6, 1986, tendered for filing proposed changes in its FERC Gas Tariff, Third Revised Volume No. 1.

The changes reflect the settlement of Docket No. RP85–11 (Phase I) and the Commission Orders issued September 30, 1985 and December 26, 1985 modifying and approving the settlement.

Copies of the filing were served upon the company's jurisdictional customers and all parties to the proceeding.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of this chapter. All such motions or protests should be filed on or before January 21, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86–994 Filed 1–15–86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA86-1-14-000, 001]

Lawrenceburg Gas Transmission Corp.; Proposed Change in FERC Gas Tariff

January 10, 1986.

Take notice that on January 2, 1986 Lawrenceburg Gas Transmission Corporation (Lawrenceburg) tendered for filing three (3) revised gas tariff sheets to its FERC Gas Tariff, First Revised Volume No. 1, all of which are dated as issued on December 31, 1985 proposed to become effective February 1, 1986 and, identified as follows: Thirty-eighth Revised Sheet No. 4 Thirteenth Revised Sheet No. 4–B Thirty-fourth Revised Sheet No. 18.

Lawrenceburg states that its revised tariff sheets were filed under its Purchased Gas Adjustment (PGA) Provision and Incremental Pricing Surcharge Provision.

Copies of this filing were served upon Lawrenceburg's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington DC 20426, in accordance with § 385.214 and 385.211 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before January 17, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86–964 Filed 1–15–86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP 86-36-000]

Ohio River Pipeline Corp.; Proposed Changes in FERC Gas Tariff

January 10, 1986.

Take notice that Ohio River Pipeline Corporation (Ohio River) on December 30, 1985, tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, six copies each of the following tariff sheets:

First Revised Sheet No. 1
Original Sheet No. 6A
Original Sheet No. 6B
Original Sheet No. 6C
Original Sheet No. 27A
First Revised Sheet No. 27B
First Revised Sheet No. 27C
First Revised Sheet No. 27D
First Revised Sheet No. 27E.

The above listed tariff sheets constitute an initial service offering and are being issued pursuant to 18 CFR 284.102 of the Commission's Regulations and Section 311(a) of the Natural Gas Policy Act.

The proposed tariff sheets provide:

(1) A new transportation service with an interim rate of 8.22¢ per Mcf ("T–1

Service"), which rate is based on a cost-of-service analysis of Ohio River's system;

(2) The T–1 Service will be available to customers which qualify for such service under 18 CFR 284.102 of the Commission's Regulations;

(3) The T–1 Service is available for both firm and interruptible transportation service; the interim rate contained therein applies equally to either class of service; and, access to the T–1 Service will be available on a non-discriminatory basis as required by 18 CFR 284.8(b) and 284.9(b); and

(4) The form of service agreement which will govern, consistent with the Commission's regulations and other applicable authorities, the relationships between Ohio River and its customers to the extent they utilize the T–1 Service.

The proposed effective date of the above tariff sheets is October 31, 1985. In addition, Ohio River, in accordance with 18 CFR 154.51, has requested a waiver of the thirty (30) day notice period prescribed by 18 CFR 154.22, as well as a waiver of any other rules and regulations so as to permit the subject tariff sheets to become effective on October 31, 1985.

Copies of the filing were served on Ohio River's customer. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before January 17, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86–995 Filed 1–15–86; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. RP86–97–052]

Tennessee Gas Pipeline Co.; a Division of Tenneco Inc.; Tariff Revisions

January 10, 1986.

Take notice that on December 31, 1985, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), tendered for filing First Revised Volume No. 1 and the following revisions to Sixth Revised Volume No. 2 of its Gas Tariff to be effective November 1, 1985.

Second Substitute Third Revised Sheet No. 2AA
Second Substitute Fifth Revised Sheet No. 2BB
Second Substitute Fourth Revised Sheet No. 2CC
Second Substitute First Revised Sheet No. 2DD
Substitute First Revised Sheet No. 299CCC5
Substitute First Revised Sheet No. 299CCC6
Substitute First Revised Sheet No. 299DDD4
Substitute First Revised Sheet No. 299EEE4
Substitute First Revised Sheet No. 299EEE5
Substitute First Revised Sheet No. 299FFF3
Substitute First Revised Sheet No. 299GGG4
Substitute First Revised Sheet No. 299HHH4
Substitute First Revised Sheet No. 299III4
Substitute First Revised Sheet No. 299JJJ4
Substitute First Revised Sheet No. 299KKK4
Substitute First Revised Sheet No. 299LLL5
Substitute First Revised Sheet No. 299OOO4
Substitute First Revised Sheet No. 299PPP5
Substitute First Revised Sheet No. 299QQQ4
Substitute First Revised Sheet No. 299QQQ5
Substitute First Revised Sheet No. 299RRR4
Substitute First Revised Sheet No. 299SSS4
Substitute First Revised Sheet No. 299UUU4
Substitute First Revised Sheet No. 299UUU5
Substitute First Revised Sheet No. 299VVV5
Substitute First Revised Sheet No. 299WWW5
Substitute First Revised Sheet No. 299XXX5
Substitute First Revised Sheet No. 299YYY7
Substitute First Revised Sheet No. 300A5
Substitute First Revised Sheet No. 300B6
Substitute First Revised Sheet No. 300C4
Substitute First Revised Sheet No. 300C5
Substitute First Revised Sheet No. 300E5
Substitute First Revised Sheet No. 300D5

Tennessee states that the purpose of the filing is to revise its tariff to state its sales, transportation, and storage rates and entitlements on a dekatherm basis and to revise its Rate Schedule IT, all in accord with the Commission's Opinion No. 249, 32 FERC ¶ 61,086 (1985).

Tennessee states that copies of the filing have been mailed to all of its customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before January 17, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86–996 Filed 1–15–86; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. ER86–235–000 et al.]

Arizona Public Service Company et al., Electric Rate and Corporate Regulation Filings

January 10, 1986.

Take notice that the following filings have been made with the Commission:

1. Arizona Public Service Company

[Docket No. ER86–235–000]

Take notice that Arizona Public Service Company ("APS"), on January 7, 1986, tendered for filing a Letter Agreement between APS and Electrical District No. 6 ("ED–6") executed January 3, 1986. This Agreement provides for wheeling, administrative and banking services to be rendered by APS for ED–6 for an interim period of six months or upon execution of a comprehensive agreement, whichever date is shorter.

APS, with the concurrence of ED–6, requests waiver of 18 CFR 35.11 so that the Agreement will become effective on January 1, 1986.

The interim charges for the six months' period (or less if changed by a subsequent filing) were a result of arms-length negotiations and, therefore, APS, with the concurrence of ED–6, request waiver of the filing requirements of 18 CFR 35.13.

Copies of this filing have been served upon the Arizona Corporation Commission and ED–6.

Comment date: January 24, 1986, in accordance with Standard Paragraph E at the end of this notice.

2. The Kansas Power and Light Company

[Docket No. ER86–231–000]

Take Notice that on January 6, 1986, The Kansas Power and Light Company (KPL) tendered for filing a newly executed renewal contract dated December 2, 1985, with the City of Robinson, Robinson, Kansas for wholesale service to that community. KPL states that this contract permits the City of Robinson to receive service under rate schedule WSM–12/83 designated Supplement No. 9 to R. S. FERC No. 181. The proposed effective date is April 1, 1986. The proposed contract change provides essentially for the ten year extension of the original terms of the presently approved contract. In addition, KPL states that copies of the contract have been mailed to the City of Robinson and the State Corporation Commission.

Comment date: January 24, 1986, in accordance with Standard Paragraph E at the end of this notice.

3. Tampa Electric Company

[Docket No. ER86–1–001]

Take Notice that on October 1, 1985, Tampa Electric Company (Tampa Electric) tendered for filing an Agreement for Interchange Service between Tampa Electric and the Orlando Utilities Commission (Orlando). The Agreement was supplemented with Service Schedules A, B, C, D, and X, providing for emergency, scheduled, (short-term) economy, long-term, and extended economy interchange service, respectively. On January 3, 1986, Tampa Electric tendered for filing revised Service Schedules A and B to replace the Schedules A and B tendered initially. Tampa Electric states that the Agreement and accompanying schedules supersede Tampa Electric's Rate Schedule FERC No. 10.

Tampa Electric proposes an effective date of January 1, 1986, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing, as amended, have been served on Orlando and the Florida Public Service Commission.

Comment date: January 24, 1986, in accordance with Standard Paragraph E at the end of this notice.

4. West Texas Utilities Company

[Docket No. ER86–236–000]

Take notice that on January 7, 1986, West Texas Utilities Company ("WTU") tendered for filing two letter agreements, each dated October 15, 1985, between WTU and Texas Utilities Electric Company ("TUEC") and an Agreement Between Texas Utilities Electric Company and West Texas Utilities Company for the Construction and Interconnection of Transmission Facilities, dated October 3, 1985. Each of the two letter agreements provides for additional points of interconnection between the respective transmission systems of WTU and TUEC. The Construction Agreement provides for the construction of a 345 kV line from WTU's Oklaunion Generating Station to TUEC's Bowman Switching Station. WTU requests that the two letter agreements be made effective as of November 1, 1985, and that the Construction Agreement be made effective as of October 3, 1985. Accordingly, WTU requests waiver of the notice requirements under the Federal Power Act.

Copies of the filing have been served on TUEC and on the Public Utility Commission of Texas.

Comment date: January 24, 1986, in accordance with Standard Paragraph E at the end of this document.

5. West Texas Utilities Company

[Docket No. ER86–237–000]

Take notice that on January 7, 1986, West Texas Utilities Company ("WTU") tendered for filing a letter agreement, dated October 21, 1985, between WTU and Texas-New Mexico Power Company ("TNP"). The letter agreement provides for the extension to December 31, 2005 of the contract for electric service between WTU and TNP. WTU requests that the letter agreement be made effective as of November 1, 1985, and, accordingly, WTU requests waiver of the notice requirements under the Federal Power Act.

Copies of the filing have been served on TNP and on the Public Utility Commission of Texas.

Comment date: January 24, 1986, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86–961 Filed 1–15–86; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. CP85–616–001 et al.]

Natural Gas Certificate Filings; Gas Gathering Corp. et al.

January 9, 1986.

Take notice that the following filings have been made with the Commission:

1. Gas Gathering Corporation

[Docket No. CP85–616–001]

Take notice that on December 23, 1985, Gas Gathering Corporation (GGC), Post Office Box 519, Hammond, Louisiana 70404, filed in Docket No. CP85–616–001 an amendment to its existing authorization issued in Docket No. CP85–616–000, pursuant to section 7(b) of the Natural Gas Act proposing to fully abandon its sale of gas to Transcontinental Gas Pipe Line Corporation (Transco) under Rate Schedule X–2 of GGC's First Revised Volume No. 2 of its FERC Gas Tariff, all as more fully set forth in the application to amend which is on file with the Commission and open to public inspection.

GGC's application states that, by its order of October 24, 1985, in *Chevron U.S.A., Inc., et al.*, Docket No. CI85–502–000, *et al.*, the Commission permitted GGC to abandon partially its transportation and sale of gas to Transco, which transaction had previously been certificated by the Commission in its order of September 9, 1957, in *Humble Oil and Refining Company, et al.*, Docket No. G–11857. GGC indicates that the portion of GGC's service related to gas sold by Cities Service Oil and Gas Corporation to GGC for resale to Transco was not approved for abandonment since Cities had not sought abandonment authorization.

GGC further states that by its application for abandonment in Docket No. CI86–125–000, Cities seeks Commission approval to abandon its

sales to GGC. Consequently, GGC filed the instant petition seeking authorization for complete abandonment of its sale of gas to Transco authorized in Docket No. G–11857.

It is stated that because of market and price factors along with the expiration of the terms of the gas purchase contract between GGC and Transco, Transco would no longer purchase gas from GGC, and indeed has not purchased gas since July 1985. GGC indicates it was left with no alternative but to seek approval from the Commission to abandon its transportation and sale to Transco.

Comment date: January 30, 1986, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

2. Arkla Energy Resources, a division of Arkla, Inc.

[Docket No. CP72–9–006]

Take notice that on December 18, 1985, Arkla Energy Resources, a division of Arkla, Inc. (Arkla), P.O. Box 21734, Shreveport, Louisiana 71151, filed in Docket No. CP72–9–006 a petition pursuant to section 7(c) of the Natural Gas Act to amend the order issuing a certificate of public convenience and necessity November 1, 1971, in Docket No. CP72–9, as amended, by authorizing the use of an existing interconnection between Arkla's system and Northwest Central Pipeline Corporation's (Northwest Central) system not only as an exchange/delivery point from Northwest Central to Arkla, as presently authorized, but also as an exchange/delivery point from Arkla to Northwest Central. Arkla would deliver gas to Northwest Central at said point under its FERC Rate Schedule XE–34, as well as under its FERC Rate Schedule X–26. The proposal is more fully described in the petition to amend on file with the Commission and open to public inspection.

Comment date: January 30, 1986, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

3. El Paso Natural Gas Company

[Docket No. CP74–126–016]

Take notice that on December 11, 1985, El Paso Natural Gas Company (El Paso), Box 1492, El Paso, Texas 79978, filed in Docket No. CP74–126–016 a petition to amend the order issuing a certificate of public convenience and necessity in Docket No. CP74–126 pursuant to section 7(c) of the Natural Gas Act to authorize the exchange of natural gas with Natural Gas Pipeline Company of America (Natural) from an expanded area of interest, all as more fully set forth in the petition to amend order on file with the Commission and open to public inspection.

The petition to amend states that Natural has advised El Paso that it has acquired additional natural gas supplies, located outside the specified area of interest, in Montezuma County, Colorado, that are delivered to El Paso in San Juan County, Utah, which are not in close proximity to its system and which it desires to cause to be delivered to El Paso under the existing exchange arrangement. In order that Natural may obtain such additional natural gas supplies on a long-term basis, El Paso and Natural have executed the amendatory agreement dated September 30, 1985, amending the gas exchange agreement of September 24, 1973, to provide for a new exchange point under the authorized exchange arrangement and the expansion of the specified area of interest to include San Juan County, New Mexico. The proposed additional exchange point, which is located outside the authorized area of interest, is identified in the amendatory agreement as the Aneth exchange point. It is stated that deliveries of natural gas for Natural's account at such exchange point would be commingled with natural gas purchased by El Paso and delivered into El Paso's existing transmission system through common measurement facilities installed, owned and operated by El Paso, and that, therefore, no additional facilities would be required by either party at such exchange point.

Comment date: January 30, 1986, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

4. Kentucky West Virginia Gas Company

[Docket No. CP86–228–000]

Take notice that on December 6, 1985, Kentucky West Virginia Gas Company (Applicant), 809 Plaza Building, Ashland, Kentucky 41101, filed in Docket No. CP86–228–000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities for the sale of gas to Equitable Gas Company (Equitable) for resale to 1,500 small commercial and/or high priority domestic customers in Kentucky, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it currently sells gas to Equitable for resale to customers pursuant to certain certificates of public convenience and necessity and pursuant to a service agreement between Applicant and Equitable dated June 14, 1976, as amended. Applicant now requests authorization to sell up to 13,422 dt of natural gas per day to Equitable in order to serve 1,500 additional customers.

Applicant also requests authorization to construct and operate 1,500 new service points, such as farm-type taps, in order to serve these additional customers. Applicant states that these proposed facilities would cost $280.02 per customer, which costs would be financed from cash on hand.

Applicant would charge Equitable a price established in Applicant's Rate Schedule GSS–1.

Comment date: January 30, 1986, in accordance with Standard Paragraph F at the end of this notice.

5. Northern Natural Gas Company, Division of InterNorth, Inc.

[Docket No. CP86–231–000]

Take notice that on December 11, 1985, Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP86–231–000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon the transportation and delivery of natural gas to Northern Gas Products Company (NGP), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Northern indicates that up to 14,000 Mcf per day of natural gas is transported under two separate agreements. The September 28, 1983, agreement provides for NGP to deliver natural gas to Northern at an interconnection in Beaver County, Oklahoma, which Northern transports to NGP's Bushton Plant in Ellsworth County, Kansas, it is explained. The November 23, 1983, agreement provides for NGP to deliver natural gas to Northern at the same Beaver County point or at another interconnection in Ochiltree County, Texas, which Northern transports to NGP's Bushton Plant. Northern states that NGP indicates in a September 16, 1985, letter to Northern, NGP is no longer purchasing the gas from the producer and that NGP does not require continuation of the transportation services. Thus, Northern desires to abandon the transportation service.

Comment date: January 30, 1986, in accordance with Standard Paragraph F at the end of this notice.

6. Northwest Central Pipeline Corp. and Northwest Pipeline Corp.

[Docket No. CP86-245-000]

Take notice that on December 17, 1985, Northwest Central Pipeline Corporation (Northwest Central), One Williams Center, Tulsa, Oklahoma, 74101, and Northwest Pipeline Corporation (Northwest), 295 Chipeta Way, Salt Lake City, Utah 84108, (Applicants) filed in Docket No. CP86-245-000 a joint application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of up to 3,000 Mcf per day of natural gas, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicants state that they own gas now being produced or to be produced from wells in the Standard Draw Area of Carbon County, Wyoming. Northwest Central would gather gas delivered by Northwest and deliver Northwest's gas to Colorado Interstate Gas Company, for Northwest's account, or to Northwest Central's main line transmission facilities, whereupon such gas would be exchanged on thermal basis for gas delivered by Northwest to Northwest's mainline transmission facilities for Northwest Central's account.

Applicants state that the maximum volumes to be received and exchanged would be 3,000 Mcf per day. Applicants request authority to make annual filings of tariff revisions by January 31 of each year to reflect any changes, additions or deletions of delivery points between the parties.

Applicants do not propose an initial rate for the proposed exchange, but Applicants note that each party will reimburse the other party for the gathering of gas.

Comment date: January 30, 1986, in accordance with Standard Paragraph F at the end of this notice.

7. Texas Eastern Transmission Corporation

[Docket No. CP86-247-000]

Take notice that on December 18, 1985, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77252, filed in Docket No. CP86-247-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for The Brooklyn Union Gas Company (Brooklyn Union), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant would transport, on an interruptible basis, for Brooklyn Union up to 9,500 dt equivalent of natural gas per day, less quantities retained for applicable shrinkage, pursuant to a gas transportation agreement dated December 6, 1985.

It is stated that Brooklyn Union purchases natural gas from a joint venture group consisting of Fuel Resources, Inc., a subsidiary of Brooklyn Union, Kepco, Inc., and Sterling Drilling and Production Company. Applicant states that Brooklyn Union also has effective transportation agreements with Equitable Gas Company (Equitable) and Consolidated Gas Transmission Corporation (Consolidated) by which Equitable and Consolidated receive natural gas from the above supply sources for the account of Brooklyn Union and, by displacement, deliver said gas to Applicant. It is asserted that pursuant to the December 6, 1985, gas transportation agreement, Applicant would receive by displacement, the stated quantities of natural gas from Equitable, at the existing point of interconnection between Applicant and Equitable at Applicant's meter station 355 in Westmoreland County, Pennsylvania, and at the existing point of interconnection between Applicant and Consolidated at Applicant's meter station 4 in Monroe County, Ohio, and transport and redeliver such gas, less shrinkage, to Brooklyn Union at the existing point of interconnection between Applicant and Brooklyn Union, located at meter station 58 in Richmond County, New York.

It is also asserted that transportation under the agreement would be subject to Section 12.6 of the General Terms and Conditions of Applicant's FERC Gas Tariff, Fourth Revised Volume Number 1, and solely for the purpose of applying Section 12.6, the agreement would be classified as a Rate Schedule TS-1 service agreement. It is stated that beginning with the month in which the transportation commences, Brooklyn Union would pay Applicant a monthly charge equal to the product of the posted Rate Schedule TS-3 rate in effect during such month multiplied by the quantities of gas delivered by Applicant during such month, and where applicable, Applicant would also collect the currently effective Gas Research Institute surcharge. Further, Applicant would retain any applicable shrinkage, which is currently 1 percent per dt equivalent of natural gas received by Applicant per zone within which the natural gas is transported.

Comment date: January 30, 1986, in accordance with Standard Paragraph F at the end of this notice.

8. Transcontinental Gas Pipe Line Corporation

[Docket No. CP86-244-000]

Take notice that on December 16, 1985, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP86-244-000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon a meter and regulator station in Hudson County, New Jersey, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Transco requests abandonment authorization for its North Bergen Meter and Regulator Station and appurtenent facilities because the station has been inactive since 1979 and because the customer that this point of delivery has served, Public Service Electric and Gas Company (PSE&G), has advised Transco by letter (October 24, 1985) that even if new load should be attached, the station is not required by PSE&G. Additionally, the meter and regulator station is said to be located in the Hudson River Waterfront Development Project area of New Jersey, an area for which several large-scale commercial and residential developments have been proposed.

The application states that no service to any of Transco's customers would be terminated because of the proposed abandonment.

Comment date: January 30, 1986, in accordance with Standard Paragraph F at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by

sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

Kenneth F. Plum,

Secretary.

[FR Doc. 86-954 Filed 1-15-86; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[AMS-FRL-2955-8]

California State Motor Vehicle Pollution Control Standards; Waiver of Federal Preemption; Notice of Decision

AGENCY: Environmental Protection Agency.

ACTION: Notice of waiver of Federal preemption.

SUMMARY: EPA is granting California a waiver of Federal preemption pursuant to section 209(b) of the Clean Air Act to adopt and enforce amendments to its emission standards and test procedures for the certification of Liquefied Petroleum Gas (LPG)—and Liquefied Natural Gas (LNG)—powered vehicles. California amended its exhaust emission standards and test procedures, evaporative emission standards and test procedures, and assembly-line test procedures to make them applicable to gaseous-fueled vehicles. California also amended its corresponding regulations and added a definition for "gaseous fuels".

ADDRESSES: A copy of the above standards and procedures, the decision document containing an explanation of the Administrator's determination and the record of those documents used in arriving at this decision, are available for public inspection during normal working hours (8:00 a.m. to 4:30 p.m.) at the U.S. Environmental Protection Agency, Central Docket Room (Docket EN-85-03), West Tower Lobby, 401 M Street, SW., Washington, D.C. 20460.

Copies of the decision document can be obtained from EPA's Manufacturers Operations Division by contacting Steven M. Spiegel, as noted below.

FOR FURTHER INFORMATION CONTACT: Steven M. Spiegel, Attorney/Advisor, Manufacturers Operations Division (EN-340F), U.S. Environmental Protection Agency, Washington, D.C. 20460. Telephone: (202) 475-8657.

SUPPLEMENTARY INFORMATION: I have decided to grant California a waiver of Federal preemption pursuant to section 209(b) of the Clean Air Act, as amended (Act), 42 U.S.C. 7543(b) (1977), for amendments to its exhaust emission standards and test procedures, assembly-line test procedures and corresponding regulations to make them applicable to gaseous-powered vehicles. This waiver encompasses the adoption by the California Air Resources Board (CARB) of amendments to its emission standards and accompanying enforcement procedures for the certification of LPG- and LNG-powered vehicles.

Section 209(b) of the Act provides that if certain criteria are met, the Administrator shall waive Federal preemption for California to enforce new motor vehicle emission standards and accompanying enforcement procedures. The criteria include consideration of whether California arbitrarily and capriciously determined that its standards are, in the aggregate, at least as protective of public health and welfare as the applicable Federal standards, whether California does not need the State standards to meet compelling and extraordinary conditions and whether California's amendments are consistent with section 202(a) of the Act.

The CARB determined that these amended standards and accompanying enforcement procedures do not undermine California's prior determinations that the state standards are, in the aggregate, at least as protective of public health and welfare as the applicable Federal standards. Since there are no applicable Federal standards for gaseous-fueled vehicles, California's prior determinations are not affected.

The CARB has continually demonstrated the existence of compelling and extraordinary conditions justifying the need for its own motor vehicle pollution control program, which includes the subject standards and procedures. No information has been submitted to demonstrate that California no longer has a compelling and extraordinary need for its own program.

The CARB has submitted information that the requirements of its emissions standards and test procedures are technologically feasible and present no inconsistency with Federal certification requirements and are, therefore, consistent with section 202(a) of the Act. No manufacturer submitted sufficient data or other information to satisfy its burden of persuading EPA that the standards are not technologically feasible within available lead time, considering costs. Since there is not presently Federal regulation of gaseous-fueled vehicles, California's amendments do not present any issues regarding inconsistent certification procedures.

My decision will affect not only persons in California but also the manufacturers outside the State who must comply with California's requirements in order to produce motor vehicles for sale in California. For this reason, I hereby determine and find that this is a final action of national applicability. Accordingly, judicial review of this action is available only by filing a petition for review in the United States Court of Appeals for the District of Columbia Circuit within 60 days of publication. Under section 307(b)(2) of the Act, the requirements which are the subject of today's notice may not be challenged later in judicial proceedings brought by EPA to enforce these requirements.

This action is not a rule as defined by section 1(a) of Executive Order 12291, 46 FR 13193 (February 19, 1981), because it does not "implement, interpret, or prescribe law or policy." Therefore, it is exempt from review by the Office of Management and Budget as required for rules and regulations by Executive Order 12291. Additionally a Regulatory Impact Analysis is not being prepared under Executive Order 12291, for this waiver determination since it is not a rule.

This action is not a "rule" as defined in 5 U.S.C. 601(2) because EPA is not required to undergo "notice and comment" under section 553(b) of the Administrative Procedure Act, or other law. Therefore EPA has not prepared a supporting regulatory flexibility analysis addressing the impact of this action on small business entities.

Dated: January 9, 1986.

Charles L. Elkins,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 86-973 Filed 1-15-86; 8:45 am]

BILLING CODE 6560-50-M

[OPP-00220; FRL-2956-2]

State-Fifra Issues Research and Evaluation Group (SFIREG); Open Meeting of Working Committee

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: There will be a 2-day meeting of the Working Committee on Groundwater Protection and Disposal (WC/GPD) of the State FIFRA Issues Research and Evaluation Group (SFIREG). The meeting will be open to the public.

DATES: Monday, February 3, and Tuesday, February 4, 1986, beginning at 8:30 a.m. each day and concluding by 4:30 p.m., Tuesday, February 4.

ADDRESS: The meeting will be held at: Hyatt Regency—Crystal City, 2799 Jefferson Davis Highway, Arlington, VA 22202, (207–236–4325).

FOR FURTHER INFORMATION CONTACT:
By mail, Philip H. Gray, Jr., Office of Pesticide Programs (TS–766C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.
Office location and telephone number: Rm. 1115, Crystal Mall No. 2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–7096).

SUPPLEMENTARY INFORMATION: This will be the third meeting of the Working Committee on Groundwater Protection and Disposal (WC/GPD). The purpose of the WC/GPD is to consider pesticide-related aspects of groundwater protection and disposal of pesticide waste, excess pesticides, and used pesticide containers, and to make recommendations through the full SFIREG regarding Agency policies in these key areas. The meeting of the Working Committee will be concerned with the following topics:

1. Status of SFIREG Action Items relating to groundwater protection.
2. Update of Office of Groundwater Protection activities relating to pesticides.
3. Feasibility of using enforcement grants for groundwater protection activities.
4. Update on Office of Drinking Water-Office of Pesticide Programs (ODW-OPP) National Survey of Pesticides in Ground Water.
5. Status of educational efforts by USDA-Extension Service to protect groundwater.
6. Status report on OPP regulatory actions concerning groundwater protection.
7. Status of SFIREG Action Items relating to pesticide disposal.
8. Summary of January 27–29 National Workshop on Pesticide Waste Disposal in Denver.
9. FIFRA–RCRA interface, including status of OPP action plan for implementation of OPP-Office of Solid Waste agreement to work together on questions of pesticide disposal.
10. State questionnaire on disposal of pesticide waste.
11. Other topics as appropriate.

Dated: January 9, 1986.

Susan H. Sherman,

Acting Director, Office of Pesticide Programs.

[FR Doc. 86–908 Filed 1–15–86; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL DEPOSIT INSURANCE CORPORATION

Information Collection Submitted to OMB for Review

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Notice of information collection submitted to OMB for review and approval under the Paperwork Reduction Act of 1980.

Title of information collection: Monthly Report of Income and Condition (Large Savings Banks).

Background: In accordance with requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the FDIC hereby gives notice that it has submitted to the Office of Management and Budget a form SF–83, "Request for OMB Review," for the information collection system identified above.

ADDRESS: Written comments regarding the submission should be addressed to Robert Neal, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 and to John Keiper, Assistant Executive Secretary (Administration), Federal Deposit Insurance Corporation, Washington, DC 20429.

Comments: Comments on this collection of information should be submitted on or before January 31, 1986.

FOR FURTHER INFORMATION CONTACT: Requests for a copy of the submission should be sent to John Keiper, Assistant Executive Secretary (Administration), Federal Deposit Insurance Corporation, Washington, DC 20429, telephone (202) 389–4351.

SUMMARY: The FDIC has requested OMB approval to revise the Monthly Report of Income and Condition (OMB No. 3064–0058) which is submitted by large FDIC-insured savings banks (assets of $500 million or more). The monthly report form (FDIC 8040/60), which is an extract of the quarterly Call Reports submitted by savings banks (forms FDIC 8040/18 and 8040/51), is being revised to correspond with the changes made to the quarterly Call Reports which become effective in the first calendar quarter of 1986. The monthly report enables the FDIC to monitor deposit flows and income—expense results for savings banks which are of supervisory concern. Also, the FDIC uses the data to compute average cost of funds indices upon which periodic income maintenance agreements are based. It is estimated that it takes approximately three quarters of an hour for a bank to prepare the report each month.

Dated: January 10, 1986.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 86–1016 Filed 1–15–86; 8:45 am]

BILLING CODE 6714–01–M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed

The Federal Maritime Commission hereby gives notices of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after the date of the Federal Register in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 203–009857–002
Title: Florida-Caribbean Cruise Association
Parties:
Carnival Cruise Line
Chandris/Fantasy Cruises
Commodore Cruise Line
Costa Line
Eastern Cruise Lines
Home Lines
Norwegian Caribbean Lines
Paquet French Cruises
Premiere Cruise Line
Royal Caribbean Cruise Line, Inc.
Ulysses Lines
Associate Party: Cunard/NAC

Synopsis: The proposed amendment would restate the agreement to conform to the Commission's regulations concerning form and format.

By Order of the Federal Maritime Commission.

Dated: January 13, 1986.

Bruce A. Dombrowski,

Acting Secretary.

[FR Doc. 86-938 Filed 1-15-86; 8:45 am]

BILLING CODE 6730-01-M

Ocean Freight Forwarder License; Revocations; Loh Enterprises, et al.

Notice is hereby given that the following ocean freight forwarder licenses have been revoked by the Federal Maritime Commission pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718) and the regulations of the Commission pertaining to the licensing of ocean freight forwarders, 46 CFR Part 510.

License Number: 1463
Name: Leo L. Loh, dba Loh Enterprises
Address: 200 Fallon St., Oakland, CA 94607
Date Revoked: December 23, 1985
Reason: Requested revocation voluntarily

License Number: 2319
Name: John A. Kwasniewski dba Arimar International
Address: 900 Calcon Hook Rd., #14, Sharon Hill, PA 19079
Date Revoked: December 26, 1985
Reason: Failed to maintain a valid surety bond

Robert G. Drew,

Director, Bureau of Tariffs.

[FR Doc. 86-937 Filed 1-15-86; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Deansworth Proprietary Ltd., 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 January 30, 1986.

A. Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *Deansworth Proprietary Limited,* Melbourne, Australia; *Overseas Financial Holdings Proprietary Limited,* Melbourne, Australia; *Alyworth Proprietary Limited,* Melbourne, Australia; *Costa Mesa Limited,* London, England; *Costa Mesa Holdings N.V.,* Curacao, Netherland Antilles; *Citizens Financial Holdings B.V.,* Amsterdam, Netherlands; and *Citizens Holdings, Brea, California; to become a bank holding company by acquiring at least 80 percent of the voting shares of Citizens Bank of Costa Mesa, Costa Mesa, California.*

Board of Governors of the Federal Reserve System, January 15, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-1168 Filed 1-15-86; 11:12 am]

BILLING CODE 6210-01-M

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) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. 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 January 28, 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 Edmison-Johnson Agency, Inc., Sioux Falls, South Dakota, and thereby engage in general insurance agency activities, pursuant to section 4(c)(8)(G) of the Act. Norwest Corporation is a registered bank holding company and prior to January 1, 1971, was engaged directly or indirectly, in insurance agency activities as a consequence of Board approval prior to that date. These activities would be conducted in Sioux Falls, South Dakota.

Board of Governors of the Federal Reserve System, January 10, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-923 Filed 1-15-86; 8:45 am]

BILLING CODE 6210-01-M

Penn Central Bancorp, Inc., et al.; Applications To Engage de Novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo,* either directly or

through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than February 4, 1986.

A. Federal Reserve Bank of Philadelphia (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *Penn Central Bancorp, Inc.*, Huntingdon, Pennsylvania; to engage *de novo* through its subsidiary, Penn Central Bancorp Life Insurance Company, Phoenix, Arizona, in acting as underwriter with respect to insurance limited on assuring repayment of the outstanding balance due on a specific extension of credit by a bank holding company or its subsidiary in the event of death or disability of the debtor, pursuant to section 4(c)(8)(A) of the Act. These activities would be conducted in the central Pennsylvania area.

B. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *Barnett Banks of Florida, Inc.*, Jacksonville, Florida; to engage *de novo* through its subsidiary, Statewide Administrative Services, Inc., Jacksonville, Florida, in data processing activities, pursuant to § 225.25(b)(7) of Regulation Y. These activities would be conducted in the State of Florida.

2. *Community Banking Corporation*, Bradenton, Florida; to engage *de novo* through its subsidiary, CBC Capital Corporation, Bradenton, Florida, in the making and servicing of loans, pursuant to § 225.25(b)(1) of Regulation Y. These activities would be conducted in the State of Florida.

3. *Community Banking Corporation*, Bradenton, Florida; to engage *de novo* through its subsidiary, CBC Mortgage Corporation, Bradenton, Florida, in the making and servicing of loans, pursuant to § 225.25(b)(1) of Regulation Y. These activities would be conducted in the State of Florida.

4. *First Alabama Bancshares, Inc.*, Montgomery, Alabama; to engage *de novo* through its subsidiary, First Alabama Investments, Inc., Birmingham, Alabama, in securities brokerage activities, pursuant to § 225.25(b)(15) of Regulation Y. These activities would be conducted in the State of Alabama.

Board of Governors of the Federal Reserve System, January 10, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-924 Filed 1-15-86; 8:45 am]

BILLING CODE 6210-01-M

Reagan Bancshares, Inc.; Acquisition of Company Engaged in Nonbanking Activities

January 10, 1986.

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) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity. 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 February 10, 1986.

A. Federal Reserve Bank of Dallas (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Reagan Bancshares, Inc.*, Big Lake, Texas; to acquire Credit Bureau of Big Lake, Inc., Big Lake, Texas, and thereby engage in the activities of providing credit references and acting as a collection agency for bad checks and trade accounts.

Board of Governors of the Federal Reserve System, January 10, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-925 Filed 1-15-86; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Human Development Services

President's Committee on Mental Retardation; Meeting

Agency Holding the Meeting: President's Committee on Mental Retardation.

Time and Date: January 27, 1986, 8:00 a.m.–5:00 p.m.; January 28, 1986, 9:00 a.m.–5:00 p.m.

Place: Capitol Holiday Inn, 550 C Street S.W., Washington, D.C. 20024.

Status: Meetings are open to the public. An interpreter for the deaf will be available upon advance request. All locations are barrier free.

Matters to be Considered: Reports by the Steering Committee of the President's Committee on Mental Retardation (PCMR) will be given. The PCMR plans to discuss critical issues concerning prevention, family and community services, full citizenship, public awareness and other issues relevant to the PCMR's goals.

The PCMR: (1) acts in an advisory capacity to the President and the Secretary of the Department of Health

and Human Services on matters relating to programs and services for persons who are mentally retarded; and (2) is responsible for evaluating the adequacy of current practices in programs for the retarded, and reviewing legislative proposals that affect the mentally retarded.

Contact Person for More Information: Susan Gleeson, R.N., M.S.N., 330 Independence Avenue SW., Room 4061 North, Washington, D.C. 20201, (202) 245–7634.

Dated: January 10, 1986.

Susan Gleeson,

Executive Director, PCMR.

[FR Doc. 86–1027 Filed 1–15–86; 8:45 am]

BILLING CODE 4130–01–M

National Institutes of Health

National Cancer Institute, Board of Scientific Counselors, Division of Cancer Prevention and Control Prevention Subcommittee; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Prevention Subcommittee of the Board of Scientific Counselors, Division of Cancer Prevention and Control, National Cancer Institute, National Institutes of Health, January 22, 1986, to be held in Conference Room 4, Building 31, 9000 Rockvile Pike, Bethesda, Maryland 20892. The entire meeting will be open to the public from 9:00 a.m. to adjournment, and the current and future programs of the Prevention Program will be discussed. Attendance by the public will be limited to space available.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20892 (301/496–5708) will provide summaries of meetings and rosters of subcommittee members upon request.

Mr. J. Henry Montes Executive Secretary of the Board of Scientific Counselors, Division of Cancer Prevention and Control, National Cancer Institute, National Institutes of Health, Blair Building, Room 1A07, Bethesda, Maryland 20892 (301/427–8630) will furnish substantive program information.

Dated: January 10, 1986.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 86–1056 Filed 1–14–86; 12:09 pm]

BILLING CODE 4140–01–M

National Cancer Institute, Board of Scientific Counselors Division of Cancer Prevention and Control; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, Division of Cancer Prevention and Control, National Cancer Institute, National Institutes of Health, January 23–24, 1986, to be held in Wilson Hall, Building 1, 9000 Rockville Pike, Bethesda, Maryland 20892. This meeting will be open to the public on January 23, from 8:30 a.m. to 5:00 p.m. and on January 24 from 8:30 a.m. to adjournment to review programs and policies of the Division of Cancer Prevention and Control. Attendance by the public will be limited to space available.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20892 (301–496–5708) will provide summaries of the meeting and rosters of committee members upon request.

Mr. J. Henry Montes, Executive Secretary, Board of Scientific Counselors, Division of Cancer Prevention and Control, National Cancer Institute, Blair Building, Room 1A07, National Institutes of Health, Bethesda, Maryland 20892 (Telephone: 301–427–8630) will furnish substantive program information.

Dated: January 10, 1986.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 86–1057 Filed 1–14–86; 12:10 pm]

BILLING CODE 4140–01–M

Commercial/Industrial Activities; Review Schedule

AGENCY: National Institutes of Health, HHS.

ACTION: Notice of Modification to A–76 Review Schedule.

SUMMARY: This notice identifies a change in the schedule completion of a cost comparison study for a commercial/industrial activity by the National Institutes of Health. This study will be in accordance with Office of Management and Budget Circular A–76.

FOR FURTHER INFORMATION CONTACT: Ana Kennedy, Division of Management Policy, National Institutes of Health, Building 31, Room 3B19, 9000 Rockville Pike, Bethesda, Maryland 20892, (301) 496–2461.

SUPPLEMENTARY INFORMATION: In accordance with OMB Circular A–76, a cost comparison is scheduled for the audiovisual services—a previously released solicitation was cancelled in July 1985. A new solicitation will be issued in March 1986. This activity includes projection and audio services, teleconferencing and closed circuit television services and television production services. The activity is located at the National Institutes of Health, Bethesda, Maryland.

Dated: January 9, 1986.

James B. Wyngaarden,

Director, National Institutes of Health.

[FR Doc. 86–935 Filed 1–15–86; 8:45 am]

BILLING CODE 4140–01–M

Public Health Service

Availability of Grants for Adolescent Family Life Demonstration Projects

AGENCY: Office of Adolescent Pregnancy Programs, PHS, HHS.

ACTION: Notice.

SUMMARY: The Office of Adolescent Pregnancy Programs (OAPP) requests applications for grants under the Adolescent Family Life Demonstration grants program. Funds are available for applicants in the following States and territories: Alabama, Alaska, Arizona, Arkansas, Delaware, Hawaii, Idaho, Iowa, Kansas, Maryland, Mississippi, Montana, Nebraska, Nevada, New Hampshire, North Dakota, Ohio, South Dakota, Tennessee, Vermont, Wisconsin, West Virginia, Wyoming, Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands. Applicants from these States and territories have been designated as eligible to apply for funding because these States and territories will have no more than one Adolescent Family Life demonstration grant site as of October 1, 1986. The Office will also accept competing renewal applications from current Adolescent Family Life grantees in the above States and territories whose demonstration grants will end on September 30, 1986.

These grants are for community based and community supported demonstration projects to (1) find effective means, within the context of the family, of reaching adolescents before they become sexually active in order to maximize family guidance and support available to adolescents and to encourage postponement of premarital sexual activity; (2) promote adoption as an alternative to adolescent parenting; (3) establish innovative comprehensive and integrated approaches to the

delivery of care services for pregnant adolescents, adolescent parents and their children, as authorized by Title XX of the Public Health Service Act (42 U.S.C. 300z. et seq.).

ADDRESS: Application kits may be obtained from and applications must be submitted to: Grants Management Office, Offie of Adolescent Pregnancy Programs, OPA, Room 736E, Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, DC 20201.

DATE: Applications must be postmarked or received at the above address no later than March 21, 1986.

FOR FURTHER INFORMATION CONTACT: Grants Management Office at area code 202–245–0146 or Program Office at 202–245–7473. Staff are available to answer questions and provide limited technical assistance in the preparation of grant applications.

SUPPLEMENTARY INFORMATION: Title XX of the Public Health Service Act, 42 U.S.C. 300z et seq., authorizes the Secretary of Health and Human Services to award grants for demonstration projects to provide services to pregnant and nonpregnant adolescents, adolescent parents and their families. (Catalog of Federal Assistance Number 13.995.) The availability of funds for FY 1986 is contingent upon appropriations by Congress. It is anticipated that approximately $1.3 million will be available to fund an estimated 15 projects. The average award for a prevention project will be $80,000 with a range of between $40,000 and $150,000; the average award for a care project will be $175,000, with a range of between $50,000 and $300,000. Although grants may be approved for project periods of up to five years, priority will be given to those projects that can be completed in three years. Grants are funded in annual increments (budget periods). Funding for all approved budget periods beyond the first year of the grant is contingent upon the availability of funds, satisfactory progress of the project, and adequate stewardship of Federal funds. A grant award may not exceed 70 percent of the total cost of the project for the first and second years, 60 percent of the total costs for the third year, 50 percent for the fourth year and 40 percent for the fifth year. Non-Federal contributions may be in cash or in-kind, fairly evaluated, including plant, equipment, or services. We summarize below the statutory background of the grant program and describe the procedures for applying for grants pursuant to this notice.

Statutory Background

Title XX authorizes grants for three types of demonstration projects: (1) Projects which provide "care services" only (i.e., services for the provision of care to pregnant adolescents, adolescent parents and their families); (2) projects which provide "prevention services" only (i.e., services to prevent adolescent premarital sexual relations), and (3) projects which provide a combination of care and prevention services. However, in this program notice we will not consider or fund any projects which propose to provide a combination of care and prevention services.

The specific services which may be funded under Title XX are the following:

(1) Pregnancy testing and maternity counseling;

(2) Adoption counseling and referral services which present adoption as an option for pregnant adolescents, including referral to licensed adoption agencies in the community if the eligible grant recipient is not a licensed adoption agency;

(3) Primary and preventive health services including prenatal and postnatal care;

(4) Nutrition information and counseling;

(5) Referral for screening and treatment of venereal disease;

(6) Referral to appropriate pediatric care;

(7) Educational services relating to family life and problems associated with adolescent premarital sexual relations, including:

(a) Information about adoption;

(b) Education on the responsibilities of sexuality and parenting;

(c) The development of material to support the role of parents as the provider of sex education; and,

(d) Assistance to parents, schools, youth agencies, and health providers to educate adolescents and preadolescents concerning self-discipline and responsibility in human sexuality;

(8) Appropriate educational and vocational services;

(9) Referral to licensed residential care or maternity home services;

(10) Mental health services and referral to mental health services and to other appropriate physical health services;

(11) Child care sufficient to enable the adolescent parent to continue education or to enter into employment;

(12) Consumer education and homemaking;

(13) Counseling for the immediate and extended family members of the eligible person;

(14) Transportation;

(15) Outreach services to families of adolescents to discourage sexual relations among unemancipated minors; (and)

(16) Counseling and referral for family planning services. See (Sec. 2002(a)(4) of Title XX of the Public Health Service Act.

No funds provided under Title XX may be used for the provision of family planning services to adolescents other than counseling and referral services unless appropriate family planning services are not otherwise available in the community.

Applicants for prevention projects are not required to provide any specific number of services. Under the statute, the services described in subparagraphs (1), (4), (5), (7), (8), (13), (14), and (15) are prevention services. Applicants may request funding for any one or more, as appropriate for the proposal.

Applicants for care projects are required to provide, either directly or by referral, 10 core services which together comprise a comprehensive program of health, education and social services. The services described in subparagraphs (1), (2), (3), (4), (5), (6), (7), (8), (10), and (16) are core services. Any of the other services listed may be provided as supplemental services.

Eligible Applicants

Any public or private nonprofit organization or agency is eligible to apply for a grant. Under this announcement, funds are available for local demonstrations only, not multi-site national projects, and the project site must be identified in the application.

Grants are awarded only to those organizations or agencies which can demonstrate the capability of providing the proposed services and which meet the statutory requirements.

Application Requirements

Applications must be submitted on the forms supplied and in the manner prescribed in the application kits provided by the Office of Adolescent Pregnancy Programs (OAPP). Applicants are required to submit an application signed by an individual authorized to act for the applicant agency or organization and to assume for the organization the obligations imposed by the terms and conditions of the grant award.

1. Applicants are required to submit an original application and two copies. Five additional copies would facilitate processing, but no applicant will be penalized for submitting only the three required copies. Each copy should be stapled securely in the upper left corner.

Please do not use covers, binders, or tabs. Do not include extraneous materials such as agency promotion brochures, slides, tapes, film clips, etc. It is not feasible to use such items in the review process, and they will be discarded if included.

2. Applicants will be notified of receipt of the application and will receive an application number. Subsequent inquiries about the application should refer to the application number.

3. A copy of the legislation governing this program will be sent to all applicants as part of the application kit package. Applicants should use the legislation to guide them in developing their applications. All applicants should review and must comply with the requirements for applications in section 2006(a).

4. Guidance for preparation of the Narrative section of the application is included in the application kit. This section should be no more than fifty (50) double-spaced or 25 single-spaced pages, type written on one side of the paper only.

5. It should be noted that grantees must not teach or promote religion in the Adolescent Family Life Title XX program. Each program shall be designed so as to be, to the extent possible, accessible to the public generally.

Care Programs—Under the statute the purpose of care programs is to establish innovative, comprehensive, and integrated approaches to the delivery of care services for pregnant adolescents, with primary emphasis on unmarried adolescents who are 17 years of age or under, and for adolescent parents and their families. Applicants should base their approaches upon an assessment of existing programs and, where appropriate, upon efforts to establish better coordination, integration, and linkages among such existing programs.

Programs should be designed so as to:

(A) Enable pregnant adolescents to obtain proper care and assist pregnant adolescents and adolescent parents to become productive independent contributors to family and community life; and

(B) Assist families of adolescents to understand and resolve the societal causes which are associated with adolescent pregnancy.

Within the context of providing the required 10 core plus any supplemental services and developing evaluation strategies, applicants should pay particular attention to the following aspects of Title XX:

- The promotion of adoption as an alternative to early parenting.
- Involvement of the families of pregnant adolescents and adolescent parents, including the adolescent father.
- Provision of services after delivery of the baby. (This is the continuation of necessary services to clients until adolescent parents have become or are well on their way to becoming "productive independent contributors to family and community life", and their children are developing normally physically, intellectually, and emotionally. Proposals should specify the services to be provided, the means of identifying clients' need for services, and the system for tracking clients for a period of at least two years following delivery.)
- Supporting parents as primary sex educators.

Prevention Programs—The purpose of prevention programs is to promote postponement of adolescent premarital sexual relations by finding effective means within the context of the family of reaching adolescents before they become sexually active in order to maximize the guidance and support available to adolescents from parents and other family members.

Evaluation

Section 2006(b)(1) requires each grantee to expend at least one percent but not more than five percent of the funds received under Title XX on evaluation of the project. In some cases waivers of the five percent limit on evaluation (see section 2006(b)(1)) may be granted. However, applicants who anticipate evaluation costs in excess of the limit should exhaust all possible alternative sources of funds before considering requesting a waiver for an evaluation amount in excess of five percent. Section 2006(b)(2) requires that an organization or an entity independent of the grantee providing services assist the grantee in evaluating the project. Applicants should provide evidence of their working arrangements with a college or university located in the applicant's State to meet this statutory requirement. The entities to be involved in the evaluation must be identified, their roles described and their capability documented in the proposal. Their role and willingness to participate should also be documented.

Applicants should also describe in detail measures of program performance, data collection methods, and a plan for analyzing the data.

Additional Requirements

In addition to the above, applicants for grants must meet the following requirements:

(1) Requirements for Review of an Application by the Governor

Section 2006(e) of the Public Health Service Act requires that each applicant shall provide the Governor of the State in which the applicant is located a copy of each application submitted to the Secretary for a grant for a demonstration project for services under this Title. The Governor has 60 days from the receipt date in which to provide comments to the applicant. The applicant shall include the comments of the Governor with such application.

An applicant may comply with this requirement by submitting a copy of the application to the Governor of the State in which the applicant is located at the same time the application is submitted to OAPP. To inform the Governor's office of the reason for the submission, a copy of this notice should be attached to the application.

The applicant must provide a copy of the comments or verification that there were no comments to the above address by June 4, 1986.

(2) Review Under Executive Order 12372

Applications under this announcement are subject to the review requirements of Executive Order 12372 (Intergovernmental Review of Federal Programs) as implemented by 45 CFR Part 100 (Intergovernmental Review of DHHS Programs and Activities) which established a process for consulting with State and local elected officials on proposed Federal financial assistance. As soon as possible, applicants should contact the Governor's office for information regarding the review process designed by their State or the State Single Point of Contact (SPOC) for the State. The application kit contains the currently available listing of the SPOCs which have elected to be informed of the submission of applications. The SPOCs comment(s) should be forwarded to the Grants Management Office, Office of Population Affairs, Room 736E Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington DC, 20201. Such comments must be received by the Office of Population Affairs by June 4, 1986 to be considered.

(3) Health Systems Agency (HSA) Review

In order to comply with the HSA review requirements under section 1513(e) of the Public Health Service Act, 42, U.S.C. 3001–2(e), as amended, applicants must contact the HSA responsible for the area to be served by the proposed project to determine

whether or not the HSA desires to review the application. If so, a copy of the application must be submitted to each HSA for review no later than April 4, 1986. Applicants are advised to contact the local HSA as soon as a decision is made to apply for a grant for detailed information on meeting this review requirement. Applications will not receive a formal review by OAPP without satisfying this requirement.

Application Consideration and Assessment

Applications which are judged to be late or which do not conform to the requirements of this program announcement will not be accepted for review. Applicants will be so notified, and the applications will be returned.

All other applications will be subjected to a competitive review and assessment by qualified persons. The results of this review will assist the Deputy Assistant Secretary for Population Affairs in considering competing applications and in making the final funding decisions.

All eligible applications will be reviewed and assessed according to the following criteria:

1. The applicant's provision for the requirements set forth in section 2006(a) of Title XX of the Public Health Service Act (10 points).

2. The capacity of the proposed applicant organization to provide the resources needed to conduct the project, collect data and evaluate it. This includes personnel, time and facilities (20 points)

3. The applicant's presentation of the project methodology, including a statement of goals and objectives, the methods for achieving the objectives, a workplan and timetable, and results or benefits expected (20 points)

4. The applicant's provision for complying with the legislation's requirements to involve families in the delivery of services, to promote adoption as a viable alternative to early parenting, and in the case of prevention programs, to promote postponement of early sexual activity (20 points)

5. The applicant's documentation of the innovativeness of the program approach, and its worth for testing and replication (10 points)

6. The applicant's presentation of a detailed evaluation plan, indicating an understanding of program evaluation methods and reflecting a practical technically sound approach to assessing the project's achievement of program objectives. A workplan should be included to indicate the extent and nature of the involvement of a local State college or university in this effort (15 points)

7. The estimated cost of the project to the government is reasonable considering the anticipated results (5 points).

In making grant award decisions, the Deputy Assistant Secretary for Population Affairs will take into account the extent to which grants approved for funding will provide an appropriate distribution of resources throughout the country, considering the priorities in section 2005(a) of Title XX of the Public Health Service Act and focusing on:

1. The incidence of adolescent pregnancy and the availability of services in the geographic area to be served.

2. The community commitment to and involvement in planning and implementation of the demonstration project

3. The nature of the organization applying.

4. The population to be served.

5. The organizational model(s) for delivery of service.

6. The usefulness for policymakers and service providers of the proposed project and its potential for complementing existing AFL demonstration models.

7. The applicant's proposed plans to access continued community funding as Federal funds decrease and end.

8. The applicant's capacity to administer funds responsibly.

9. Where projects are of approximate equal quality and there are insufficient funds to support all, priority will be given to those that can be completed in three years.

The Office of Adolescent Pregnancy Programs does not release information about individual applications during the review process until final funding decisions have been made. These decisions will be made by September 30, 1986. When these decisions have been made, applicants will be notified by letter of the outcome of their applications. The official document notifying an applicant that an application has been approved for funding is the Notice of Grant Award, which specifies to the grantee the amount of money awarded, the purpose of the grant, the terms and conditions of the grant award, the budget period for which support is being given, and the amount of funding to be contributed by the grantee to project costs.

Dated: January 8, 1986.

Jerry Bennett,

Deputy Director, Office of Population Affairs.

[FR Doc. 86-949 Filed 1-15-86; 8:45 am]

BILLING CODE 4160-17-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Final Determination That the Tchinouk Indians of Oregon Do Not Exist as an Indian Tribe

January 6, 1986.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary, Indian Affairs by 209 DM 8.

Pursuant to 25 CFR 83.9(f) (formerly 25 CFR 54.9(f)), notice is hereby given that the Assistant Secretary has determined that the: Tchinouk Indians, c/o Ms. Karleen Parazoo, 5621 Altamount Drive, Klamath Falls, Oregon 97601, do not exist as an Indian tribe within the meaning of Federal law.

This notice is based on a determination following a review of public comments on the proposed finding that this group does not meet four of the criteria set forth in 25 CFR 83.7 and, therefore, does not meet the requirements necessary for a government-to-government relationship with the United States.

A notice of the proposed finding to decline to acknowledge the Tchinouk Indians was published in the Federal Register on Wednesday, June 12, 1985 (page 24709, Vol. 50, No. 113). Interested parties were given 120 days in which to submit factual or legal arguments to rebut the evidence used to support the proposed finding.

Two written comments with limited documentation were received from the petitioner opposing the proposed finding. One comment supporting the finding was received from an individual scholar.

Comments were received from the Tchinouk chairman, by letters dated September 5 and October 7, 1985. The documentation submitted with these letters consisted almost entirely of government documents or correspondence from the petitioner or its members concerning applications made in 1955 for the Western Oregon Judgment Fund and the rejection of these applications based on a determination that the applicants' ancestors were of Chinook, Crise or Cree ancestry, and therefore not eligible. All but two of the submitted documents were either previously submitted as part of the petition or its supplements or were examined by the Acknowledgment staff in the course of their research on the petition. The documents submitted presented no new evidence concerning the history or character of the group and

thus no significant new evidence concerning the proposed finding.

The petitioner's letters also contained several arguments intended to refute various conclusions reached in the proposed finding. Most of these restated arguments that were made in the original petition and were presented without additional evidence, description or documentation to support them. The petitioner stated that the early 19th-century French-Canadian settlement of Champoeg (referred to as French Prairie in proposed finding) was an Indian community and that the Tchinouk were part of it. No evidence or argument was included to rebut the conclusion in the proposed finding that Champoeg was not a distinct Indian community but a French-Canadian community which included many Indians from a wide variety of tribes and many individuals of mixed French-Indian ancestry.

The petitioner also stated that "we were always people that held meetings" and provided comments which implied that meetings had been held regularly since the 1940's. A small amount of additional detail was provided about meetings in the 1950's. No documentation and no additional detail was provided about these meetings in particular or concerning the general conclusion in the proposed finding that the group had not functioned continuously as a political unit or as an organization of any character throughout the twentieth century or earlier.

The Tchinouk comments argued that court cases such as *Duwamish et al.* which pertain to historical claims of the Chinook or various Lower Chinook bands do not pertain to the Tchinouk. The argument appeared to be based on the difference in spelling, since these cases used the more common spelling "Chinook" rather than the French rendering as "Tchinouk," which the petitioner adopted soon after they organized in 1974. The proposed finding concluded that there were no differences between Tchinouk and Chinook, other than as alternative spellings. The Tchinouk comments stated that the ancestors of the group lived along the lower Columbia River, while also stating that they are not descended from the Lower Chinook bands whose members were paid in 1913 on the McChesney Roll. The Tchinouk in their petition and in various other documents had previously asserted common ancestry with the Lower Chinook bands whose aboriginal lands were on the Lower Columbia River.

In responding to the conclusion in the proposed finding that there was no known leadership or other political structure, the petitioner asserted, without detail or documentation, that such leadership had existed. Regarding the conclusion that the tribal identity of the group's members and ancestors had changed, the comments stated only that there had been many hardships and it had been "hard to identify ourselves when we needed to."

A comment supporting the proposed finding was received on July 23, 1985, from Dr. Verne Ray, an anthropologist who has conducted extensive research on the Chinook Indians of the lower Columbia River. Dr. Ray stated in part that "Nothing in the totality of scientific, historical, archival and documentary data on the area in question and the ethnology of the Chinook Tribe supports the claims of the "Tchinouk."

No additional comments were received from the Chinook Tribe of Washington, the Klamath Tribe, the attorney for the Tchinouk or Dr. Steven Beckham, all of whom commented on the Tchinouk petition during the period of consideration before the proposed finding was issued. The Chinook Tribe denied that the Tchinouk had any common history with them or any organizational affiliation. The proposed finding concluded that it was not possible to determine, using the currently available evidence, from which Chinookan band the Tchinouk are descended. The Tchinouk attorney presented arguments that the Western Oregon Termination Act of 1954 did not apply to the Tchinouk because it was not a recognized tribe at that time. The proposed finding concluded, after a review of the act and historical materials relating to it and its implementation, that the Tchinouk were forbidden the Federal relationship by that act and therefore did not meet criterion § 83.7(g) of the regulations. Beckham provided copies of comments he prepared for the Oregon Commission on Indian Services which asserted that he had seen no documentary evidence during his research on Indians of western Oregon which showed the existence of a Tchinouk tribe.

Based on information originally provided by the petitioner, on independent research conducted by the Acknowledgment staff, on comments by others on the petition before the proposed finding was issued, and on comments and supporting evidence received from the Tchinouk petitioner and one other person in response to the proposed finding, we conclude that the Tchinouk Indians of Oregon do not meet the requirements necessary under Federal law for a government-to-government relationship with the United States.

In accordance with 25 CFR 83.9(j) of the Acknowledgment regulations, an analysis was made to determine what, if any, option other than acknowledgment would be available under which the petitioning group could make application for services and other benefits. No viable alternative could be found due to the lack of inherent social and political cohesion and continuity of the group.

This determination is final and will become effective 60 days after the date on which this notice appears in the **Federal Register** unless the Secretary of the Interior requests reconsideration pursuant to 25 CFR 83.10.

Ross O. Swimmer,

Assistant Secretary, Indian Affairs.

[FR Doc. 86-921 Filed 1-15-86; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

[Coal Lease Application ES 35269]

Public Hearing and Availability of Draft Environmental Assessment; Bell County, KY

AGENCY: Bureau of Land Management, Department of the Interior.

ACTION: Notice of Public Hearing and Availability of Draft Environmental Assessment.

SUMMARY: The Department of the Interior, Bureau of Land Management, Eastern States Office, 350 South Pickett Street, Alexandria, Virginia 22304, hereby gives notice that a public hearing will be held on February 26, 1986, at 7:00 p.m. in the Burt Combs Forestry Building, Highway 25 East, Pineville, Kentucky 40977. Application has been made to the United States under the emergency coal leasing regulation, 43 CFR 3425.1-4, that it offer for lease certain coal resources in the public lands hereinafter described. The purpose of the hearing is to obtain public comments on the Draft Environmental Assessment prepared and on the following items:

1. The method of mining to be employed to obtain maximum economic recovery of the coal;

2. The impact that mining the coal in the proposed leasehold may have on the area including but not limited to impacts on the environment; and

3. Methods of determining the fair market value of the coal to be offered.

Written requests to testify orally at the February 26, 1986 public hearing should be received at the Jackson

District Office, Bureau of Land Management, P.O. Box 11348, Delta Station, Jackson, Mississippi 39213, prior to the close of business at 4:00 p.m., on February 25, 1986. People who indicate they wish to testify when they check in at the hearing room may have an opportunity to testify if time is available after the listed witnesses have been heard.

Both oral and written comments will be received at the public hearing, but speakers will be limited to a maximum of 10 minutes each depending on the number of persons desiring to comment. The time limitation will be strictly enforced, but the complete text of prepared speeches may be filed with the presiding officer at the hearing, whether or not the speaker has been able to finish oral delivery in the allotted minutes.

Substantive comments, whether written or oral, will receive equal consideration prior to any lease offering.

In addition, the public is invited to submit written comments concerning the fair market value of the coal resource to the Bureau of Land Management. Public comments will be utilized in establishing fair market value for the coal resources in the described lands.

Comments should address specific factors related to fair market value, including, but not limited to: the quantity and quality of the coal resources, the price that the mined coal would bring in the market place, the cost of producing the coal, the probable timing and rate of production, the interest rate at which anticipated income streams would be discounted, depreciation and other accounting factors, the expected rate of industry return, the value of the surface estate (if private surface), and the mining method or methods which would achieve maximum economic recovery of the coal. Documentation of similar market transactions, including location, terms and conditions, may also be submitted at this time.

These comments will be considered in the final determination of fair market value as determined in accordance with 43 CFR 3422.1. should any information submitted as comments be considered to be proprietary by the commentor, the information should be labeled as such and stated in the first page of the submission. Comments on the fair market value should be sent to the State Director, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304.

Application ES 35269, 654 acres, more or less (Ferndale Tract)

The coal resource to be offered is to be mined UNDERGROUND from the Path Fork coal bed which is located in the Kentucky Ridge State Forest (KY–LU–1, Tract 1012 and Tract 1101b), Bell County, Kentucky.

The Draft Environmental Assessment and complete metes and bounds description will be available for review in the Bureau of Land Management, Jackson District Office, at the address set out above, or in the Eastern States Office, Bureau of Land Management, at the above address. Single copies are available for distribution upon request from the Eastern States Office, Alexandria, Virginia.

A copy of the Draft Environmental Assessment, the case file and the comments by the public on fair market value, except those stated in the Freedom of Information Act, will be available for public inspection at the Eastern States Office, Bureau of Land Management, at the address set out above.

We have found the quality range of the coal bed within the Path Fork Coal Bed is as follows:

Path Fork Coal Bed

1. Moisture (%)	2.2–5.8%
2. Ash (%)	2.7–14.1%
3. Sulfur (%)	.6–1.1%
4. Btu/lb	12,760–14,780
5. Approx. tons in place	1,615,845

FOR FURTHER INFORMATION CONTACT: Ms. Barbara Coalgate, Bureau of Land Management, Eastern States Office, 350 South Pickett Street, Alexandria, Virginia 22304, (703) 274–0149.

G. Curtis Jones, Jr.,

State Director.

[FR Doc. 86–763 Filed 1–15–86; 8:45 am]

BILLING CODE 4310-GJ-M

Availability of Environmental Impact Statements; Great Salt Lake, UT

SUMMARY: The Bureau of Land Management's Salt Lake District and U.S. Air Force announce the availability of a Draft Environmental Impact Statement which discusses the impacts of granting rights-of-way for construction by the State of Utah of a system of dikes and ponds for evaporation of excess water from the Great Salt Lake.

DATE: The DEIS will be available for review and comments by the public from February 10 through April 11, 1986. There will be no public hearing unless there is a strong demand for one.

ADDRESS: Comments on the Great Salt Lake DEIS should be sent to Jack Peterson, Bureau of Land Management, Salt Lake District, 2370 South 2300 West, Salt Lake City, Utah 84119. Copies of the DEIS may also be obtained at this address.

John Stephenson,

Acting District Manager.

[FR Doc. 86–939 Filed 1–15–86; 8:45 am]

BILLING CODE 4310-84-M

[A–21410]

Federal Land Exchange; Maricopa and Cochise County, AZ

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of realty action—exchange, public lands in Maricopa County and private lands in Cochise County, Arizona.

SUMMARY: The following described federal lands have been determined to be suitable for exchange under Section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

Gila and Salt River Meridian, Maricopa County, Arizona

T. 4 N., R. 3 W.,
Sec. 16;
T. 5 N., R. 4 W.,
Secs. 3, 10, 15, 22, 27, 28, 33, 34;
T. 4 N., R. 4 W.,
Secs. 4, 8, 9, 13, 14, 16, 17–24, 28–31;
T. 3 N., R. 4 W.,
Secs. 3–9, 16–21, 28–33;
T. 2 N., R. 4 W.,
Secs. 1–11, 13–16, 18, 19, 21, 26;
T. 2 N., R. 5 W.,
Secs. 11–17, 21–31, 34;
T. 1 N., R. 5 W.,
Secs. 3, 10, 15.

Comprising 40,896.58 acres more or less of public land.

In exchange for the above described public lands, the federal government will acquire private lands described below from H.B. Bell Investments (Arizona), Inc., an Arizona Corporation.

Gila and Salt River Meridian, Cochise County, Arizona

T. 18 S., R. 20 E.,
Sec. 24;
T. 18 S., R. 21 E.,
Secs. 19, 20, 29, 30, 32;
T. 20 S., R. 21 E.,
Secs. 16, 21, 27, 28, 33, 34;
T. 21 S., R. 21 E.,
Secs. 3, 11–14, 23–26, 36;
T. 22 S., R. 21 E.,
Secs. 12, 13, 14;
T. 21 S., R. 22 E.,
Secs. 7, 18;
T. 23 S., R. 22 E.,
Secs. 14–16, 21, 22.

The San Juan de las Boquillas y Nogales Private Land Grant and the San Rafael Del Valle Private Land Grant, excepting strips of land reserved for railroads and other exceptions.

Total acreage of the offered private lands is 43,399.00 acres.

A detailed list of legal descriptions for the offered and selected lands listed in this Notice as well as an Environmental Assessment of the proposed exchange is available at the Phoenix District Office.

The exchange proposal involves all of the exchange proponent's interest in the surface and mineral estate of the private lands and the surface and mineral estate of the public lands, with the exception that existing oil and gas leases on public lands will be reserved to the government until lease expiration. The exchange is consistent with land use planning objectives in the Lower Gila North Management Framework Plan as amended December 18, 1985.

Lands to be transferred from the United States will be subject to the following reservations, terms and conditions:

1. A right-of-way for ditches and canals constructed by the authority of the United States, Act of August 30, 1890, 26 Stat. 391, 43 U.S.C. 945.
2. Right-of-way AR–031626 to the Arizona Department of Transportation for highway drainage.
3. Right-of-way A–9653 to Salt River Project for electric transmission line.
4. Right-of-way PHX–080582 to Western Area Power Administration for electric transmission line and access road.
5. Right-of-way AR–035584 to Bureau of Reclamation for electric transmission line and access road.
6. Right-of-way PHX–082297 to Western Area Power Administration for electric transmission line and access road.
7. Right-of-way A–10987 to Bureau of Reclamation for electric transmission line.
8. Right-of-way A–6961 to Flood Control District of Maricopa County for highway drainage.
9. Right-of-way A–10213 to Salt River Project for electric transmission line.
10. Right-of-way A–11927 to Maricopa County Highway Department for highway.
11. Right-of-way A–13875 to Bureau of Reclamation for electric transmission line and substation.
12. Right-of-way A–17813 to Bureau of Reclamation for roadway.
13. Right-of-way A–18272 to Arizona Public Service for warning siren.
14. Right-of-way AR–08551 to Arizona Public Service for electric transmission and distribution line.
15. Right-of-way PHX–083322 to American Telephone and Telegraph Company for communication line.

The mineral estate to be transferred from the United States to H.B. Bell Investments will be subject to the following:

1. Oil and Gas Leases A–012763, A–012764, A–012765, A–012766, A–012767, A–012768, A–012770, A–012771, A–012773, A–012776, A–012778, A–012783.
2. All valid existing rights.

The lands being transferred out of federal ownership will affect the following livestock grazing allotments:

1. Douglas Allotment Number	3026
2. Hassayampa Allotment Number	3041
3. Narramore Allotment Number	3058
4. Wilson Allotment Number	3092

The lands to be acquired by the United States from H.B. Bell Investments shall be subject to certain leases, permits, easements, and other incumbrances detailed in Schedule B of Ticor Title Insurance Policy No. F–827326, a copy of which is available upon request.

This Notice of Realty Action for A–21410 replaces the applicable segregative effect provided by Notice of Realty Action for A–21348 published October 10, 1985.

The segregation of the described lands shall terminate upon issuance of a document conveying title to such land or upon publication in the Federal Register of a notice of termination of the segregation, or the expiration of two years from the date of publication, whichever occurs first.

For a period of forty-five (45) days from the date of publication of this notice in the Federal Register, interested parties may submit comments to the Phoenix District Manager, Bureau of Land Management, 2015 W. Deer Valley Rd., Phoenix, Arizona 85027. Objections will be reviewed by the State Director who may sustain, vacate, or modify this realty action. In the absence of any objections, this realty action will become the final determination of the Department of the Interior.

Dated: January 10, 1986.

Marlyn V. Jones,

District Manager.

[FR Doc. 86–1007 Filed 1–15–86; 8:45 am]

BILLING CODE 4310-32-M

Roseburg District Advisory Council; Meeting

Notice is hereby given in accordance with section 309 of the Federal Land Policy and Management Act (as amended), the Roseburg District Advisory Council will meet February 14, 1986. The meeting will convene at 9:30 a.m. in the conference room at the Roseburg District Office, 777 N.W. Garden Valley Blvd., Roseburg, Oregon.

The agenda for the meeting will include:

1. Opening remarks and general topics.
2. Introduction and orientation of new members.
3. Election of Chairman and Vice-Chairman.
4. Review of District programs.
5. Public comment period begins about 11:00 a.m.

Interested persons may make oral statements before the Council or file written statements for the Council's consideration.

Summary minutes of the Council meeting will be maintained in the District Office and available for public inspection during regular business hours within 30 days following the meeting.

Dated: January 8, 1986.

M.D. Berg,

District Manager.

[FR Doc. 86–955 Filed 1–15–86; 8:45 am]

BILLING CODE 4310-33-M

Resource Management Plans; Alaska

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent to prepare a combined resource management plan (RMP) and environmental impact statement (EIS).

SUMMARY: The area to be covered by this RMP/EIS consists of approximately four million acres of Federal land currently managed by the Bureau of Land Management (BLM), located adjacent to and inclusive of the Utility Corridor north of Fairbanks, Alaska. The area covered may be divided into the following units: (1) The Utility Corridor—approximately 2.8 million acres of Federal land north of Fairbanks reserved by Public Land Order 5150, as amended, primarily as a transportation route for the trans-Alaska oil pipeline and proposed gas pipeline, (2) the Venetie Block—approximately 0.7 million acres of Federal land adjacent to the eastern border of the Utility Corridor and north of the Yukon Flats National Wildlife Refuge, and (3) the Central Arctic Management Area (CAMA) Federal lands north of 68 degrees north latitude described by section 1001(a) of the Alaska National Interest Lands Conservation Act of December 2, 1980 (ANILCA).

The area described above will be referred to in this Notice as the Utility Corridor Planning area or the Planning Area, and the project will be referred to

as the Utility Corridor RMP. A map of the Planning Area, together with other documents relevant to the planning process, is available at the Bureau of Land Management, Fairbanks District Office, 1541 Gaffney Road, Fairbanks, Alaska 99703 (located on Fort Wainwright).

Within the Planning Area the anticipated issues center on the need to preserve existing and future energy transportation system needs while also providing for competing land uses, to the extent determined practicable, in a manner which is compatible with the needs of adjacent land owners and managers. Specific issues may involve the following questions:

- What lands and actions are necessary to protect existing and future energy transportation needs within the Utility Corridor unit?
- Would partial or total disposal of the Planning Area be in the national interest?
- What is the potential of the Planning Area to provide minerals to meet strategic and critical national needs, and how, if at all, should policy promote such development?
- How should recreational use and opportunity in the Planning Area be shaped?
- How would land disposal or change in management direction within the Planning Area affect rural Alaskans who depend on the area for subsistence?
- How would land disposal or change in management direction affect wildlife in the Planning Area and adjacent areas?
- How can development nodes as proposed in an earlier management plan be located and defined within the Utility Corridor unit to adequately meet commercial, residential, and agency needs within the region?
- What are the public access needs within the Planning Area, how should they be protected, and how can adverse impacts be minimized?

The section 1001 ANILCA mandates for CAMA will also be addressed within the framework of this RMP/EIS process. These mandates include an oil and gas resource assessment, review of wilderness characteristics, and a study of wildlife resources. Based on the findings of these studies, recommendations will be made: (1) Concerning future use and management of oil and gas resources including an evaluation of alternative transportation routes needed for any recommended oil and gas development, (2) for wilderness designation, and (3) for wildlife resource protection. These study findings and recommendations will be reported to the President and the Congress by December 2, 1988.

The planning effort will be conducted by an interdisciplinary planning team which will include personnel with expertise in the following areas: wildlife biology, fisheries biology, socioeconomics, recreation, archeology, hydrology, realty, soils science, fire ecology, mining engineering, and anthropology. The planning effort is scheduled for competion by March of 1988.

The public may participate in the planning process by making written or verbal comments to the BLM. A mailing list of interested parties will be established and these people will be informed of issues and alternatives by direct mail. Public meetings will also be held to solicit public comments at certain steps in the planning process. Exact dates and locations will be announced later.

FOR FURTHER INFORMATION CONTACT: Dave Ruppert, Project Manager, Bureau of Land Management, 1541 Gaffney Road, Fairbanks, Alaska 99703, or by calling (907) 356–5182.

Wayne A. Boden,

Acting State Director.

[FR Doc. 86–1005 Filed 1–15–86; 8:45 am]

BILLING CODE 4310–JA–M

Intent To Prepare a Resource Management Plan for the San Luis Resource Area, CO

AGENCY: Bureau of Land Management, Interior.

ACTION: The Bureau of Land Management, Canon City District has begun preparation of the resource management plan (RMP) and associated environmental impact statement (EIS) for the San Luis Resource Area in accordance with the Federal Land Policy and Management Act of 1976 (FLPMA) and 43 CFR Part 1600.

SUMMARY: A resource management plan will be developed for the San Luis Resource Area. The intent of this planning action is to meet requirements of FLPMA and the National Environmental Policy Act (NEPA). Decisions will establish land areas for varying levels of use or protection, resource condition goals, constraints, and practices needed. An implementation schedule will be established for the above decisions, activity planning, necessary support actions, and monitoring.

DATES: Two open houses will be held in the San Luis Resource Area Office, Alamosa, Colorado, February 25, 1986, from 1 to 3 p.m. and 7 to 9 p.m. The purpose of these open houses is to obtain public input on planning issues and criteria. Future meetings and hearings will be held as needed. Comments on preliminary issues and criteria and initial alternatives must be submitted on or before April 1, 1986. The draft RMP/EIS is scheduled for completion by July 1988; the final by June 1989.

FOR FURTHER INFORMATION CONTACT: Interested parties may request a copy of the preliminary alternatives, issues and criteria, and submit comments to the following:

Donnie R. Sparks, District Manager, Bureau of Land Management, 3080 East Main, P.O. Box 311, Canon City, CO 81212, (303) 275–0631

Tom Sieverding, Area Manager, Bureau of Land Management, 1921 State Street, Alamosa, CO 81101, (303) 589–4975

SUPPLEMENTARY INFORMATION: A 1984 evaluation on the San Luis and Saguache existing plans revealed some deficiencies in program guidance and CFR 1600 regulations. This RMP is intended to correct these deficiencies. The plan will include public lands located in Alamosa, Conejos, Costilla, Mineral, Rio Grande, and Saguache Counties. Public lands involved consist of 516,231 surface and 101,926 subsurface acres.

Public comment, which will lead to the decisions made in the plan, is requested concerning the preliminary planning issues described below:

1. Determine suitability of public lands and establish standards for forest product sales, mineral leasing and material sales, land disposal, extensive recreation use, rights-of-way, occupancy leases, and permits.

2. Identify public lands in need of conservation practices and establish necessary practices for soil, fire, water, riparian, wildlife habitat, air quality, historical, cultural, and threatened and endangered species management.

3. Integrate grazing environomental impact statement and 1985 update into this RMP.

4. The decisions made in the draft 1982 wilderness amendment to the San Luis and Saguache Management Framework Plans will be incorporated into this RMP.

5. Identify public lands, with unique resource values or hazards that warrant special designation.

RMP team members will represent the following disciplines: Recreation, history, archaeology, forestry, geology, fire, wildlife biology, realty, soils,

hydrology, air science, sociology, economics, transportation, access, noise, energy, and range.

The present management alternative (no action) will be analyzed and updated using existing goals and objectives. Three other alternatives will be considered analyzing various intensities of resource management. A preferred alternative will be developed and presented in both the draft and final EIS, which may correspond to or be a combination of the other alternatives. Individual contacts, workshops, meetings, and hearings will be utilized at key points to obtain needed public input, coordination, and comments. The district advisory council will assist in all phases of this process. Mass mailings may be used to solicit participation. Contacts will be made with local governments and state and Federal agencies to assure coordinated goals and objectives. A mailing list of all interested parties will be maintained. Newsletters will be published at key points to inform the public and request comments. Anyone wishing to participate should request to be placed on the mailing list.

Donnie R. Sparks,

District Manager.

[FR Doc. 86-950 Filed 1-15-86; 8:45 am]

BILLING CODE 4310-JB-M

[I-19668A, I-19668C, I-19668D, I-19668E, I-20341, I-19670, I-19675 and I-20813]

Sale of Public Lands in Oneida and Power Counties, ID

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action, sale of public land in Oneida and Power Counties.

Date and Addresses: The sale offering will be held on Wednesday, April 16, 1986, at 10:00 A.M. at the Burley District Office, 200 South Oakley Highway, Burley, Idaho. Unsold parcels where no bids are received will be offered every Wednesday through August 27, 1986, on which date the sale offering will be suspended.

SUMMARY: The following described lands, remaining unsold from previous sale offerings, will be offered again for sale using competitive and modified competitive bidding procedures.

Parcel name/ number	Legal description	Acres	Appraised value
	(Boise Meridian, Idaho)		
Pocatello Valley (I-19668A).	T15S, R34E, Sec. 8: NE¼NW¼.	40.00	$2,000
Mid Hansel (I-19668C).	T15S, R34E, Sec. 18: Lot 4, SE¼SW¼.	87.17	4,350
Hansel South (I-19668D).	T15S, R34E, Sec. 30: Lot 1.	47.23	2,350
Gwenford (I-19668E).	T15S, R35E, Sec. 8: SW¼SW¼.	40.00	2,000
Elkhorn (I-20341)	T13S, R35E, Sec. 18: Lot 4, Sec. 19: Lot 1.	26.67	1,325
Boundary (I-19670).	T7S, R32E, Sec. 29: Lot 4, Sec. 32: Lot 1.	65.66	3,280
G.K. (I-19675)	T8S, R32E, Sec. 8: NE¼NW¼.	40.00	2,000
Sunbeam (I-20813).	T8S, R31E, Sec. 12: W½E½, E½W½.	320.00	16,000

These lands are hereby segregated from appropriation under the public land laws including the mining laws as provided by 43 CFR 2711.1-2(d).

When patented, all of the lands will be subject to the reservation of ditches and canals and all oil and gas mineral rights. In addition, on parcel I-19670, a 60 foot (30 feet each side of center) road right-of-way is reserved to Power County for the county road crossing, Lot 1 of Section 32, T. 7 S.R. 32 E., B.M., as shown on the 1971 Weatgrass Bench, Idaho, 7.5 minute quardrangle map published by the U.S. Geological Survey.

Continued use of the land by valid right-of-way holders is proper subject to the terms and conditions of the grant. Administrative responsibility previously held by the United States will be assumed by the patentee.

Sale Procedures

Sale parcels I-19675, I-20813 and I-19668A, will be sold by competitive bidding procedures as follows: Sealed bids must be submitted in person on or by mail prior to the date and time of sale in the Burley District Office. The bid must be sealed in an envelope with the envelope specifying the serial number and the sale date in the lower left hand corner (i.e., "Sealed Bid—Public Land Sale I—xxxx—March 12, 1986"). If two or more valid sealed bids are received for the same amount and are the high bid, a supplemental bidding of the high bidders will be held.

Sale parcel I-19670 will be offered competitively with a preference to allow Mr. George Kopp of American Falls, Idaho to meet the highest bid. Sale parcel I-19668D will be offered competitively with a preference to allow Mrs. Duluth Allen (Allen Farms) of Ogden, Utah to meet the highest bid. Sale parcel I-19668D will be offered competitively with a preference to allow Mrs. Duluth Allen of Ogden, Utah and Mrs. Joseph Bullock of Logan, Utah to meet the highest bid. Sale parcel I—19668E will be offered competitively with a preference to allow Mr. Chad Bybee of Pleasantview, Idaho to meet the highest bid; and sale parcel I-20341 will be offered competitively with a preference to allow Mr. Grant H. Jones of Malad, Idaho to meet the highest bid. *In order to exercise this preference, the preference right bidders must submit a bid on the date of sale.* They will be allowed 30 days from the sale date to match the high bid. If no bid is received on the sale date from the preference right bidders, the parcel will be subject to competitive bidding procedures as outlined for sale parcel I-19675, I-20813 and I-19668A. Failure to match the high bid within 30 days will void the preference right bidders preference and the next highest bidder will be awarded the sale. Bids must be submitted for at least the fair market appraised value noted above. The bids will also constitute an application to purchase the mineral estate except oil and gas. This mineral estate has no known value. A thirty percent (30%) of the bid amount deposit must accompany each bid except for parcel I-20813 where twenty percent (20%) of the bid is required. *An additional $50.00 non-returnable mineral conveyance processing fee is required to be submitted with the bid on all parcels.* The filing fee and deposit must be paid by certified check, money order, bank draft or cashiers check. Bids will be rejected if accompanied by a personal check.

SUPPLEMENTARY INFORMATION: Detailed information concerning the conditions of the sale can be obtained by contacting John Christensen, Area Manager at (208) 678-5514. For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments to the District Manager, Bureau of Land Management, Route 3, Box 1, Burley, Idaho, 83318. Objections will be reviewed by the State Director who may sustain, vacate or modify this realty action. In the absence of any objections, this realty action will become the final determination of the Department of the Interior.

Dated: January 8, 1986.

John S. Davis,

District Manager.

[FR Doc. 86-920 Filed 1-15-86; 8:45 am]

BILLING CODE 4310-GG-M

Minerals Management Service

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; ODECO Oil & Gas Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development operations coordination document.

SUMMARY: This Notice announces that ODECO Oil & Gas Company, Unit Operator of the Ship Shoal Block 113 Federal Unit Agreement No. 14–08–001–2931, submitted on December 31, 1985, a proposed Development Operations Coordination Document describing the activities it proposes to conduct on the Ship Shoal Block 113 Federal unit.

The purpose of this Notice is to inform the public, pursuant to sectioin 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the plan and that it is available for public review at the offices of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Records Management Section, Room 143, open weekdays 9:00 a.m. to 3:30 p.m., 3301 N. Causeway Blvd., Metairie, Louisiana 70002, phone (504) 838–0519.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in the proposed development operations coordination document available to affected States, executives of affected local governments, and other interested parties became effective on December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: January 6, 1986.

J. Rogers Pearcy,

Acting Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 86–922 Filed 1–15–86; 8:45 am]

BILLING CODE 4310–MR–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Eradication of Cannabis on Non-Federal and Indian Lands in the Contiguous United States and Hawaii; Availability of a Supplement to the Draft Programmatic Environmental Impact Statement

The U.S. Department of Justice, Drug Enforcement Administration (DEA) has prepared a Supplement to the Draft Environmental Impact Statement on the Eradication of Cannabis on Non-Federal and Indian Lands in the Contiguous United States and Hawaii.

DEA published a notice in the **Federal Register** on May 23, 1985 that a Draft Environmental Impact Statement on the Eradication of Cannabis on Non-Federal and Indian Lands in the Contiguous United States and Hawaii had been prepared and was available for public comment. The notice provided for a 45-day public review and comment period.

Since the Draft EIS was made available to the public, DEA received new information from studies submitted to the U.S. Environmental Protection Agency in support of the registration of the three herbicides under consideration in the EIS. To provide the public with an opportunity to comment on this new information, DEA has prepared a Supplement to the Draft EIS. DEA published a Notice of Intent to prepare a Supplement to the Draft EIS on Tuesday, December 10, 1985 in the **Federal Register.**

This Supplement to the Draft EIS was filed with the U.S. Environmental Protection Agency on January 10, 1986. The 45-day public comment period will begin on Friday, January 17 and end on Monday, March 3, 1986. Federal, state, and local agencies, law enforcement officials, and other individuals and organizations who may be interested in or affected by the program are invited to comment on the Supplement.

A public meeting on this Supplement to the Draft EIS will be held at the following time and location: February 12, 1986, 2:00 pm—Department of Health and Human Services, North Auditorium 330 Independence Avenue, SW., Washington, DC 20201.

Written comments concerning the Supplement to the Draft EIS should be addressed to Rodolfo Ramirez, Cannabis Investigations Section, Drug Enforcement Administration, 1405 I Street, N.W. Washington, DC 20537. Requests for copies should also be addressed to Mr. Ramirez. Comments must be received by Monday, March 3, 1986 in order to be considered in the preparation of the Final EIS for this action.

Dated: January 10, 1986.

John C. Lawn,

Administrator.

[FR Doc. 86–984 Filed 1–15–86; 8:45 am]

BILLING CODE 4410–09–M

NATIONAL TRANSPORTATION SAFETY BOARD

Public Hearing on Bar Harbor Airlines; Aviation Accident

In connection with its investigation of the accident involving Bar Harbor Airlines, Inc., Beech 99, N300WP, Auburn-Lewiston Municipal Airport, Auburn, Maine, on August 25, 1985, the National Transportation Safety Board will convene a public hearing at 9 a.m. (local time) on Tuesday, January 28, 1986, in the Eastland Ballroom of the Sonesta Hotel, Portland, Maine. For more information, contact Mr. Brad Durbar, Office of Government and Public Affairs, National Transportation Safety Board, 800 Independence Avenue, SW., Washington, DC 20594, telephone (202) 382–6600.

Dated: January 13, 1986.

Catherine T. Kaputa,

Federal Register Liaison Officer.

[FR Doc. 86–976 Filed 1–15–86; 8:45 am]

BILLING CODE 7533–01–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee on Advanced Reactors; Meeting

The ACRS Subcommittee on Advanced Reactors will hold a meeting on January 30, 1986, Room 1046, 1717 H Street, NW, Washington, DC.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Thursday, January 30, 1986—8:30 a.m. Until the Conclusion of Business

The Subcommittee will review the HTGR design that was submitted to NRR by DOE, and the selection of design basis events.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, its consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant ACRS staff member, Mr. M. El-Zeftawy (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., which may have occurred.

Dated: January 13, 1986.

Morton W. Libarkin,

Assistant Executive Director for Project Review.

[FR Doc. 86-1016 Filed 1-15-86; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-276]

Georgia Institute of Technology; Order Authorizing Disposition of Component Parts and Termination of Facility Operating License

By application dated September 26, 1984, Georgia Institute of Technology (the licensee) requested authorization from the Nuclear Regulatory Commission (the Commission or NRC) to dismantle the AGN-201 Reactor (the facility), a research and training reactor located on the Institute's campus at Atlanta, Georgia, to dispose of the component parts, and for NRC to terminate Facility Operating License No. R-111. A Notice of Proposed Issuance of Orders Authorizing Disposition of Component Parts and Terminating Facility License was published in the **Federal Register** on November 21, 1984. No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Commission has found that the facility has been decontaminated, that satisfactory disposition has been made of the fuel, and the component parts can be disposed of without restriction in accordance with the Commission's regulations in 10 CFR Chapter I, and in a manner not inimical to the common defense and security or to the health and safety of the public.

The facility area and the non-fueled component parts of the reactor have been inspected by NRC Region II inspectors. The surveys confirm that radiation and contamination levels meet the values acceptable to the Commission and that the area can be made available for unrestricted access. For the AGN-type reactor, some dismantlement accompanies the removal of the fuel. The remaining assembled components are removable as a single unit, and further dismantlement is not necessary for disposition of these components. Therefore, a single order authorizing disposition of components and terminating the license is appropriate.

Therefore, pursuant to the application filed by the Georgia Institute of Technology, the licensee is hereby authorized to dispose of the non-fueled component parts of the reactor and Facility Operating License No. R-111 is hereby terminated as of the date of this Order. The fueled components are retained under Facility Operating License No. R-97 and will be controlled in accordance with its requirements.

For further details with respect to this action see (1) the application for authorization to dismantle the facility and to dispose of the component parts and for termination of the Facility Operating License, dated September 26, 1984, (2) the Commission's Safety Evaluation related to the termination of the license, and (3) the Notice of Proposed Issuance of Orders Authorizing Disposition of Component Parts and Terminating Facility License published in the **Federal Register** on November 21, 1984 at 49 FR 45939. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC. Copies of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 7th day of January 1986.

For the Nuclear Regulatory Commission.

Frank J. Miraglia,

Director, Division of PWR Licensing-B, Office of Nuclear Reactor Regulation.

[FR Doc. 86-1013 Filed 1-15-86; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-289-OLA; ASLBP No. 86-520-01 LA]

Metropolitan Edison Co. et al.; Establishment of Atomic Safety and Licensing Board

Pursuant to delegation by the Commission dated December 29, 1972, published in the **Federal Register**, 37 FR 28710 (1972), and §§ 2.105, 2.700 2,702, 2.714, 2.714a, 2.717 and 2.721 of the Commission's Regulations, all as amended, an Atomic Safety and Licensing Board is being established in the following proceeding to rule on petitions for leave to intervene and/or requests for hearing and to preside over the proceeding in the event that a hearing is ordered.

Metropolitan Edison Company, et al.

Three Mile Island Nuclear Station, Unit 1, Facility Operating License No. DPR-50

This Board is being established pursuant to a notice published by the Commission on January 6, 1986 in the **Federal Register** (51 FR 459-60) entitled, "Consideration of Issuance of Amendment to Facility Operating License and Opportunity for Prior Hearing." The proposed amendment would revise the provisions in the Technical Specifications relating to the steam generator tube plugging limitations in accordance with the licensees' application for amendment dated November 6, 1985.

The Board is comprised of the following administrative judges:

Sheldon J. Wolfe, Chairman, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555

Oscar H. Paris, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555

Frederick J. Shon, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555

Issued at Bethesda, Maryland, this 10th day of January 1986.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 86-1014 Filed 1-15-86; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-445-OL-2 and 50-446-OL-2, ASLBP No. 79-430-06A OL]

Texas Utilities Generating Co. et al.; Disestablishment of the Second Atomic Safety and Licensing Board in the Comanche Peak Proceeding

Pursuant to the Commission's delegation of authority dated December 29, 1972, 37 FR-28710 (1972), pertinent Commission Regulations in 10 CFR Part 2, and the Commission's Statement of Policy on Conduct of Licensing Proceedings, 13 N.R.C. 452 (1981), a separate Atomic Safety and Licensing Board was established at the request of the existing Board in this operating license proceeding (Docket 1), on March 30, 1984, to preside over all allegations of intimidation and harassment (Docket 2).

Texas Utilities Generating Company, et al.

Comanche Peak Steam Electric Station, Units 1 and 2, Construction Permit Nos. CPPR-126 and CPPR-127

Upon consideration of the consolidation of Docket 1 and Docket 2 pursuant to the request of all parties to achieve greater adjudicatory efficiency, jurisdiction for all matters considered by the Atomic Safety and Licensing Board in Docket 2 is hereby transferred to the Atomic Safety and Licensing Board in Docket 1 and the Board in Docket 2 is hereby disestablished. The original Docket 1 Board will preside over all matters in this proceeding.

The Board being disestablished was comprised of the following Administrative Judges:

Peter B. Bloch, Chairman, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555

Herbert Grossman, Alternate Chairman, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory, Commission, Washington, DC 20555

Walter H. Jordan, 881 W. Outer Drive, Oak Ridge, Tennessee 37830

Issued at Bethesda, Maryland, this 10th day of January 1986.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 86-1015 Filed 1-15-86; 8:45 am]

BILLING CODE 7590-01-M

SMALL BUSINESS ADMINISTRATION

Joint North Carolina/South Carolina District Advisory Council; Public Meeting

The Charlotte District Office of the U.S. Small Business Administration, covering the geographical area of North Carolina, and the Columbia District Office of the U.S. Small Business Administration, covering the geographical area of South Carolina, will hold a joint District Advisory Council Meeting at 10:00 a.m. on Tuesday, February 11, 1986, at the Charlotte Chamber, Action Center, 129 West Trade Street, Charlotte, NC 28232, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others present.

For further information, write or call Gary A. Keel, District Director, U.S. Small Business Administration, Northwestern Building, Suite 700, 230 South Tryon Street, Charlotte, N.C. 28202, telephone number area code (704) 371-6561, or John C. Patrick, Jr., District Director, U.S. Small Business Administration, J. Strom Thurmond Building, 3rd Floor, 1835 Assembly Street, PO Box 2786, Columbia, S.C. 29202, telephone number area code (803) 765-5339.

Jean M. Nowak,

Director, Office of Advisory Councils.

January 10, 1986.

[FR Doc. 86-987 Filed 1-15-86; 8:45 am]

BILLING CODE 8025-01-M

[License No. 06/10-5157]

SCDF Investment Corp.; Application for Approval of Conflict of Interest Transaction between Associates

Notice is hereby given that SCDF Investment Corporation (SCDF), 1006 Surrey Street, Lafayette, Louisiana 70502, 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.

The conflict arises because of the proposal by SCDF to sell certain assets acquired in liquidation of a loan to an associate, South East Alabama Self Help Association (SEASHA), P.O. Box 1080, Tuskegee, Alabama 36088. The property, known as G's Restaurant, was acquired through a foreclosure sale on a portfolio company, Macon County Community Action Committee, Inc.'s. Economic Development Corporation (MCCAC-EDC), for $110,000. MCCAC-EDC received financing of $175,000 from SCDF on June 1979. At the time of foreclosure the balance of interest and principal owed to SCDF was $189,463.

SCDF believes that the selling price of $110,000 is within the present market value of the property. No other offers have been received. Payment will be made by a cash down payment of $15,000 with the $95,000 balance to be paid in monthly installments over a 15 year period at 13 percent per annum.

As proposed the transaction falls within the purview of Sections 107.3 and 107.903 of the Regulations, because the President of SEASHA, John Brown, is also a director of SCDF.

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, D.C. 20416.

A copy of this Notice will be published in a newspaper of general circulation in the Tuskegee, Alabama area.

Dated: January 9, 1986.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies).

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 86-986 Filed 1-15-86; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice CM-8/927]

Advisory Committee on International Intellectual Property; Meeting

The International Copyright Panel of the Department of State's Advisory Committee on International Intellectual Property will meet in open session on Wednesday, February 12, 1986, in Room 1105 in the Department of State. The meeting will begin at 9:30 a.m. and will conclude by 1:00 p.m.

The meeting will be open to the general public. The following topics will be discussed:

1. Preliminary Report of the Ad Hoc Working Group on U.S. Adherence to the Berne Convention.

2. WIPO "Committee of Experts on Intellectual Property in Respect of Integrated Circuits", Geneva, November 26-29, 1985.

3. Proposed Amendment of the Rules of Procedure of the Intergovernmental Copyright Committee of the Universal Copyright Convention.

4. Other Business.

The public attending may, as time permits and subject to the instructions of the Chairperson, participate in the discussions or may submit their views in writing to the chairperson prior to, or at the meeting, for later consideration by the Committee.

Members of the general public who plan to attend the meeting will be admitted up to the limits of the conference room's capacity. As access to the State Department is controlled, members of the general public who plan to attend the meeting must provide their name, affiliation, and address to Mrs. Bobbi Tinsley, Office of Business Practices, Department of State, telephone (202) 647–1486, prior to February 12, 1986. All attendees should use the *Main Entrance* (2201 C Street NW.) of the Department of State.

Dated: January 8, 1986.

Harvey J. Winter,

Executive Secretary.

[FR Doc. 86–877 Filed 1–15–86; 8:45 am]

BILLING CODE 4710–07–M

[Public Notice CM–8/926]

Shipping Coordinating Committee, Subcommittee on Safety of Life at Sea, Working Group on Radio Communications; Two Meetings

The Working Group on Radiocommunications of the Subcommittee on Safety of Life at Sea will conduct two open meetings at 9:30 AM on February 11 and March 27, 1986, in Rooms 9230–32 of the Department of Transportation, 400 Seventh Street, SW., Washington, DC.

The purpose of both meetings is to prepare U.S. positions for the 31st Session of the Subcommittee on Radiocommunications of the International Maritime Organization to be held in London, April 14–18, 1986. In particular the working group will discuss the following topics:

Maritime Distress System
Digital Selective Calling
Satellite Emergency Position Indicating Radio Beacons (EPIRBs)
Preparations for the International Telecommunication Union (ITU) World Administrative Radio Conference (WARC) for Mobil Telecommunications
Preparations for International Radio Consultative Committee (CCIR) Study Group 8.

Members of the public may attend both meetings up to the seating capacity of the rooms.

For further information contact Mr. Richard Swanson, U.S. Coast Guard Headquarters (G–TPP–3/64), 2100 Second Street SW., Washington, DC 20593. Telephone: (202) 426–1231.

Dated: January 6, 1986.

Richard C. Scissors,

Chairman, Shipping Coordinating Committee.

[FR Doc. 86–876 Filed 1–15–86; 8:45 am]

BILLING CODE 4710–07–M

TENNESSEE VALLEY AUTHORITY

Paperwork Reduction Act of 1980; Forms Under Review by the Office of Management and Budget

AGENCY: Tennessee Valley Authority.

ACTION: Forms under review by the Office of Management and Budget.

SUMMARY: The Tennessee Valley Authority (TVA) has sent to OMB the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35).

Requests for information, including copies of the forms proposed and supporting documentation, should be directed to the Agency Clearance Officer whose name, address, and telephone number appear below. Questions or comments should be directed to the Agency Clearance Officer and also to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503; Attention: Desk Officer for Tennessee Valley Authority, 395–7313.

Agency Clearance Officer: Mark R. Winter, Tennessee Valley Authority, 100 Lupton Building, Chattanooga, TN 37401; (615) 751–2524, FTS 858–2524.

Type of Request: Regular Submission
Title of Information Collection: Land Between the Lakes Turkey Hunter Survey
Frequency of Use: Annually
Type of Affected Public: Individuals
Small Businesses or Organizations Affected: No
Federal Budget Functional Category Code: 452
Estimated Number of Annual Responses: 3,000
Estimated Total Annual Burden Hours: 150

Need For and Use of Information: In order to manage the turkey population and ensure hunter safety at Land Between the Lakes, quantitative information on the number of hunters, the number of days they hunt, and their impact on the turkey population is needed.

Dated: January 8, 1986.

John W. Thompson,

Manager of Corporate Service, Senior Agency Official.

[FR Doc. 86–915 Filed 1–15–86; 8:45 am]

BILLING CODE 8120–01–M

Paperwork Reduction Act of 1980; Forms Under Review by the Office of Management and Budget

AGENCY: Tennessee Valley Authority.

ACTION: Forms under review by the Office of Management and Budget.

SUMMARY: The Tennessee Valley Authority (TVA) has sent to OMB the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35).

Requests for information, including supporting documentation, should be directed to the Agency Clearance Officer whose name, address, and telephone number appear below. Questions or comments should be directed to the Agency Clearance Officer and also to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503; Attention: Desk Officer for Tennessee Valley Authority, 395–7313.

Agency Clearance Officer: Mark R. Winter, Tennessee Valley Authority, 100 Lupton Building, Chattanooga, TN 37401; (615) 751–2524, FTS 858–2524.

Type of Request: Regular Submission
Title of Information Collection: Federal Assistance Programs Civil Rights Compliance.
Frequency of Use: Generally once, before award of contract
Type of Affected Public: State or local governments, farms, businesses or other for-profit, non-profit institutions, small businesses or organizations.
Small businesses or Organizations Affected: Yes
Federal Budget Functional Category Code: 999
Estimated Number of Annual Responses: 500
Estimated Total Annual Burden Hours: 150.

Need For and Use of Information: The Equal Opportunity Staff conducts preaward reviews of all TVA assistance contracts to ensure compliance with Title VI of the Civil Rights of 1964, section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975, as amended.

Dated: January 8, 1986.

John W. Thompson,

Manager of Corporate Services, Senior Agency Official.

[FR Doc. 86-952 Filed 1-15-86; 8:45 am]

BILLING CODE 8120-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 86-001]

Rules of the Road Advisory Council; Meeting

AGENCY: Coast Guard, DOT.

ACTION: Notice of meetings.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of the Rules of the Road Advisory Council. The meeting will be held on Thursday and Friday, March 6 and 7, 1986 at the Lincoln Hotel, 4860 West Kennedy Blvd., at Urban Center, Tampa, Florida. On both days the meeting is scheduled to begin at 8:30 a.m. and end at 4:30 p.m. The agenda for the meeting consists of the following items:

1. International Maritime Organization and COLREGS Matters.

(a) Status reports on activities of 31st session of the Navigation Sub-Committee.

2. Coast Guard Status Reports and Information Items:

(a) The Secretary's Diving Safety Report to the Congress.

(b) Operation of Channel 22 for marine broadcasts in U.S. ports.

(c) Channel 13, Vessel-Bridge-to-Bridge Radiotelephone on the Great Lakes.

(d) Tennessee Tombigbiee Waterway and Western Rivers provisions.

(e) Vertical Sector Light Requirements for Unmanned Barges.

3. National Transportation Safety Board (NTSB) Review of a towboat and tankship collision and resulting recommendations. (NTSB March-85/04)

4. Dayshape and Restricted in Ability to Maneuver Lights proposed changes (U.S. Navy Report).

5. Any matters properly brought before the Council.

Attendance is open to the public. With advance notice, members of the public may present oral statements at the meeting. Persons wishing to present oral statements should notify the Executive Director no later than the day before the meeting. Any member of the public may present a written statement to the Council at any time.

Additional information may be obtained from Lieutenant Commander Charles K. Bell, Executive Director, Rules of the Road Advisory Council, U.S. Coast Guard (G-NSR-3), Washington, DC 20593, Telephone (202) 426-1950.

T.J. Wojnar,

Rear Admiral, U.S. Coast Guard, Chief, Office of Navigation.

January 13, 1986.

[FR Doc. 86-959 Filed 1-15-86; 8:45 am]

BILLING CODE 4910-14-M

Federal Aviation Administration

Proposed Advisory Circular on Radio Technical Commission for Aeronautics Document RTCA/DO-178A

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of availability of proposed advisory circular (AC) for comments.

SUMMARY: The FAA has prepared a proposed AC which recognizes the Radio Technical Commission for Aeronautics (RTCA) Document/DO-178A, "Software Considerations in Airborne Systems and Equipment Certification," issued March 1985. The AC discusses how the RTCA document DO-178A may be applied with Federal Aviation Administration technical standard order, type certification, and supplemental type certification authorization.

DATE: Comments must identify the AC file number AC-20-WW and comments must be received on or before March 18, 1986.

ADDRESS: Send all comments on the proposed AC to:

Federal Aviation Administration, Technical Analysis Branch, AWS-120, Aircraft Engineering Division, Office of Airworthiness, File No. AC-20-WW, 800 Independence Avenue SW., Washington, DC 20591

Or deliver comments to: Room 335, 800 Independence Avenue SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: Technical Analysis Branch, AWS-120, Aircraft Engineering Division, Office of Airworthiness, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, Telephone (202) 426-8200.

Comments received on the proposed AC may be inspected, before and after the comment closing date at Room 335, FAA Headquarters Building (FOB-10A), 800 Independence Avenue, SW., Washington, DC 20591, between 8:30 a.m. and 4:30 p.m.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to comment on the proposed AC listed in this notice by submitting such written data, views, or arguments as they may desire. Communications should identify the AC file number and be submitted to the address specified above. All communications received on or before the closing date for comments specified will be considered by the Director of Airworthiness before issuing the final AC.

How to Obtain Copies

A copy of the proposed AC may be obtained by contacting the person under "For Further Information Contact." The proposed AC references Radio Technical Commission for Aeronautics (RTCA) Document No. RTCA/DO-178A issued March 1985. RTCA Document No. DO-178A may be purchased from the Radio Technical Commission for Aeronautics Secretariat, One McPherson Square, 1425 K Street NW., Suite 500, Washington, DC 20005.

Issued in Washington, DC, on January 10, 1986.

Robert Allen,

Acting Manager, Aircraft Engineering Division, Office of Airworthiness.

[FR Doc. 86-1022 Filed 1-15-86; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement: Volusia County, FL

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Rescind notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement will not be prepared for a proposed highway project in Volusia County, Florida.

FOR FURTHER INFORMATION CONTACT: D.B. Luhrs, District Engineer, Federal Highway Administration, 227 N. Bronough Street, Room 2015, Tallahassee, Florida 32301, Telephone (904) 681-7239.

SUPPLEMENTARY INFORMATION: A Notice of Intent to prepare an Environmental Impact Statement (EIS) for a proposed highway project to reconstruct Nova Road (State Road 5-A) from U.S. Route 1 near the City of Port Orange to U.S. Route 1 in Ormond Beach, a distance of 15.6 miles was issued on April 12, 1984 and published in the April 26, 1984 **Federal Register.** The FHWA, in cooperation with the Florida

Department of Transportation, has since determined that preparation of an EIS is not necessary for this proposed project and hereby rescinds the previous Notice of Intent.

Issued on: January 7, 1986.

P.E. Carpenter,
Division Administrator Tallahassee, Florida.
[FR Doc. 86-907 Filed 1-15-86; 8:45 am]
BILLING CODE 4910-22-M

Supplemental Environmental Impact Statement: Woonsocket Industrial Highway; Providence Co., RI

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that a supplemental environmental impact statement, both Draft and Final, will be prepared for a proposed highway project portions of which may be in Woonsocket, Lincoln, Cumberland or North Smithfield in Providence County, Rhode Island. This is a supplement to the 1977 Supplement to the Final Environmental Impact Statement and the 1980 Letter Summary Report.

FOR FURTHER INFORMATION CONTACT: Mr. Mario Tocci, Assistant Division Administrator, Federal Highway Administration, 380 Westminster Mall, Fifth Floor, Providence, Rhode Island, 02903, Telephone (401) 528-4541; or, Mr. James Capaldi, Chief of Design, Rhode Island Department of Transportation, State Office Building, Providence, Rhode Island 02903, Telephone (401) 277-2023.

SUPPLEMENTARY INFORMATION: The FHWA in cooperation with the Rhode Island Department of Transportation will prepare a supplemental environmental impact statement (SEIS) in a proposal to construct a new fully accessed controlled highway, extending from Route 146 in Lincoln, Rhode Island, approximately 14,000 feet northerly to intersect with Route 122 in Cumberland & Woonsocket, Rhode Island. The proposed project is intended to provide improved transportation service to the northeast section of the state. Special attention will be given to the Crookfall Brook and the Blackstone River.

Presently, Route 146 has numerous safety problems associated with many commercial and residential driveways, at-grade intersections, narrow travel lanes and shoulders coupled with poor sight distance on Mendon Road (Route 122) and heavy traffic volumes.

To ensure that a full range of alternatives related to this proposed action are addressed and that all significant environmental issues are identified for study, those agencies, groups, or citizens affected by or interested in the proposed action are invited to participate by sending their written comments or questions to any of the contact individuals noted above within twenty-one days after publication of this Notice. No formal meeting is planned, but contacts with those agencies, groups, or individuals responding to this Notice will be made to clarify indicated environmental issues. This will constitute the scoping process.

Close coordination will be maintained with Federal/State cooperating agencies during the preparation of the document. A workshop and public hearing will be conducted in the project area during the course of the study which is expected to be completed in September, 1986.

(Catalog of Federal Assistance Program number 20.205, Highway Research Planning and Construction). The provisions of OMB Circular A-95 regarding State and local clearinghouse review of Federal and Federally assisted programs and projects apply to this project.

Issued on: January 6, 1986.

Mario H. Tocci,
Assistant Division Administrator, Providence, Rhode Island.
[FR Doc. 86-858 Filed 1-15-86; 8:45 am]
BILLING CODE 4910-22-M

Research and Special Programs Administration

[Petition No. 85-6W; Notice 2]

Transportation of Natural and Other Gas by Pipeline; Grant of Waiver

The International Paper Company (IPCO) has petitioned the Research and Special Programs Administration (RSPA) for a waiver from compliance with the coating provisions of 49 CFR § 192.455(a)(1) for a segment (200 feet) of the 6-inch diameter Natchez Pipeline located in a crossing of the Mississippi River near Natchez, Adams County, Mississippi.

In response to this petition, RSPA issued a Notice of a Petition for Waiver inviting interested persons to comment (Notice 1; 50 FR 45186, October 30, 1985). In this notice RSPA explained why granting IPCO a waiver from § 192.455(a)(1) to permit operating the pipeline segment without the required pipe coating would not affect safety.

No comments were received in response to this notice.

In consideration of the foregoing, RSPA by this order finds that compliance with § 192.455(a)(1) is unnecessary for the reasons set forth in Notice 1, and that the requested waiver would not be inconsistent with pipeline safety. Accordingly, effective immediately, the International Paper Company is granted a waiver from compliance with the coating requirements of §192.455(a)(1) for the 200 feet of pipeline discussed above.

(49 U.S.C. 1672; 49 CFR Part 1.53(a); Appendix A of Part 1, and Appendix A of Part 106)

Issued in Washington, DC, on January 13, 1986.

Robert L. Paullin,
Director, Office of Pipeline Safety, Research and Special Programs Administration.
[FR Doc. 86-1019 Filed 1-15-86; 8:45 am]
BILLING CODE 4910-60-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Supplement to Department Circular—Public Debt Series—No. 4-86]

Treasury Bonds of 2006

Washington, January 9, 1986.

The Secretary announced on January 8, 1986, that the interest rate on the bonds designated Bonds of 2006, described in Department Circular—Public Debt Series—No. 4-86 dated January 2, 1986, will be 9⅞ percent. Interest on the bonds will be payable at the rate of 9⅞ percent per annum.

Gerald Murphy,
Acting Fiscal Assistant Secretary.
[FR Doc. 86-928 Filed 1-15-86; 8:45 am]
BILLING CODE 4810-40-M

[Supplement to Department Circular—Public Debt Series—No. 3-86]

Treasury Notes, Series E-1993

Washington, January 8, 1986.

The Secretary announced on January 7, 1986, that the interest rate on the notes designated Series E-1993, described in Department Circular—Public Debt Series—No. 3-86 dated January 2, 1986, will be 8¼ percent. Interest on the notes will be payable at the rate of 8¼ percent per annum.

Gerald Murphy,
Acting Fiscal Assistant Secretary.
[FR Doc. 86-929 Filed 1-15-86; 8:45 am]
BILLING CODE 4810-40-M

UNITED STATES INFORMATION AGENCY

Renewal of Advisory Committees

Effective Date: January 13, 1986.

The United States Information Agency announces the renewal of the following advisory committees:

Book and Library Advisory Committee
Radio Program Advisory Committee
Radio Engineering Advisory Committee
New Directions Advisory Committee.

The creation and functioning of these committees is considered to be in the public interest.

Dated: January 10, 1986.

Charles N. Canestro,

Federal Register Liaison.

[FR Doc. 86-909 Filed 1-15-86; 8:45 am]

BILLING CODE 8230-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 86-002]

Towing Safety Advisory Committee; Subcommittee Meeting

AGENCY: Coast Guard, DOT.

ACTION: Notice of meeting.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I), notice is hereby given of a meeting of the Licensing of Maritime Personnel Regulations Subcommittee of the Towing Safety Advisory Committee (TSAC). The subcommittee meeting will be held on February 20, 1986 in Room 6319 at U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC. The meeting will begin at 1:00 p.m. and end at 4:00 p.m. The agenda for the meeting consists of the following items:

1. Call to Order.

2. Discussion of the Supplemental Notice of Proposed Rulemaking (CGD 81-059), Licensing of Maritime Personnel published in the **Federal Register** on October 24, 1985 (50 FR 43216).

3. Adjournment.

Attendance is open to the interested public. Members of the public may present oral or written statements at the meeting. Additional information may be obtained from Captain R. F. Ingraham, Executive Director, Towing Safety Advisory Committee, U.S. Coast Guard (G-CMC/21), Washington, D.C. 20593 or by calling (202) 426-1477.

Dated: January 13, 1986.

R.F. Ingraham,

Captain, U.S. Coast Guard, Executive Director, Towing Safety Advisory Committee.

[FR Doc. 86-998 Filed 1-15-86; 8:45 am]

BILLING CODE 4910-14-M

VETERANS ADMINISTRATION

West Virginia National Cemetery, Initial Gravesite Development; Finding of No Significant Impact

The Veterans Administration (VA) has assessed the potential environmental impacts that may occur as a result of the proposed project, "Initial Gravesite Development" and has determined that the potential environmental impacts will be minimal from the development of this project.

This project initially involves the development of three of the 58.011 acre site near Pruntytown, West Virginia, for veteran burial. The development will include establishing an entrance from U.S. Route 50, 1700 linear feet of curbed road, burial areas, flagpole, two 324 square foot committal shelters and a 2400 foot office/service building. Incidental construction will include a culvert stream crossing, seating walls, sidewalks and storm drainage.

Short-term impacts will result from construction and are temporary. They include impacts to air quality from construction equipment exhaust and particulates from demolition and excavation, and to the local community from construction noise and traffic.

Short-term impacts will be mitigated by inclusion in the contract of the VA Standard Specifications, Environmental Protection Section, and by monitoring and enforcement during construction. Short-term impacts to the local community will be controlled and mitigated by regulation of hours of construction and travel routes for equipment.

No long term impacts have been identified.

The VA will adhere to all applicable Federal, State, and local environmental regulations during construction and operation of this project.

The significance of the identified impacts has been evaluated relative to considerations of both context and intensity as defined by the Council on Environmental Quality (Title 40 CFR 1508.27).

An Environmental Assessment has been performed in accordance with the requirements of the National Environmental Policy Act Regulations, Sections 1501.3 and 1508.9. A "Finding of No Significant Impact" has been reached based upon the information presented in this assessment.

The assessment is being placed for public examination at the Veterans Administration, Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Director, Office of Environmental Affairs (088A), Room 512, Veterans Adminstration, 811 Vermont Avenue NW., Washington, DC 20420, (202) 389-3717. Questions or requests for single copies of the Environmental Assessment may be addressed to the above office.

Dated: January 10, 1986.

By direction of the Administrator.

Everett Alvarez, Jr.,

Deputy Administrator.

[FR Doc. 86-983 Filed 1-15-86; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 51, No. 11
Thursday, January 16, 1986

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

1

FEDERAL DEPOSIT INSURANCE CORPORATION

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 4:03 p.m. on Friday, January 10, 1986, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to: (1) Receive bids for the purchase of certan assets of and the assumption of the liability to pay deposits made in Bank of Dixie, Lake Providence, Louisiana, which was closed by the Commissioner of Financial Institutions for the State of Louisiana on Friday, January 10, 1986; (2) accept the bid for the transaction submitted by The Louisiana Delta Bank, Lake Providence, Louisiana, a newly-chartered State nonmember bank; (3) approve the applications of The Louisiana Delta Bank, Lake Providence, Louisiana, for Federal deposit insurance and for consent to purchase certain assets of and assume the liability to pay deposits made in Bank of Dixie, Lake Providence, Louisiana; and (4) provide such financial assistance, pursuant to section 13(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(2)), as was necessary to facilitate the purchase and assumption transaction.

In calling the meeting, the Board determined, on motion of Chairman L. William Seidman, seconded by Director Irvine H. Sprague (Appointive), concurred in by Mr. Michael A. Mancusi, acting in the place and stead of Director Robert L. Clarke (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: January 14, 1986.

Federal Deposit Insurance Corporation.

Margaret M. Olsen,

Deputy Executive Secretary.

[FR Doc. 86–1107 Filed 1–14–86; 3:32 pm]

BILLING CODE 6714-01-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 10:30 a.m. on Monday, January 13, 1986, the Corporation's Board of Directors determined, on motion of Chairman L. William Seidman, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director Robert L. Clarke, (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 46,398–L
City and County Bank of Knox County, Knoxville, Tennessee
Case No. 46,399–L
City and County Bank of Anderson County, Lake City, Tennessee
Case No. 46,404–NR (Amendment)
Golden Pacific National Bank, New York (Manhattan), New York

Memorandum regarding the purchase of furniture for the Corporation's Kansas City Regional Office.

By the same majority vote, the Board further determined that no earlier notice of these changes in that subject matter of the meeting was practicable.

Dated: January 14, 1986.

Federal Deposit Insurance Corporation.

Margaret M. Olsen,

Deputy Executive Secretary.

[FR Doc. 86–1108 Filed 1–14–86; 3:33 pm]

BILLING CODE 6714-01-M

3

NATIONAL TRANSPORTATION SAFETY BOARD

TIME AND DATE: 9:00 a.m., Thursday, January 23, 1986.

PLACE: NTSB Board Room, Eighth Floor, 800 Independence Avenue, SW., Washington, DC 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. *Petition for Reconsideration of Probable Cause:* Aircraft Accident Report—Air Canada Flt. 767, McDonnell Douglas DC–9, C–FTLU, Greater Cincinnati Airport, Covington, Kentucky, June 2, 1985.
2. *Marine Accident Report:* Grounding of the Panamanian-Flag Passenger Carferry M/V A. REGINA at Mona Island, Puerto Rico, February 15, 1985.

CONTACT PERSON FOR MORE INFORMATION: Catherine T. Kaputa.

Catherine T. Kaputa,

Federal Register Liaison Officer.

January 13, 1986.

[FR Doc. 86–1090 Filed 1–14–86; 2:46 pm]

BILLING CODE 7533-01-M

federal register

Thursday
January 16, 1986

Part II

Office of Management and Budget

Cumulative Report on Rescissions and Deferrals; Notice

OFFICE OF MANAGEMENT AND BUDGET

Cumulative Report on Rescissions and Deferrals

January 1, 1986.

This report is submitted in fulfillment of the requirements of Section 1014(e) of the Impoundment Control Act of 1974 (Public Law 93–344). Section 1014(e) provides for a monthly report listing all budget authority for this fiscal year for which, as of the first day of the month, a special message has been transmitted to the Congress.

This report gives the status as of January 1, 1986, of 31 deferrals contained in the first two special messages of FY 1986. There were no rescissions proposed. These messages were transmitted to the Congress on October 1 and November 25, 1985.

Rescissions (Table A and Attachment A)

As of January 1, 1986, there were no rescission proposals pending before the Congress.

Deferrals (Table B and Attachment B)

As of January 1, 1986, $3,205.8 million in 1986 budget authority was being deferred from obligation and $7.0 million in 1986 outlays was being deferred from expenditure. Attachment B shows the history and status of each deferral reported during FY 1986.

Information from Special Messages

The special message containing information on the deferrals covered by this cumulative report is printed in the **Federal Register** listed below:

Vol. 50, FR p. 41100, Tuesday, October 8, 1985

Vol. 50, FR p. 49498, Monday, December 2, 1985

James C. Miller III,

Director.

BILLING CODE 3110-01-M

TABLE A

STATUS OF 1986 RESCISSIONS

	Amount (In millions of dollars)
Rescissions proposed by the President	0
Accepted by the Congress	0
Rejected by the Congress	0
Pending before the Congress	0

****

TABLE B

STATUS OF 1986 DEFERRALS

	Amount (In millions of dollars)
Deferrals proposed by the President	$3,652.1
Routine Executive releases through January 1, 1986	-215.7
Overturned by the Congress	-223.6
Currently before the Congress	$3,212.8 a/

a/ This amount includes $7.0 million in outlays for a Department of the Treasury deferral (D86-30).

Attachments

As of January 1, 1986 Amounts in Thousands of Dollars Agency/Bureau/Account	Rescission Number	Amount Previously Considered by Congress	Amo Curre bef Cong
None.			

us of Rescissions - Fiscal Year 1986

Amount rrently before ongress	Date of Message	Amount Rescinded	Amount Made Available	Date Made Available	Congressional Action

As of January 1, 1986 Amounts in Thousands of Dollars Agency/Bureau/Account	Deferral Number	Amount Transmitted Original Request	Amount Transmitte Subsequen Change
FUNDS APPROPRIATED TO THE PRESIDENT			
Appalachian Regional Development Programs			
Appalachian regional development programs..	D86-1	10,000	
International Security Assistance			
Economic support fund.....	D86-24	1,222,216	
DEPARTMENT OF AGRICULTURE			
Forest Service			
Expenses, brush disposal.....	D86-2	77,913	
Timber salvage sales.....	D86-3	22,854	
DEPARTMENT OF COMMERCE			
National Oceanic and Atmospheric Administration			
Promote and develop fishery products and research pertaining to American fisheries	D86-26	32,333	
Fisheries loan fund.....	D86-25	1,959	
DEPARTMENT OF DEFENSE - MILITARY			
Military Construction			
Military construction, all services.....	D86-4	353,079	
Family Housing			
Family housing, Air Force.....	D86-27	11,800	
DEPARTMENT OF DEFENSE - CIVIL			
Wildlife Conservation, Military Reservations			
Wildlife conservation.....	D86-5	1,168	

Deferrals - Fiscal Year 1986

nt tted uent ge	Date of Message	Cumulative OMB/Agency Releases	Congressionally Required Releases	Congressional Action	Cumulative Adjustments	Amount Deferred as of 1-1-86
	10-1-85					10,000
	11-25-85	107,429				1,114,787
	10-1-85					77,913
	10-1-85					22,854
	11-25-85	32,333				0
	11-25-85					1,959
	10-1-85	42,323				310,756
	11-25-85					11,800
	10-1-85	124			106	1,150

As of January 1, 1986 Amounts in Thousands of Dollars Agency/Bureau/Account	Deferral Number	Amount Transmitted Original Request	Amount Transmitted Subsequent Change	Da Me
DEPARTMENT OF ENERGY				
Energy Programs				
Fossil energy research and development.....	D86-6	9,247		10-
Fossil energy construction.....	D86-7	7,038		10-
Naval petroleum and oil shale reserves.....	D86-8	155,668		10-
Energy conservation.....	D86-9	9,880		10-
SPR petroleum account.....	D86-10	536,958		10-
Alternative fuels production.....	D86-11	1,149		10-
Power Marketing Administration				
Southeastern Power Administration, Operation and maintenance.....	D86-12	25,344		10-
Southwestern Power Administration, Operation and maintenance.....	D86-13	5,000		10-
Western Area Power Administration, Construction, rehabilitation, operation and maintenance.....	D86-14	27,095		10-
Departmental Administration				
Departmental administration.....	D86-15	8,501		10-
DEPARTMENT OF HEALTH AND HUMAN SERVICES				
Office of Assistant Secretary for Health				
Scientific activities overseas (special foreign currency program).....	D86-16	3,000		10-
Social Security Administration				
Limitation on administrative expenses (construction).....	D86-28	6,489		11-

rals - Fiscal Year 1986

Date of Message	Cumulative OMB/Agency Releases	Congressionally Required Releases	Congressional Action	Cumulative Adjustments	Amount Deferred as of 1-1-86
10-1-85					9,247
10-1-85	1,041				5,997
10-1-85					155,668
10-1-85					9,880
10-1-85					536,958
10-1-85					1,149
10-1-85	23,936			681	2,089
10-1-85					5,000
10-1-85					27,095
10-1-85	8,501				0
10-1-85					3,000
11-25-85					6,489

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As of January 1, 1986 Amounts in Thousands of Dollars Agency/Bureau/Account	Deferral Number	Amount Transmitted Original Request	Amount Transmitte Subsequen Change
DEPARTMENT OF JUSTICE			
Bureau of Prisons			
Buildings and facilities	D86-17	20,000	
Office of Justice Programs			
Crime victims fund	D86-18	100,000	
DEPARTMENT OF STATE			
Bureau of Refugee Programs			
United States emergency refugee and migration assistance fund, executive	D86-19	18,082	
Other			
Assistance for implementation of a Contadora agreement	D86-20	2,000	
DEPARTMENT OF TRANSPORTATION			
Urban Mass Transportation Administration			
Discretionary grants	D86-21	223,600	
Federal Aviation Administration			
Facilities and equipment (Airport and airway trust fund)	D86-29	686,438	
DEPARTMENT OF THE TREASURY			
Office of Revenue Sharing			
Local government fiscal assistance trust fund	D86-30	7,743	
Local government fiscal assistance trust fund	D86-31	54,349	

Deferrals - Fiscal Year 1986

nt tted uent ge	Date of Message	Cumulative OMB/Agency Releases	Congres-sionally Required Releases	Congres-sional Action	Cumulative Adjustments	Amount Deferred as of 1-1-86
	10-1-85					20,000
	10-1-85					100,000
	10-1-85					18,082
	10-1-85					2,000
	10-1-85	223,600				0
	11-25-85					686,438
	11-25-85	712				7,030
	11-25-85	63				54,286

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As of January 1, 1986 Amounts in Thousands of Dollars Agency/Bureau/Account	Deferral Number	Amount Transmitted Original Request	Amount Transmitted Subsequent Change	Date Mes
OTHER INDEPENDENT AGENCIES				
Pennsylvania Avenue Development Corporation Land acquisition and development fund.....	D86-22	10,947		10-1
Railroad Retirement Board Milwaukee railroad restructuring, administration.....	D86-23	243		10-1
TOTAL, DEFERRALS.....		3,652,093	0	

Note: All of the above amounts represent budget authority except the Local Governm

[FR Doc. 86-985 Filed 1-15-86; 8:45 am]
BILLING CODE 3110-01-C

ls - Fiscal Year 1986

Date of Message	Cumulative OMB/Agency Releases	Congressionally Required Releases	Congressional Action	Cumulative Adjustments	Amount Deferred as of 1-1-86
0-1-85					10,947
0-1-85					243
	440,063	0		787	3,212,817

ernment Fiscal Assistance Trust Fund (D86-30) of outlays only.

federal register

Thursday
January 16, 1986

Part III

Department of the Treasury

Office of Foreign Assets Control

31 CFR Part 550
Libyan Sanctions Regulations; Final Rule

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 550

Libyan Sanctions Regulations

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Final rule.

SUMMARY: On January 8, 1986, the President issued Executive Order 12544, invoking the authority, *inter alia*, of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), in order to take steps with respect to Libya additional to those set forth in Executive Order 12543 of January 7, 1986 (51 FR 875, January 9, 1986), which declared a national emergency with respect to Libya. In implementation of Executive Order 12544 (51 FR 1235, January 10, 1986), the Treasury Department is amending the Libyan Sanctions Regulations (51 FR 1354, January 10, 1986) to block all property and interests in property of the Government of Libya, its agencies, instrumentalities and controlled entities, including the Central Bank of Libya, that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of U.S. persons, including their overseas branches.

EFFECTIVE DATE: 4:10 p.m. Eastern Standard Time, January 8, 1986, except the prohibitions set forth in §§ 550.201, 550.202, 550.203, 550.204, and 550.205 are effective as of 12:01 a.m. Eastern Standard Time, February 1, 1986, and the prohibitions set forth in §§ 550.206 and 550.207 are effective as of 8:06 p.m. Eastern Standard Time, January 7, 1986.

FOR FURTHER INFORMATION CONTACT: Dennis M. O'Connell, Director, Office of Foreign Assets Control, Department of the Treasury, Washington, DC 20220, Tel. (202) 376-0395.

SUPPLEMENTARY INFORMATION: Since the Regulations involve a foreign affairs function, the provisions of the Administrative Procedure Act, 5 U.S.C. 553, requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date, are inapplicable. Because no notice of proposed rulemaking is required for this rule, the Regulatory Flexibility Act, 5 U.S.C. 601 et seq., does not apply. Because the Regulations are issued with respect to a foreign affairs function of the United States, they are not subject to Executive Order 12291 of February 17, 1981, dealing with Federal regulations. The information collection requests contained in this document are being submitted to the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq. Notice of OMB action on these requests will be published in the Federal Register.

List of Subjects in 31 CFR Part 550

Libya, Blocking of assets, Imports, Exports, Loans, Penalties, Reporting and recordkeeping requirements.

PART 550—LIBYAN SANCTIONS REGULATIONS

31 CFR Chapter V, Part 550, is amended as set forth below:

1. The "Authority" citation for Part 550 is revised to read as follows:

Authority: 50 U.S.C. 1701 et seq.; E.O. 12543, 51 FR 875, January 9, 1986; E.O. 12544, 51 FR 1235, January 10, 1986.

2. The table of contents of Part 550 is amended by revising the entry for § 550.209 and by adding an entry for § 550.210 to Subpart B; by adding §§ 550.313 through 550.320 to Subpart C; by adding §§ 550.412 through 550.421 to Subpart D; and by adding §§ 550.511 through 550.516 and 550.568 to Subpart E as follows:

* * * * *

Subpart B—Prohibitions

* * * * *

Sec.

550.209 Prohibited transactions involving property in which the Government of Libya has an interest; transactions with respect to securities.

550.210 Effect of transfers violating the provisions of this part.

Subpart C—General Definitions

* * * * *

550.313 Transfer.

550.314 Property; property interests.

550.315 Interest.

550.316 Blocked account; blocked property.

550.317 Domestic bank.

550.318 Entity.

550.319 Entity of the Government of Libya; Libyan entity.

550.320 Banking institution.

Subpart D—Interpretations

* * * * *

550.412 Termination and acquisition of an interest of the Government of Libya.

550.413 Payments to Libya prohibited.

550.414 Exports of Libyan-titled goods.

550.415 Advance payments.

550.416 Imports of Libyan goods and purchases of goods from Libya.

550.417 Letter of credit.

550.418 Payments from blocked accounts for U.S. exporters and other obligations prohibited.

550.419 Acquisition of instruments, including bankers' acceptances.

550.420 Indirect payments to the Government of Libya.

Sec.

550.421 Setoffs prohibited.

Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

* * * * *

550.511 Payments to blocked accounts in domestic banks.

550.512 Payment of certain checks and drafts and documentary letters of credit.

550.513 Completion of certain securities transactions.

550.514 Transfers between accounts located in the United States for credit to Government of Libya.

550.515 Payment by the Government of Libya of obligations to persons within the United States.

550.516 Unblocking of foreign currency deposits held by U.S. persons overseas.

550.568 Certain standby letters of credit and performance bonds.

Subpart B—Prohibitions

3. Section 550.209 is revised to read as follows:

§ 550.209 Prohibited transactions involving property in which the Government of Libya has an interest; transactions with respect to securities.

(a) Except as authorized by regulations, rulings, instructions, licenses, or otherwise, no property or interests in property of the Government of Libya that are in the United States that hereafter come within the United States or that are or hearafter come within the possession or control of U.S. persons, including their overseas branches, may be transferred, paid, exported, withdrawn or otherwise dealt in.

(b) Unless authorized by a license expressly referring to this section, the acquisition, transfer (including the transfer on the books of any issuer or agent thereof), disposition, transportation, importation, exportation, or withdrawal of, or the endorsement or guaranty of signatures on or otherwise dealing in any security (or evidence thereof) registered or inscribed in the name of the Government of Libya is prohibited irrespective of the fact that at any time (either prior to, on, or subsequent to 4:10 p.m. e.s.t., January 8, 1986) the registered or inscribed owner thereof may have, or appears to have, assigned, transferred or otherwise disposed of any such security.

4. New § 550.210 is added to read as follows:

§ 550.210 Effect of transfers violating the provisions of this part.

(a) Any transfer after 4:10 p.m. e.s.t., January 8, 1986, which is in violation of any provision of this part or of any regulation, ruling, instruction, license, or other direction or authorization

thereunder and involves any property in which the Government of Libya has or has had an interest since such date is null and void and shall not be the basis for the assertion or recognition of any interest in or right, remedy, power or privilege with respect to such property.

(b) No transfer before 4:10 p.m. e.s.t., January 8, 1986, shall be the basis for the assertion or recognition of any right, remedy, power, or privilege with respect to, or interest in, any property in which the Government of Libya has or has had an interest since such date, unless the person with whom such property is held or maintained had written notice of the transfer or by any written evidence had recognized such transfer prior to such date.

(c) Unless otherwise provided, an appropriate license or other authorization issued by or pursuant to the direction or authorization of the Secretary of the Treasury before, during or after a transfer shall validate such transfer or render it enforceable to the same extent as it would be valid or enforceable but for the provisions of the International Emergency Economic Powers Act and this part and any ruling, order, regulation, direction or instruction issued hereunder.

(d) Transfers of property which otherwise would be null and void or unenforceable, by virtue of the provisions of this section, shall not be deemed to be null and void or unenforceable pursuant to such provisions, as to any person with whom such property was held or maintained (and as to such person only) in cases in which such person is able to establish each of the following:

(1) Such transfer did not represent a willfull violation of the provisions of this part by the person with whom such property was held or maintained:

(2) The person with whom such property was held or maintained did not have reasonable cause to know or suspect, in view of all the facts and circumstances known or available to such person, that such transfer required a license or authorization by or pursuant to this part and was not so licensed or authorized, or if a license or authorization did purport to cover the transfer, that such license or authorization had been obtained by misrepresentation or the withholding of material facts or was otherwise fraudulently obtained; and

(3) Promptly upon discovery that: (i) Such transfer was in violation of the provisions of this part or any regulation, ruling, instruction, license or other direction or authorization thereunder, or (ii) such transfer was not licensed or authorized by the Secretary of the Treasury, or (iii) if a license did purport to cover the transfer, such license had been obtained by misrepresentation or the withholding of material facts or was otherwise fraudulently obtained; the person with whom such property was held or maintained filed with the Treasury Department, Washington, D.C., a report in triplicate setting forth in full the circumstances relating to such transfer. The filing of a report in accordance with the provisions of this paragraph shall not be deemed to be compliance or evidence of compliance with paragraphs (d)(1) and (2) of this section.

(e) Unless licensed or authorized pursuant to this part, any attachment, judgment, decree, lien, execution, garnishment or other judicial process is null and void with respect to any property in which on or since 4:10 p.m. e.s.t., January 8, 1986, there existed an interest of the Government of Libya.

Subpart C—General Definitions

5. Section 550.301 is revised to read as follows:

§ 550.301 Effective date.

The "effective date" means:

(a) 12:01 a.m. Eastern Standard Time (e.s.t.), February 1, 1986, with respect to the transactions prohibited by §§ 550.201, 550.202, 550.203, 550.204, and 550.205;

(b) 8:06 p.m. Eastern Standard Time (e.s.t.), January 7, 1986, with respect to transactions prohibited by §§ 550.206 and 550.207; and

(c) 4:10 p.m. Eastern Standard Time (e.s.t.), January 8, 1986, with respect to transactions prohibited by §550.209.

6. Section 550.304 is revised to read as follows:

§ 550.304 Government of Libya.

(a) The "Government of Libya" includes:

(1) The state and the Government of Libya, as well as any political subdivision, agency, or instrumentality thereof, including the Central Bank of Libya;

(2) Any partnership, association, corporation, or other organization substantially owned or controlled by the foregoing;

(3) Any person to the extent that such person is, or has been, or to the extent that there is reasonable cause to believe that such person is, or has been, since the effective data acting or purporting to act directly or indirectly on behalf of any of the foregoing.

7. New § 550.313 is added to read as follows:

§ 550.313 Transfer.

The term "transfer" shall mean any actual or purported act or transaction, whether or not evidenced by writing, and whether or not done or performed within the United States, the purpose, intent or effect of which is to create, surrender, release, transfer, or alter, directly or indirectly, any right, remedy, power, privilege, or interest with respect to any property and, without limitation upon the foregoing, shall include the making, execution, or delivery of any assignment, power, conveyance, check, declaration, deed, deed of trust, power of attorney, power of appointment, bill of sale, mortgage, receipt, agreement, contract, certificate, gift, sale, affidavit, or statement; the appointment of any agent, trustee, or fiduciary; the creation or transfer of any lien; the issuance, docketing, filing, or the levy of or under any judgment, decree, attachment, injunction, execution, or other judicial or administrative process or order, or the service of any garnishment; the acquisition of any interest of any nature whatsoever by reason of a judgment or decree of any foreign country; the fulfillment of any condition, or the exercise of any power of appointment, power of attorney, or other power.

8. New § 550.314 is added to read as follows:

§ 550.314 Property; property interests.

The terms "property" and "property interest" or "property interests" shall include, but not by way of limitation, money, checks, drafts, bullion, bank deposits, savings accounts, debts, indebtedness, obligations, notes, debentures, stocks, bonds, coupons, any other financial securities, bankers' acceptances, mortgages, pledges, liens or other rights in the nature of security, warehouse receipts, bills of lading, trust receipts, bills of sale, any other evidences of title, ownership or indebtedness, letters of credit and any documents relating to any rights or obligations thereunder, powers of attorney, goods, wares, merchandise, chattels, stocks on hand, ships, goods on ships, real estate mortgages, deeds of trust, vendors' sales agreements, land contracts, real estate and any interest therein, leaseholds, ground rents, options, negotiable instruments, trade acceptances, royalties, book accounts, accounts payable, judgments, patents, trademarks or copyrights, insurance policies, safe deposit boxes and their contents, annuities, pooling agreements, contracts of any nature whatsoever, and any other property, real, personal, or mixed, tangible or intangible, or interest

or interests therein, present, future or contingent.

9. New § 550.315 is added to read as follows:

§ 550.315 Interest.

Except as otherwise provided in this part, the term "interest" when used with respect to property shall mean an interest of any nature whatsoever, direct or indirect.

10. New § 550.316 is added to read as follows:

§ 550.316 Blocked account; blocked property.

The terms "blocked account" and "blocked property" shall mean any account or property in which the Government of Libya has an interest, with respect to which payments, transfers or withdrawals or other dealings may not be made or effected except pursuant to an authorization or license authorizing such action.

11. New § 550.317 is added to read as follows:

§ 550.317 Domestic bank.

(a) The term "domestic bank" shall mean any branch or office within the United States of any of the following which is not a Libyan entity: any bank or trust company incorporated under the banking laws of the United States or of any state, territory, or district of the United States, or any private bank or banker subject to supervision and examination under the banking laws of the United States or of any state, territory or district of the United States. The Secretary of the Treasury may also authorize any other banking institution to be treated as a "domestic bank" for the purpose of this definition or for the purpose of any or all sections of this part.

(b) The term "domestic bank" includes any branch or office within the United States of a foreign bank that is not a Libyan entity.

12. New § 550.318 is added to read as follows:

§ 550.318 Entity.

The term "entity" includes a corporation, partnership, association, or other organization.

13. New § 550.319 is added to read as follows:

§ 550.319 Entity of the Government of Libya; Libyan entity.

The terms "entity of the Government of Libya" and "Libyan entity" include:

(a) Any corporation, partnership, association, or other entity in which the Government of Libya owns a majority or controlling interest, any entity substantially managed or funded by that government, and any entity which is otherwise controlled by that government;

(b) Any agency or instrumentality of the Government of Libya, including the Central Bank of Libya.

14. New § 500.320 is added to read as follows:

§ 550.320 Banking institution.

The term "banking institution" shall include any person engaged primarily or incidentally in the business of banking, of granting or transferring credits, or of purchasing or selling foreign exchange or procuring purchasers and sellers thereof, as principal or agent, or any person holding credits for others as a direct or incidental part of its business, or any broker; and each principal, agent, home office, branch or correspondent of any person so engaged shall be regarded as a separate "banking institution."

Subpart D—Interpretations

§ 550.404 [Amended]

15. Section 550.404 is amended by removing paragraph (c).

16. New § 550.412 is added to read as follows:

§ 550.412 Termination and acquisition of an interest of the Government of Libya.

(a) Whenever a transaction licensed or authorized by or pursuant to this part results in the transfer of property (including any property interest) away from the Government of Libya, such property shall no longer be deemed to be property in which the Government of Libya has or has had an interest unless there exists in the property another such interest the transfer of which has not been effected pursuant to license or other authorization.

(b) Unless otherwise specifically provided in a license or authorization issued pursuant to this part, if property (including any property interest) is transferred to the Government of Libya, such property shall be deemed to be property in which there exists an interest of the Government of Libya.

17. New § 550.413 is added to read as follows:

§ 550.413 Payments to Libya prohibited.

The prohibition of transfers of property or interests in property to the Government of Libya in Section 550.209 applies to payments and transfers of any kind whatsoever, including payment of debt obligations, fees, taxes, and royalties owed to the Government of Libya, and also including payment or transfer of dividend checks, interest payments, and other periodic payments. Such payments may be made into blocked accounts as provided in § 550.511.

18. New § 550.414 is added to read as follows:

§ 550.414 Exports of Libyan-titled goods.

(a) The prohibitions contained in § 550.209 shall apply to any goods in the possession or control of a U.S. person if the Government of Libya had title to such property as of 4:10 p.m. e.s.t., on January 8, 1986, or acquired title after such time.

(b) Section 550.209 does not prohibit the export to Libya of the goods described in paragraph (a) of this section if such export is either not prohibited by § 550.202 or permitted by an authorization or license issued pursuant to this part.

(c) If the goods described in paragraph (a) of this section are not exported as described in paragraph (b) of this section, the property shall remain blocked and no change in title or other transaction regarding such property is permitted, except pursuant to an authorization or license issued pursuant to this part.

19. New § 550.415 is added to read as follows:

§ 550.415 Advance payments.

The prohibitions contained in § 550.209 do not apply to goods manufactured, consigned, or destined for export to Libya, if the Government of Libya did not have title to such goods on or at any time after 4:10 p.m. e.s.t., January 8, 1986. However, if such goods are not exported to Libya prior to 12:01 p.m. e.s.t., February 1, 1986, then any advance payment received in connection with such property is subject to the prohibitions contained in § 550.209.

20. New § 550.416 is added to read as follows:

§ 550.416 Imports of Libyan goods and purchases of goods from Libya.

The prohibitions contained in § 550.209 shall not apply to the goods described in §§ 550.201 and 550.204 if the importation or purchase of such goods is either not prohibited by §§ 550.201 and 550.204 or permitted by an authorization or license issued pursuant to this part. However, any payments in connection with such imports or purchases are subject to the prohibitions contained in § 550.209.

21. New § 550.417 is added to read as follows:

§ 550.417 Letters of credit.

(a) Q. Prior to 4:10 p.m. e.s.t., January 8, 1986, a bank that is a U.S. person has issued or confirmed a documentary letter of credit for the Government of Libya as account party in favor of a U.S. person. The bank does not hold funds for the Government of Libya out of which it could reimburse itself for payment under the letter of credit. The U.S. person presents documentary drafts for exports to Libya made after 4:10 p.m. e.s.t., January 8, 1986. May the bank pay the U.S. exporter against the drafts?

A. No. Such a payment is prohibited by §§ 550.206 and 550.209, as an extension of credit to the Government of Libya and a transfer of property in which there is an interest of the Government of Libya.

(b) Q. On the same facts as in paragraph (a), the bank holds deposits for the Government of Libya. May it pay on the letter of credit and debit the blocked funds for reimbursement?

A. No. A debit to a blocked account is prohibited by § 550.209 except as licensed.

(c) Q. On the same facts as in paragraph (a), the Government of Libya, after 4:10 p.m. e.s.t., January 8, 1986, transfers funds to the bank to collateralize the letter of credit for purposes of honoring the obligation to the U.S. exporter. Is the transfer authorized and may the bank pay against the draft?

A. Yes. In accordance with § 550.515, the transfer by the Government of Libya to the bank is licensed. The funds are not blocked and the bank is authorized to pay under the letter of credit and reimburse itself from the funds.

(d) Q. Prior to 4:10 p.m. e.s.t., January 8, 1986, a foreign bank confirms a documentary letter of credit issued by its U.S. agency or branch for a non-Libyan account party in favor of a Libyan entity. Can the U.S. agency or branch of the foreign bank transfer funds to that foreign bank in connection with that foreign bank's payment under the letter of credit?

A. No, the payment of the U.S. agency or branch is blocked, unless the foreign bank made payment to the Libyan entity prior to 4:10 p.m. e.s.t., January 8, 1986.

22. New § 550.418 is added to read as follows:

§ 550.418 Payments from blocked accounts for U.S. exporters and other obligations prohibited.

No debits may be made to a blocked account to pay obligations to U.S. persons or other persons, including payment for goods, technology or services exported prior to 12:01 a.m. e.s.t., February 1, 1986, except as authorized pursuant to this part.

23. New § 550.419 is added to read as follows:

§ 550.419 Acquisition of instruments, including bankers' acceptances.

Section 550.209 prohibits the acquisition by any U.S. person of any obligation, including bankers' acceptances, in which the documents evidencing the obligation indicate, or the U.S. person has actual knowledge, that the transaction being financed covers property in which, on or after 4:10 p.m. e.s.t., January 8, 1986, the Government of Libya has an interest of any nature whatsoever.

24. New § 550.420 is added to read as follows:

§ 550.420 Indirect payments to the Government of Libya.

The prohibition in § 550.209 on payments or transfers to the Government of Libya applies to indirect payments (including reimbursement of a non-U.S. person for payment, as, for example, on a guarantee) made after 4:10 p.m. e.s.t., January 8, 1986.

25. New § 550.421 is added to read as follows:

§ 550.421 Setoffs prohibited.

A setoff against a blocked account, whether by a bank or other U.S. person, is a prohibited transfer under section 550.209 if effected after 4:10 p.m. e.s.t., January 8, 1986.

Subpart E—Licenses, authorizations, and Statements of Licensing Policy

26. New § 550.511 is added to read as follows:

§ 550.511 Payments to blocked accounts in domestic banks.

(a) Any payment or transfer of credit, including any payment or transfer by any U.S. person outside the United States, to a blocked account in a domestic bank in the name of the Government of Libya is hereby authorized, provided that such payment or transfer shall not be made from any blocked account if such payment or transfer represents, directly or indirectly, a transfer of any interest of the Government of Libya to any other country or person.

(b) This section does not authorize any transfer from a blocked account within the United States to an account held by any bank outside the United States. This section only authorizes payment into a blocked account held by a domestic bank as defined in § 550.317.

(c) This section does not authorize:

(1) Any payment or transfer to any blocked account held in a name other than that of the Government of Libya where such government is the ultimate beneficiary of such payment or transfer; or

(2) Any foreign exchange transaction in the United States including, but not by way of limitation, any transfer of credit, or payment of an obligation, expressed in terms of the currency of any foreign country.

(d) This section does not authorize any payment or transfer of credit comprising an integral part of a transaction which cannot be effected without the subsequent issuance of a further license.

(e) This section does not authorize the crediting of the proceeds of the sale of securities held in a blocked account or a sub-account thereof, or the income derived from such securities to a blocked account or sub-account under any name or designation which differs from the name or designation of the specific blocked account or sub-account in which such securities were held.

(f) This section does not authorize any payment or transfer from a blocked account in a domestic bank to a blocked account held under any name or designation which differs from the name or designation of the specified blocked account or sub-account from which the payment or transfer is made.

(g) The authorization in paragraph (a) of this section is subject to the condition that written notification from the domestic bank receiving an authorized payment or transfer is furnished by the transferor to the Office of Foreign Assets Control confirming that the payment or transfer has been deposited in a blocked account under the regulations in this part and providing the account number, the name and address of the Libyan entity in whose name the account is held, and the name and address of the domestic bank.

(h) This section authorizes transfer of a blocked demand deposit account to a blocked interest-bearing account in the name of the same person at the instruction of the depositor at any time. If such transfer is to a blocked account in a different domestic bank, such bank must furnish notification as described in paragraph (g) of this section.

27. New § 550.512 is added to read as follows:

§ 550.512 Payment of certain checks and drafts and documentary letters of credit.

(a) A bank which is a U.S. person is hereby authorized to make payments from blocked accounts within such bank of checks and drafts drawn or issued

prior to 4:10 p.m. e.s.t., January 8, 1986, provided that:

(1) The amount involved in any one payment, acceptance, or debit does not exceed $5,000; or

(2) The check or draft was in process of collection by a bank which is a U.S. person on or prior to such date and does not exceed $50,000; or

(3) The check or draft is in payment for goods furnished or services rendered by a non-Libyan entity prior to 4:10 p.m. e.s.t., January 8, 1986.

(4) The authorization contained in paragraph (a) shall expire at 12:01 a.m., February 17, 1986.

(b) Payments are authorized from blocked accounts of documentary drafts drawn under irrevocable letters of credit issued or confirmed in favor of a non-Libyan entity by a bank which is a U.S. person prior to 4:10 p.m. e.s.t., January 8, 1986, provided that (1) the goods that are the subject of the payment under the letter of credit have been exported prior to 4:10 p.m. e.s.t., January 8, 1986; and (2) payment under the letter of credit is made by 12:01 a.m. e.s.t., February 17, 1986.

(c) Paragraphs (a) and (b) do not authorize any payment to a Libyan entity except payments into a blocked account in a domestic bank in accordance with § 550.511.

28. New § 550.513 is added to read as follows:

§ 550.513 Completion of certain securities transactions.

(a) Banking institutions within the United States are hereby authorized to complete, on or before January 21, 1986, purchases and sales made prior to 4:10 p.m. e.s.t., January 8, 1986, of securities purchased or sold for the account of the Government of Libya provided the following terms and conditions are complied with, respectively:

(1) The proceeds of such sale are credited to a blocked account in a banking institution within the United States in the name of the person for whose account the sale was made; and

(2) The securities so purchased are held in a blocked account in a banking institution within the United States in the name of the person for whose account the purchase was made.

(b) This section does not authorize the crediting of the proceeds of the sale of securities held in a blocked account or a sub-account thereof, to a blocked account or sub-account under any name or designation which differs from the name or designation of the specific blocked account or sub-account in which such securities were held.

29. New § 550.514 is added to read as follows:

§ 550.514 Transfers between accounts located in the United States for credit to Government of Libya.

Transfers are authorized by order of a foreign bank which is not a Libyan entity from its account in a domestic bank (directly or through a foreign branch or subsidiary of a domestic bank) to an account held by a domestic bank (directly or through a foreign branch or subsidiary) for a second foreign bank which is not a Libyan entity and which in turn credits an account held by it abroad for the Government of Libya. For purposes of this section, "foreign bank" includes a foreign subsidiary, but not a foreign branch, of a domestic bank.

30. New § 550.515 is added to read as follows:

§ 550.515 Payment by the Government of Libya of obligations to persons within the United States.

(a) The transfer of funds after 4:10 p.m. e.s.t., January 8, 1986, by, through, or to any banking institution or other person within the United States solely for purposes of payment of obligations owed by the Government of Libya to persons within the United States is authorized, provided that there is no debit to a blocked account. Property is not blocked by virtue of being transferred or received pursuant to this section.

(b) A person receiving payment under this section may distribute all or part of that payment to anyone, provided that any such payment to the Government of Libya must be to a blocked account in a domestic bank.

31. New § 550.516 is added to read as follows:

§ 550.516 Unblocking of foreign currency deposits held by U.S. persons overseas.

Deposits in currencies other than U.S. dollars held abroad by U.S. persons are unblocked, provided, however, that conversions of blocked dollar deposits into foreign currencies are not authorized.

32. New § 550.568 is added to read as follows:

§ 550.568 Certain standby letters of credit and performance bonds.

(a) Notwithstanding any other provision of law, payment into a blocked account in a domestic bank by an issuing or confirming bank under a standby letter of credit in favor of a Libyan entity is prohibited by § 550.209 and not authorized, notwithstanding the provisions of § 550.511, if either (1) a specific license has been issued pursuant to the provisions of paragraph (b) of this section or (2) ten business days have not expired after notice to the account party pursuant to paragraph (b) of this section.

(b) Whenever an issuing or confirming bank shall receive such demand for payment under such a standby letter of credit, it shall promptly notify the account party. The account party may then apply within five business days for a specific license authorizing the account party to establish a blocked account on its books in the name of the Libyan entity in the amount payable under the credit, in lieu of payment by the issuing or confirming bank into a blocked account and reimbursement therefor by the account party. Nothing in this section relieves any such bank or such account party from giving any notice of defense against payment or reimbursement that is required by applicable law.

(c) Where there is outstanding a demand for payment under a standby letter of credit, and the issuing or confirming bank has been enjoined from making payment, upon removal of the injunction, the account party may apply for a specific license for the same purpose and in the same manner as that set forth in paragraph (b) of this section. The issuing or confirming bank shall not make payment under the standby letter of credit unless (1) ten business days have expired since the bank has received notice of the removal of the injunction and (2) a specific license issued to the account party pursuant to the provisions of this paragraph has not been presented to the bank.

(d) If necessary to assure the availability of the funds blocked, the Secretary may at any time require the payment of the amounts due under any letter of credit described in paragraph (a) of this section into a blocked account in a domestic bank or the supplying of any form of security deemed necessary.

(e) Nothing in this section precludes the account party on any standby letter of credit or any other person from at any time contesting the legality of the demand from Libyan entity or from raising any other legal defense to payment under the standby letter of credit.

(f) This section does not affect the obligation of the various parties of the instruments covered by this section if the instruments and payments thereunder are subsequently unblocked.

(g) For the purposes of this section, (1) the term "standby letter of credit" shall

mean a letter of credit securing performance of, or repayment of any advance payments or deposits under, a contract with the Government of Libya, or any similar obligation in the nature of a performance bond; and (2) the term "account party" shall mean the person for whose account the standby letter of credit is opened.

(h) The regulations do not authorize any U.S. person to reimburse a non-U.S. bank for payment to the Government of Libya under a standby letter of credit, except by payments into a blocked account in accordance with § 550.511 or paragraph (b) or (c) of this section.

(i) A person receiving a specific license under paragraph (b) or (c) of this section shall certify to the Office of Foreign Assets Control within five business days after receipt of that license that it has established the blocked account on its books as provided for in those paragraphs. However, in appropriate cases, this time period may be extended upon application to the Office of Foreign Assets Control when the account party has filed a petition with an appropriate court seeking a judicial order barring payment by the issuing or confirming bank.

(j) The extension or renewal of a standby letter of credit is authorized.

Subpart F—Reports

§ 550.602 [Amended]

33. Section 550.602 is amended to insert after the word "transactions" in the third sentence of that section the following phrase: "may be required either before or after such transactions".

Dated: January 14, 1986.

Dennis M. O'Connell,

Director, Office of Foreign Assets Control.

Approved: January 14, 1986.

Francis A. Keating II,

Assistant Secretary (Enforcement & Operations).

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H.J. Res. 440/Pub. L. 99-237

To designate the week of December 1, 1985, through December 7, 1985, as "National Autism Week". (Jan. 13, 1986; 1 page) $1.00

H.R. 1538/Pub. L. 99-238

Veterans' Compensation Rate Increase and Job Training Amendments of 1985 (Jan. 13, 1986; 5 pages) Price: $1.00