

*Gulf Trade*, 11 F.M.C. 168, 175-177 (1967).

Recently, the Commission addressed this issue in Docket No. 84-27, *Publishing and Filing Tariffs by Common Carriers in the Foreign Commerce of the United States; Co-Loading Practices by NVOCC's*. The Commission's Notice of Proposed Rulemaking in that proceeding stated:

The Commission is unaware of transportation characteristics which would warrant a distinction between cargo tendered by NVOCC's and similar cargo tendered by other shippers. 49 FR 29980, 29981 (July 25, 1984).

In adopting a rule to prohibit NVOCC tariffs from containing "special co-loading rates for the exclusive use of other NVOCC's", 50 FR 14704 (April 15, 1985), the Commission stated:

The suggestion that NVOCC's and other shippers are not "similarly situated", or that NVOCC's are a "distinct class of shippers" is one that must be supported by transportation factors. The fact that they can be identified as NVOCC's or that they are also carriers is not sufficient. It is well settled that the identity of a shipper is not a legitimate transportation factor. *Id.* at 14708.

The same may be said of rates which, by their terms, exclude NVOCC's. As the Supreme Court stated in *ICC v. Delaware, Lackawana & Western Railroad Co.*, 220 U.S. 235, 252; 31 S.Ct. 392 (1911), where it held that common carrier railroads may not deny carload rates on cargo tendered by forwarding agents:

The contention that a carrier, when goods are tendered to him for transportation, can make the mere ownership of the goods the test of the duty to carry, or, what is equivalent, may discriminate in fixing the charge for carriage, not upon any difference inhering in the goods or in the cost of the service rendered in transporting them, but upon the mere circumstance that the shipper is or is not the real owner of the goods is so in conflict with the obvious and elementary duty resting upon a carrier, and so destructive of the rights of shippers as to demonstrate the unsoundness of the proposition by its mere statement.

Carriers and conferences are hereby given 60 days from the date of this Circular Letter to cancel any rate item, the application of which is dependent solely on the identity of the shipper rather than on recognized transportation conditions. The Commission will take appropriate action against those carriers and conferences that fail to comply with this letter by that date.

By the Commission,  
Bruce A. Dombrowski,  
*Acting Secretary.*  
[FR Doc. 85-22922 Filed 9-24-85; 8:45 am]  
BILLING CODE 6730-01-M

## FEDERAL RESERVE SYSTEM

### South County Bancshares, Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than October 17, 1985.

**A. Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *South County Bancshares, Inc.*, Ashland, Missouri to become a bank holding company by acquiring 100 percent of the voting shares of South County Bank, Ashland, Missouri.

**B. Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Delta Bancshares, Inc.*, Kaufman, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of First National Bank in Kaufman, Kaufman, Texas.

Board of Governors of the Federal Reserve System, September 19, 1985.

James McAfee,  
*Associate Secretary of the Board.*  
[FR Doc. 85-22846 Filed 9-24-85; 8:45 am]  
BILLING CODE 6210-01-M

### Western Bancorporation, Inc. and Western Bancorporation, N.V.; 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 October 15, 1985.

**A. Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Western Bancorporation, Inc.*, Houston, Texas and *Western Bancorporation, N.V.*, Houston, Texas; to engage *de novo* through its subsidiary, Western Bancorporation Life Insurance Company of Texas, Houston, Texas, in underwriting credit life, credit accident and health insurance that is directly related to an extension of credit by the bank holding system.

Board of Governors of the Federal Reserve System, September 19, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 22847 Filed 9-24-85; 8:45 am]

BILLING CODE 6210-01-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

[Docket No. 85M-0428]

#### Biochem International, Inc.; Approval of Supplemental Premarket Approval Application For Lifespan™ Model 4110 Transcutaneous PO<sub>2</sub>/CO<sub>2</sub> Monitoring System

**AGENCY:** Food and Drug Administration.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing its approval of the supplemental application by Biochem International, Inc., Waukesha, WI, for premarket approval, under the Medical Device Amendments of 1976, of the Lifespan™ Model 4110 Transcutaneous PO<sub>2</sub>/CO<sub>2</sub> Monitoring System. After reviewing the recommendation of the Anesthesiology and Respiratory Therapy Devices Panel, FDA's Center for Devices and Radiological Health (CDRH) notified the applicant of the approval of the supplemental application.

**DATE:** Petitions for administrative review by October 25, 1985.

**ADDRESS:** Written requests for copies of the summary of safety and effectiveness data and petitions for administrative review to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

**FOR FURTHER INFORMATION CONTACT:** Michael S. Gluck, Center for Devices and Radiological Health (HFZ-430), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7226.

**SUPPLEMENTARY INFORMATION:** On May 8, 1984, Biochem International, Inc., Waukesha, WI 53186, submitted to CDRH a supplemental application for premarket approval of the Lifespan™ Model 4110 Transcutaneous PO<sub>2</sub>/CO<sub>2</sub> Monitoring System. The device is a transcutaneous oxygen/carbon dioxide monitor with a combined PO<sub>2</sub>/PCO<sub>2</sub> (oxygen tension/carbon dioxide tension) sensor and a temperature compensation factor for PCO<sub>2</sub>. The device is indicated for use in neonates as a monitor of skin surface PO<sub>2</sub> and PCO<sub>2</sub>. The unit displays trends over time and may be used as an

adjunct or supplement to arterial PO<sub>2</sub> and PCO<sub>2</sub> measurements in patients requiring frequent blood gas analyses. Data collected during clinical evaluations covered a range of arterial PCO<sub>2</sub> values from 11 to 107.8 torr and arterial PO<sub>2</sub> values from 9.7 to 396.7 torr. The oxygen monitoring portion of the device previously has been determined to be substantially equivalent to other devices that were on the market before May 28, 1976, the date of enactment of the amendments, and consequently does not at this time require premarket approval. On July 11, 1984, the Anesthesiology and Respiratory Therapy Devices Panel, and FDA advisory committee, reviewed and recommended approval of the application. On August 21, 1985, CDRH approved the supplemental application by a letter to the applicant from the Director of the Office of Device Evaluation, CDRH.

A summary of the safety and effectiveness data on which CDRH based its approval is on file in the Dockets Management Branch (address above) and is available from that office upon request. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

A copy of all approved labeling is available for public inspection at CDRH—contact Michael S. Gluck (HFZ-430), address above.

#### Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (the Act) (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of CDRH's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and CDRH's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register**. If FDA grants the petition, the notice will state the issue to

be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before October 25, 1985, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 515(d), 520(h), 90 Stat. 554-555, 571 (21 U.S.C. 360e(d), 360j(h))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.53).

Dated: September 18, 1985.

John C Villforth,

Director, Center for Devices and Radiological Health

[FR Doc. 85-22842 Filed 9-24-85; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 85C-0378]

#### Optacryl, Inc.; Filing of Color Additive Petition

**AGENCY:** Food and Drug Administration.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing that Optacryl, Inc., has filed a petition proposing that the color additive regulations be amended to provide for the safe use of phthalocyanine green as a color additive in contact lenses.

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

**SUPPLEMENTARY INFORMATION:** Under the Federal Food, Drug, and Cosmetic Act (sec. 706(d)(1), 74 Stat. 402-403 (21 U.S.C. 376(d)(1))), notice is given that a petition (CAP 3C0168) has been filed by Optacryl, Inc., 2890 South Tejon, Englewood, CO 80110, proposing that Part 73 (21 CFR Part 73) be amended to provide for the safe use of phthalocyanine green (Colour Index Pigment Green 7, C.I. No. 74260, CAS Reg. No. 1328-53-6) as a color additive in contact lenses.

The potential environmental impact of this action is being reviewed. If the

agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the Federal Register in accordance with 21 CFR 25.40(c), as published in the Federal Register of April 26, 1985 (50 FR 16636).

Dated: September 18, 1985.

Sanford A. Miller,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 85-22796 Filed 9-24-85; 8:45 am]

BILLING CODE 4160-01-M

### Health Resources and Services Administration

#### Advisory Committee; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory body scheduled to meet during the month of October 1985:

Name: National Advisory Council on the National Health Service Corps

Date and Time: October 8-10, 1985, 8:30 a.m.-4:30 p.m.

Place: Palmer House, 17 E. Monroe Street, Chicago, Illinois 60603

Site visits will be made to two community health centers.

Transportation will not be provided. The entire meeting is open to the public.

Purpose: The Council will advise and make appropriate recommendations on the National Health Service Corps (NHSC) program as mandated by legislation. It will also review and comment on proposed regulations promulgated by the Secretary under provisions of the legislation.

Agenda: The agenda will include: A general orientation on the National Health Service Corps program; discussions of important program issues, and visits to two community health centers (one rural and one urban).

Anyone wishing to obtain a roster of members, minutes of meetings, or other relevant information should write to or contact Dr. Kenneth P. Moritsugu, Director, National Health Service Corps, Bureau of Health Care Delivery and Assistance, Health Resources and Services Administration, Room 6-40, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, telephone: 301 443-2900.

Agenda items are subject to change as priorities dictate.

Dated: September 23, 1985.

Jackie E. Baum,

Advisory Committee Management Officer, HRSA.

[FR Doc. 85-22971 Filed 9-24-85; 8:45 am]

BILLING CODE 4160-16-M

### DEPARTMENT OF THE INTERIOR

#### Office of the Secretary

#### President's Commission on Americans Outdoors; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the "What Do Americans Want To Do Outdoors?" Committee of the President's Commission on Americans Outdoors will be held at 9:00 a.m., Wednesday, October 9, 1985, in Room 2856, National Geographic Society building, 1146 16th Street, NW., Washington, D.C. 20036. This is the organizational meeting of this Committee.

The meeting will be open to the public.

Further information concerning this meeting may be obtained from Victor H. Ashe, Executive Director of the Commission, Room 3142, U.S. Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20036; Telephone (202) 343-4905.

Dated: September 18, 1985.

Victor H. Ashe,

Executive Director, President's Commission on Americans Outdoors.

[FR Doc. 85-22884 Filed 9-25-85; 8:45 am]

BILLING CODE 4310-10-M

### Bureau of Land Management

[U-50822, U-52743, U-53122]

#### Utah; Conveyance of Public Land; Reconveyed Land Opened to Entry

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice and Opening Order.

SUMMARY: The Bureau of Land Management has completed three land exchanges, conveying 2646.10 acres and having 2748.55 acres reconveyed. 2,708.55 acres of the reconveyed lands will be opened to surface entry and 2,109.88 acres of the reconveyed lands will also be opened to mineral location and mineral leasing.

FOR FURTHER INFORMATION CONTACT: Lillie Hikida, BIM, Utah State Office, 324 South State, Suite 301, Salt Lake City, Utah 84111-2303, 801-524-3074.

SUPPLEMENTARY INFORMATION: Notice is hereby given that pursuant to section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716, the Bureau of Land Management has completed three land exchanges.

1. The United States issued Patent No. 43-85-0025 dated August 15, 1985, to John Siddoway Livestock and Investment Company, for the following described lands excepting all minerals:

#### Salt Lake Meridian

T. 1 N., R. 23 E.,

Sec. 33, NE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ .

Containing 200 acres in Uintah County.

2. In the exchange for these lands, the United States acquired the following described land excepting all minerals:

#### Salt Lake Meridian

T. 2 S., R. 23 E.,

Sec. 35, the South 20 rods of the N $\frac{1}{2}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ .

Containing 100 acres in Uintah County.

3. The United States issued Patent No. 43-85-0026 dated August 15, 1985, to James R. and Peggy Lyn Siddoway for the following described lands excepting all minerals:

#### Salt Lake Meridian

T. 1 N., R. 23 E.,

Sec. 19, SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 20, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 29, NW $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
Sec. 30, NE $\frac{1}{4}$ NE $\frac{1}{4}$ .

Containing 280 acres in Uintah County.

4. In the exchange for these lands, the United States acquired the following described lands excepting all minerals:

#### Salt Lake Meridian

T. 2 S., R. 23 E.,

Sec. 26, SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 35, the North 60 rods of the N $\frac{1}{2}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ .

Containing 140 acres in Uintah County.

5. The United States issued Patent No. 43-85-0027 dated August 15, 1985, to the State of Utah for the following described lands:

#### Salt Lake Meridian

T. 9 S., R. 24 E.,

Sec. 24, lots 1, 4, 5, 6, 7, 10, N $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 25, lots 1 through 12, NW $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ S $\frac{1}{2}$ .

T. 10 S., R. 24 E.,

Sec. 1, lots through 5, S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ S $\frac{1}{2}$ , N $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ .

T. 9 S., R. 25 E.,

Sec. 19, SW $\frac{1}{4}$ ;  
Sec. 30, lots 1 through 4;  
Sec. 31, lots 1, 2, 3 SW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ .

Containing 2,166.10 acres in Uintah County.