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Wednesday
January 22, 1986

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Environmental Protection Agency

Anchorage Grounds
Coast Guard

Aviation Safety
Federal Aviation Administration

Banks, Banking
Fiscal Service

Chemicals
Environmental Protection Agency

Common Carriers
Federal Communications Commission

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National Highway Traffic Safety Administration

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Presidential Documents

Title 3—

The President

Proclamation 5431 of January 18, 1986

Martin Luther King, Jr. Day, 1986

By the President of the United States of America

A Proclamation

This year marks the first observance of the birthday of Dr. Martin Luther King, Jr. as a national holiday. It is a time for rejoicing and reflecting. We rejoice because, in his short life, Dr. King, by his preaching, his example, and his leadership, helped to move us closer to the ideals on which America was founded. We reflect on his words and his works. Dr. King's was truly a prophetic voice that reached out over the chasms of hostility, prejudice, ignorance, and fear to touch the conscience of America. He challenged us to make real the promise of America as a land of freedom, equality, opportunity, and brotherhood.

Although Dr. King was an uncompromising champion of nonviolence, he was often the victim of violence. And, as we know, a shameful act of violence cut short his life before he had reached his fortieth birthday.

His story is well-known. As a 26-year-old minister of the Gospel, Dr. King led a protest boycott of a bus company that segregated blacks, treating them as second-class citizens. At the very outset he admonished all those who would join in the protest that "our actions must be guided by the deepest principles of our Christian faith. Love must be our regulating ideal." Otherwise, he warned, "our protest will end up as a meaningless drama on the stage of history . . . shrouded with ugly garments of shame." Dr. King's unshakable faith inspired others to resist the temptation to hate and fear. His protest became a triumph of courage and love.

Almost 30 years ago, on January 30, 1956, Dr. King stood amid the broken glass and splinters of his bombed-out front porch and calmed an angry crowd clamoring for vengeance. "We cannot solve this problem through retaliatory violence," he told them. Dr. King steadfastly opposed both the timid and those who counselled violence. To the former, he preached that "true peace is not merely the absence of tension; it is the presence of justice." To the latter, he said that "in the process of gaining our rightful place we must not be guilty of wrongful deeds."

Dr. King's activism was rooted in the true patriotism that cherishes America's ideals and strives to narrow the gap between those ideals and reality. He took his stand, he once explained, "because of my love for America and the sublime principles of liberty and equality on which she is founded." He wanted "to transform the jangling discords of our Nation into a beautiful symphony of brotherhood."

The majesty of his message, the dignity of his bearing, and the righteousness of his cause are a lasting legacy. In a few short years he changed America for all time. He made it possible for our Nation to move closer to the ideals set forth in our Declaration of Independence: that all people are created equal and are endowed with inalienable rights that government has the duty to respect and protect.

Twenty-three years ago, Dr. King spoke to a quarter of a million Americans gathered near the Lincoln Memorial in Washington—and to tens of millions

more watching on television. There he held up his dream for America like a bright banner:

"I have a dream," he said, "that my four little children will one day live in a Nation where they will not be judged by the color of their skin, but by the content of their character . . . . This will be the day when all of God's children will be able to sing with new meaning, 'My country 'tis of thee, sweet land of liberty, of thee I sing.' "

Let all Americans continue to carry forward the banner that 18 years ago fell from Dr. King's hands. Today, all over America, libraries, hospitals, parks, and thoroughfares proudly bear his name. His likeness appears on more than 100 postage stamps issued by dozens of nations around the globe. Today we honor him with speeches and monuments. But let us do more. Let all Americans of every race and creed and color work together to build in this blessed land a shining city of brotherhood, justice, and harmony. This is the monument Dr. King would have wanted most of all.

By Public Law 98–144, the third Monday in January of each year has been designated as a public holiday in honor of the "Birthday of Martin Luther King, Jr."

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim Monday, January 20, 1986, as Martin Luther King, Jr. Day.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth 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. 86–1520
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Rules and Regulations

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 85-369]

Plant-Related Quarantine; Citrus Canker; Florida

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule; correction.

SUMMARY: This document corrects typographical errors concerning the listing of a portion of Louisiana as a commercial citrus producing area in § 301.75-4 of the citrus canker regulations (7 CFR 301.75 *et seq.*) published in the **Federal Register** on December 13, 1985 (50 FR 51228-51234). In the first column on page 51232, the reference to "Baton Rouge Parish" in lines 11 and 12 is corrected to read "East Baton Rouge Parish" and the reference to "St. Tammary Parish" in line 14 is corrected to read "St. Tammany Parish".

FOR FURTHER INFORMATION CONTACT: B. Glen Lee, Assistant Director of the National Program Planning Staff, in charge of the Survey and Emergency Response Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 611, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-6365.

Done at Washington, DC, this 16th day of January, 1986.

William F. Helms,

Acting Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

[FR Doc. 86-1352 Filed 1-21-86; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 11 and 93

[Docket No. 24105; Amdts. Nos. 11-28 and 93-49]

High Density Traffic Airports; Slot Allocation and Transfer Methods

Correction

In FR Doc. 85-30081, beginning on page 52180 in the issue of Friday, December 20, 1985, make the following correction: On page 52180, in the first column, under **"DATES"**, the second sentence of the second paragraph should read: "Existing slot allocations are established in reference to conditions in effect on the issuance date of this rule (§ 93.215(a))."

Note.—The issuance date of FR Doc. 85-30081 was December 16, 1985.

BILLING CODE 1505-02-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 115

Individual Indian Money Accounts

December 3, 1985.

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Final rule.

SUMMARY: The Bureau of Indian Affairs is amending 25 CFR Part 115 by adding new §§ 115.10 and 115.15, amending the present § 115.13, and renumbering the present §§ 115.10 through 115.13 as §§ 115.11 through 115.14.

These amendments to 25 CFR Part 115 provide the due process procedure which in *Kennerly* v. *United States*, 721 F.2d 1252 (9th Cir. 1983), was found to be wanting in the existing regulations with respect to the payment of claims from Individual Indian Money accounts as authorized by 25 CFR 115.9.

EFFECTIVE DATE: This rule becomes effective February 21, 1986.

FOR FURTHER INFORMATION CONTACT: Barbara C. Davis, Program Coordination Staff, Office of Trust Responsibilities, Bureau of Indian Affairs, Department of the Interior, Washington, DC 20245, telephone number (202) 343-2963.

SUPPLEMENTARY INFORMATION: The authority to issue rules and regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and sections 463 and 456 of the Revised Statutes (25 U.S.C. 2 and 9).

This final rule is published in exercise of rulemaking authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8. This amendment was published in the **Federal Register** as a proposed rule on March 19, 1985 (50 FR 10980).

The policy of the Department of Interior is, whenever practical, to afford the public an opportunity to participate in the rule-making process. Accordingly, a 30 day comment period on the proposed regulations governing the due process procedures with respect to the payment of claims from Individual Indian Money accounts was provided. The comment period closed on April 18, 1985.

We received six letters suggesting changes within the comment period. Most of the changes suggested were for clarification purposes. It was suggested that the following, "subject to the terms of § 115.10(c)(2)." be added to § 115.14 Appeals, after the word "Part 2.", to make it clear that the provisions of 10(c)(2) in § 115 are applied to appeals taken under 25 CFR Part 2. We accepted this change. One commentor asked "since § 115.10(a) provides that if an individual's access to funds in the IIM account is limited, the individual must be notified in writing with the notice given to the individual affected. Does this apply only to access limited under 25 CFR 115.9?" To clarify that this is so, the words "under § 115.9," have been added in § 115.10(a) after the first word of the paragraph, "If."

Two commentors suggested that the proposed rule does not address tribal court judgments, including the extent to which they might be reviewed under this part. Upon consideration of this comment, it was decided that by making the following changes tribal court proceedings that determine the validity of an underlying debt, the collection of which is sought from an IIM account, would be covered. In §115.10(a), strike out "pursuant to § 115.9 and insert "including creditors with judgments from courts of Indian offenses for which preliminary procedures are prescribed in 25 CFR 11.26." In § 115.10(c), insert the word "delinquent" after "payment of"

and "and judgments of tribal courts and courts of Indian offenses" after "claims". To clarify when the restriction period begins we have added the following sentence to § 115.10(a)(4) "The date appearing on the return receipt shall constitute the beginning of the restriction period." One of the commentors advised us that many of the delinquent claims involve credit loans. As interest is charged on delinquent loans, and any delay in payment will increase the interest due, it was suggested that the following be added as § 115.10(a)(6): "The notice shall advise that if the individual wishes to have the delinquent claim or money judgment paid without delay and without a hearing the individual can so request by signing a form furnished for that purpose with the notice." We agreed with this addition.

One commentor felt that the following addition was needed as individuals may have funds over and above the restricted amount of delinquent debt or tribal court judgment and such excess funds could be released unless otherwise restricted. Therefore, we added the following as the last sentence to § 115.10(b), "Notwithstanding continuance of a restriction on an account, if the amount of funds available in the account exceeds the amount of the restriction or the amount of the claims such unrestricted funds in excess of the amount of the restriction or claim shall be available for the account holders use." Because of this change made in § 115.10(b) a further change became necessary. In § 115.10(c)(4) at the end of the paragraph add the following sentence: "The decision of an authorized representative of the Secretary may be appealed as provided in § 115.14." And in § 115.10(d) after the words "No money" insert the following: "except as provided in subsection (b) of this section,".

One commentor expressed concern about the proposed rule because he felt that it seemed to allow debtors to relitigate the underlying debt before the Department in a de novo fashion. To clarify this, we have added the following sentence to § 115.10(c)(2): "The account holder may be heard on why a judgment of a tribal court or court of Indian offences should not be paid from his or her Individual Indian Money account but he or she may not relitigate the facts established by that court." One commenter felt that the proposed rule did not contain a procedure to hold funds pending resolution of a dispute in a hearing. We have reworded § 115.10(d) to now read: "No money, except as provided in subsection (b) of this section, shall be paid from an Individual Indian Money account or applied against a delinquent claim or judgment of a tribal court or court of Indian offenses until the decision on the claim has become final in accordance with the appeal procedures provided for in § 115.14."

It is our feeling that comments not specifically addressed here were comments not directly addressing the proposed rule and should probably be the subject of a separate rulemaking.

The Department of the Interior has determined that this document is not a major rule under the criteria established by Executive Order 12291 and certifies that this document does not have a significant economic impact on a substantial number of small entities under the criteria established by the Regulatory Flexibility Act (5 U.S.C. 601).

The Department of the Interior has determined that this document does not constitute a major Federal action significantly affecting the quality of the human environment under the National Environmental Policy Act of 1983.

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

The proposed change in the regulations would simply provide due process rights to Individual Indian Money account holders, giving them an opportunity to be heard before funds in their accounts are applied to claims against them.

The primary author of this document is Barbara Davis, Program Coordination Staff, Office of Trust Responsibilities, Bureau of Indian Affairs, Department of the Interior, Washington, DC 20245; telephone number (202) 343–2963.

Lists of Subjects in 25 CFR Part 115

Indians—business and finances.

Subchapter G of Chapter I of Title 25 of the Code of Federal Regulations is amended as follows:

PART 115—[AMENDED]

For the reasons set out in the preamble, Part 115 of Chapter I Title 25 of the Code of Federal Regulations is amended as set forth below:

1. The authority citation for Part 115 reads as follows:

Authority: R.S. 441, as amended, R.S. 463, R.S. 465, 5 U.S.C. 301; 25 U.S.C. 2, 9; 43 U.S.C. 1457.

2. Section 115.13 is redesignated as § 115.14 and revised to read as follows:

§ 115.14 Appeals

Appeals from an action taken by an official of the Bureau of Indian Affairs may be taken pursuant to 25 CFR Part 2, subject to the terms of § 115.10(c) (2).

§§ 115.10 through 115.12 [Redesignated as §§ 115.11 through 115.13]

3. Sections 115.10, 115.11, and 115.12 are redesignated as §§ 115.11, 115.12, and 115.13, respectively.

4. A new § 115.10 is added to read as follows:

§ 115.10 Procedures relative to restrictions

(a) If under § 115.9 an individual's access to funds in the individual's Indian money account is limited, or it is proposed to pay creditors, including creditors with judgments from Courts of Indian Offenses, for which preliminary procedures are prescribed in 25 CFR 11.26, the individual must be notified in writing as follows:

(1) The notice must be given to the individual affected at the commencement of the restriction or at least 40 days prior to involuntary distribution of funds from the account.

(2) The notice must state the reasons giving rise to the restriction or proposed payment.

(3) The notice shall inform the individual of the right to a hearing and that a request for a hearing must be in writing, received by the Secretary, or an authorized representative, within 30 days of receiving the notice of proposed action.

(4) The notice of proposed action shall be sent by Certified Mail-Return Receipt Requested. The date appearing on the returned receipt shall constitute the beginning of the restriction period.

(5) The notice shall state that a copy of the rights listed in paragraph (c) of this section are transmitted along with the notice.

(6) The notice shall advise that if the individual wishes to have the delinquent claim or money judgment paid without delay and without a hearing the individual can so request by signing a form furnished for that purpose with the notice.

(b) If the individual fails to request a hearing, the individual is deemed to consent to the continued limitation on and/or disbursement of funds from the IIM Account in accordance with the terms of the notice. Notwithstanding the continuance of a restriction on an account, if the amount of funds available in the account exceeds the amount of the restriction or the amount of the claim such unrestricted funds in excess of the amount of the restriction or claim shall be available for the account holder's use.

(c) The Secretary, or an authorized representative, shall conduct a hearing, if no requested as specified above, to determine whether to continue to restrict the Individual Indian Money Account, and/or allow payment of delinquent claims and judgments of tribal courts and courts of Indian offenses from such accounts. The following are requirements for such a fair hearing:

(1) The hearing shall be held within 10 working days of the Secretary's or an authorized representative's receipt of the request for a hearing.

(2) The individual must be given the opportunity to be heard. This includes the right to hear the case against the individual; to present testimony, to present witnesses, and to question and rebut opposing witnesess. This includes the right to orally present arguments and evidence. The account holder may be heard on why a judgment of a tribal court or court of Indian offenses should not be paid from his or her Individual Indian Money account, but he or she may not relitigate the facts established by that court.

(3) If the individual desires an attorney or other representative, one may be retained at the individual's own expense.

(4) The decision to uphold or overturn the proposed action, must be made by the Secretary, or an authorized representative, and must be based on information presented or referred to at the hearing. The decision of an authorized representative of the Secretary may be appealed as provided in § 115.14.

(5) The Secretary, or an authorized representative, shall make provisions for recording the hearing and shall preserve the record for the duration of the appeal period. Tape recording the hearing is sufficient.

(6) The Secretary, or an authorized representative, will advise all parties concerned, in writing, of a decision with-in 10 working days after completion of the hearing.

(d) No money except as provided in subsection (b) of this section, shall be paid from an Individual Indian Money Account or applied against a delinquent claim or judgment of a tribal court or court of Indian offenses until the decision on the claim has become final in accordance with the appeal procedures provided for in § 115.14.

5. A new § 115.15 is added to read as follows:

§ 115.15 Information Collection

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et. seq.*

Ronald L. Esquerra,

Acting Deputy Assistant Secretary-Indian Affairs (Operations).

[FR Doc. 86-1271 Filed 1-21-86; 8:45 am]

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DEPARTMENT OF THE TREASURY

31 CFR Part 10

Regulations Governing the Practice of Attorneys, Certified Public Accountants, Enrolled Agents, and Enrolled Actuaries Before the Internal Revenue Service

AGENCY: Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document contains final regulations governing practice before the Internal Revenue Service (31 CFR Part 10) by requiring that those who are enrolled to practice before the Internal Revenue Service renew their enrollment on a periodic basis. A condition of eligibility for renewal of enrollment will be the satisfaction of continuing professional education requirements. The rule also establishes a fee for the renewal of enrollment. The fee will be for the purpose of defraying the costs of administering the program. In addition, this notice contains modifications of the regulations reflecting the transfer to the Office of Director of Practice certain functions formerly performed by the Commissioner of Internal Revenue relative to the enrollment of individuals who wish to practice before the Internal Revenue Service.

DATE: These final regulations are effective January 22, 1986.

FOR FURTHER INFORMATION CONTACT: Mr. Leslie S. Shapiro, Director of Practice, Internal Revenue Service, Washington, DC 20224 (202) 535-6787.

SUPPLEMENTARY INFORMATION:

Background and Comments

The administration of the program relating to the enrollment of those who wish to practice before the Internal Revenue Service was transferred to the Office of Director of Practice in 1982. At that time a complete study was made of the enrollment process and the applicable regulations. Those regulations accord individuals permanent enrollment with no need to renew that status. There are over 33,000 enrolled individuals on the enrollment roster. However, there is no means for determining the accuracy of that roster. For example, persons on the roster may have passed away, have become certified public accountants or attorneys, no longer have a need to retain their enrollment status, etc. Consequently, as a sheer "housekeeping" measure, renewal of enrollment was deemed necessary. At the same time, consideration was given the desirability of continuing professional education for the enrollee community. In this regard, the public relies on tax practitioners to be competent and skillful in representing taxpayers' interests before the Internal Revenue Service. The Internal Revenue Service also relies on the competence and skill of tax practitioners. Continuing professional education was found to be the most widely accepted means of retaining the knowledge of a professional and of keeping abreast of changes in the subject matter, methodology and state of the art applicable to a particular profession. It also was determined that most professions, both learned and trade, have mandated continuing professional education as a requirement for continued licensure. For example, 46 states require continuing professional education as a condition for certified public accountants to retain their active licenses to practice. For those who are enrolled to practice before the Internal Revenue Service, the need for continuing professional education is manifest. Our Federal tax laws and procedures are volatile and dynamic. In 1984 alone, massive changes were made in the Internal Revenue Code by the Tax Reform Act of 1984 (Pub. L. 98-369); the Retirement Equity Act of 1984 (Pub. L. 98-397); the Child Support Enforcement Amendments of 1984 (Pub. L. 98-378); Pub. L. 98-573; Pub. L. 98-611; and Pub. L. 98-612. The benefits of continuing one's education in the tax area and related subjects are abundant; the detriments appear to be non-existent. Accordingly, it was concluded that formalization of a continuing professional education program for individuals enrolled to practice before the Internal Revenue Service would be in the best interest of the public and would be consistent with what has been found necessary and desirable for the other professions in our country. The requirements and methodologies of the continuing education programs of other professions, particularly those relating to certified public accountants, also were studied. Our proposals were based on those studies and on recommendations made to us by representatives of the enrolled practitioner community.

On July 3, 1984, the Treasury Department published in the **Federal**

Register (49 FR 27326) an advance notice of proposed rulemaking that would amend the regulations governing practice before the Internal Revenue Service contained in 31 CFR Part 10 (Treasury Department Circular No. 230). The notice addressed the Treasury Department's intent to require those enrolled to practice before the Internal Revenue Service (enrolled agents) to renew their enrollment status on a periodic basis. A condition for renewal would be the satisfaction of continuing education requirements described in the notice. Comments on the advance notice were invited.

On April 23, 1985, the Treasury Department published in the Federal Register (50 FR 15937) a proposed rule to amend the regulations governing practice before the Internal Revenue Service. The notice of proposed rulemaking addressed the comments on the advance notice, and a number of modifications were made.

Approximately thirty-five written comments on the proposed rule were received. After consideration of all comments regarding the proposed rule, it is hereby adopted with modifications as explained below.

Comments

1. A number of comments support the proposal in its entirety. Other comments supporting the concept of continuing professional education have raised concerns the same as those raised in response to the advance notice of proposed rulemaking. (a) One such concern is that the scope of the proposal should be extended to include attorneys and certified public accountants as well as enrolled agents. The concern was addressed in detail in the notice of proposed rulemaking. We continue to endorse the concept that all who practice before the Internal Revenue Service should further their knowledge of Federal tax laws and procedures. However, as discussed in the notice of proposed rulemaking, the Agency Practice Act, 5 U.S.C. 500, prohibits the Treasury Department from placing any limitation or qualification on the recognition of an attorney or certified public accountant who has met the conditions of the statute. Accordingly, to require continuing education of attorneys and certified public accountants would not be a condition for renewal of enrollment since they are not enrolled to practice before the Internal Revenue Service by the Treasury Department; to require it as a condition of eligibility to practice before the Internal Revenue Service would be a limitation not permitted by law. (b) A similar concern is that licensed public accountants in some jurisdictions must meet state licensing authorities' continuing education requirements in order to maintain their good standing. As a result, they should not be subject to the continuing education requirements of the proposal. We continue to believe the requirements of the regulations should be applied evenly to all enrolled agents, regardless of licensed public accountant status. An undue hardship is not anticipated for those individuals to meet the continuing education requirements for renewal of enrollment. We expect that satisfaction of recognized continuing education programs in the field of taxation which meet state requirements also will meet the Treasury Department requirements. Consequently, it is more likely than not that a licensed public accountant will satisfy, through one continuing education program, both his or her state's continuing education requirements and those of the Treasury Department. (c) Another comment supporting continuing professional education expresses concern that regulations relating to those who prepare Federal tax returns are nonexistent even though such individuals may be in the most need of continuing professional education. This is an area not under the jurisdiction of regulations in 31 CFR Part 10, since preparers of tax returns are not required to be attorneys, certified public accountants, or enrolled agents. We therefore cannot act on this comment.

2. Comments were received regarding the number of continuing professional education hours required for renewal of enrollment. Concern has been expressed that the number of hours required in the proposal is insufficient. Other commenters believe that the proposed required hours are too rigorous. Further comments reflect concern that the unavailability of sufficient courses in certain geographic areas and the registration costs for some courses may make it inconvenient or difficult to meet the continuing education requirements of the proposal. The same comments in response to the advance notice were considered, together with a further analysis of the various state requirements regarding certified public accountants. As a result, the notice of proposed rulemaking reduced the number of hours from 30 hours per year (90 hours over a three year period) to 24 hours per year (72 hours over a three year period). In addition, the proposal contemplates that qualifying correspondence and home study courses may be utilized to satisfy the requirements of the regulations. The number of hours in the proposal is what is believed necessary to sustain continuing professional education and is in fact less than that required of professionals by most licensing agencies. A sound program cannot be effected if the number of hours is reduced. In addition, we continue to believe that correspondence and/or home study courses will be appropriate for those who find the availability of other courses inconvenient because of geographic location or cost. Correspondence and home study courses are those programs not qualifying as formal group sessions under the regulations and which: (1) Are offered by qualified sponsors; (2) provide a means for measuring completion of the course by the attendees, e.g. written test; (3) have certificates of completion issued by the sponsor specifying subject matter and recommended continuing education credit hours; and (4) require that the sponsor maintain written records relating to each student and of the program outline for a period of three years immediately following completion of the program by each student.

3. Concern has been expressed regarding the amount of the renewal fee, hoping it will not be a revenue raising measure. We are obliged to follow the guidelines on user charges issued by the Office of Management and Budget. Under those guidelines, a reasonable charge is made to each identifiable recipient from a measurable unit or amount of government service from which he or she derives a special benefit. In this connection, the government agency is responsible for establishing the charges based on a determination of estimated costs for carrying out the activity. Those costs include such things as salaries, management, research and enforcement. The maximum charge or fee is governed by the total cost of the program. The costs and charges must be reviewed periodically. The renewal for,which will be consistent with such guidelines, is not expected to be prohibitive. It clearly will not be a revenue raising measure in the sense the comments indicate.

4. Some comments address the renewal period. The notice of proposed rulemaking establishes the renewal period to be three years. The comments suggest the renewal period be changed from three years to either two years or four years. The reason for the suggestion appears to be that two years would be consistent with most state continuing professional education programs for certified public accountants. An analysis of the continiung education

requirements of State Boards of Accountancy has disclosed that approximately fifty per cent of the states requiring continuing education have a biennial reporting period and approximately fifty per cent have triennial reporting period. We believe that to achieve operating efficiency and in the interest of the planning of individuals enrolled to practice before the Internal Revenue Service, a three year enrollment period is the most beneficial. Consequently, the renewal cycle will remain the same as in the proposal.

5. Concern has been expressed regarding the time period during which individuals enrolled to practice before the Internal Revenue Service must apply for renewal of enrollment. The proposal contemplates applications for renewal to be made between October 1 and December 31. The commenters suggest the filing of renewal applications should be extended from December 31 to January 31 to allow individuals who participate in year-end tax updates to file a renewal application timely. We concur in this suggestion. Thus, all individuals enrolled to practice before the Internal Revenue Service will be required to apply for renewal during the period November 1, 1986 to January 31, 1987. The first effective date of renewal will be April 1, 1987. Thereafter, applications for renewal will be required during the period between November 1, 1989 and January 31, 1990 and between November 1 and January 31 every third year subsequent thereto.

6. Consistent with the above modifications, a change also is required relating to the time period in which to satisfy the continuing professional education requirements. In this regard, the notice of proposed rulemaking requires that a minimum of 24 hours of continuing education credit be completed between January 1, 1986 and December 31, 1986. A minimum of 72 hours of continuing education credit is required to be completed between January 1, 1987 and December 31, 1989, and during each three year period subsequent thereto. The final rule has been changed to provide that a minimum of 24 hours of continuing education credit must be completed between January 1, 1986 and January 31, 1987, and a minimum of 72 hours of continuing education credit must be completed between February 1, 1987 and January 31, 1990, and during each three year period subsequent thereto.

7. Comments were received regarding the additional hours of continuing professional education an individual who fails to meet the continuing education requirement would be required to attain. The proposal requires four additional hours for each month an individual's enrollment is inactive, not to exceed 36 hours, if there has been a failure to satisfy the continuing education requirement of the regulations. The comments suggest this may be an onerous burden. An individual is precluded from practice before the Internal Revenue Service for failure to comply with the requirement. The additional hours requirement would only exacerbate the problem of those who have not complied with the continuing education requirement and are ineligible for renewal of enrollment to practice before the Internal Revenue Service. We concur in this suggestion. Thus, an individual who fails to comply with the continuing education requirement and is determined ineligible to practice before the Internal Revenue Service by reason thereof may be reinstated upon completing the continuing education requirement of the renewal period immediately preceding the reapplication period and filing the renewal application with the Director of Practice. The individual would be required to comply with the continuing education requirement of the enrollment cycle in which he or she is reinstated. The "make-up" hours cannot be used for this purpose.

8. There has been an expression of concern that those ineligible to practice before the Internal Revenue Service should not indicate in any manner that they are eligible to practice before the Internal Revenue Service. While such prohibition was implicit in the proposed rule, the final rule makes it explicit. Any individual ineligible to practice before the Internal Revenue Service for failure to renew enrollment is prohibited, in any manner, from directly or indirectly indicating he or she is enrolled to practice before the Internal Revenue Service and from using the term "enrolled agent," the designation "E.A.," or other form of reference to eligibility to practice before the Internal Revenue Service.

9. Concern has been expressed that consideration should be given to individuals who voluntarily request being placed in an inactive status, thereby permitting such individuals to retire from enrollment with dignity. We believe this suggestion to be sound, and have provided in the final rule that an individual may request that his/her enrollment be placed in an inactive status on the basis of retirement from practice before the Internal Revenue Service or for other reasons the Director of Practice will consider on an individual basis. An individual in an inactive retirement status may not practice before the Internal Revenue Service and may only hold his/her former enrollment status if such status is classified as inactive. Reinstatement to active enrollment may only be effected by satisfying the continuing education requirements of the enrollment cycle immediately preceding the application for renewal of enrollment.

10. Some comments have suggested that the regulations identify qualifying sponsors as including the programs of the American Bar Association, American Institute of Certified Public Accountants, National Society of Public Accountants, National Association of Enrolled Agents and their respective affiliated state organizations. Considerable attention has been given this recommendation. We believe the recognition of courses offered or approved by bona fide professional organizations having viable continuing education programs in the areas contemplated by the regulations is a desirable goal. In order to achieve this goal, the final rule provides for the recognition of such courses as being acceptable. In order to be so recognized, it will be necessary for a professional organization each enrollment cycle to seek approval by the Director of Practice for this purpose. A list of approved professional organizations will be published in order that the enrolled agent community is made aware of the organizations having programs available to them. In this manner, not only is there the availability of the four organizations and their state affiliates referred to above to be recognized, but there will be flexibility for recognizing other organizations having viable programs. For example, the International Foundation of Employee Benefits has advised us of its educational programs. It should be considered for inclusion with those organizations having courses acceptable for meeting the requirements of the regulations.

11. Concern has been expressed that the proposed renewal of enrollment requirement is inconsistent with enrollment previously granted, enrollment which was considered permanent. The commenters believe that the requirement for continuing professional education should not apply to those individuals currently enrolled to practice before the Internal Revenue Service; rather, it should be prospective in nature. The proposed rule does not change the permanent nature of enrollment. Active enrollment to practice before the Internal Revenue

Service will continue to remain permanent so long as renewal of enrollment is effected. As noted previously, continuing professional education must be applicable to all who are enrolled to practice before the Internal Revenue Service. An exception for those who are already enrolled would be at variance with the purposes of the proposal.

12. Comments received have questioned the relevance of allowing courses in business computer science and financial management. We believe the business community has acknowledged that we are now engaged in an information management society. The growth in the use of computers to process information has been immense in recent years. There has been a rapid rise in the use of computers by all facets of business for the recording and reporting of financial information. This includes tax records and the preparation of tax returns. The Internal Revenue Service is now embarking on a test project involving the electronic filing of tax returns. Consequently, we believe the allowance of continuing education credit for courses in business computer science and financial management to be appropriate and necessary in today's environment.

13. Comments received concern the number of hours of credit allowed for serving as an instructor, discussion leader or speaker. It is felt that the 25% maximum credit contemplated in the proposal is arbitrary and unnecessarily low. Based on our consideration of the comments and further evaluation of the subject, we have determined that expanding the maximum credit for instruction and preparation of 50% of the continuing education requirement for an enrollment cycle to be appropriate.

14. The final rule also makes some changes not addressed in the comments. They include the following. (a) The final rule clarifies the fact that failure to renew enrollment or a request to be placed in an inactive retirement status is not available to an individual who is the subject of a discipline matter. (b) The final rule eliminates the requirement for documentation of continuing professional education at the time an application for renewal of enrollment is made. Instead, the necessary records must be retained and furnished the Director of Practice upon request consistent with the verification program provided for in the final rule. (c) A number of changes of a stylistic or clarifying nature have been made.

Special Analyses

This rule relates solely to professional services in connection with Internal Revenue Service and Treasury Department proceedings and is not expected to have any significant economic consequences. Therefore, it has been determined that this rule is not a major rule as defined in Executive Order 12291 and a regulatory impact analysis is not required. It is hereby certified that this rule is not expected to have a significant economic impact on a substantial number of small entities. Accordingly, a regulatory flexibility analysis is not required.

Paperwork Reduction Act

The collection of information requirements contained in this proposed rule have been approved by the Office of Management and Budget pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3504(h)) under Control No 1545–0946.

Drafting Information

The author of these regulations is Mr. Leslie S. Shapiro, Director of Practice, Department of the Treasury. Other personnel in the Treasury Department participated in the development of the regulations, both as to substance and style.

List of Subjects in 31 CFR Part 10

Administrative rules and procedures, Lawyers, Accountants, Enrolled Agents, Enrolled Actuaries, Appraisers.

Authority: These rules are issued under authority of Sec. 3, 23 Stat. 258, secs. 2.12, 60 Stat. 237 et seq.; 5 U.S.C. 301; 31 U.S.C. 330; 31 U.S.C. 321.

Amendments to Regulations

PART 10—[AMENDED]

Accordingly, 31 CFR Part 10 is amended as follows:

1. The authority for Part 10 continues to read as follows:

Authority: Sec. 3, 23 Stat. 258, secs. 2–12, 60 Stat. 237 et seq.; 5 U.S.C. 301; 31 U.S.C. 330; 31 U.S.C. 321.

§ 10.1 [Amended]

2. In section 10.1, paragraph (b) is revised to read as follows:

* * * * *

(b) *Duties.* The Director of Practice shall act upon applications for enrollment to practice before the Internal Revenue Service; institute and provide for the conduct of disciplinary proceedings relating to attorneys, certified public accountants, enrolled agents, enrolled actuaries and appraisers; make inquiries with respect to matters under his jurisdiction; and perform such other duties as are necessary or appropriate to carry out his functions under this part or as are prescribed by the Secretary of the Treasury.

* * * * *

§§ 10.4, 10.5, and 10.7 [Amended]

3. In section 10.4; sections 10.5 (a), (b), and (c); and § 10.7; in each place where it appears, the word "Commissioner" is removed and the words "Director of Practice" inserted.

4. In § 10.5, paragraph (d) is revised to read as follows:

§ 10.5 Application for enrollment.

* * * * *

(d) *Appeal from denial of application.* The Director of Practice, in denying an application for enrollment, shall inform the applicant as to the reason(s) therefor. The applicant may, within 30 days after receipt of the notice of denial, file a written appeal therefrom, together with his/her reasons in support thereof, to the Secretary of the Treasury. A decision on the appeal will be rendered by the Secretary of the Treasury as soon as practicable.

5. Section 10.6 is revised to read as follows:

§ 10.6 Enrollment.

(a) *Roster.* The Director of Practice shall maintain rosters of all individuals:

(1) Who have been granted active enrollment to practice before the Internal Revenue Service;

(2) Whose enrollment has been placed in an inactive status for failure to meet the requirements for renewal of enrollment;

(3) Whose enrollment has been placed in an inactive retirement status;

(4) Who have been disbarred or suspended from practice before the Internal Revenue Service;

(5) Whose offer of consent to resignation from enrollment to practice before the Internal Revenue Service has been accepted by the Director of Practice under section 10.55 of this part; and

(6) Whose application for enrollment has been denied.

(b) *Enrollment card.* The Director of Practice will issue an enrollment card to each individual whose application for enrollment to practice before the Internal Revenue Service is approved after the effective date of this regulation. Each such enrollment card will be valid for the period stated thereon. Enrollment cards issued individuals before February 1, 1987 shall become invalid after March 31, 1987. An individual having an invalid enrollment card is not eligible to practice before the Internal Revenue Service.

(c) *Term of enrollment.* Active enrollment to practice before the Internal Revenue Service is accorded each individual enrolled, so long as renewal of enrollment is effected as provided in this part.

(d) *Renewal of enrollment.* To maintain active enrollment to practice before the Internal Revenue Service, each individual enrolled is required to have his/her enrollment renewed as set forth herein. Failure by an individual to receive notification from the Director of Practice of the renewal requirement will not be justification for circumvention of such requirement.

(1) All individuals enrolled to practice before the Internal Revenue Service before November 1, 1986 shall apply for renewal of enrollment during the period between November 1, 1986 and January 31, 1987. Those who receive initial enrollment between November 1, 1986 and January 31, 1987 shall apply for renewal of enrollment by March 1, 1987. The first effective date of renewal will be April 1, 1987.

(2) Thereafter, applications for renewal will be required between November 1, 1989 and January 31, 1990, and between November 1 and January 31 of every third year subsequent thereto. Those who receive initial enrollment during the renewal application period shall apply for renewal of enrollment by March 1 of the renewal year. The effective date of renewed enrollment will be April 1, 1990, and April 1 of every third year subsequent thereto.

(3) The Director of Practice will notify the individual of renewal of enrollment and will issue a card evidencing such renewal.

(4) A reasonable nonrefundable fee may be charged for each application for renewal of enrollment filed with the Director of Practice.

(5) Forms required for renewal may be obtained from the Director of Practice, Internal Revenue Service, Washington, DC 20224.

(e) *Condition for renewal: Continuing Professional Education.* In order to qualify for renewal of enrollment, an individual enrolled to practice before the Internal Revenue Service must certify, on the application for renewal form prescribed by the Director of Practice, that he/she has satisfied the following continuing professional education requirements.

(1) *For renewed enrollment effective April 1, 1987.*

(i) A minimum of 24 hours of continuing education credit must be completed between January 1, 1986 and January 31, 1987.

(ii) An individual who receives initial enrollment between January 1, 1986 and January 31, 1987 is exempt from the continuing education requirement for the renewal of enrollment effective April 1, 1987, but is required to file a timely application for renewal of enrollment.

(2) *For renewed enrollment effective April 1, 1990 and every third year thereafter.*

(i) A minimum of 72 hours of continuing education credit must be completed between February 1, 1987 and January 31, 1990, and during each three year period subsequent thereto. Each such three year period is known as an enrollment cycle.

(ii) A minimum of 16 hours of continuing education credit must be completed in each year of an enrollment cycle.

(iii) An individual who receives initial enrollment during an enrollment cycle must complete two (2) hours of qualifying continuing education credit for each month enrolled during such enrollment cycle. Enrollment for any part of a month is considered enrollment for the entire month.

(f) *Qualifying continuing education.*

(1) *In General.* To qualify for continuing education credit, a course of learning must:

(i) Be a qualifying program designed to enhance the professional knowledge of an individual in Federal taxation or Federal tax related matters, i.e. programs comprised of current subject matter in Federal taxation or Federal tax related matters to include accounting, financial management, business computer science and taxation; and

(ii) Be conducted by a qualifying sponsor.

(2) *Qualifying Programs.*

(i) *Formal programs.* Formal programs qualify as continuing education programs if they:

(A) Require attendance;

(B) Require that the program be conducted by a qualified instructor, discussion leader or speaker, i.e. a person whose background, training, education and/or experience is appropriate for instructing or leading a discussion on the subject matter of the particular program; and

(C) Require a written outline and/or textbook and certificate of attendance provided by the sponsor, all of which must be retained by the attendee for a three year period following renewal of enrollment.

(ii) *Correspondence or individual study programs (including taped programs).* Qualifying continuing education programs include correspondence or individual study programs completed on an individual basis by the enrolled individual and conducted by qualifying sponsors. The allowable credit hours for such programs will be measured on a basis comparable to the measurement of a seminar or course for credit in an accredited educational institution. Such programs qualify as continuing education programs if they:

(A) Require registration of the participants by the sponsor;

(B) Provide a means for measuring completion by the participants (e.g., written examination); and

(C) Require a written outline and/or textbook and certificate of completion provided by the sponsor which must be retained by the participant for a three year period following renewal of enrollment.

(iii) *Serving as an instructor, discussion leader or speaker.*

(A) One hour of continuing education credit will be awarded for each contact hour completed as an instructor, discussion leader or speaker at an educational program which meets the continuing education requirements of this part.

(B) Two hours of continuing education credit will be awarded for actual subject preparation time for each contact hour completed as an instructor, discussion leader or speaker at such programs. It will be the responsibility of the individual claiming such credit to maintain records to verify preparation time.

(C) The maximum credit for instruction and preparation may not exceed 50% of the continuing education requirement for an enrollment cycle.

(D) Presentation of the same subject matter in an instructor, discussion leader or speaker capacity more than one time during an enrollment cycle will not qualify for continuing education credit.

(iv) *Credit for published articles, books, etc.*

(A) Continuing education credit will be awarded for publications on Federal taxation or Federal tax related matters to include accounting, financial management, business computer science, and taxation, provided the content of such publications is current and designed for the enhancement of the professional knowledge of an individual enrolled to practice before the Internal Revenue Service.

(B) The credit allowed will be on the basis of one hour credit for each hour of preparation time for the material. It will be the responsibility of the person claiming the credit to maintain records to verify preparation time.

(C) The maximum credit for publications may not exceed 25% of the continuing education requirement of any enrollment cycle.

(3) *Periodic examination.* Individuals may establish eligibility for renewal of enrollment for any enrollment cycle by:

(i) Achieving a passing score on each part of the Special Enrollment Examination administered under this part during the three year period prior to renewal; and

(ii) Completing a minimum of 16 hours of qualifying continuing education during the last year of an enrollment cycle.

(g) *Sponsors.* (1) Sponsors are those responsible for presenting programs.

(2) To qualify as a sponsor, a program presenter must:

(i) Be an accredited educational institution;

(ii) Be recognized for continuing education purposes by the licensing body of any State, possession, territory, Commonwealth, or the District of Columbia responsible for the issuance of a license in the field of accounting or law;

(iii) Be recognized by the Director of Practice as a professional organization or society whose programs include offering continuing professional education opportunities in subject matter within the scope of this part; or

(iv) File a sponsor agreement with the Director of Practice to obtain approval of the program as a qualified continuing education program.

(3) A qualifying sponsor must ensure the program complies with the following requirements:

(i) Programs must be developed by individual(s) qualified in the subject matter;

(ii) Program subject matter must be current;

(iii) Instructors, discussion leaders, and speakers must be qualified with respect to program content;

(iv) Programs must include some means for evaluation of technical content and presentation;

(v) Certificates of completion must be provided those who have successfully completed the program; and

(vi) Records must be maintained by the sponsor to verify completion of the program and attendance by each participant. Such records must be retained for a period of three years following completion of the program. In the case of continuous conferences, conventions, and the like, records must be maintained to verify completion of the program and attendance by each participant at each segment of the program.

(4) Professional organizations or societies wishing to be considered as qualified sponsors shall request such status of the Director of Practice and furnish information in support of the request together with any further information deemed necessary by the Director of Practice.

(5) Sponsor agreements and qualified professional organization or society sponsors approved by the Director of Practice shall remain in effect for one enrollment cycle. The names of such sponsors will be published on a periodic basis.

(h) *Measurement of continuing education coursework.*

(1) All continuing education programs will be measured in terms of contact hours. The shortest recognized program will be one contact hour.

(2) A contact hour is 50 minutes of continuous participation in a program. Credit is granted only for a full contact hour, i.e. 50 minutes or multiples thereof. For example, a program lasting more than 50 minutes but less than 100 minutes will count as one contact hour.

(3) Individual segments at continuous conferences, conventions and the like will be considered one total program. For example, two 90-minute segments (180 minutes) at a continuous conference will count as three contact hours.

(4) For university or college courses, each semester hour credit will equal 15 contact hours and a quarter hour credit will equal 10 contact hours.

(i) *Recordkeeping requirements.*

(1) Each individual applying for renewal shall retain for a period of three years following the date of renewal of enrollment the information required with regard to qualifying continuing professional education credit hours. Such information shall include:

(i) The name of the sponsoring organization;

(ii) The location of the program;

(iii) The title of the program and description of its content e.g., course syllibi and/or textbook;

(iv) The dates attended;

(v) The credit hours claimed;

(vi) The name(s) of the instructor(s), discussion leader(s), or speaker(s), if appropriate; and

(vii) The certificate of completion and/or signed statement of the hours of attendance obtained from the sponsor.

(2) To receive continuing education credit for service completed as an instructor, discussion leader, or speaker, the following information must be maintained for a period of three years following the date of renewal of enrollment:

(i) The name of the sponsoring organization;

(ii) The location of the program;

(iii) The title of the program and description of its content;

(iv) The dates of the program; and

(v) The credit hours claimed.

(3) To receive continuing education credit for publications, the following information must be maintained for a period of three years following the date of renewal of enrollment:

(i) The publisher;

(ii) The title of the publication;

(iii) A copy of the publication; and

(iv) The date of publication.

(j) *Waivers.* (1) Waiver from the continuing education requirements for a given period may be granted by the Director of Practice for the following reasons:

(i) Health, which prevented compliance with the continuing education requirements;

(ii) Extended active military duty;

(iii) Absence from the United States for an extended period of time due to employment or other reasons, provided the individual does not practice before the Internal Revenue Service during such absence; and

(iv) Other compelling reasons, which will be considered on a case-by-case basis.

(2) A request for waiver must be accompanied by appropriate documentation. The individual will be required to furnish any additional documentation or explanation deemed necessary by the Director of Practice. Examples of appropriate documentation could be a medical certificate, military orders, etc.

(3) A request for waiver must be filed no later than the last day of the renewal application period.

(4) If a request for waiver is not approved, the individual will be so notified by the Director of Practice and placed on a roster of inactive enrolled individuals.

(5) If a request for waiver is approved, the individual will be so notified and issued a card evidencing such renewal.

(6) Those who are granted waivers are required to file timely applications for renewal of enrollment.

(k) *Failure to comply.* (1) Compliance by an individual with the requirements of this part shall be determined by the Director of Practice. An individual who fails to meet the requirements of eligibility for renewal of enrollment will be notified by the Director of Practice at

his/her last known address by first class mail. The notice will state the basis for the non-compliance and will provide the individual an opportunity to furnish in writing information relating to the matter within 60 days of the date of the notice. Such information will be considered by the Director of Practice in making a final determination as to eligibility for renewal of enrollment.

(2) The Director of Practice may require any individual, by first class mail to his/her last known mailing address, to provide copies of any records required to be maintained under this part. The Director of Practice may disallow any continuing professional education hours claimed if the individual concerned fails to comply with such requirement.

(3) An individual who has not filed a timely application for renewal of enrollment, who has not made a timely response to the notice of non-compliance with the renewal requirements, or who has not satisfied the requirements of eligibility for renewal will be placed on a roster of inactive enrolled individuals for a period of three years. During this time, the individual will be ineligible to practice before the Internal Revenue Service.

(4) During inactive enrollment status or at any other time an individual is ineligible to practice before the Internal Revenue Service, such individual shall not in any manner, directly or indirectly, indicate he or she is enrolled to practice before the Internal Revenue Service, or use the term "enrolled agent," the designation "E. A.," or other form of reference to eligibility to practice before the Internal Revenue Service.

(5) An individual placed in an inactive status may satisfy the requirements for renewal of enrollment during his/her period of inactive enrollment. If such satisfaction includes completing the continuing education requirement, a minimum of 16 hours of qualifying continuing education hours must be completed in the 12 month period preceding the date on which the renewal application is filed. Continuing education credit under this subsection may not be used to satisfy the requirements of the enrollment cycle in which the individual has been placed back on the active roster.

(6) An individual placed in an inactive status must file an application for renewal of enrollment and satisfy the requirements for renewal as set forth in this section within three years of being placed in an inactive status. The name of such individual otherwise will be removed from the inactive enrollment roster and his/her enrollment will terminate. Eligibility for enrollment must then be reestablished by the individual as provided in this part.

(7) Inactive enrollment status is not available to an individual who is the subject of a discipline matter in the Office of Director of Practice.

(l) *Inactive retirement status.* An individual who no longer practices before the Internal Revenue Service may request being placed in an inactive status at any time and such individual will be placed in an inactive retirement status. The individual will be ineligible to practice before the Internal Revenue Service. Such individual must file a timely application for renewal of enrollment at each applicable renewal or enrollment as provided in this part. An individual who is placed in an inactive retirement status may be reinstated to an active enrollment status upon filing an application for renewal of enrollment and providing evidence of the completion of the required continuing professional education hours for the enrollment cycle. Inactive retirement status is not available to an individual who is the subject to a discipline matter in the Office of Director of Practice.

(m) *Renewal while under suspension or disbarment.* An individual who is ineligible to practice before the Internal Revenue Service by virtue of disciplinary action is required to meet the requirements for renewal of enrollment during the period of ineligibility.

(n) *Verification.* The Director of Practice may review the continuing education records of an enrolled individual and/or qualified sponsor in a manner deemed appropriate to determine compliance with the requirements and standards for renewal of enrollment as provided in this part. (Approved by the Office of Management and Budget under Control No. 1545-0946.)

6. Section 10.99 is revised to read as follows:

§ 10.99 Effective date of regulations.

The regulations of this part shall become effective on January 22, 1986 and shall supersede all prior regulations related to this part.

Robert M. Kimmitt,

General Counsel.

[FR Doc. 86-1234 filed 1-21-86; 8:45 am]

BILLING CODE 4810-25-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 110

[CCGD11-85-02]

Anchorage Regulations; Various Locations, Eleventh Coast Guard District

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This rule updates and corrects reference points at various locations for anchorage areas within the Eleventh Coast Guard District. These revisions are needed to correct typographical errors in the existing regulations, to incorporate name changes of reference points, and to delete mention of reference points which no longer exist. The intended effect on these revisions is to update existing regulations so as to correspond to current conditions.

DATE: These regulations become effective on January 22, 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. Attn: ENS J. Czamanske.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking was not published for these regulations and they are 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 various anchorages. Therefore, the Coast Guard has determined that good cause exists under 5 U.S.C. 553(d)(3) to issue this 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

Following is a list of revisions embodied in this rule which are necessary to correct the existing regulations to correspond to current conditions:

1. [110.91] The revision of § 110.91 (a) through (d) deletes mention of Santa Clara Point Light, El Carmel Point South

Light, Bahia Point Light, Mariners Point Light, and Quivira Basin Light 2.

2. [110.95] The revision of § 110.95 (b), (d), (e), (g), (h), (j), (k), and (n) includes the following corrections: Reference to the "flashing red beacon on the southeast end of Lido Isle" is changed to "Lido Isle East Light 2." Reference to the "flashing green beacon off Bay Island" is changed to "Newport Bay Channel Light 11." Mention of "and passing through the beacon off 13th Street" is deleted. Reference to the "flashing red beacon off the southwest point of Balboa Island" is changed to "Newport Bay Channel Lighted Buoy 10." Reference to the "flashing red beacon off the south point of Bay Shore" is changed to "Newport Bay Channel Light 12." Mention of the "flashing red channel buoy No. 4" is deleted. In Paragraph 110.95(n), reference to "Southeast of a line bearing 227°" is changed to "Southeast of a line bearing 237°." (Note: Changing from 227° to 237° simply corrects a misprint.) Reference to the "flashing red beacon at the southwest corner of Lido Isle" is changed to "Lido Isle West Light 4."

3. [110.210] The revision of § 110.210(a) deletes ". . . the seaplane restricted area described in § 207.612 of this chapter." The revision of § 110.210(b)(4) deletes ". . . and is extensively used as a ferry lane by the San Diego-Coronado ferries.".

4. [110.212] The revision of § 110.212(a)(1) changes the "flashing green beacon off Bay Island" to "Newport Bay Channel Light 11" and deletes "and passing through the beacon off 13th Street."

5. [110.214] The revision of § 110.214(a)(3), (a)(9), and (a)(15) includes the following corrections: Reference to "Los Angeles Main Channel Light 2" is changed to "Los Angeles Main Channel Entrance Light 2." Reference to "Long Beach Channel Entrance Light" is changed to "Long Beach Light." Reference to "Long Beach Breakwater East End Light" is changed to "Long Beach Breakwater East End Light 1."

6. [110.218] The revision of § 110.218(a) changes "the flashing green light on the southeast headland at Wilson Cove" to "Wilson Cove Light."

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 110

Anchorage grounds.

Final Regulation

In consideration of the foregoing, Part 110 of Title 33 of the Code of Federal Regulations is amended as follows:

PART 110—[AMENDED]

1. The authority citation for Part 110 continues to read as follows:

Authority: 33 U.S.C. 471, 2030, 2035, and 2071; 49 CFR 1.46(e) and 33 CFR 1.05–1(g).

2. Section 110.91 is revised to read as follows:

§ 110.91 Mission Bay, Calif.

(a) Area M–1. In San Juan Cove, the entire water area west of a line drawn from latitude 32°46′53.6″ N., longitude 117°14′52.5″ W.; to El Carmel Point North Light; latitude 32°46′48.0″ N., longitude 117°14′50.1″ W.

Note.—Control over the anchoring of vessels and placing of temporary moorings in this area is exercised by the City of San Diego Park and Recreation Department pursuant to local ordinances.

(b) Area M–2. In Santa Barbara Cove, the entire water area west of a line drawn from latitude 32°46′40.0″ N., longitude 117°14′47.0″ W.; to latitude 32°46′33.5″ N., longitude 117°14′45.5″ W.

Note.—Control over the anchoring of vessels and the placing of temporary moorings in this area is exercised by the City of San Diego Park and Recreation Department pursuant to local ordinances.

(c) Area M–3. In Mariners Basin, the entire water area west of a line drawn from latitude 32°45′49.2″ N., longitude 117°14′42.9″ W.; to Mission Point Light; latitude 32°45′43.7″ N., longitude 117°14′41.9″ W.

Note.—Control over the anchoring of vessels and the placing of temporary moorings in this area is exercised by the City of San Diego Park and Recreation Department pursuant to local ordinances.

(d) Area M–4. In Quivira Basin, the entire water area enclosed by that portion of a circle of 45 yard radius from latitude 32°45′42.8″ N., longitude 117°14′25.6″ W.; through the arc from 354° T to 088° T.

Note.—Control over the anchoring of vessels and the placing of temporary moorings in this area is exercised by the City of San Diego Park and Recreation Department pursuant to local ordinances.

3. In § 110.95 paragraphs (b), (d), (e), (g), (h), (j), (k), and (n) are revised to read as follows:

§ 110.95 Newport Bay Harbor, Calif.

* * * * *

(b) Area A–2. East of the east side of 15th Street extended; north of a line parallel to and 250 feet from the pierhead line between 14th and 15th Streets, this line being the north line of Newport Channel, and extending east in a straight line to an intersection with a line bearing 268° from Lido Isle East Light 2, this line being the northwest line of the main fairway; west of the east side of 13th Street extended; and south of a line parallel to and 220 feet from the pierhead line off the south shore of Lido Isle.

Note.—This area is reserved for recreational and other small craft. Fore and aft moorings will be allowed in this area conforming to the City of Newport Beach Harbor Ordinance No. 543 for recreational and small craft of such size and alignment as permitted by the harbor master.

* * * * *

(d) Area A–4. South of a line bearing 268° from Newport Bay Channel Light 11, this line being the south line of the main fairway; north of a line parallel to and 200 feet from the pierhead line off 11th to 8th Streets; and west of a line bearing 203° from Newport Bay Channel Light 12, passing through the pierhead line at the east end of Lido Isle.

Note.—This area is reserved for recreational and other small craft. Fore and aft moorings will be allowed in this area conforming to the City of Newport Beach Harbor Ordinance No. 543 for recreational and small craft of such size and alignment as permitted by the harbor master.

(e) Area A–5. (Newport Harbor Yacht Club). East of a line bearing 23° from the center of the north end of 8th Street, being parallel to and 150 feet distant from the east end of Area A–4; north of a line parallel to and 200 feet from the pierhead line off 7th and 8th Streets; northwest of a line parallel to and 200 feet from the northwest pierhead line off Bay Island; and south of a line bearing 268° from Newport Bay Channel Light 11, this line being the southerly line of the main fairway.

Note.—This area is reserved for recreational and other small craft. Fore and aft moorings will be allowed in this area conforming to the City of Newport Beach

Harbor Ordinance No. 543 for recreational and small craft of such size and alignment as permitted by the harbor master.

* * * * *

(g) Area A–7. East of a line parallel to and 150 feet from the east pierhead line off Bay Island; north of a line parallel to and 150 feet from the pierhead line off Fernando Street; northwest of the east side of Adams Street extended; and southwest of a line bearing 131° from Newport Bay Channel Light 11, being parallel to and 100 feet southwest of the southwest line of the main channel.

Note.—This area is reserved for recreational and other small craft. Fore and aft moorings will be allowed in this area conforming to the City of Newport Beach Harbor Ordinance No. 543 for recreational and small craft of such size and alignment as permitted by the harbor master.

(h) Area A–8. Northeast of a line parallel to and 270 feet from the southwest pierhead line from Collins Isle to Balboa Island; north of a line bearing 311° from Newport Bay Channel Lighted Buoy 10 and passing through Newport Bay Channel Light 12, this line being the northeast line of the main channel; southwest of a line parallel to and 150 feet from the southwest pierhead line from Collins Isle to Balboa Island; and southeast of a line bearing 238° from U.S. Station 160.

Note.—This area is reserved for recreational and other small craft. Fore and aft moorings will be allowed in this area conforming to the City of Newport Beach Harbor Ordinance No. 543 for recreational and small craft of such size and alignment as permitted by the harbor master.

* * * * *

(j) Area A–10. Southeast of a line bearing 209° from Newport Bay Channel Lighted Buoy 10 and passing through the east side of the end of "A" Street; north of an irregular line parallel to and 150 feet from the north pierhead line off Balboa Peninsula from "A" to "K" Streets; south of the south line of the main channel; and south and southeast of an irregular line parallel to and 375 feet from the north pierhead line off Balboa Peninsula.

Note.—This area is reserved for recreational and other small craft. Fore and aft moorings will be allowed in this area conforming to the City of Newport Beach Harbor Ordinance No. 543 for recreational and small craft of such size and alignment as permitted by the harbor master.

(k) Area A–11. Northeast of a line bearing 108°30' from Newport Bay Channel Lighted Buoy 10, this line being the northeast line of the main channel; north of a line parallel to and 350 feet from the south pierhead line off Balboa Island; west of the west bulkhead line of the Grand Canal extended; and south of a line parallel to and 150 feet from the south pierhead off Balboa Island.

Note.—This area is reserved for recreational and other small craft. Fore and aft moorings will be allowed in this area conforming to the City of Newport Beach Harbor Ordinance No. 543 for recreational and small craft of such size and alignment as permitted by the harbor master.

* * * * *

(n) Area B–1. Southeast of a line bearing 237° from Lido Isle West Light 4 and being parallel to and 200 feet from the pierhead line off the southeast end of Rhine Point; northeast of the southwest bulkhead line off Rhine Point extended; north of a line parallel to and 250 feet from the pierhead line between 15th and 18th Streets, this line being the north line of Newport Channel; west of the west side of 15th Street extended; and south of a line parallel to and 220 feet from the pierhead off the south shore of Lido Isle.

Note.—This area is reserved for recreational and other small craft. Fore and aft moorings will be allowed in this area conforming to the City of Newport Beach Harbor Ordinance No. 543 for recreational and small craft of such size and alignment as permitted by the harbor master.

4. In § 110.210, the introductory text of paragraph (a) and paragraph (b)(4) are revised to read as follows:

§ 110.210 San Diego Harbor, Calif.

(a) The anchorage grounds. The anchorage grounds for general use shall include all of the navigable waters of the harbor except cable and pipe-line areas, the special anchorage areas described in § 110.90, and the following:

* * * * *

(b) * * *

(4) The area described in Paragraph (a)(3) of this section is occupied by submerged pipe lines, power cables, and communication cables. No vessels shall anchor in this area at any time.

5. In § 110.212, paragraph (a)(1) is revised to read as follows:

§ 110.212 Newport Bay Harbor, Calif.

(a) The anchorage grounds—(1) Temporary Anchorage C–1. Southeast of a line parallel to and 170 feet from the pierhead line at the east end of Lido Isle; north of a line parallel to and 250 feet north of a line bearing 268° from Newport Bay Channel Light 11, this line being the north line of the main fairway; northwest of a line 120 feet in length bearing 203° from the point of the pierhead line off the west end of Harbor Island; and southwest of the pierhead line off the northeast shore of Lido Isle extended.

* * * * *

6. In § 110.214 paragraph (a)(3), (a)(9), and (a)(15) are revised to read as follows:

§ 110.214 Los Angeles and the Long Beach Harbors, Calif.

* * * * *

(a) * * *

(3) Commercial Anchorage C (Los Angeles and Long Beach Harbors). An area enclosed by a line beginning at Lost Angeles Main Channel Entrance Light 2, latitude 33°42'38.8" N., longitude 118°14'37.5" W; thence northwesterly to the southernmost point of Commercial Anchorage B, latitude 33°43'13.8" N., longitude 118°15'51.4" W.; thence northeasterly to latitude 33°44'12.1" N., longitude 118°12'32.3" W.; thence southeasterly to Long Beach Light, latitude 33°43'23.5" N., longitude 118°11'09.4" W.; thence westerly along the Middle Breakwater to the beginning point.

* * * * *

(9) Naval Anchorage K (Long Beach Harbor). An area enclosed by a line beginning at Long Beach Breakwater East End Light 1, latitude 33°43'23.5" N., longitude 118°08'10.1" W.; thence northerly to latitude 33°44'19.0" N., longitude 118°08'10.1" W.; thence westerly to the Southwest Lighted Marker on Island Chaffee at latitude 33°44'20.0" N., longitude 118°08'20.0" W.; thence westerly to the Southeast Lighted Marker on Island Freeman at latitude 33°44'23.6" N., longitude 118°09'39.1" W.; thence along the southern shore to the Southwest Lighted Marker on Island Freeman at latitude 33°44'25.2" N., longitude 118°09'46.0" W.; thence southerly to the Long Beach Breakwater at latitude 33°43'23.5" N., longitude 118°09'46.4" W.; thence easterly along the Long Beach Breakwater to the beginning point.

* * * * *

(15) Nonanchorage V (Long Beach Harbor). An area enclosed by a line beginning at Long Beach Breakwater East End Light 1, latitude 33°43'23.5" N., longitude 118°08'10.1" W.; thence northerly to latitude 33°43'38.4" N., longitude 118°08'10.1" W.; thence easterly to latitude 33°43'38.4" N., longitude 118°07'45.5" W.; thence southeasterly to latitude 33°43'27.3" N., longitude 118°07'36.8" W.; thence to the beginning point.

* * * * *

7. In § 110.218 paragraph (a) is revised to read as follows:

§ 110.218 Pacific Ocean at San Clemente Island, Calif.; in vicinity of Wilson Cove.

(a) The anchorage grounds. Shoreward on a line beginning at a point

on the beach bearing 153° true, 1,400 yards, from Wilson Cove Light; thence 62° true, 0.67 nautical mile, thence 332° true, 1.63 nautical miles; thence 241°31' true to the shore line.

* * * * *

Dated: December 31, 1985.

A.B. Beran,

Rear Admiral (lower half), U.S. Coast Guard Commander, Eleventh Coast Guard District.

[FR Doc. 86-1000 Filed 1-21-86; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 117

[CGD7-85-40]

Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, FL

Correction

In FR Doc. 86-72 beginning on page 395 in the issue of Monday, January 6, 1986, make the following correction:

On page 396, first column, § 117.261(g), tenth line, "mimutes" should read "minutes"; and in the eleventh line, "30" should read "40".

BILLING CODE 1505-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 471

[WH-FRL-2952-3]

Nonferrous Metals Forming and Metal Powers Point Source Category Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction.

SUMMARY: EPA is correcting several errors in the effluent limitations guidelines, pretreatment standards, and new source performance standards for the nonferrous metals forming the metal powders point source category which appeared in the **Federal Register** on August 23, 1985 (50 FR 34242). This document corrects typographical and computational errors in the regulation 40 CFR Part 471.

EFFECTIVE DATE: January 22, 1986.

FOR FURTHER INFORMATION CONTACT: Ms. Janet K. Goodwin at (202) 382-7152.

SUPPLEMENTARY INFORMATION: On August 23, 1985, EPA published final effluent limitations guidelines and standards for the nonferrous metals forming point source category. (40 CFR Part 471; 50 FR 34242.) The regulation contains several typographical and computational errors which are corrected below. These corrections are consistent with the Development Document and rulemaking record which support this regulation.

Dated: December 30, 1985.

Lawrence J. Jensen,

Assistant Administrator for Water.

PART 471—[CORRECTED]

The following corrections are made to FR Doc. 85-19248 the Nonferrous Metals Forming and Metal Powders Point Source Category Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards published in the **Federal Register** on August 23, 1985 (50 FR 34242).

§ 471.11 [Amended]

1. In 40 CFR 471.11(h) on page 34274, the maximum for any 1 day for Lead is corrected to read, "0.0004".

2. In 40 CFR 471.11(j) on page 34274, the maximum for any 1 day for Antimony is corrected to read, "0.107".

§ 471.12 [Amended]

3. In 40 CFR 471.12(k) on page 34275, the maximum for monthly average for Lead is corrected to read, "0.012".

§ 471.13 [Amended]

4. In 40 CFR 471.13(i) on page 34276, the maximum for monthly average for Antimony is corrected to read, "0.004" and the maximum of any 1 day for Lead is corrected to read, "0.001".

5. In 40 CFR 471.13(k) on page 34276, the maximum for any 1 day for Antimony is corrected to read, "0.169".

§ 471.14 [Amended]

6. In 40 CFR 471.14(h) on page 34277, the maximum for monthly average for Lead is corrected to read, "0.0002".

§ 471.15 [Amended]

7. In 40 CFR 471.15(i) on page 34278, the maximum for any 1 day and maximum for monthly average for Lead are corrected to read, "0.001" and "0.0006", respectively.

8. In 40 CFR 471.15(k) on page 34278, the maximum for any 1 day for Antimony is corrected to read, "0.169".

§ 471.23 [Amended]

9. In 40 CFR 471.23(c) on page 34280, the maximum for any 1 day for Chromium is corrected to read, "0.107".

10. In 40 CFR 471.23(h) on page 34280, the maximum for monthly average for Fluoride is corrected to read, "0.515".

§ 471.24 [Amended]

11. In 40 CFR 471.24(h) on page 34281, the maximum for monthly average for Zinc is corrected to read, "0.012".

§ 471.25 [Amended]

12. In 40 CFR 471.25(a) on page 34281, the term, "mg/off-kg (pounds per million off-pounds) of magnesium forged" is corrected to read, "mg/off-kg (pounds per million off-pounds) of magnesium rolled with emulsions".

§ 471.31 [Amended]

13. In 40 CFR 471.31(c) on page 34282, the maximum for any 1 day for Fluoride is corrected to read, "225".

14. In 40 CFR 471.31(k) on page 34283, the table of BPT limitations is corrected to read as follows:

SUBPART C—BPT

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/off-kg (pounds per million off-pounds) of forged nickel-cobalt cooled with water	
Chromium	0.209	0.086
Nickel	0.910	0.602
Fluoride	28.2	12.5
Oil and grease	9.48	5.69
TSS	19.5	9.25
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

15. In 40 CFR 471.31(u) on page 34283, the maximum for any 1 day for Chromium is corrected to read, "0.015".

16. In 40 CFR 471.31(w) on page 34284, the Table of BPT limitations is corrected to read as follows:

SUBPART C—BPT

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/off-kg (pounds per million off-pounds) of nickel-cobalt treated with molten salt	
Chromium	3.72	1.52
Nickel	16.2	10.7
Fluoride	502	223
Oil and grease	169	101
TSS	346	165
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

17. In 40 CFR 471.31(y) on page 34284, the Table of BPT limitations is corrected to read as follows:

SUBPART C—BPT

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/off-kg (pounds per million off-pounds) of nickel-cobalt sawed or ground with emulsions	
Chromium	* * *	* * *
Nickel	0.076	0.050
Fluoride	2.35	1.04
Oil and grease	0.788	0.473
TSS	1.62	0.769
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

§ 471.32 [Amended]

18. In 40 CFR 471.32(k) on page 34285, the Table of BAT limitations is corrected to read as follows:

SUBPART C—BAT

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/off-kg (pounds per million off-pounds) of forged nickel-cobalt cooled with water	
Chromium	0.018	0.007
Nickel	0.026	0.018
Fluoride	2.82	1.25

19. In 40 CFR 471.32(r) on page 34285, the maximum for monthly average for Fluoride is corrected to read, "21.4".

20. In 40 CFR 471.32(u) on page 34286, the maximum for monthly average for Nickel is corrected to read, "0.013".

21. In 40 CFR 471.32(w) on page 34286, the table of BAT limitations is corrected to read as follows:

SUBPART C—BAT

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/off-kg (pounds per million off-pounds) of nickel-cobalt treated with molten salt	
Chromium	0.312	0.127
Nickel	0.464	0.312
Fluoride	50.2	22.3

22. In 40 CFR 471.32(x) on page 34286, the maximum for any one day and the maximum for monthly average for Nickel are corrected to read, "0.008" and "0.006", respectively.

23. In 40 CFR 471.32(dd) on page 34286, the table of BAT limitations is corrected to read as follows:

SUBPART C—BAT

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/off-kg (pounds per million off-pounds) of nickel-cobalt tested with dye penetrant method	
Chromium	0.079	0.032
Nickel	0.117	0.079
Fluoride	* * *	* * *

§ 471.33 [Amended]

24. In 40 CFR 471.33(k) on page 34287, the new source performance standards table is corrected to read as follows:

SUBPART C—NSPS

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/off-kg (pounds per million off-pounds) of forged nickel-cobalt cooled with water	
Chromium	0.018	0.007
Nickel	0.026	0.018
Fluoride	2.82	1.25
Oil and grease	0.474	0.474
TSS	0.711	0.569
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

25. In 40 CFR 471.33(w) on page 34288, the new source performance standards Table is corrected to read as follows:

SUBPART C—NSPS

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/off-kg (pounds per million off-pounds) of nickel-cobalt treated with molten salt	
Chromium	0.312	0.127
Nickel	0.464	0.312
Fluoride	50.2	22.3
Oil and grease	8.44	8.44
TSS	12.7	10.1
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

§ 471.34 [Amended]

26. In 40 CFR 471.34(k) on page 34289, the pretreatment standards for existing sources Table is corrected to read as follows:

SUBPART C—PSES

Poliutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/off-kg (pounds per million off-pounds) of forged nickel-cobalt cooled with water	
Chromium	0.018	0.007
Nickel	0.026	0.018
Fluoride	2.82	1.25

§ 471.34 [Amended]

27. In 40 CFR 471.34(r) on page 34289, the maximum for monthly average for Fluoride is corrected to read, "21.4".

28. In 40 CFR 471.34(t) on page 34289, the maximum for any 1 day for Fluoride is corrected to read, "141".

29. In 40 CFR 471.34(w) on page 34290, the pretreatment standards for existing sources Table is corrected to read as follows:

SUBPART C—PSES

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/off-kg (pounds per million off-pounds) of nickel-cobalt treated with molten salt	
Chromium	0.312	0.127
Nickel	0.464	0.312
Fluoride	50.2	22.3

30. In 40 CFR 471.34(x) on page 34290, the maximum for any 1 day and maximum for monthly average for Nickel are corrected to read, "0.008" and "0.006", respectively.

31. In 40 CFR 471.34(dd) on page 34290, the pretreatment standards for existing sources table is corrected to read as follows:

SUBPART C—PSES

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/off-kg (pounds per million off-pounds) of nickel—cobalt tested with dye penetrant method	
Chromium	0.079	0.032
Nickel	0.117	0.079
Fluoride	* * *	* * *

§ 471.35 [Amended]

32. In 40 CFR 471.35(k) on page 34291, the pretreatment standards for new sources table is corrected to read as follows:

SUBPART C—PSNS

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/off-kg (pounds per million off-pounds) of forged nickel—cobalt cooled with water	
Chromium	0.018	0.007
Nickel	0.026	0.018
Fluoride	2.82	1.25

33. In 40 CFR 471.35(w) on page 34291, the pretreatment standards for new sources table is corrected to read as follows:

SUBPART C—PSNS

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/off-kg (pounds per million off-pounds) of nickel—cobalt treated with molten salt	
Chromium	0.312	0.127
Nickel	0.464	0.312
Fluoride	50.2	22.3

34. In 40 CFR 471.35(dd) on page 34292, the pretreatment standards for new sources table is corrected to read as follows:

SUBPART C—PSNS

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/off-kg (pounds per million off-pounds) of nickel—cobalt tested with dye penetrant method	
Chromium	0.079	0.032
Nickel	0.117	0.079
Fluoride	* * *	* * *

§ 471.41 [Amended]

35. In 40 CFR 471.41(o) on page 34293, the Table of BPT limitations is corrected to read as follows:

SUBPART D—BPT

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/off-kg (pounds per million off-pounds) of precious metal surface treated	
Cadmium	2.10	0.924
Copper	11.7	6.16
Cyanide	1.79	0.739
Silver	2.53	1.05
Oil and grease	123	73.9
TSS	253	120
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

36. In 40 CFR 471.41(q) on page 34293, the maximum for monthly average for Oil and grease is corrected to read, "135".

§ 471.42 [Amended]

37. In 40 CFR 471.42(b) on page 34294, the maximum for monthly average for Silver is corrected to read "0.013".

38. In 40 CFR 471.42(g) on page 34294, the line beginning with the word "Gold" is removed.

§ 471.43 [Amended]

39. In 40 CFR 471.43(e) on page 34295, the maximum for any 1 day for Cyanide is corrected to read, "0.0009", and the maximum for monthly average for Silver is corrected to read, "0.0006".

40. In 40 CFR 471.43(j) on page 34296, the maximum for any 1 day for TSS is corrected to read, "44.3".

41. In 40 CFR 471.43(u) on page 34297, the maximum for any 1 day for TSS is corrected to read, "3.83".

§ 471.44 [Amended]

42. In 40 CFR 471.44(d) on page 34297, the maximum for monthly average for Copper is corrected to read, "0.048".

§ 471.45 [Amended]

43. In 40 CFR 471.45(h) on page 34299, the maximum for monthly average for Copper is corrected to read "1.03".

44. In 40 CFR 471.45(p) on page 34299, the maximum for any 1 day for Cyanide is corrected to read "0.018".

§ 471.51 [Amended]

45. In 40 CFR 471.51(h) on page 34300, the Table of BPT limitations is corrected to read as follows:

SUBPART E—BPT

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/off-kg (pounds per million off-pounds) of refractory metals formed	
Copper	2.59	1.36
Nickel	2.61	1.73
Fluoride	80.9	35.9
Molybdenum	8.99	4.65
Oil and grease	27.2	16.3
TSS	55.8	26.5
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

46. In 40 CFR 471.51(i) on page 34300, the maximum for any 1 day and the maximum for monthly average for Molybdenum are corrected to read, "1.86" and "0.961", respectively.

47. In 40 CFR 471.51(p) on page 34301, the maximum for monthly average for Molybdenum is corrected to read, "21.7".

48. In 40 CFR 471.51(q) on page 34301, the maximum for any 1 day for Oil and grease is corrected to read, "250".

49. In 40 CFR 471.51(x) on page 34301, the maximum for any 1 day and the maximum for monthly average for Molybdenum are corrected to read, "0.513", and "0.266", respectively.

§ 471.52 [Amended]

50. In 40 CFR 471.52(e) on page 34302, the maximum for any 1 day and the maximum for monthly average for Molybdenum are corrected to read, "5.99" and "2.66", respectively.

51. In 40 CFR 471.52(l) on page 34302, the maximum for monthly average for Molybdenum is corrected to read, "0.868".

52. In 40 CFR 471.52 on page 34302, the maximum for any 1 day and the maximum for monthly average for Molybdenum are corrected to read, "3.19", and "1.41", respectively.

53. In 40 CFR 471.52(u) on page 34303, the maximum for monthly average for Fluoride is corrected to read, "0.357".

54. In 40 CFR 471.52(w) on page 34303, the Table of BAT limitations is corrected to read as follows:

SUBPART E—BAT

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/off/kg (pounds per million off-pounds) of refractory metals formed	
Copper	0.442	0.211
Nickel	0.190	0.128
Fluoride	* * *	* * *
Molybdenum	1.74	0.770

55. In 40 CFR 471.52(x) on page 34303, the Table of BAT limitations is corrected to read as follows:

SUBPART E—BAT

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg-off/kg (pounds per million off-pounds) of refractory metals product tested	
Copper	0.100	0.048
Nickel	0.043	0.029
Fluoride	4.62	2.05
Molybdenum	0.391	0.173

§ 471.53 [Amended]

56. In 40 CFR 471.53(e) on page 34303, the maximum for any 1 day for Fluoride is corrected to read, "70.8".

57. In 40 CFR 471.53(g) on page 34303, the maximum for monthly average for Copper is corrected to read, "0.020", and the maximum for monthly average for Nickel is corrected to read, "0.012".

58. In 40 CFR 471.53(w) on page 34304, the new source performance standards table is corrected to read as follows:

SUBPART E—NSPS

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/off-kg (pounds per million off-pounds) of refractory metals formed	
Copper	0.442	0.211
Nickel	0.190	0.128
Fluoride	* * *	* * *
Molybdenum	1.74	0.770
Oil and grease	3.45	3.45
TSS	5.18	4.14
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

59. In 40 CFR 471.53(x) on page 34304, the new source performance standards table is corrected to read as follows:

SUBPART E—NSPS

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/off-kg (pounds per million off-pounds) of refractory metals product tested	
Copper	0. 100	0. 048
Nickel	0. 043	0. 029
Fluoride	4. 62	2. 05
Molybdenum	0. 391	0. 173
Oil and grease	0. 776	0. 776
TSS	1. 17	0. 931
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

§ 471.54 [Amended]

60. In 40 CFR 471.54(x) on page 34306, the pretreatment standards for existing sources table is corrected to read as follows:

SUBPART E—PSES

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/off-kg (pounds per million off-pounds) of refractory metals product tested	
Copper	0. 148	0. 078
Nickel	0. 149	0. 099
Fluoride	4. 62	2. 05
Molybdenum	0. 513	0. 266

§ 471.55 [Amended]

61. In 40 CFR 471.55(e) on page 34306, the maximun for any 1 day for Fluoride is corrected to read, "70.8".

62. In 40 CFR 471.55(w) on page 34307, the pretreatment standards for new sources table is corrected to read as follows:

SUBPART E—PSNS

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/off-kg (pounds per million off-pounds) of refractory metals formed	
Copper	0. 442	0. 211
Nickel	0. 192	0. 128
Fluoride	* * *	* * *
Molybdenum	1. 74	0. 770

63. In 40 CFR 471.55(x) on page 34308, the pretreatment standards for new sources table is corrected to read as follows:

SUBPART E—PSNS

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/off-kg (pounds per million off-pounds) of refractory metals product tested	
Copper	0.100	0.048
Nickel	0.043	0.029
Fluoride	4.62	2.05
Molybdenum	0.391	0.173

§ 471.61 [Amended]

64. In 40 CFR 471.61(b) on page 34308, the maximum for any 1 day and maximum for monthly average for Ammonia are corrected to read, "651" and "286", respectively.

65. In 40 CFR 471.61(e) on page 34308, the maximum for monthly average for Zinc is corrected to read, "0.044", and the maximum for any 1 day and the maximum for monthly average for Ammonia are corrected to read, "9.59" and "4.22", respectively.

66. In 40 CFR 471.61(h) on page 34308, the maximum for any 1 day and the maximum for monthly average for Ammonia are corrected to read, "267" and "117", respectively.

67. In 40 CFR 471.61(m) on page 34308, the maximum for any 1 day and the maximum for monthly average for Ammonia are corrected to read, "27.7" and "12.2", respectively.

68. In 40 CFR 471.61(n) on page 34309, the maximum for monthly average for Zinc is corrected to read, "17.8".

69. In 40 CFR 471.61(r) on page 34309, the maximum for any 1 day for Ammonia is corrected to read, "128".

70. In 40 CFR 471.61(u) on page 34309, the maximum for any 1 day and the maximum for monthly average for Ammonia are corrected to read, "24.4" and "10.7", respectively.

§ 471.62 [Amended]

71. In 40 CFR 471.62(b) on page 34310, the maximum for any 1 day and the maximum for monthly average for Ammonia are corrected to read, "65.1" and "28.6", respectively.

72. In 40 CFR 471.62(e) on page 34310, the maximum for any 1 day and the maximum for monthly average for Ammonia are corrected to read, "9.59" and "4.22", respectively.

73. In 40 CFR 471.62(m) on page 34310, the maximum for any 1 day and the maximum for monthly average for Ammonia are corrected to read, "27.7" and "12.2", respectively.

74. In 40 CFR 471.62(n) on page 34310, the maximum for any 1 day and the maximum for monthly average for Ammonia are corrected to read, "389" and "171", respectively.

75. In 40 CFR 471.62(u) on page 34311, the maximum for any 1 day and the maximum for monthly average for Ammonia are corrected to read, "24.4" and "10.7", respectively.

76. In 40 CFR 471.62(x) on page 34311, the maximum for any 1 day for Zinc is corrected to read, "0.048".

§ 471.63 [Amended]

77. In 40 CFR 471.63(e) on page 34311, the maximum for monthly average for Zinc is corrected to read, "0.044".

78. In 40 CFR 471.63(i) on page 34311, the new source performance standards table is corrected to read as follows:

SUBPART F—NSPS

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/off-kg (pounds per million off-pounds) of titanium forged	
Cyanide	0.012	* * *
Lead	0.017	0.008
Zinc	0.059	0.025
Ammonia	5.33	2.35
Fluoride	2.38	1.06
Oil and grease	0.800	0.480
TSS	1.64	0.780
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

79. In 40 CFR 471.63(m) on page 34312, the maximum for any 1 day and the maximum for monthly average for Ammonia are corrected to read, "27.7" and "12.2", respectively.

80. In 40 CFR 471.63(n) on page 34312, the maximum for any 1 day and the maximum for monthly average for Zinc are corrected to read, "4.27" and "1.78", respectively.

81. In 40 CFR 471.63(p) on page 34312, the maximun for any 1 day and the maximum for monthly average for Ammonia are corrected to read, "32.0" and "14.1", respectively.

§ 471.64 [Amended]

82. In 40 CFR 471.64(m) on page 34313, the maximum for monthly average for Ammonia is corrected to read, "12.2".

§ 471.65 [Amended]

83. In 40 CFR 471.65(m) on page 34315, the maximum for monthly average for Ammonia is corrected to read, "12.2".

84. In 40 CFR 471.65(o) on page 34315, the heading "mg/off-kg (pounds per million off-pounds) of titanium surface treated" is corrected to read, "mg/off-kg (pounds per million off-pounds) of titanium surface treated or forged".

§ 471.71 [Amended]

85. In 40 CFR 471.71(f) on page 34316, the maximum for monthly average for Copper is corrected to read, "0.337".

86. In 40 CFR 471.71(g) on page 34316, the maximum for monthly average for Lead is corrected to read, "0.0007".

87. In 40 CFR 471.71(m) on page 34317, the table of BPT limitations is corrected to read as follows:

SUBPART G—BPT

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/employee—day	
Cadmium	17.8	7.86
Chromium	23.1	9.43
Copper	99.6	52.4
Lead	22.0	10.5
Nickel	101	66.6
Fluoride	3,120	1,390
Molybdenum	347	179
Oil and grease	1,050	629
TSS	2,150	1,020
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

§ 471.72 [Amended]

88. In 40 CFR 471.72(h) on page 34318, the maximum for any 1 day and the maximum for monthly average for Lead are corrected to read, "0.002"and "0.001", respectively.

89. In 40 CFR 471.72(k) on page 34318, the maximum for monthly average for Molybdenum is corrected to read, "0.096".

90. In 40 CFR 471.72(m) on page 34318, the table of BAT limitations is corrected to read as follows:

SUBPART G—BAT

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/employee—day	
Cadmium	5.24	2.10
Chromium	9.70	3.93
Copper	33.6	16.0
Lead	7.34	3.41
Nickel	14.4	9.70
Fluoride	1,560	692
Molybdenum	132	58.4

§ 471.73 [Amended]

91. In 40 CFR 471.73(h) on page 34319, the maximum for monthly average for Copper is corrected to read, "0.004", and the maximum for any 1 day and the maximum for monthly average for Lead are corrected to read, "0.002" and "0.0008", respectively.

92. In 40 CFR 471.73(m) on page 34319, the new source performance standards table is corrected to read as follows:

SUBPART G—NSPS

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
mg/employee—day:		
Cadmium	5.24	2.10
Chromium	9.70	3.93
Copper	33.6	16.0
Lead	7.34	3.41
Nickel	14.4	9.70
Fluoride	1,560	692
Molybdenum	132	58.4
Oil and grease	262	262
TSS	393	315
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

§ 471.75 [Amended]

93. In 40 CFR 471.75(f) on page 34320, the maximum for monthly average for Copper is corrected to read, "0.206".

94. In 40 CFR 471.75(g) on page 34320, the maximum for any 1 day and the maximum for monthly average for Lead are corrected to read, "0.001" and "0.0005", respectively.

95. In 40 CFR 471.75(h) on page 34320, the maximum for any 1 day and the maximum for monthly average for Lead are corrected to read, "0.002" and "0.0008", respectively.

96. In 40 CFR 471.75(j) on page 34320, the maximum for any 1 day for Cadmium is corrected to read, "0.001", and the maximum for monthly average for Nickel is corrected to read, "0.002".

97. In 40 CFR 471.75(m) on page 34320, the pretreatment standards for new sources table is corrected to read as follows:

SUBPART G—PSNS

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
mg/employee—day:		
Cadmium	5.24	2.10
Chromium	9.70	3.93
Copper	33.6	16.0
Lead	7.34	3.41
Nickel	14.4	9.70
Fluoride	1,560	692
Molybdenum	132	58.4

§ 471.81 [Amended]

98. In 40 CFR 471.81(b) on page 34320, the maximum for monthly average for Cyanide and Zinc are corrected to read, "0.0002" and "0.0009", respectively.

99. In 40 CFR 471.81(j) on page 34321, the maximum for monthly average for Chromium is correcred to read, "0.0007".

100. In 40 CFR 471.81(l) on page 34321, the maximum for any 1 day for Copper is corrected to read, "0.045".

§ 471.82 [Amended]

101. In 40 CFR 471.82(h) on page 34322, the maximum for any 1 day for Copper is corrected to read, "0.114".

§ 471.83 [Amended]

102. In 40 CFR 471.83(d) on page 34323, the maximum for monthly average for Chromium is corrected to read, "0.0009".

103. In 40 CFR 471.83(k) on page 34323, the maximum for any 1 day for TSS is corrected to read, "25.4".

104. In 40 CFR 471.83(l) on page 34323, the maximum for any 1 day and the maximum for monthly average for TSS are corrected to read, "0.357" and "0.286", respectively.

105. In 40 CFR 471.83(m) on page 34323, the maximum for any 1 day and the maximum for monthly average for TSS are corrected to read, "3.44" and "2.75", respectively.

§ 471.85 [Amended]

106. In 40 CFR 471.85(h) on page 34324, the maximum for any 1 day for Copper is corrected to read, "0.114".

107. In 40 CFR 471.85(j) on page 34324, the maximum for any 1 day for Cyanide is corrected to read, "0.0007".

§ 471.91 [Amended]

108. 40 CFR 471.91(m) on page 34325, is corrected to read, (m) *Wet air pollution scrubber blowdown—Subpart I–BPT.* There shall be no allowance for the discharge of process wastewater pollutants."

109. In 40 CFR 471.91(p) on page 34325, the maximum for monthly average for Ammonia is corrected to read, "443".

110. In 40 CFR 471.91(q) on page 34325, the maximum for any 1 day for TSS is corrected to read, "13.2".

§ 471.92 [Amended]

111. In 40 CFR 471.92(k) on page 34326, the maximum for monthly average for Cyanide is corrected to read, "0.377".

112. In 40 CFR 471.92(m) on page 34326, is corrected to read, "(m) *Wet air pollution control scrubber blowdown—Subpart I—BAT.* There shall be no allowance for the discharge of process wastewater pollutants."

113. In 40 CFR 471.92(t) on page 34327, the maximum for monthly average for Fluoride is corrected to read, "0.407".

§ 471.93 [Amended]

114. In 40 CFR 471.93(i) on page 34327, the maximum for any 1 day for Cyanide is corrected to read, "0.258".

115. In 40 CFR 471.93(k) on page 34327, the maximum for any 1 day for Ammonia is corrected to read, "419".

116. 40 CFR 471.93(m) on page 34328, is corrected to read, "(m) *Wet air pollution control scrubber blowdown—Subpart I—NSPS.* There shall be no allowance for the discharge of process wastewater pollutants."

117. In 40 CFR 471.93(p) on page 34328, the maximum for any 1 day for Nickel is corrected to read, "1.45".

§ 471.94 [Amended]

118. In 40 CFR 471.94(d) on page 34328, the maximum for any 1 day for Fluoride is corrected to read, "14.1".

119. 40 CFR 471.94(m) on page 34329, is corrected to read, "(m) *Wet air pollution control scrubber blowdown—Subpart I—PSNS.* There shall be no allowance for the discharge of process wastewater pollutants."

§ 471.95 [Amended]

120. In 40 CFR 471.95(d) on page 34329, the maximum for any 1 day for Fluoride is corrected to read, "14.1".

121. 40 CFR 471.95(m) on page 34330, is corrected to read, "(m) *Wet air pollution control scrubber blowdown—Subpart I—PSNS.* There shall be no allowance for the discharge of process wastewater pollutants."

§ 471.101 [Amended]

122. In 40 CFR 471.101(j) on page 34331, the maximum for monthly average for TSS is corrected to read, "154".

§ 471.102 [Amended]

123. In 40 CFR 471.102(3) on page 34331, the table of BAT limitations is corrected to read as follows:

SUBPART J—BAT

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/off-kg (pounds per million off-pounds) of powder metallurgy parts tumbled, burnished, or cleaned	
Copper	8.36	4.40
Cyanide	1.28	0.528
Lead	1.85	0.880

124. In 40 CFR 471.102(g) on page 34331, the table of BAT limitations is corrected to read as follows:

SUBPART J—BAT

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/off-kg (pounds per million off-pounds) of powder metallurgy parts sawed or ground with emulsions	
Copper	0.035	0.018
Cyanide	0.005	0.002
Lead	0.008	0.004

125. In 40 CFR 471.102(j) on page 34332, the maximum for any 1 day for Copper is corrected to read, "15.0".

§ 471.103 [Amended]

126. In 40 CFR 471.103(d) on page 34332, the new source performance standards table is corrected to read as follows:

SUBPART J—NSPS

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/off-kg (pounds per million off-pounds) of powder metallurgy parts steam treated	
Copper	0.151	0.079
Cyanide	0.023	0.010
Lead	0.033	0.016
Oil and grease	1.59	0.951
TSS	3.25	1.55
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

127. In 40 CFR 471.103(e) on page 34332, the new source performance standards table is corrected to read as follows:

SUBPART J—NSPS

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/off-kg (pounds per million off-pounds) of powder metallurgy parts tumbled, burnished, or cleaned	
Copper	0.836	0.440
Cyanide	0.128	0.053
Lead	0.185	0.088
Oil and grease	8.80	5.28
TSS	18.1	8.58
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

128. In 40 CFR 471.103(g) on page 34332, the maximum for monthly average for Copper is corrected to read, "0.018".

129. In 40 CFR 471.103(i) on page 34332, the new source performance standards table is corrected to read as follows:

SUBPART J—NSPS

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/off-kg (pounds per million off-pounds) of powder cooled after pressing	
Copper	1.67	0.880
Cyanide	0.255	0.106
Lead	0.370	0.176
Oil and grease	17.6	10.6
TSS	36.1	17.2
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

130. In 40 CFR 471.103(j) on page 34332, the maximum for monthly average for TSS is corrected to read, "154".

§ 471.104 [Amended]

131. In 40 CFR 471.104(d) on page 34333, the maximum for monthly average for Lead is corrected to read, "0.159".

132. In 40 CFR 471.104(j) on page 34333, the maximum for any 1 day for Copper is corrected to read, "15.0".

§ 471.105 [Amended]

133. In 40 CFR 471.105(d) on page 34334, the pretreatment standards for new sources table is corrected to read as follows:

SUBPART J—PSNS

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/off-kg (pounds per million off-pounds) of powder metallurgy parts steam treated	
Copper	0.151	0.079
Cyanide	0.023	0.010
Lead	0.033	0.016

132. In 40 CFR 471.105(e) on page 34334, the pretreatment standards for new sources Table is corrected to read as follows:

SUBPART J—PSNS

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/off-kg (pounds per million off-pounds) of powder metallurgy parts tumbled, burnished, or cleaned	
Copper	0.836	0.440
Cyanide	0.128	0.053
Lead	0.185	0.088

135. In 40 CFR 471.105(g) on page 34334, the heading "mg/off-kg (pounds per million off-pounds) of sawed or ground with emulsions" is corrected to read, "mg/off-kg (pounds per million off-pounds) of powder metallurgy parts sawed or ground with emulsions."

136. In 40 CFR 471.105(i) on page 34334, the pretreatment standards for new sources Table is corrected to read as follows:

SUBPART J—PSNS

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/off-kg (pounds per million off-pounds) of powder cooled after pressing	
Copper	1.67	0.880
Cyanide	0.255	0.106
Lead	0.370	0.176

137. In 40 CFR 471.105(j) on page 34334, the maximum for any 1 day for Copper is corrected to read, "15.0".

[FR Doc. 86-462 Filed 1-21-86; 8:45 am]
BILLING CODE 6560-50-M

40 CFR Part 716

[OPTS-84020A; FRL-2958-8]

Toxic Substances; Submission of Lists and Copies of Health and Safety Studies on Certain Substances Subject to the 1984 RCRA Amendments

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is adding 33 chemical substances to the list of chemical substances and mixtures (henceforth referred to as substances) in the Health and Safety Data Reporting Rule under 40 CFR Part 716. Once this rule becomes final, past, current, and prospective manufacturers, importers, and processors of these substances will be required to provide EPA with lists and copies of unpublished health and safety studies on these substances. EPA will use this information to support a detailed assessment of the health and environmental risks of these substances, and may use it to determine appropriate treatment standards which must be met prior to land disposal of hazardous wastes containing these substances, as required by the Resource Conservation and Recovery Act (RCRA), as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA). Because 7 of these 33 substances are not on the TSCA inventory, EPA is also revising the exemption to the section 8(d) reporting requirements for substances not on the inventory.

EFFECTIVE DATE: March 7, 1986.

In accordance with 40 CFR 23.5 (50 FR 7271), this rule shall be promulgated for purposes of judicial review at 1 p.m. eastern standard time on February 5, 1986.

FOR FURTHER INFORMATION CONTACT: Edward A. Klein, Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-543, 401 M St., SW., Washington, DC 20460, Toll free: (800-424-9065), In Washington, DC: (554-1404), Outside the USA: (Operator-202-554-1404).

SUPPLEMENTARY INFORMATION:

I. Summary of This Rule

A. Background

The HSWA establish a statutory presumption against land disposal of hazardous wastes. They further provide that statutory bans on land disposal will go into effect on specific dates unless EPA determines, on an applicant by applicant basis, that land disposal is "protective" of human health and the environment, or, that prior to land disposal, wastes have been treated to a level or by a method such that threats to human health or the environment are "minimized."

As an aid to establishing these treatment standards, EPA is considering developing, for chemical constituents of wastes, acceptable concentration levels. To develop these levels, EPA requires information on the toxicological and ecological effects of the chemical substance contained in wastes subject to regulation under RCRA.

In order to collect data on the subject substances, EPA has conducted an exhaustive search of both the published literature and data bases throughout all EPA program offices. EPA has also contacted other Federal agencies for relevant information.

For the majority of substances subject to the HSWA, EPA found sufficient data on which to base standards. However, for the substances listed in this rule, either insufficient information is available to establish standards, or, while there may be sufficient information to establish standards, confirmatory or supporting information is needed to verify any assumptions the Agency may have made in developing these standards.

In the **Federal Register** of October 7, 1985 (50 FR 40874), EPA proposed to add these substances to the TSCA section 8(d) model rule. The Agency received two comments in response to that proposal, both of which strongly supported the rule.

EPA is therefore adding these 33 substances to the list of substances for which lists and copies of unpublished health and safety studies are required to be submitted under section 8(d) of TSCA. This final rule requires past, current, and prospective manufacturers, importers, and processors of the listed substances to submit to EPA lists and copies of unpublished health and safety studies on these substances.

B. Substances To Be Added to the Rule

This final rule adds the following chemical substances to the list of substances in 40 CFR 716.17:

CAS No.	Name
591-08-2	Acetamide, N-(aminothioxomethyl)-
696-28-6	Arsine, dichlorophenyl-
692-42-2	Arsine, diethyl-
95-53-4	Benzenamine, 2-methyl-
106-49-0	Benzenamine, 4-methyl-
122-09-8	Benzeneethanamine, alpha, alpha-dimethyl-
98-09-9	Benzenesulfonyl chloride
108-98-5	Benzenethiol
4170-30-3	2-Butenal
86-74-8	9H-Carbazole
357-57-3	2,3-Dimethoxystrychnidin-10-one
111-91-1	Ethane, 1,1'-[methylenebis(oxy)]bis[2-chloro-
110-75-8	Ethene, (2-chloroethoxy)-
62-74-8	Fluoroacetic acid, sodium salt
80-15-9	Hydroperoxide, 1-methyl-1-phenylethyl-
2763-96-4	3(2H) Isoxazolone, 5-(aminomethyl)-
3288-58-2	Phosphorodithioic acid, O,O-diethyl S-methyl ester
107-10-8	1-Propanamine
142-84-7	1-Propanamine, N-propyl-
78-99-9	Propane, 1,1-dichloro-
142-28-9	Propane, 1,3-dichloro-
594-20-7	Propane, 2,2-dichloro-
109-77-3	Propanedinitrile
75-86-5	Propanenitrile, 2-hydroxy-2-methyl
616-23-9	1-Propanol, 2,3-dichloro-
78-83-1	1-Propanol, 2-methyl-
598-31-2	2-Propanone, 1-bromo-
563-58-6	1-Propene, 1,1-dichloro-
563-54-2	1-Propene, 1,2-dichloro-
1888-71-7	1-Propene, 1,1,2,3,3,3-hexachloro-
107-19-7	2-Propyn-1-ol
757-58-4	Tetraphosphoric acid, hexaethyl ester
5344-82-1	Thiourea, (2-chlorophenyl)-

C. Exemption From General Provisions

The general provisions of the model health and safety data rule include reporting exemptions at 40 CFR 716.11. Section 716.11(e) specifically exempts ". . . studies of chemical substances which are not on the TSCA Chemical Substance Inventory. . . ." Of the 33 chemical substances listed in this rule, 7 substances are not identified on the TSCA Chemical Substance Inventory. These substances are: 1-bromo-2-propanone, hexaethyl tetraphosphoric acid, O,O-diethyl S-methyl phosphorodithioic acid,1,1-dichloropropane, 1,1-dichloropropene, 1,2-dichloropropene, and diethyl arsine. Because these substances were not reported for the inventory, they either have not been manufactured or imported for commercial purposes since 1977, or the manufacturer, importer, or processor met one of the exemptions for reporting these substances to the inventory. Exemptions from inventory reporting can be found in the inventory reporting regulations at 40 CFR Part 710.

A discussion of the Agency's rationale for exempting persons who manufacture, import, or process non-inventory chemicals from reporting on those chemicals can be found in the preamble to the final section 8(d) model rule, published in the **Federal Register** of September 2, 1982 (47 FR 38780). EPA included this exemption in order to reduce the reporting burden on persons who manufactured, imported, or processed a non-inventory substance solely for research and development (R&D) purposes.

In developing the section 8(d) model rule, EPA did not envision ever needing health and safety data for a substance not listed on the initial inventory other than in cases where a premanufacture notice was submitted on a new substance. This situation has changed. EPA now needs such information in order to develop levels for the 7 substances not listed on the inventory. As noted earlier, these levels may be used to set standards which must be met before hazardous waste may be land disposed. EPA may also need information on non-inventory chemicals in the future. Therefore, EPA considers it necessary to develop an exclusion from the exemption provisions of § 716[11(e).

The Agency is therefore adding a new paragraph to § 716.17. Section 716.17 lists substances and mixtures subject to 40 CFR Part 716. This new paragraph is designated § 716.17(c) *Substances not on the TSCA Chemical Substance Inventory*, and excludes persons manufacturing, importing, or processing substances listed in that paragraph from the provisions of § 716.11(e). Chemical substances listed in this paragraph will be limited to substances not on the TSCA inventory for which EPA requires unpublished health and safety data. Persons who manufacture, import, or process the chemical substances listed in this paragraph, and who otherwise meet the general provisions of Part 716, are required to submit lists and copies of unpublished health and safety studies on the listed chemicals.

EPA is also revising the language of the exemption at § 716.11(e). As it now reads, the codified language at § 716.11(e) exempts studies on chemical substances not on the TSCA Chemical Substance Inventory. The new language exempts studies of chemical substances which are not on the TSCA Chemical Substance Inventory, with the exception of substances listed at § 716.17(c).

II. Reporting Requirements

Pursuant to section 8(d) of TSCA, EPA promulgated a model Health and Safety Data Reporting Rule under 40 CFR Part 716. The section 8(d) model rule requires manufacturers, importers, and processors of listed chemical substances and mixtures to submit to EPA copies and lists of unpublished health and safety studies on the listed substances that they manufacture, import, or process.

Detailed guidance for reporting unpublished health and safety data is provided in 40 CFR Part 716. Also found in Part 716 are reporting exemptions. Listed below are the general reporting requirements of the section 8(d) model rule.

1. Persons who, in the 10 years preceding the date of substance is listed, either had proposed to manufacture, import, or process, or had manufactured, imported, or processed, the listed substance must submit to EPA a copy of each health and safety study which is in their possession at the time the substance is listed.

2. Persons who, at the time the substance is listed, propose to manufacture, import, or process, or are manufacturing, importing, or processing the listed substance must submit the following information to EPA:

a. A copy of each health and safety study which is in their possession at the time the substance is listed.

b. A list of health and safety studies known to them but not in their possession at the time the substance is listed.

c. A list of health and safety studies that are ongoing at the time the substance is listed and are being conducted by or for them.

d. A list of each health and safety study that is initiated after the date the substance is listed and is conducted by or for them.

e. A copy of each health and safety study that was previously listed as ongoing or subsequently initiated and is now complete—regardless of completion date.

3. Persons who, after the time the substance is listed, propose to manufacture, import, or process the listed substance must submit the following information to EPA:

a. A copy of each health and safety study which is in their possession at the time they propose to manufacture, import, or process the listed substance.

b. A list of health and safety studies known to them but not in their possession at the time they propose to manufacture, import, or process the listed substance.

c. A list of health and safety studies that are ongoing at the time they propose to manufacture, import, or process the listed substance, and are being conducted by or for them.

d. A list of each health and safety study that is initiated after the time they propose to manufacture, import, or process the listed substance, and is conducted by or for them.

e. A copy of each health and safety study that was previously listed as ongoing or subsequently initiated and is now complete—regardless of the completion date.

III. Economic Impact

EPA estimates that the establishment of section 8(d) reporting requirements for the chemicals listed in Unit I.B. will cost the chemical industry approximately $157,400.

EPA considers the cost of this rule to be low in comparison with its potential benefits. Health and safety studies concerning the subject chemicals would improve EPA's ability to identify potential public health and environmental problems with regard to these chemicals and to establish important treatment standards. The Agency therefore would be better able to determine what further regulatory action, if any, would be appropriate.

The costs for reporting are broken down as follows:

Initial corporate review (183 firms)	$27,816
File search (86 firms)	57,534
Title listing (86 firms)	1,634
Photocopying (86 firms)	7,477
Managerial review (86 firms)	55,176
Ongoing reporting (17 firms)	7,752
Total	157,389

IV. Public Record

All documents, including the index to this public record, are available to the public in the OTS Reading Room from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The OTS Reading Room is located at EPA Headquarters, Rm. E–107, 401 M St., SW., Washington, DC. The public record includes basic information considered by the Agency in developing this final rule under docket control number OPTS–84020.

V. Regulatory Assessment Requirements

A. Executive Order 12291

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore requires a regulatory impact analysis. The Agency has determined that this rule is not "major" because it does not have an effect of $100 million or more on the economy. EPA also anticipates that this rule will not have a significant effect on competition, costs, or prices.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

B. Regulatory Flexibility Act

This final rule will not have a significant economic impact on a substantial number of small entities. In a study of submitters reporting under the section 8(d) model rule, EPA found that only 1 of 69 submitters had less than $100 million in sales. EPA does not expect this final amendment to affect this distribution. Therefore, in

accordance with the Regulatory Flexibility Act (Pub. L. 95–354), EPA has determined that this rule will not have a significant economic impact on a substantial number of small entities.

C. Paperwork Reduction Act

OMB has approved the information collection requirements contained in this final rule under the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* and has assigned OMB Control Number 2070–0004. Comments on these requirements should be submitted to the Office of Information and Regulatory Affairs of OMB, marked attention: Desk Officer for EPA.

List of Subjects in 40 CFR Part 716

Chemicals, Health and safety, Environmental protection, Hazardous substances, Recordkeeping and reporting requirements.

Dated: January 13, 1986.

John A. Moore,

Assistant Administrator for Pesticides and Toxic Substances.

PART 716—[AMENDED]

Therefore, 40 CFR Part 716 is amended as follows:

1. The authority citation for Part 716 continues to read as follows:

Authority: 15 U.S.C. 2607(d).

2. By revising § 716.11(e) to read as follows:

§ 716.11 Exemptions to reporting requirements.

* * * * *

(e) Studies of chemical substances which are not on the TSCA Chemical Substance Inventory, except that this exemption does not apply to those substances listed at § 716.17(c).

* * * * *

3. By adding § 716.17(a)(13) and (c)(1) to read as follows:

§ 716.17 Substances and listed mixtures to which this subpart applies.

(a) * * *

(13) As of March 7, 1986, the following chemical substances are subject to this Subpart A:

CAS No.	Name
591–08–2	Acetamide, N-(aminothioxomethyl)-
696–28–6	Arsine, dichlorophenyl-
95–53–4	Benzenamine, 2-methyl-
106–49–0	Benzenamine, 4-methyl-
122–09–8	Benzeneethanamine, alpha, alpha-dimethyl-
98–09–9	Benzenesulfonyl chloride
108–98–5	Benzenethiol
4170–30–3	2-Butenal
86–74–8	9H-Carbazole
357–57–3	2,3-Dimethoxystrychnidin-10-one
111–91–1	Ethane, 1,1'-[methylenebis(oxy)]bis[2-chloro-
110–75–8	Ethene, (2-chloroethoxy)-
62–74–8	Fluoroacetic acid, sodium salt
80–15–9	Hydroperoxide, 1-methyl-1-phenylethyl-
2763–96–4	3(2H)isoxazolone, 5-(aminomethyl)-
107–10–8	1-Propanamine
142–84–7	1-Propanamine, N-propyl-
142–28–9	Propane, 1,3-dichloro-
594–20–7	Propane, 2,2-dichloro-
109–77–3	Propanedinitrile
75–86–5	Propanenitrile, 2-hydroxy-2-methyl-
616–23–9	1-Propanol, 2,3-dichloro-
78–83–1	1-Propanol, 2-methyl-
1888–71–7	1-Propene, 1,1,2,3,3,3-hexachloro-
107–19–7	2-Propyn-1-ol
5344–82–1	Thiourea, (2-chlorophenyl)-

* * * * *

(c)(1) *Substances not on the TSCA Chemical Substance Inventory.* As of March 7, 1986, the following chemical substances are subject to this Subpart A. The provisions of § 716.11(e) do not apply to these substances.

CAS No.	Name
692–42–2	Arsine, diethyl-
3288–58–2	Phosphorodithioic acid, O,O,-diethyl S-methyl ester
598–31–2	2-Propanone, 1-bromo-
78–99–9	Propane, 1,1-dichloro-
563–58–6	1-Propene, 1,1-dichloro-
563–54–2	1-Propene, 1,2-dichloro-
757–58–4	Tetraphosphoric acid, hexaethyl ester

(2) [Reserved].

[FR Doc. 86–1316 Filed 1–21–86; 8:45 am]

BILLING CODE 6560–50–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 671

[Docket No. 60110–6010]

Tanner Crab off Alaska

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

ACTION: Emergency interim rule.

SUMMARY: The Secretary of Commerce (Secretary) issues an emergency interim rule delaying the scheduled opening of the 1986 *Chionoecetes bairdi* Tanner crab season for 90 days in the Bering Sea District of Registration Area J, due to the depressed conditions of *C. bairdi* and red king crab (*Paralithodes camtschatica*), which are caught incidentally in the *C. bairdi* fishery. The delay will provide the Secretary additional time to evaluate (1) the biological effect of the *C. bairdi* fishery on these crab stocks, (2) the socioeconomic effects of not allowing the fishery, and (3) the North Pacific Fishery Management Council's (Council) decisions and recommendations from its January 14–17, 1986, meeting. This emergency rule may be extended for another 90 days or terminated following opportunity to evaluate the effects and to review the Council's decisions and recommendations. Any such amendment would not be implemented prior to February 1, 1986. This action is intended as a conservation and management measure to protect these depressed crab species.

EFFECTIVE DATES: This emergency interim rule is effective from January 16, 1986, until April 16, 1986. Public comments are invited during the duration of this rule.

ADDRESS: Copies of documents supporting this action may be obtained from Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, AK 99802. Comments may be sent to Mr. McVey at the same address.

FOR FURTHER INFORMATION CONTACT: Raymond E. Baglin (Fishery Biologist, NMFS), 907–586–7230.

SUPPLEMENTARY INFORMATION:

Background

The Fishery Management Plan for the Commercial Tanner Crab Fishery off the Coast of Alaska (FMP) was developed by the Council and implemented under the Magnuson Fishery Conservation and Management Act (Magnuson Act) by regulations appearing at 50 CFR Part 671.

Section 671.26(c) establishes six districts within Registration Area J in order to better manage individual Tanner crab stocks. One of these districts is the Bering Sea District, for which the FMP specifies an optimum yield (OY) range for *C. bairdi* of 5.0 to 28.5 million pounds. Annual harvest levels are set within the OY range and are estimated from results of trawl surveys conducted by NMFS to determine the abundance of *C. bairdi* and red king crabs, which are caught incidentally while fishing for *C. bairdi*. Recent data, summarized below, suggest that both *C. bairdi* and red king crabs have declined to seriously low levels of abundance (Source: Report to Industry on the 1985 Eastern Bering Sea Crab Survey, NWAFC Processed Report 85–20, November 1985). Under the FMP, the 1986 season for *C. bairdi* is scheduled to start January 15, 1986. However, due to the uncertainty concerning effects that a fishery would have on stocks of *C. bairdi* and red king crabs, the Secretary is delaying the opening of the *C. bairdi*

fishery until further notice to provide additional time in which to evaluate (1) the biological effects of the *C. bairdi* fishery on these crab stocks, and (2) the socioeconomic effects of not allowing the fishing. The Secretary specifically wishes to evaluate comments and related decisions of the Council, which will meet January 14–17, 1986, and from the public. Comments are especially invited on the necessity of continuing the closure beyond February 1, 1986, and the socioeconomic effects on the industry.

The following information summarizes the data indicating the status of both species:

Decline in the Abundance of C. bairdi

Information from NMFS preseason trawl surveys shows that the *C. bairdi* stock has declined to its lowest level since 1975 (Table 1). This decline has occurred in both the male and female segments of the stock. Estimates of legal-sized males indicate a decline from about 210 million crabs in 1975 to only 4.4 million crabs in 1985.

TABLE 1.—POPULATION ESTIMATES (MILLIONS OF CRABS) OF LEGAL MALE C. BAIRDI STOCKS IN THE BERING SEA DISTRICT FROM 1973 TO 1985

[Data from 1985 NMFS survey report of Bristol Bay and Pribilof Islands area]

Year	Prerecruit males	Legal males
1973	140.5	66.9
1974	255.0	130.5
1975	207.0	209.6
1976	136.6	109.5
1977	116.3	92.1
1978	81.2	45.6
1979	47.7	31.5
1980	65.0	31.0
1981	24.0	14.0
1982	46.9	10.1
1983	32.0	6.7
1984	21.2	5.8
1985[1]	9.4	4.4

[1] Preliminary data.

Estimates of abundance of *C. bairdi* for 1985 are the lowest of any year of record. All segments of the population—legal males, sub-legal males, immature females, and mature females—showed severe declines between 1984 and 1985 (Table 2). The estimated abundance of legal males declined 24 percent, from 5.8 million crabs in 1984 to 4.4 million crabs in 1985. The 1984–1985 declines were even more severe in other segments of the stock: sub-legal males declined by 62 percent, from 106.3 to 40.6 million crabs; mature females declined 55 percent, from 34.4 to 15.6 million crabs; immature females declined 77 percent, from 107.0 to 24.2 million crabs.

TABLE 2.—POPULATION DECLINES AMONG SEGMENTS OF THE C. BAIRDI STOCKS IN THE BERING SEA DISTRICT FROM 1984 TO 1985

Year	Numbers of crabs (millions)		Percent decline
	1984	1985	
Legal males	5.8	4.4	24
Sub-legal males	106.3	40.6	62
Mature females	34.4	15.6	55
Immature females	107.0	24.2	77

Data from the commercial fishery show that 1.2 million pounds of *C. bairdi* were landed in 1984 and preliminary data indicate a harvest of only 3.3 million pounds in 1985. On the basis of the survey results, the 1986 harvest would not exceed 4.0 million pounds. The 1984 and 1985 harvest levels are below the 5.0 to 28.5 million pound OY range for *C. bairdi* that is specified in the FMP.

Condition of Red King Crab

The best available information on the status of red king crab stocks in waters of the Bering Sea east of 164° W. longitude (Bristol Bay) is also from the 1985 survey conducted by NMFS. Most of the *C. bairdi* fishery is in this area. Results of the survey show legal male red king crabs to be only sparsely distributed, with total abundance low compared to previous years (Table 3). In Bristol Bay, the distribution extended about 60 miles farther west than in 1984. A small number of crabs were also found near the Pribilof Islands, but their contribution to overall abundance is negligible. The percentage of legal males suggests that they were present only as occasional solitary individuals at the outer limit of the stock's distribution. Survey data show the abundance of female red king crabs to be at a record low. Estimated abundance of mature female red king crabs declined from 17.6 to 6.8 million crabs from 1984 to 1985. This estimated abundance is considerably below the 20 to 40 million spawners considered optimal for recruitment.

TABLE 3. POPULATION ESTIMATES (MILLIONS OF CRABS) FOR EASTERN BERING SEA KING CRABS

[Data from NMFS surveys of Bristol Bay and Pribilof Red King Crabs]

Year	Prerecruit males	Legal males
1969	20.3	9.8
1970	8.4	5.3
1971[1]		
1972	8.0	5.4
1973	25.9	10.8
1974	31.2	20.9
1975	31.7	21.0
1976	49.3	32.7
1977	63.9	37.6

TABLE 3. POPULATION ESTIMATES (MILLIONS OF CRABS) FOR EASTERN BERING SEA KING CRABS—Continued

[Data from NMFS surveys of Bristol Bay and Pribilof Red King Crabs]

Year	Prerecruit males	Legal males
1978	47.9	46.6
1979	37.2	43.9
1980	23.9	36.1
1981	18.4	11.3
1982	17.1	4.4
1983	10.4	1.5
1984	12.2	2.9
1985	10.1	2.5

[1] Limited survey information in 1971 was not adequate to provide a population estimate.

Commercial catches in Bristol Bay declined along with abundance estimates, from 130 million pounds in 1980 to 34 million pounds in 1981 and 3 million pounds in 1982. Due to low abundance of males and record low abundance of mature females, the Alaska Department of Fish and Game closed the commercial red king crab fishery in Bristol Bay in 1983. The fishery was reopened in 1984, and 4.2 million pounds were landed with an average catch per unit of effort (CPUE) of 7 crabs per pot lift. From 1984 to 1985, the abundance of prerecruit and legal males decreased by 17 percent and 14 percent, respectively, (Table 3), but the abundance of legal males was not as low as in 1983. The 1985 fishery opened on September 25 with a guideline harvest level of 2.0 to 5.0 million pounds compared to an estimated legal stock of 12.5 million pounds (approximately 2.5 million crabs). The fishery closed on October 2 with final landings exceeding 4.1 million pounds. Although a CPUE of 3 to 4 crabs per pot lift was expected in 1985, the CPUE average was about 9 crabs per pot lift. This indicates that catch rates don't always accurately reflect abundance estimates.

Projections for 1986

The 1986 season for *C. bairdi* is scheduled under the FMP for the period January 15–June 15 for the sixth consecutive year. This fishery is conducted, however, in an area where the incidental catch of female red king crabs in *C. bairdi* pots is high, documented in a 1983 study funded by the Council. Observers reported that 1,471 female red king crabs were caught with 2,420 *C. bairdi*.

Mature red king crabs molt and mate in Bristol Bay between February 1 and June 15. Female red king crabs are in a "soft-shell" condition during the molting and mating period. While in this condition, red king crabs are especially subject to physical injury when caught incidentally. Observer data indicate that

700,000 to 800,000 female red king crabs would be captured incidentally during the 1985 *C. bairdi* fishery and thus would be subject to handling mortality during the most sensitive period of their life.

In addition to the potential of red king crabs that would be incidentally caught and handled during the *C. bairdi* fishing season, substantial numbers have already been taken in the joint venture trawl fisheries during 1984 and 1985. Best-blend observer data estimates were that during 1984 and 1985 about 0.4 million and 1.0 million crabs were taken. The incidental mortality of king crabs may possibly be in excess of these estimates, depending on the number of crabs killed by non-capturing portions of the trawl gear.

Based on the preceding information, the Secretary has concluded that current stocks of *C. bairdi* and red king crab are extremely depressed. Consequently, the Secretary is delaying the opening date of *C. bairdi* fishery to protect both stocks while providing additional time to determine whether the district should remain closed for the remainder of the 1986 season or whether a less restrictive modification of the *C. bairdi* season is warranted. Because both the status of the red king crab stock and the use of information from the preseason NMFS trawl surveys are highly relevant to the conservation and management of both species, the Secretary is considering all relevant information concerning the conservation and management of both Tanner and king crabs as a basis for closing the fishery.

Therefore, on the basis of the above findings, the season opening date for *C. bairdi* in the Bering Sea District of Registration Area J shall be April 14, 1986, unless this rule is terminated at an earlier date or extended by the Secretary under section 305(e) of the Magnuson Act. This rule supersedes and suspends the season dates for *C. bairdi* in the Bering Sea District of Registration Area J announced at 50 FR 47519, November 19, 1985. To the extent that this action is inconsistent with §§ 671.26 and 671.27, the effectiveness of these sections is suspended for the duration of this rule.

Classification

The Assistant Administrator for Fisheries, NOAA, (Assistant Administrator) has determined that this rule is necessary to respond to an emergency situation and is consistent with the Magnuson Act and other applicable law.

The Assistant Administrator also finds that the reasons justifying promulgation of this rule on an emergency basis also make it impracticable and contrary to the public interest to provide notice and prior opportunity for public comment, or to delay for 30 days its effective date, under section 553 (b) and (d) of the Administrative Procedure Act. During the time this rule is in effect, however, comments are invited. The Secretary will consider comments on this action from the Conncil, which will meet January 14–17, 1986, and from the public. Comments are especially invited on the necessity of continuing the closure beyond February 1, 1986, and on the socioeconomic effects on the industry.

The Assistant Administrator has determined that this rule will be implemented in a manner that is consistent to the maximum extent practicable with the approved coastal zone management program of the State of Alaska. This determination has been submitted for review by the responsible State agencies under section 307 of the Coastal Zone Management Act.

This emergency rule is exempt from the normal review procedures of Executive Order 12291 as provided in section 8(a)(1) of that order. This rule is being reported to the Director of the Office of Management and Budget, with an explanation of why it is not possible to follow the procedures of that order.

The Assistant Administrator prepared an environmental assessment (EA) for this action and concluded that there will be no significant impact on the human environment. A copy of the EA is available from the Director, Alaska Region, at the address above.

This rule does not contain a collection of information requirement and therefore is not subject to the provisions of the Paperwork Reduction Act.

This rule is exempt from the procedures of the Regulatory Flexibility Act because the rule is issued without opportunity for prior public comment.

List of Subjects in 50 CFR Part 671

Fisheries, Reporting and recordkeeping requirements.

Dated: January 16, 1986.

William G. Gordon,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

PART 671—TANNER CRAB OFF ALASKA

For the reasons set forth in the preamble, 50 CFR Part 671 is amended as follows:

1. The authority citation for Part 671 continues to read as follows:

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

§ 671.21 [Amended]

2. In § 671.21(a), Table 1, the season dates "January 15 to June 15" for *Chionoecetes bairdi* in the Bering Sea District of Registration Area J are suspended from January 16, 1986 until April 14, 1986.

[FR Doc. 86-1288 Filed 1-16-86; 12:21 pm]
BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 51, No. 14
Wednesday, January 22, 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 JUSTICE

Immigration and Naturalization Service

8 CFR PART 103

[AG Order No. 1119-86]

Powers and Duties of Service Officers; Availability of Service Records

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Proposed rule.

SUMMARY: This rule proposes to amend the fee schedule of the Immigration and Naturalization Service and the Executive Office for Immigration Review. These changes are necessary to place the financial burden of providing special services and benefits, which do not accrue to the public at large, on the recipients. Charges have been adjusted to more nearly reflect the current recovery cost of providing the benefits and services, taking into account public policy and other pertinent facts.

DATES: Comments must be received on or before March 24, 1986.

ADDRESS: Please submit written comments, in duplicate, to Director, Policy Directives and Instructions, Immigration and Naturalization Service, Room 2011, 425 I Street, NW., Washington, DC 20536.

FOR FURTHER INFORMATION CONTACT:

For General Information:

Loretta J. Shogren, Director, Policy Directives and Instructions, Immigration and Naturalization Service, 425 I Street, NW., Washington, DC 20536, Telephone: (202) 633-3291.

Gerald S. Hurwitz, Counsel to the Director, Executive Office for Immigration Review, 5203 Leesburg Pike, Falls Church, VA 22041, Telephone: (703) 756-6440.

For Specific Information:

Charles S. Thomason, Systems Accountant, Finance Branch, Immigration and Naturalization Service, 425 I Street, NW., Washington, DC 20536, Telephone: (202) 633-4705.

SUPPLEMENTARY INFORMATION: In May of 1984, the Service undertook a review study of its fee schedule as required under 31 U.S.C. 9701 and OMB Circular A-25. Under that law and the OMB Circular, it is required that a benefit or service provided to or for any person by a Federal agency be self-sustaining to the fullest extent possible. Charges are to be fair and equitable, taking into consideration direct and indirect cost to the Government, value to the recipient, public policy or interest served, and other pertinent facts. All services provided to the public by the Service were reviewed for applicability of user chargers and the costs which should be recovered in order to be fair and equitable to the tax-payers and the recipients.

The following proposed fee changes are based upon a study by the Service of its policies and practices for user charges, a review of the costs and fees, and on the principle of user charges prescribed by the Congress in 31 U.S.C. 9701 and the implementing guidelines of the Office of Management and Budget in OMB Circular A-25:

1. Decrease the fee from $50 to $35 for filing Form I-140, petition to classify preference status of an alien on basis of profession or occupation under section 204(a) of the Act.

2. Increase the fee from $70 to $125 for filing Form I-246, application for stay of deportation under Part 243 of this chapter.

3. Increase the fee from $75 to $100 for filing Form I-256A, application for suspension of deportation under section 244 of the Act.

4. Increase the fee from $50 to $110 for filing Form I-290A, appeal from any decision under the immigration laws in any type of proceedings (except a bond decision) over which the Board of Immigration Appeals has appellate jurisdiction in accordance with § 3.1(b) of this Chapter. (The fee of $110 will be charged whenever an appeal is filed by or on behalf of two or more aliens and the aliens are covered by one decision).

5. Increase the fee from $50 to $110 for filing motion to reopen or reconsider any decision under the immigration laws (except on applications filed by exchange visitors on Form IAP-66, Cuban refugees on Form I-485A filed under the Act of November 2, 1966, or A-1, A-2 or G-4 nonimmigrants on Form I-566 for which no fee is chargeable). When the motion to reopen or reconsider is made concurrently with an application under the immigration laws, the application will be considered an integral part of the motion and only the fee for filing the motion or the fee for filing the application, whichever, is greater, is payable. (The fee of $110 would be charged whenever a motion is filed by or on behalf of two or more aliens and the aliens are covered by one decision.)

6. Remove the $50 fee for filing request for temporary withholding of deportation under section 243(h) of the Act.

The above-listed fee changes numbered 3, 4, and 5 (insofar as it relates to motions to reopen or reconsider any proceedings or decision of an immigration judge or the Board of Immigration Appeals) were provided by the Executive Office for Immigration Review.

In addition, this rule would include a minor technical change to update the existing fee schedule by removing Form N-400 as no filing fee is required and listing a $35.00 fee for filing Form N-604.

In accordance with 5 U.S.C. 605(b), the Attorney General certifies that the rule will not have a significant economic impact on a substantial number of small entities.

This rule would not be a major rule within the meaning of section 1(b) of E.O.12291.

List of Subjects in 8 CFR Part 103

Administrative practice and procedures, Archives and records, Authority delegation, Fees, Forms.

Accordingly, the following amendments are proposed to amend Chapter I of Title 8 of the Code of Federal Regulations:

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

1. The authority citation for Part 103 of Title 8 continues to read as follows:

Authority: Sec. 103 of the Immigration and Nationality Act, as amended; 8 U.S.C. 1103; OMB Circular A-25.

2. In § 103.7, paragraph (b)(1) would be amended as follows:

§ 103.7 [Amended]

1. Decrease the fee for Form I–140 from "$50.00" to "$35.00".

2. Increase the fee for Form I–246 from "$70.00" to "$125.00".

3. Increase the fee for Form I–256A from "$75.00" to "$100.00".

4. Increase the fee for Form I–290A from "$50.00" to "$110.00".

5. Increase the fee for filling a Motion from "$50.00 to "$110.00".

6. Remove "Request. For filing application for temporary withholding of deportation under section 243(h) of the Act—$50.00."

7. Remove "Form N–400. For filing application for certificate of citizenship on Form N–400 by a parent, and the issuance thereof, under section 341 of the Act—$35.00."

8. Add Form N–604 in numerical sequence to read: "Form N–604. For filing application for a certificate of citizenship (made on Form N–400) under section 341 of the Act—$35.00."

Dated: January 6, 1986.

Edwin Meese III,

Attorney General, U.S. Department of Justice.

[FR Doc. 86–1312 Filed 1–21–86; 8:45 am]

BILLING CODE 4410–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 85–ANM–32]

Aspen, CO, Transition Areas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This action proposes to establish 700' and 1,200' transition areas at Aspen, Colorado. The purpose is to provide controlled airspace for aircraft executing a new instrument approach procedure to Aspen-Pitkin County Airport. The intended effect is to ensure segregation of aircraft operating in instrument weather conditions and other aircraft operating in visual weather conditions.

DATES: Comments must be received on or before February 7, 1986.

ADDRESSES: Send comments on the proposal to:

Manager, Airspace & System Management Branch, ANM–530, Federal Aviation Administration, Docket No. 85–ANM–32, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168.

The official docket may be examined in the Regional Counsel's office at the same address.

An informal docket may also be examined during normal business hours at the address listed above.

FOR FURTHER INFORMATION CONTACT: Ted Melland, ANM–533, Federal Aviation Administration, Docket No. 85–ANM–32, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168. The telephone number is (206) 431–2530.

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. A comment period of 15 days has been established to expedite implementation of the new instrument approach procedure. The original Notice of Proposed Rulemaking documents were misplaced in the postal system and, in view of increasing public need, it is considered in the public's interest to reduce the normal comment period. 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 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–ANM–32." The postcard will be dated/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking any 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 at the address listed above 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, Airspace & System Management Branch, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168. 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 11–2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to provide controlled airspace for aircraft conducting instrument flight rules operations. Section 71.181 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 of a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in CFR Part 71

Transition areas, Aviation safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration (FAA) proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

PART 71—[AMENDED]

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

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

§ 71.181 [Amended]

2. By amending § 71.181 as follows:

Aspen, Colorado (New)

That airspace extending upward from 700 feet above the surface within an 11 mile radius centered on lat. 39°14'15" N, long. 106°52'30" W; and that airspace extending

upward from 1,200 feet above the surface beginning at lat. 39°47'45" N, long. 107°09'00" W; to lat. 39°47'45" N, long. 106°43'30" W; to lat. 39°16'30" N, long. 107°09'00" W, to the point of beginning, excluding the Eagle, Colorado, transition areas.

Issued in Seattle, Washington, on January 15, 1986.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 86-1270 Filed 1-21-86; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY
Customs Service
19 CFR Part 101

Proposed Customs Regulations Amendment Relating to the Customs Field Organization in the New Orleans District

AGENCY: Customs Service, Treasury.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend that Customs Regulations by establishing a new Customs port of entry, on a 2-year trial basis, to be known as Shreveport-Bossier City, in the New Orleans, Louisiana, Customs district. The change is being proposed as part of Customs continuing program to obtain more efficient use of its personnel, facilities, and resources, and to provide better service to carriers, importers, and the public.

DATE: Comments must be received on or before March 24, 1986.

ADDRESS: Comments (preferably in triplicate) may be submitted to and inspected at the Regulations Control Branch, U.S. Customs Service, 1301 Constitution Avenue NW., Room 2426, Washington, DC 20229.

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

SUPPLEMENTARY INFORMATION:

Background

The Caddo-Bossier Port Commission filed an application with Customs requesting the establishment of a new Customs port of entry at Shreveport, Louisiana, and Bossier City, Louisiana. A review of that application has confirmed that the proposed port meets the minimum Customs criteria for establishing ports of entry. Cargo processing activities will be carried out utilizing modern electronic data transfer equipment compatible with Customs systems.

Customs ports of entry are places (seaports, airports, or land border ports) designated by the Secretary of the Treasury where Customs officers or employees are assigned to accept entries of merchandise, clear passengers, collect duties, and enforce the various provisions of Customs and related laws. Staffing at ports of entry may range from one to several hundred employees, depending on the volume of business. However, most new ports of entry are staffed by at least a port director, one or more inspectors, and a secretary.

The Secretary of the Treasury is advised by the Commissioner of Customs in matters affecting the establishment, abolishment, or other change in ports of entry. Customs ports of entry are established under the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order 10289, September 17, 1951 (3 CFR 1949-1953 Comp., Ch. II), and pursuant to authority provided by Treasury Department Order No. 101-5 (47 FR 2449).

The limits of the proposed port of entry of Shreveport-Bossier City will be the city limits of Shreveport and Bossier City. The basis upon which Customs is recommending establishing a port of entry at Shreveport-Bossier City, on a 2-year trial basis, is the proposed port's commitment to handle a sufficient amount of imported merchandise to meet minimum port of entry workload standards. These standards were published as a notice in the **Federal Register** on March 9, 1982 (47 FR 10137). At the end of the 2-year period, the practicability of maintaining a port of entry at Shreveport-Bossier City will be reevaluated in light of the actual Customs workload.

Comments

Before adopting this proposal, consideration will be given to any written comments timely submitted to the Commissioner of Customs. Comments submitted will be available for public inspection in accordance with the Freedom of Information Act (5 U.S.C. 552), § 1.4, Treasury Department Regulations (31 CFR 1.4) and § 103.11(b), Customs Regulations (19 CFR 103.11(b)), on regular business days between the hours of 9:00 a.m. to 4:30 p.m. at the Regulations Control Branch, Room 2426, Headquarters, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, DC. 20229.

Executive Order 12291

Because this proposal relates to the organization of Customs, it is not a regulation or rule subject to E.O. 12291.

Regulatory Flexibility Act

It is certified that the provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604), are not applicable to this proposal because it will not have a significant economic impact on a substantial number of small entities.

Customs routinely establishes and expands Customs ports of entry throughout the U.S. to accommodate the volume of Customs-related activity in various parts of the country. Although the proposal may have a limited effect upon some small entities in the Shreveport-Bossier City area, it is not expected to be significant because establishing and expanding port limits at Customs ports of entry in other areas has not had a significant economic impact upon a substantial number of small entities to the extent contemplated by the Act. Nor is it expected to impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

Lists of Subjects in 19 CFR Part 101

Customs duties and inspection, Exports, Imports, Organization and functions (Government agencies).

PART 101—GENERAL PROVISIONS

Proposed Amendment to the Regulations

If the proposed change is adopted, the list of Customs regions, districts, and ports of entry in § 101.3, Customs Regulations (19 CFR 101.3), will be amended accordingly.

Authority

This amendment is proposed under the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order 10298, September 17, 1951 (3 CFR 1949-1953 Comp. Ch. II), and pursuant to authority provided by Treasury Order No. 101-5 (47 FR 2449).

Drafting Information

The principal author of this document was Glen E. Vereb, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However,

personnel from other Customs offices participated in its development.

William Von Raab,
Commissioner of Customs

Approved: December 19, 1985.
David D. Queen
Assistant Secretary of the Treasury.
[FR Doc. 86-1036 Filed 1-21-86; 8:45 am]
BILLING CODE 4820-02-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 864

[Docket No. 85N-0280]

Hematology and Pathology Devices; Premarket Approval of the Automated Differential Cell Counter

Correction

In FR Doc. 85-27608 beginning on page 48058 in the issue of Wednesday, November 20, 1985, make the following corrections:

1. On page 48060, in the first column, in the second complete paragraph, in the fourth line, "Hematrak™" should read "Hematrak®".

2. On page 48060, in the third column, the second line should read: "procedure and the diff 3/50®. The Authors noted, however, that the manufacturer of the diff 3/50® did not".

BILLING CODE 1505-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 602

[LR-145-84]

Fringe Benefits; Substantiation Requirements With Respect to Listed Property; Limitations Applicable to Lessees of Passenger Automobiles; Public Hearing on Proposed Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of public hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed regulations relating to the requiremets to substantiate certain deductions and credits claimed with respect to "listed property," and the limitations on the investment credit and deductions for lease payments that apply to certain lessees of passenger automobiles.

DATES: The public hearing will be held on Monday, March 3, 1986, beginning at 10:00 a.m. If necessary to accommodate all speakers, the public hearing will be reconvened on Tuesday, March 4, 1986, at 10:00 a.m. Outlines of oral comments must be delivered or mailed by February 17, 1986.

ADDRESS: The public hearing will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC. The requests to speak and outlines of oral comments should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (LR-145-84), Washington, DC. 20224.

FOR FURTHER INFORMATION CONTACT: B. Faye Easley of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, 202-566-3935, not a toll-free call.

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed and temporary regulations under sections 61, 132, 162, 274, and 280F of the Internal Revenue Code of 1954. These regulations first appeared in the **Federal Register** for Wednesday, Novembe 6, 1985 (50 FR 46088 and 50 FR 46006). Portions of the regulations then appeared in revised format in the **Federal Register** for Monday, December 23, 1985 (50 FR 52281). These regulations relate to the requirement to substantiate certain business expenses with adequate records or sufficient corroborative evidence, the limitations on the investment credit and deductions for lease payments that apply to certain lessees of passenger automobiles, and certain substantiation rules related to the taxation of fringe benefits.

The following specific topics are covered in the regulations published on November 6, 1985, and will be the subject of the public hearing:

Substantiation requirements (§§ 1.274-5T and 1.274-6T),

Limitations applicable to lessees of passenger automobiles (§§ 1.280F-1T and 1.280F-5T),

Deductions with respect to noncash fringe benefits (§ 1.162-25T),

Special rule for valuing commuting use of employer-provided vehicles (§ 1.61-2T Q/A-20 through Q/A-21, now § 1.61-2T(f), as revised by T.D. 8063, published in the **Federal Register** for December 23, 1985 (50 FR 52281)), and

Substantiation requirements applicable to a working condition fringe (§ 1.132-1T Q/A-4a and Q/A-4b, now § 1.132-5T(c) through (h), as revised by T.D. 8063, published in the **Federal Register** for December 23, 1985 (50 FR 52281)).

No other provisons of the proposed and temporary regulations on the taxation of fringe benefits contained in T.D. 8063, published in the **Federal Register** for December 23, 1985 (50 FR 52333 and 50 FR 52281), are to be addressed at the hearing. These provisions will be the subject of a separate public hearing to be scheduled in the near future.

Comments on § 1.274-5T at the hearing on March 3, are to be limited to the portions of that section that are new. Existing § 1.274-5 of the Income Tax Regulations, which was first adopted by Treasury decision in 1962, reflects the addition to the Code of the substantiation requirements of section 274(d). That section of the regulations served as the basis for new temporary regulation § 1.274-5T, which reflects the application of section 274(d) to listed property. As published in the **Federal Register** for November 6, 1985, the portions of § 1.274-5T that differ from existing § 1.274-5 are underlined. Testimony on the provisions of § 1.274-5T should be limited to the underlined portions of that section.

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and who also desire to present oral comments at the hearing on the proposed regulations, should submit, not later than Monday, February 17, 1986, an outline of the oral comments to be presented at the hearing and the time they wish to devote to each subject.

Each speaker will be limited to 10 minutes for an oral presentation exclusive of the time consumed by questions from the panel for the government and answers to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

By direction of the Commissioner of Internal Revenue:

Peter K. Scott,

Director, Legislation and Regulations Division.

[FR Doc. 86-1357 Filed 1-21-86; 8:45 am]

BILLING CODE 4830-01-M

Fiscal Service

31 CFR Part 210

Federal Payments Made Through Financial Institution by the Automated Clearing House Method

AGENCY: Financial Management Service, Fiscal Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This amendment revises 31 CFR Part 210, which defines the responsibilities and liabilities of the Federal Government, Federal Reserve Banks, financial institutions, and recipients participating in the Automated Clearing House (ACH) payment system. There are three reasons for the proposed revision. First, changes regarding enrollment are necessary in order to allow Treasury to devise, test, and implement creative and innovative means of enrollment while improving the Direct Deposit/Electronic Funds Transfer (DD/EFT) system's flexibility. Second, the problem of fraud in the Direct Deposit Program needs to be addressed. Finally, it was felt that overall clarity and arrangement of the regulations could be improved. The proposed revision will address these needs.

DATE: Comments on this proposed rule must be received by February 21, 1986.

ADDRESS: Comments may be mailed to the ACH Programs Branch, Financial Management Service, U.S. Department of Treasury, Room 226, Treasury Annex No. 1, Washington, DC 20226.

FOR FURTHER INFORMATION CONTACT: Christine Ricci, (202) 535-6328 or Maurice Galloway, (202) 535-6323.

SUPPLEMENTARY INFORMATION: Part 210 of Title 31 of the Code of Federal Regulations sets forth the rights and liabilities of the Government, Federal Reserve Banks, financial institutions and recipients where a recipient of Federal recurring payments authorizes Direct Deposit of recurring payments made by means other than by check. The regulations in this Part were promulgated in 1975, with amendments in 1976, 1984, and 1985. Since that time, it has become apparent that the regulations need clarification and improvement in a number of respects. Notably, this notice proposes to expand the coverage of the regulations to include changes designed to meet increased utilization of the Automated Clearing House (ACH) method for Federal payments.

Changes have been proposed to the current regulations to make them more clear and understandable, as well as to make them more flexible so as to allow for future innovations in technology and payment methods. Thus, the phrase in the title of Part 210 referring to payment "by means other than by check" has been changed to payments "by the Automated Clearing House method." While the ACH method is presently used only for recurring payments, the word "recurring" has been eliminated in order to allow for the use of this method in the future for non-recurring payments, as well. Present §§ 210.1-210.8 plus § 210.13, which are applicable to both benefit and nonbenefit payments, have been grouped together as Subpart A. They have also been rearranged and renumbered. Minor changes have been made to present §§ 210.9—210.12, which relate only to benefit payments, and they have been renumbered and labeled Subpart B.

There are a number of new definitions found in these proposed regulations. "Automated Clearing House" refers to a computerized clearing system that effects the paperless exchange of funds. "Benefit payment" is a payment of money for any Federal Government entitlement program or annuity, either one-time or recurring. "Enrollment" means any method approved and prescribed by Treasury's Financial Management Service for authorizing or conveying instructions for the use of the ACH payment method. This term replaces "Standard Authorization Form" in the present regulations. New definitions are also provided for "Federal Reserve Bank," and "financial institution." Definitions of "Government" and "recurring payment" have been eliminated.

The present term "credit payment" is replaced in these proposed rules by two terms: "payment" and "payment instruction." The phrase "credit payment" is not only unclear, but is used in two different senses in the present regulations. The Service believes that this creates needless confusion in interpreting the present regulations. Accordingly, the term "credit payment" is replaced through these proposed rules by either "payment" or "payment instruction," as the context dictates. "Payment" is used in its most commonly accepted sense to mean the transfer of a sum of money, while "payment instruction" means an order for the payment of money, including the information necessary to make the indicated payment.

The section on recipients reflects proposed changes which are designed to improve the system's flexibility as well as simplify the enrollment process for recipients of Federal payments.

Present § 210.5 on program agencies has been eliminated as unnecessary, while a new section 210.3 has been added to state the policy for making payments by the ACH method. The authority citation has also been updated.

A new section 210.10 on fraud has been added. Paragraph (a) references the liabilities which are imposed by the False Claims Act, 31 U.S.C. 3729 *et. seq.*, for the submission of false claims or falsified documents in support of such claims, and also references applicable criminal statutes and common law remedies. This section is intended to apply to falsified enrollments, as well as to such activities as the initiation of an improper ACH payment by an employee of the Federal Government, or the diversion of a properly authorized payment by employees of the Federal Government, Federal Reserve Banks, or financial institutions to their own bank account or the account or another. Present § 210.9(g) has been added to this section and designated paragraph (b).

Numerous small, non-substantive changes in wording have been made throughout these proposed regulations in order to achieve greater clarity and precision.

The changes and new procedures will be published as amendments to the Financial Management Service's Green Book on Direct Deposit.

This proposed revision is not a major rule as defined by Executive Order 12291. Accordingly, a regulatory impact analysis is not required. It is hereby certified pursuant to the Regulatory Flexibility Act that the proposed revision will not have a significant economic impact on a substantial number of small entities. Accordingly, a regulatory flexibility analysis is not required.

List of Subjects in 31 CFR Part 210

Banks, banking, Electronic funds transfer, Federal Reserve System.

For the reasons set out in the preamble, Part 210 of Chapter II of Title 31 of the Code of Federal Regulations is proposed to be amended as follows:

1. 31 CFR Part 210 is revised to read as follows:

PART 210—FEDERAL PAYMENTS THROUGH FINANCIAL INSTITUTIONS BY THE AUTOMATED CLEARING HOUSE METHOD

Subpart A—General

Sec.
210.1 Scope of regulations.
210.2 Definitions.
210.3 Policy for payments by the Automated Clearing House method.
210.4 Recipients.
210.5 The Federal Government.
210.6 Federal Reserve Banks.
210.7 Financial institutions.
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Subpart B—Repayment of Benefit Payments

210.11 Death or legal incapacity of recipients or death of beneficiaries.
210.12 Collection procedures.
210.13 Notice to Account Owners of collection action.
210.14 Erroneous death information.

Authority: 12 U.S.C. 391; 31 U.S.C. 321, and other provisions of law.

Subpart A—General

§ 210.1 Scope of regulations.

This Part governs Federal Government payments made by the automated clearing house (ACH) method through Federal Reserve Banks and financial institutions, to recipients maintaining accounts at these financial institutions. It describes the procedures to be used, defines the obligations and responsibilities of the participants in ACH payments, and states terms of a contract between the Federal Government and those participants. It also prescribes the liabilities of financial institutions to the Federal Government arising from payments to deceased or incompetent recipients, and deceased beneficiaries, of Federal benefit payments.

§ 210.2 Definitions.

As used in this Part, unless the context otherwise requires:

(a) "Account," "recipient's account," "designated account" and "appropriate account" mean the account specified by a recipient or beneficiary into which payments under this Part shall be deposited. These definitions also include an account on which the financial institution also include an account on which the financial institution has, after execution of an enrollment, made changes to the account number or the type of account as authorized by § 210.4(f).

(b) "Automated Clearing House" (ACH) means a Federal Reserve Bank or other entity which effects the paperless exchange of funds.

(c) "Beneficiary" means a person other than a recipient who is entitled to receive the benefit of all or part of a benefit payment from the Federal Government.

(d) "Benefit Payment" is a payment of money for any Federal Government entitlement program or annuity. It can be either a one-time or recurring payment. These payments include, but are not limited to, the following:

(1) Social Security.
(2) Supplemental Security Income.
(3) Black Lung.
(4) Civil Service Retirement.
(5) Railroad Retirement Board Retirement/Annuity.
(6) Veterans Administration Compensation/Pension.
(7) Central Intelligence Agency Annuity.
(8) Military Retirement/Annuity.
(9) Coast Guard Retirement.

(e) "Enrollment" means a procedure approved or prescribed by the Financial Management Service for a recipient to provide the information necessary to make an ACH payment.

(f) "Federal Reserve Bank" means all Federal Reserve District Head Offices, branches, and regional check processing centers that process ACH payments for the Federal Government.

(g) "Financial Institution" means any bank, savings bank, savings and loan association, credit union, or similar institution.

(h) "Outstanding Total" means the sum of all benefit payments received, pursuant to an enrollment, after death or legal incapacity, minus any amount returned to or recovered by the Federal Government.

(i) "Payment" means a sum of money which is transferred to a recipient in satisfaction of an obligation.

(j) "Payment Date" means the date specified in the payment instruction for a payment. It is the date on which the funds specified in the payment instruction are to be available for withdrawal from the recipient's account with the financial institution specified by the recipient, and on which the funds are to be made available to the financial institution by the Federal Reserve Bank with which the financial institution maintains or utilizes an account. If the payment date is not a business day for the financial institution receiving a payment, or for the Federal Reserve Bank from which it received such payment, then the next succeeding business day for both shall be deemed to be the payment date.

(k) "Payment Instruction" means an order issued by the Federal Government for the payment of money under this Part. A payment instruction may be contained on:

(1) A letter, memorandum, telegram, computer printout or similar writing, or

(2) Any form of nonverbal communication, registered upon magnetic tape, disc or any other medium designed to capture and contain in durable form conventional signals used to electronically communicate messages.

(l) "Program Agency" means an agency of the Federal Government responsible for determining and initiating a payment to be made, and includes any department, agency independent establishment, board, office, commission, or other establishment in the executive, legislative, or judicial branches of the Federal Government, and any wholly-owned or -controlled Federal Government corporation.

(m) "Recipient" means a person authorized by a program agency to receive payments from the Federal Government. Recipient includes a person named by a program agency to receive benefit payments for a beneficiary.

§ 210.3 Policy for payments by the Automated Clearing House Method.

A payment shall be made by the ACH method unless the Treasury Department determines that conditions exist that make payment check or other means more appropriate.

§ 210.4 Recipients.

(a) In order for a recipient to receive a payment by the ACH method, the recipient shall designate the desired financial institution and account identification at that Financial Management Service for such payments. The title of the account so designated shall include the name of the recipient.

(b) In executing an enrollment, a recipient:

(1) Agrees to the provisions of this Part; and

(2) Authorizes the termination of any previously executed enrollment or inconsistent payment instructions.

(c) Once an ACH enrollment has been provided, it shall remain in effect until it is terminated by one of the following events:

(1) A request from the recipient to change or terminate the enrollment;

(2) A change in the title of an account which removes the name of the recipient, removes or adds the name of a beneficiary, or alters the interest of the beneficiary;

(3) The death or legal incapacity of a recipient, or the death of the beneficiary, of a benefit payment; or

(4) The closing of the account.

If any of these events occurs, a new enrollment shall be required before further payments may be credited to that account.

(d) A recipient who wishes to change the account or financial institution to which payment is directed shall execute a new enrollment.

(e) A recipient of a benefit payment made under this Part may request only that the full amount of the payment be credited to one account on the books of a financial institution. Except as authorized by law or other regulations, the procedures set forth in this Part shall not be used to effect an assignment of a payment.

(f) A financial institution may change the account numbers or, at the request of the recipient, the type of the recipient's account without executing a new enrollment provided no change is made to the title of the account or the interest of the recipient or beneficiary in the account. These changes must be communicated to the appropriate program agency or agencies in accordance with implementing instructions issued by the Federal Government.

§ 210.5 The Federal Government.

(a) The Federal agencies that perform disbursing functions will, in accordance with the provisions of this Part, issue and direct payment instructions to the Federal Reserve Bank on whose books the financial institution named therein maintains or utilizes an account in sufficient time for the Federal Reserve Bank to carry out its responsibilities under this Part.

(b) Procedural instructions will be issued by the Financial Management Service for the guidance of program agencies, Federal agencies that perform disbursing functions, Federal Reserve Banks, and financial institutions in the implementation of these regulations.

§ 210.6 Federal Reserve Banks.

(a) Each Federal Reserve Bank as Fiscal Agent of the United States shall receive payment instructions from the Federal Government and shall make available and pay to financial institutions amounts specified in these payment instructions, and shall otherwise carry out the procedures and conduct the operations contemplated under this Part. Each Federal Reserve Bank may issue operating circulars (sometimes referred to as operating letters or bulletins) not inconsistent with this Part, governing the details of its handling of payments under the Part and containing such provisions as are required and permitted by this Part.

(b) The Federal Government by its action of issuing and sending any payment instruction contained in the media specified in § 210.2(k) shall be deemed to authorize the Federal Reserve Banks to:

(1) Pay the amount specified in the payment instruction to the debit of the general account of the United States Treasury on the payment date; and

(2) Handle and act upon the payment instruction.

(c) Upon receipt of a payment instruction, a Federal Reserve Bank shall, if the payment is directed to a financial institution which maintains or utilizes an account on the books of another Federal Reserve Bank, forward the payment instruction to the other Federal Reserve Bank. The Federal Reserve Bank on whose books the financial institution or its designated correspondent maintains an account shall deliver or make available to the financial institution the information contained in the payment instruction not later than the close of business for the financial institution on the business day prior to the payment date on the medium as agreed to by the Federal Reserve Bank and financial institution.

(d) A financial institution by its action in maintaining or utilizing an account at a Federal Reserve Bank shall be deemed to authorize that Federal Reserve Bank to credit the amount of the payment to the account of the financial institution on its books, or the account of its designated correspondent maintaining an account with the Federal Reserve Bank.

(e) A Federal Reserve Bank receiving a payment instruction from the Federal Government shall make the amount specified in the payment instruction available for withdrawal from the financial institution's account on its books, referred to in paragraph (d) of this section, at the opening of business on the payment date.

(f) Each Federal Reserve Bank shall be responsible only to the Department of the Treasury and shall not be liable to any other party for any loss resulting from the Federal Reserve Bank's action under this Part.

§ 210.7 Financial Institutions.

(a) A financial institution's execution of actions required of it in connection with an enrollemnt shall constitute its agreement to the terms of this Part with respect to each payment received by it pursuant to the enrollment. Regardless of whether it has executed an enrollment, a financial institution's acceptance and handling of a payment issued pursuant to this Part shall constitute its agreement to the provisions of this Part.

(b) A financial institution in executing an enrollment shall be responsible for:

(1) The completeness and accuracy of the data provided by it with respect to the enrollment, and

(2) Verifying that the account number entered by the recipient during enrollment corresponds to an account bearing the name of the recipient.

(c) A financial institution wishing to terminate an enrollment shall do so by giving written notice to the recipient. The termination shall become effective thirty days after the financial institution has sent the notice to the recipient. A financial institution must immediately return to the Federal Government all payments received after the effective date of a termination.

(d) A financial institution receiving a payment under this Part shall credit the amount of the payment to the designated account of the recipient on its books, and it shall make the amount available for withdrawal or other use by the recipient not later than the opening of business on the payment date. "Available" in this paragraph means accessible through any means of access provided by a financial institution to its customers for the recipient's type of account, for example, checks, automated teller machines, or automatic transfers from the recipient's account. If the payments or any related information received by the financial institution from a Federal Reserve Bank do not balance, are incomplete, are clearly erroneous on their face (e.g., the account number and recipient's name do not agree with the financial institution's records), or are incapable of being processed, the financial institution, after assuring itself that neither it nor any of its agents is responsible, shall immediately notify the Federal Reserve Bank in order that it may deliver corrected information to the financial institution.

(e) A financial institution receiving a payment under this Part shall credit the amount of the payment to the account specified in the payment instruction. If the financial institution is unable to credit the amount of a payment to the account indicated in the payment instruction because, for example, such an account does not exist on its books, or because in processing the payment it has reason to believe the account indicated in the payment instruction is not the account designated by the recipient, it shall either:

(1) Return the payment to the Federal Reserve Bank with a statement identifying the reason therefore; or

(2) Credit the amount of the payment to the account designated by the recipient.

A credit to any other account by a financial institution shall constitute a breach of its warranty made by reason of paragraph (i) of this section.

(f) A financial institution shall promptly return to the Federal Government through the Federal Reserve Bank any payment received by the financial institution:

(1) After termination of the enrollment pursuant to § 210.4(c)(2) and before the execution of a new enrollment;

(2) After termination of an enrollment pursuant to §§ 210.4(c)(1) or 210.7(c) has become effective;

(3) After it learns of the death or legal incapacity of the recipient, or the death of the beneficiary, of a benefit payment, regardless of whether or not notice has been received from the Federal Government; or

(4) After the closing of the recipient's account.

(g) A financial institution to which a payment is sent under this Part does not thereby become a Federal Government depository and shall not advertise itself as one because of that fact.

(h) If any change in account numbers permitted by § 210.4(f) is made by a financial institution, the financial institution shall be liable to the recipient for any lost or late payment caused by the financial institution's actions in processing the change.

(i) Each financial institution by its action of handling a payment under this Part shall be deemed to warrant to the Federal Government that it has handled the payment in accordance with the requirements of this part. In addition to the liability which may be imposed pursuant to § 210.11, if the foregoing warranty is breached, the financial institution shall be liable to the Federal Government for any loss sustained by the Federal Government, but only to the extent that the loss was the result of the branch. Except as provided in this section, and § 210.11, a financial institution shall not be liable under this Part to any party for its handling of a payment.

§ 210.8 Timeliness of action.

If, because of circumstances beyond its control, action by the Federal Government, a Federal Reserve Bank, or a financial institution is delayed beyond the time prescribed for the action (including the payment date) by this Part, by the operating circulars of the Federal Reserve Banks, or by applicable law, the time within which the action shall be completed shall be extended for such time after the cause of the delay ceases to operate as shall be necessary to take or complete the action, provided the Federal Government, the Federal Reserve Bank, or the financial institution exercises such diligence as the circumstances require.

§ 210.9 Liability of, and acquittance to, the United States.

(a) The United States shall be liable to a recipient for the failure to credit the proper amount of a payment to the appropirate account of the receipient as requried by this part. This liability shall be limited to the amount of the payment.

(b) The United States shall be liable to the financial institution, up to the amount of the payment, for a loss sustained by the financial institution as a result of its crediting the amount of the payment to the account specified in the payment instruction, if the financial institution has handled the payment in accordance with this part. The foregoing does not extend to benefit payments received by the financial institution after the death or legal incapacity of the recipient or death of the beneficiary, in which event § 210.11 shall govern.

(c) The crediting of the amount of a payment to the appropriate account of a recipient on the books of the appropriate financial institution shall constitute a full acquittance to the United States for the amount of the payment.

§ 210.10 Fraud.

(a) The False Claims Act, 31 U.S.C. 3729, *et seq.*, provides for the recovery of damages and a civil penalty from any person who knowingly presents to the Federal Government, or causes to be presented, a false or fraudulent claim for payment, or use a false record or statement in connection with such a claim. In addition, criminal penalties are provided in 18 U.S.C. 1001 for knowingly making false or fruadulent statements or representations to agencies of the Federal Government, and in 18 U.S.C. 1002 for knowingly possessing false documents for the purpose of enabling another to receive a payment from the Federal Government. These provisions are in addition to the Federal Government's remedies under common law.

(b) A financial institution shall verify the identity of any persons who initiates and executes an enrollment through such financial institution. The Federal Government shall verify the identity of any person who presents an enrollment to the Federal Government without prior review or execution by the a financial institution that executes an enrollment in which the recipient's or beneficiary's signature is forged or other information is falsified shall be liable to the Federal Government for all benefit payments made in reliance thereon. However, if the program agency fails to take corrective action after it has been notified that a payment has not been received by the correct recipient or beneficiary, the financial institution shall not be liable for any benefit payments based on the forgery or falsified information which are made after the date of such notice.

Subpart B—Repayment of Benefit Payments

§ 210.11 Death or legal incapacity of recipients or death of beneficiaries.

(a) A financial institution shall be liable to the Federal Government for the total amount of all benefit payments received after the death or legal incapacity of the recipient or the death of the beneficiary. However, a financial institution may limit its liability if the financial institution did not have knowledge of the death or legal incapacity at the time of the deposit or withdrawal of any of the benefit payments made after the death or legal incapacity, and if it fulfills the requirements of this section and of §§ 210.12 and 210.13.

(b) Except as provided in pargraph (f) of this section, if limitation of liability is available to a financial institution under this Part, the amount of its liability shall be:

(1) An amount equal to the amount in the recipient's or beneficiary's account as defined in § 210.12(b)(2)(i), plus

(2) An amount equal to the benefit payments received by the financial institution within 45 days after the death or legal incapacity of the recipient or the death of the beneficiary; *Provided*, that the financial institution will only be liable for the 45-day amount to the extent described in § 210.12(d).

(c) Although a financial institution shall be liable for an amount equal to the amount in the recipient's or beneficiary's account, plus the amount of benefit payments received within 45 days after the death or legal incapacity of the recipient or the death of the beneficiary, this Part dose not authorize or direct a financial institution to debit the account of any customer, living or deceased, including that of the recipient or beneficiary, for the financial institution's liability to the Federal Government under this Part. The amount in the recipient's or beneficiary's account is only a measure of the financial institution's liability. Nothing

in this Part shall be construed to affect any right a financial institution may have under State law or the financial institution's contract with a customer to recover from the customer's account an amount returned to the Federal Government in compliance with this Part.

(d) A financial institution shall be deemed to have knowledge of the death or legal incapacity of the recipient or beneficary when it is brought to the attention of a financial institution employee who handles benefit payments, or when it would have been brought to that person's attention if the financial institution has exercised due diligence. The financial institution will be considered to have exercised due diligence only if it maintains procedures under which, once it learns of the death of a depositor, it determines whether its decreased depositor is a recipient or beneficary of benefit payments under this part, and immediately communicates such information to the appropriate employees, and it complies with such procedures. This does not impose a duty on a financial institution to learn of the deaths of its customers by searching obituaries or any other means, unless it does so for purposes other than its participation in the payment system governed by this Part.

(e) A financial institution that fails to comply timely with the collection procedures set forth in § 210.12 or the Notice of Account Owners requirements of § 210.13 may not limit its liability in accordance with paragraph (a) of this Section.

(f) A financial institution will not be liable under this Part for benefit payments made after the death of a beneficiary if the beneficiary was decreased at the time the recipient executed an enrollment and if the financial institution had no knowledge of the beneficiary's death.

§ 210.12 Collection procedures.

The amount of which the financial institution is liable under § 210.11 shall be collected as follows:

(a) For each type of benefit payment, the Federal Government will send a Notice of Reclamation form to the financial institution. The form will identify benefit payments sent to the financial institution for credit to the account of a recipient or beneficiary which should have been returned by the financial institution because of the death or legal incapacity of a recipient or the death of a beneficiary.

(b) Upon receipt of the Notice of Reclamation, the financial institution must do one of the following:

(1) If the financial institution had knowledge of the death or legal incapacity and did not immediately return to the Federal Government all benefit payments received after it acquired that knowledge, the financial institution shall immediately return to the Federal Government an amount equal to the outstanding total of benefit payments listed on the notice form that it received after it learned of the death. With respect to any benefit payments received prior to learning of the death that have not been returned, the financial institution shall certify on the Notice of Reclamation the date it learned of the death and follow the procedure in paragraph (b)(2) of his section.

(2) If the financial institution had no knowledge of the death or legal incapacity at the time any benefit payments made after the death or legal incapacity were credited to the recipient's or beneficiary's account, an appropriate official of the financial institution shall certify on the Notice of Reclamation form that it had no knowledge of the death or legal incapacity and fully complete the form in accordance with its instructions and do the following:

(i) The financial institution shall return to the Federal Government both the executed Notice of Reclamation form and an amount equal to the amount in the account or the outstanding total, whichever is less. The amount in the account is the balance when the financial institution has received the Notice of Reclamation and has had a reasonable time to take action based on its receipt, plus any additions to the account balance made before the financial institution returns the completed Notice of Reclamation to the Federal Government. For the purposes of this paragraph, action is taken within a reasonable time if it is taken not later than the close of business on the business day following receipt of the Notice of Reclamation.

(ii) If the amount returned is less than the amount requested in the notice, the financial institution shall include with the form the name and the most current address on its records of any person(s) who withdrew funds from the account after the death or legal incapacity. If the financial institution is unable to supply the name(s) of the withdrawer(s), it shall provide the names and most current addresses on its records of any co-owners of the account or other persons authorized to withdraw. If it is unable to supply the names or addresses of the withdrawers or co-owners, it shall state the reason for its inability on the form.

(3) If the Federal Government issues a second or subsequent Notice of Reclamation for the same type of payment for the same recipient or beneficiary, the financial institution shall be liable with respect to such second or subsequent Notice only for an amount equal to the amount in the account at the time it receives a second or subsequent Notice of Reclamation, plus any further additions to the account balance up to the date it returns these subsequent Notices of Reclamation. For a second or subsequent Notice of Reclamation for the same type of payment for the same recipient or beneficiary, the financial institution shall not be liable for an amount in excess of the amount determined under the first sentence of this paragraph, attributable to benefit payments received within 45 days after the death or legal incapacity if it complied properly and timely to the first Notice of Reclamation.

(c) If the Federal Government does not receive response to the Notice of Reclamation within 30 days, it will issue a follow-up to ensure that the original Notice of Reclamation was received. If the Federal Government does not receive from the financial institution the fully completed and properly executed Notice of Reclamation form along with the amount due under § 210.11(b)(1) within 60 days of the issue date of the original Notice of Reclamation, the financial institution shall be liable for the outstanding total listed on the form. Following the sixtieth day after the date of the original Notice of Reclamation, the Federal Government will instruct the appropriate Federal Reserve Bank to debit the account utilized by the financial institution for receipt of benefit payments in the amount of the outstanding total. By receiving benefit payments under this part, the financial institution is deemed to authorize this debit. The Federal Reserve Bank will provide advice of the debit to the financial institution.

(d) After the financial institution has paid to the Federal Government an amount equal to the amount in the recipient's account as provided in § 210.11(b)(1), if the program agency is unable to collect the entire outstanding total from the withdrawer(s), the financial institution shall be liable for an additional amount equal to the benefit payments received by it within 45 days after the death or legal incapacity, or the balance of the outstanding total, whichever is less. The Federal Government will instruct the appropriate Federal Reserve Bank to debit the account utilized by the

financial institution for receipt of benefit payments in the amount of the outstanding total. By receiving benefit payments under this part, the financial institution is deemed to authorize this debit. The Federal Reserve Bank will provide advice of the debit to the financial institution.

(e) Immediately upon learning of the death or legal incapacity, regardless of whether there has been notification from the Federal Government, the financial institution shall return to the Federal Government any further benefit payments it receives and notify the Federal Government that it has learned of the death or legal incapacity in order that the above collection procedures can be commenced. See § 210.7(f)(3).

§ 210.13 Notice of the Account Owners of collection action.

(a) Upon receipt by a financial institution of the Notice of Reclamation as described in § 210.12(a), the financial institution shall immediately mail to the current address(es) of the account owner(s) of record a copy of the Notice to Account Owners form included with the Notice of Reclamation.

(b) The financial institution shall indicate with the Notice to Account Owners any action it has taken or intends to take with respect to the recipient's or beneficiary's account in connection with the Federal Government's collection action against the financial institution.

(c) The financial institution is not authorized by this part to debit the account of any party or to deposit any funds from any account in a suspense account or escrow account or the equivalent. If such action is taken, it must be under authority of State law or the financial institution's contract with its depositor(s).

(d) The financial institution's liability under this part is not affected by any action taken or not taken by the financial institution to recover from any party the amount of its liability to the Federal Government.

(e) Failure to mail the Notice to Account Owners, or failure to certify on the Notice of Reclamation that it has done so, shall result in the forfeiture by the financial institution of its ability under this Part to limit its liability. See § 210.11(e).

§210.14 Erroneous death information.

(a) In the event that the financial institution is advised that the Federal Government's information that the recipient or beneficiary is deceased is incorrect, or that the date of death is incorrect, the financial institution shall certify the correct information to the Federal Government by one of the following means:

(1) Certify on the "Notice of Reclamation" that the person whose name is reflected on the notice is alive, or that the date of death is incorrect, and that the financial institution took prudent measures to assure that the person was alive or that the date of death was erroneous. Prudent measures to assure that the person was alive include, but are not limited to, the named person providing the financial institution adequate identification, or obtaining through a third person a signed, dated and notarized statement from the named person. Prudent measures to assure the correct date of death include obtaining a death certificate.

(2) If there is any question regarding the sufficiency of the evidence presented to demonstrate that the date or fact of death is incorrect, the individual presenting the evidence should be referred by the financial institution to the agency making the payment, e.g., the Social Security Administration or the Veterans Administration. The agency will certify in writing to the financial institution the corrected information. The financial institution shall then return the agency's certification with the Notice of Reclamation.

(b) If the Federal Government's information that the recipient or beneficiary is deceased is in error, the financial institution shall be are relieved of its liability, and shall no longer be subject to collection procedures under this part, if an accurate certification in accordance with paragraph (a) of this section is received by the Federal Government, on or with a properly completed Notice of Reclamation, within 60 days of the date of the original Notice of Reclamation to the financial institution.

(c) If the date of death on the Notice of Reclamation is in error, the financial institution shall be relieved of an appropriate part of its liability if an accurate certification in accordance with paragraph (a) of this section is received by the Federal Government, on or with a properly completed Notice of Reclamation, within 60 days of the date of the original Notice of Reclamation to the financial institution. In that event, the financial institution shall adjust the outstanding total on the Notice of Reclamation to exclude benefit payments made before the correct date of death. The financial institution shall include an explanation of the adjustment with the Notice of Reclamation. If correction of an error to the date of death shown on the Notice of Reclamation would result in additional payments being due to the Federal Government, the financial institution shall so notify the Federal Government when it returns the Notice of Reclamation.

(d) If after the financial institution has returned to the Federal Government a completed Notice of Reclamation and has made payment of its liablity, the financial institution learns that the fact of death or date of death was in error, it should bring the information to the attention of the agency which made the benefit payments, e.g., the Social Security Administration or the Railroad Retirement Board. The agency will refund to the financial institution, without interest, the appropriate amount of funds paid by the financial institution pursuant to § 210.12, including funds debited from its Federal Reserve account under § 210.12 (c) or (d).

Dated: January 14, 1986.

W. E. Douglas,

Commissioner.

[FR Doc. 86-1153 Filed 1-21-86; 8:45 am]

BILLING CODE 4810-35-M

VETERANS ADMINISTRATION

38 CFR Part 3

Headstone or Marker Allowance

AGENCY: Veterans Administration.

ACTION: Proposed rule.

SUMMARY: The Veterans Administration is proposing to increase the monetary allowance payable in lieu of a Government-furnished headstone or marker from $70 to $71. The need for this action results from the fact that the average actual cost of a Government-furnished headstone or marker for fiscal year 1985 was $71. The effect of this proposed amendment would be to permit payment of up to $71 in lieu of a Government-furnished headstone or marker.

DATES: Comments must be received on or before February 21, 1986. These changes are proposed to be effective October 1, 1985.

ADDRESSES: Interested persons are invited to submit written comments, suggestions, or objections regarding these changes 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 room 132, Veterans Services Unit, at the above address between the hours of 8 a.m. to

4:30 p.m. Monday through Firday (except holidays) until March 7, 1986.

FOR FURTHER INFORMATION CONTACT: Robert M. White, Chief, Regulations Staff, Compensation and Pension Service, Department of Veterans Benefits (202) 389–3005.

SUPPLEMENTARY INFORMATION: Under 38 CFR 3.1612, the VA is authorized to pay a monetary allowance in lieu of furnishing a headstone or marker at Government expense under the provisions of 38 CFR 1.631 (a) and (b). The amount of the allowance is the lesser of the actual cost of acquiring a non-Government headstone or marker (or adding indentifying information to an existing marker) or the average actual cost of a Government-furnished headstone or marker for the fiscal year preceding the fiscal year in which the non-Government headstone or marker was purchased (or identifying information added).

The average actual cost to the VA of headstones and markers furnished at Government expense for fiscal year 1985 (October 1, 1984 throught September 30, 1985) was $71.

Consequently, we are amending § 3.1612(e) to reflect this information.

The Administrator hereby certifies that this regulatory amendment will not 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. The reason for this certification is that this amendment would not directly affect any small entities. Only VA beneficiaries could be directly affected. Also, this change simply updates VA regulations to reflect the average actual cost to the VA headstones and markers in fiscal year 1985. Therefore, pursuant to 5 U.S.C. 605(b), this amendment is exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

In accordance with Executive Order 12291, Federal Regulation, we have determined that this regulatory amendment is non-major for the following reasons:

(1) It will not have an effect on the economy of $100 million or more.

(2) It will not cause a major increase in costs or prices.

(3) It will not 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.

List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Handicapped, Health care, Pensions, Veterans.

(Catalog of Federal Domestic Assistance Program number is 64.101)

Approved: December 31, 1985.

By direction of the Administrator.

Everett Alvarez, Jr.,

Deputy Administrator.

PART 3—[AMENDED]

38 CFR Part 3 Adjudication is amended by revising in § 3.1612, paragraph (e)(2)(ii) to read as follows:

§ 3.1612 Monetary allowance in lieu of a Government-furnished headstone or marker.

* * * * *

(e) *Payment and amount of the allowance.*

* * * * *

(2) * * *

(ii) The average actual cost, as determined by the VA, of headstones and markers furnished at Government expense for the fiscal year preceding the fiscal year in which the non-Government headstone or marker was purchased or the services for adding the veteran's identifying information on an existing headstone or marker were purchased. The average actual cost of headstones and markers furnished at Government expense for fiscal year 1984 (October 1, 1983, through September 30, 1984) was $70 and for fiscal year 1985 (October 1, 1984, through September 30, 1985) was $71.

(38 U.S.C. 906(d))

* * * * *

[FR Doc. 86–1334 Filed 1–21–86; 8:45 am]

BILLING CODE 8320–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA–6640]

Proposed Flood Elevation Determinations; Massachusetts; Correction

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations previously published at 50 FR 3552 on January 25, 1985. This correction notice provides a more accurate representation of the Flood Insurance Study and Flood Insurance Rate Map for the Town of Orleans, Barnstable County, Massachusetts.

FOR FURTHER INFORMATION CONTACT: John L. Matticks, Acting Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2767.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Town of Orleans, previously published at 50 FR 3552 on January 25, 1985, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR Part 67.

List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

The authority citation for Part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq., Reorganization Plan No. 3 of 1978, E.O. 12127.

On page 3552, in the January 25, 1985 issue of the **Federal Register**, the 3rd, 4th, and 5th lines of the Table for "Massachusetts, Orleans, town, Barnestable County", are corrected to read as follows:

Source of flooding and location	Elevation in feet, national geodetic vertical datum
Atlantic Ocean:	
Shoreline approximately .38 mile south of the north corporation limits	*14
Shoreline at Beach Road (extended)	*23
Shoreline east of Little Pochet Island	*17
Shoreline east of Sampson Island	*25
Shoreline approximately .19 mile notrh of the south corporate limits	*20
Approximately 200 feet east of intersection of Aspinet and Beach Roads	*10
Shallow Flooding:	
Dune area approximately 900 feet northeast of intersection of Aspinet and Beach Roads	#2
Dune area along the parking lot at Beach Road	#2
Dune area along Pochet Road (extended)	#2
Dune area northeast of Little Pocket Island	2
Dune area along Jeep Trail south of Little Pochet Island	#2
Dune area from the south corporate limits north approximately 1.5 miles	#2
Cape Cod Bay:	
Shoreline at the mouth of Little Namskaket Creek	*17
Shoreline at the mouth of Namskaket Creek	*16
Area around Skaket Circle	*12
Rock Harbor Creek: Entire shoreline within community	*12
Town Cove:	
Shoreline on east side of Snow Point	*16

Source of flooding and location	Elevation in feet, national geodetic vertical datum
Shoreline of Town Cove between Causeway Road (extended) and approximately 400 feet east of the intersection of Main Street and South Orleans Road	*10
Pleasant Bay:	
Shoreline at the south coporate limits	*12
Shoreline between Tar Kiln Road and Davis Road (extended)	*10
West shoreline of Sipson Island	*8
Little Pleasant Bay and East Branch:	
Entire west shoreline of Little Pleasant Bay	*10
Area along Namequiot Road at Paw Wah Pond	*8
The River:	
Shoreline at the mouth of The River	*10
Shoreline at Frost-Fish Cove	*8
Namequoit River: Entire shoreline	*8

Issued: January 6, 1986.

Jeffrey S. Bragg,

Administrator, Federal Insurance Administration.

[FR Doc. 86-1070 Filed 1-21-86; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-6690]

Proposed Flood Elevation Determinations; New York; Correction

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations previously published at 50 FR 49955 on December 6, 1985. This correction notice provides a more accurate representation of the Flood Insurance Study and Flood Insurance Rate Map for the Town of Concord, Erie County, New York.

FOR FURTHER INFORMATION CONTACT: John L. Matticks, Acting Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-2767.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Town of Concord, Erie County, New York, previously published at 50 FR 49955 on December 6, 1985, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR Part 67.

List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

The authority citation for Part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq., Reorganization Plan No. 3 of 1978, E.O. 12127.

On page 49955, in the December 6, 1985 issue of the **Federal Register**, in the third column, the first three entries under "Concord (town), Erie County", are corrected to read as follows:

Source of flooding Location	Elevation in feet national geodetic vertical datum
Spring Brook:	
At upstream side of North Street	*1,345
Approximately .8 mile upstream of North Street	*1,355
At downstream side of Middle Road	*1,360

Issued: December 30, 1985.

Jeffrey S. Bragg,

Administrator, Federal Insurance Administration.

[FR Doc. 86-1071 Filed 1-21-86; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR—Parts 2, 21, 74, 78, and 94

[General Docket 82-334]

Establishment of a Spectrum Utilization Policy for the Fixed and Mobile Services

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; Extension of comment and reply comment period.

SUMMARY: The American Petroleum Institute and Utilities Telecommunications Council filed a Joint Motion For An Extension of Time to file comments and reply comments to the Second Notice of Proposed Rule Making regarding establishment of a spectrum utilization policy for the fixed and mobile services (50 FR 51420, December 17, 1985) in General Docket 82-334. The Commission has granted in part and denied in part this Motion.

DATES: Comments due March 7, 1986; Reply Comments due April 4, 1986.

ADDRESS: Federal Communications Commission, 1919 M Street, NW, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Donald Draper Campbell, Office of Science and Technology, Spectrum Management Division, Frequency Allocations Branch, 202-653-8113.

Order Extending Time for Comments and Reply Comments

In the Matter of Establishment of a spectrum utilization policy for the fixed and mobile services' use of certain bands between 947 MHz and 40 GHz, Gen. Doc. 82-334.

Adopted: January 8, 1986.
Released: January 10, 1986.
By the Acting Chief Scientist.

1. On December 11, 1985, the Central Committee on Telecommunications of the American Petroleum Institute (API) and the Utilities Telecommunications Council (UTC) filed a *Joint Motion For An Extension of Time* requesting that the period to file comments and reply comments to the *Second Notice of Proposed Rule Making (2nd NPRM)* in the above referenced proceeding be extended from January 21, 1986 to April 21, 1986 and from February 17, 1986 to May 23, 1986, respectively. In support of the requests, API and UTC state that additional time is required to conduct studies to determine the potential impact the *2nd NPRM* might have on petroleum and utility industries since the Notice proposed to expand eligibility for access to several of the microwave bands. API and UTC propose to conduct an independent engineering examination of the use of the 1.8 and 6.5 GHz bands and to survey their members as to the spectrum requirements of the oil and gas industry users in these bands. The organizations state that the analyses can not be conducted in the allocated time.

2. It is not our policy to routinely grant extensions of time in rule making proceedings. We do not wish to delay the benefits to others of possible expanded use of these and other bands addressed in this proceeding. Further, the issue of expanded use of the 1.8 and 6.5 GHz frequency bands was introduced almost two years ago in the Commission's *First Notice of Proposed Rule Making* in this Docket, so that the parties have had ample time to plan for and conduct the mentioned studies. Nevertheless, in the interest of developing a complete record in this proceeding, we will grant an extension of 45 days.

3. Accordingly, the Joint Motion For an Extension Of Time filed by the Central Committee on Telecommunications of the American Petroleum Institute and the Utilities Telecommunications Council in this proceeding is hereby granted in part pursuant to § 0.241(d) of the Commission's Rules. The dates for filing Comments and Reply Comments are

extended to March 7, 1986 and April 4, 1986, respectively.

Thomas P. Stanley,

Acting Chief Scientist.

[FR Doc. 86-1277 Filed 1-21-86; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 69

[CC Docket No. 78-72; FCC 86-12]

MTS and WATS Market Structure

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In its January 3, 1986 *Decision and Order* in CC Docket Nos. 78-72 and 80-286, the Commission adopted new Part 67 procedures for the separation of costs in Account 645, Local Commercial Operations. The new Part 67 procedures will facilitate a more cost-based allocation of Account 645 expenses among the access charge rate elements than is currently provided under Part 69 of the Commission's Rules. The Commission therefore proposes revising § 69.405(c) of its rules to permit the development of rates that are more closely based on costs. Cost-based access charge rates will promote efficient use of the telephone network.

DATES: Comments are due by January 31, 1986, and replies are due by February 14, 1986.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Susan Lee O'Connell, Common Carrier Bureau (202) 632-4047.

SUPPLEMENTARY INFORMATION: .

List of Subjects in 47 CFR Part 69

Access charges.
Common carriers.

Notice of Proposed Rulemaking

In the matter of MTS and WATS Market Structure, CC Docket No. 78-72, FCC 86-12.

Adopted: January 6, 1986.
Released: January 8, 1986.

By the Commission:

I. Introduction

A. Summary

1. This *Notice* requests comments on the amendment of Part 69 of the Commission's rules concerning recovery of the interstate assignment of the expenses in Account 645, Local Commercial Operations. Re-examination of the access charge treatment of Account 645 expenses is occasioned by our adoption of revised separations procedures for these costs[1] that will permit a more cost based allocation of Account 645 expenses among the access charge rate elements. In order to facilitate the preparation of comments on these issues, we have attached proposed revisions to § 69.405(c) of the rules[2] which governs the allocation of Account 645 costs to the various rate elements.

B. Background

2. Account 645, Local Commercial Operations, contains expenses generated by telephone company local commercial office operations excluding promotional and directory services expenses. These activities include service order processing, billing inquiry, and certain billing and collection functions for end users and interexchange carriers as well as the collection of coins from pay telephones and related administrative functions. The American Telephone and Telegraph Company (AT&T) and local exchange carrier Account 645 costs are allocated between the state and interstate jurisdictions pursuant to § 67.365 of the Commission's rules. The interstate portion of the local exchange carriers' Account 645 costs are allocated among the access charge rate elements pursuant to § 69.405(c) of the Commission's rules. Section 69.405(c) provides that local commercial expenses directly attributable to non-limited pay telephones[3] are to be assigned to the Common Line element with all other local commercial expenses apportioned among the access elements and the interexchange category in proportion to the expense in Account 663, Revenue Accounting Expenses.[4] It appears, however, that the existing access charge rules may not produce a cost based division of these expenses among the access charge rate elements.[5] We believe that more cost based access charge rates can be achieved by eliminating the link between these two accounts and allocating Account 645 costs to the access charge rate elements for the services which generate these expenses.

3. This process will be facilitated by our adoption of new permanent procedures for the allocation of Account 645 costs that are designed to ensure that the jurisdictional allocations of these expenses reflects cost causation principles.[6] The new separations procedures allocate Account 645 expenses to the following categories based on an analysis of job functions: (1) End user service order processing; (2) end user payment and collection; (3) end user billing inquiry; (4) interexchange carrier service order processing; (5) interexchange carrier payment and collection; (6) interexchange carrier billing inquiry;[7] and (7) coin collection and administration. The costs in these categories are further subdivided into service-related subcategories designed to reflect the portion of these costs generated by each service subcategory. This approach to the separation of Account 645 expenses should facilitate allocation of these costs among the access charge rate elements in manner that reflects cost causation.

II. Proposed Recovery of Account 645 Interstate Assignment

4. The new separations procedures assign Account 645 costs in the following service-related subcategories to the interstate jurisdiction: (1) *end user service order processing:* (a) Presubscription service order processing; (b) interstate private line

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[1] *Decision and Order, MTS and WATS Market Structure* and *Amendment of Part 67 of the Commission's Rules*, CC Docket Nos. 78-72 and 80-286, FCC 86-5, released January 7, 1986.

[2] 47 CFR 405(c) (1984).

[3] The word "non-limited" is not included in § 69.405(c) as printed in the current edition of the Code of Federal Regulations due to a printing error. *Compare Memorandum Opinion and Order*, CC Docket No. 78-72, Phase I, FCC 83-356, released August 22, 1983, Appendix A at page 16 with 47 CFR 405(c).

[4] Pursuant to § 69.406 of the Commission's rules, revenue accounting expenses attributable to End User Common Line access billings are assigned to the Common Line element. Those expenses attributable to carrier's carrier access billings are apportioned among all carrier's carrier access elements, except the Common Line element, based on relative investment, other than revenue accounting space investment, apportioned to each such element. All other revenue accounting expenses are assigned to the Billing and Collection element. *See* 47 CFR 406.

[5] Indeed, it appears that the current Part 69 procedures may result in an over assignment of Account 645 costs to the Billing and Collection element.

[6] Our *Decision and Order* adopts the Joint Board's recommendations concerning the allocation of Account 645 costs with a few minor modifications.

[7] The end user cost categories include the cost incurred by telephone companies in performing service order processing, payment and collection, and billing inquiry functions for end users of the company's own network services, as well as for the end users of network services offered by other carriers that subscribe to the billing and collection services offered by the telephone company. The interexchange carrier cost categories include the local commercial expenses incurred by a telephone company in performing service order processing, payment and collection, and billing inquiry functions in connection with the services it provides to its interexchange carrier customers.

and special access service order processing; (c) other interstate message toll including WATS service order processing; (d) a portion of TWX service order processing expense; (2) *end user payment and collection:* (a) Interstate private line and special access payment and collection; (b) interstate message toll including WATS and interstate subscriber line charge payment and collecion; (c) a portion of TWX payment and collection; (3) *end user user billing inquiry*: (a) Interstate private line and special access billing inquiry; (b) interstate message toll including WATS and interstate subscriber line charge billing inquiry; (c) a portion of TWX billing inquiry; (4) *interexchange carrier service order processing*: (a) Interstate special access and private line service order processing; (b) interstate switched access[8] and message toll including WATS service order processing; (c) interstate billing and collection service order processing; (5) *interexchange carrier payment collection:* (a) interstate special access and private line payment and collection; (b) interstate switched access and message toll including WATS payment and collection; (c) interstate billing and collection payment and collection; (6) *interexchnage carrier billing inquiry*: (a) Interstate special access and private line billing inquiry; (b) interstate switched access and message toll including WATS billing inquiry; (c) interstate billing and collection billing inquiry; and (7) a portion of *coin collection and administration.*[9]

5. Under the proposal for amendment of § 69.405(c) set forth in Appendix A, we would allocate the interstate portion of Account 645 expenses among the access charge rate elements as described below. We propose apportioning end user presubscription costs among the Common Line, Line Termination, Local Switching, Intercept, and Transport elements in proportion to the investment apportioned to those switched access elements pursuant to § 69.309 of the Commission's rules.[10] We consider it necessary to distinguish between local telephone company end user service order processing, payment and collection, and billing inquiry expenses attributable to provision of the local company's own interstate services and those expenses attributable to interstate services offered by the interexchange carriers. Therefore, we propose assigning end user service order processing, payment and collecion, and billing inquiry expenses attributable to a company's own interstate private line and special access service to the Special Access element. End user service order processing, payment and collection, and billing inquiry expenses attributable to interstate private line service offered by an interexchange carrier would be assigned to the Billing and Collection element. Our proposed rules would assign the service order processing, payment and collection, and billing inquiry expense attributable to a company's own interstate message toll service, including WATS, to the interexchange category provided for in the access charge rules[11] in recognition of the interstate intraLATA and corridor toll traffic handled by some exchange carriers. This would permit the local carrier to recover these costs as part of its interstate toll revenue requirement. End user service order processing, payment and collection, and billing inquiry expenses attributable to interstate message toll service, including WATS, offered by an interexchange carrier would be assigned to the Billing and Collection element. Finally, we propose assigning the end user payment and collection and billing inquiry expenses attributable to End User Common Line access billings, (*i.e.*, the interstate subscriber line charge) to the Common Line element.

6. Under our proposed revisons to Part 69, interexchange carrier service order processing, payment and collection, and billing inquiry expenses attributable to private lines and special access would be assigned to the Special Access element. Interexchange carrier service order processing, payment and collection, and billing inquiry expenses, attributable to interstate switched access and message toll, including WATS, would be apportioned among the Common Line, Line Termination, Local Switching, Intercept, Transport, and Information elements in proportion to the investment assigned to those elements pursuant to § 69.309 of the Commission's rules. Interexchange carrier service order processing, payment and collection and billing inquiry expenses attributable to billing and collection services provided by a local telephone company to an interexchange carrier would be assigned to the Billing and Collection element.

7. We propose assigning all end user service order processing, payment and collection, and billing inquiry expenses related to the provision of TWX service to the Special Access element. As a final matter, we propose retaining the current § 69.405(c) treatment of Account 645 expenses related to non-limited pay telephone collections.[12] Thus, coin collection and administration expenses related to non-limited pay telephones would be assigned to the Common Line element. Coin collection and administration expenses related to limited pay telephones, if any, would be assigned to the Limited Pay Telephone element.

8. We are proposing that the effective dates for the new Part 69 procedures coincide with the effective dates specified in the new Part 67 rules. Thus, the new access charge procedures proposed herein would become effective June 1, 1986 for study areas with more than 50,000 working loops, calculated as provided in § 67.611(a)(8).[13] These procedures would not apply to study areas with 50,000 for fewer working loops, calculated as provided in § 67.611(a)(8),[14] until January 1, 1987. Prior to the effective date of the new recovery procedures, the current provisions of § 69.405(c) would apply. Interested parties are asked to comment on the Account 645 recovery mechanism proposed herein and on the timetable proposed for implementing the new rules. We believe that the proposed revisions to Part 69 will permit more cost based rates. However, we recognize that there may be administrative difficulties involved in implementing the proposed revisions and we urge interested parties who can identify simpler procedures that will produce equivalent results to present their proposals in response to this *Notice*.

III. Ordering Clauses

9. Accordingly, it is ordered That, notice is hereby given of proposed revisions to Part 69 of the Commission's rules as described above.[15]

10. It is further ordered That all interested parties may file comments on the issues and proposals presented in this *Notice* no later than January 31, 1986, and that replies may be filed no

[8] Under the new Part 67 rules, the term "interstate switched access" includes all access elements except Special Access and Billing and Collection. *See Decision and Order* at footnote 24.

[9] Part 67 of the Commission's rules governs the separation of AT&T and local exchange carrier Account 645 costs. However, the interstate portion of AT&T's Account 645 expenses are not recovered pursuant to Part 69, as is the case with the interstate allocation of local exchange carriers' Account 645 expenses.

[10] 47 U.S.C. 309.

[11] *See* 47 CFR 69.2(r).

[12] Non-limited pay telephones can be used to access the interexchange services of more than one carrier. A limited pay telephone can only access the interexchange services of a single carrier. *See* 47 U.S.C. 69.103.

[13] 47 CFR 67.611(a)(8). This is the measure of company size used in the revised separation rules.

[14] *Id.*

later than February 14, 1986. In accordance with the provisions of § 1.419 of the Commission's rules, 47 CFR 1.419, an original and five copies of all statements, briefs, comments, or replies shall be filed with the Federal Communications Commission, Washington, DC 20554, and all such filings will be available for public inspection in the Docket Reference Room at the Commission's Washington, DC, offices. In reaching its decision, the Commission may consider information and ideas not contained in the filings, provided that such information is reduced to writing and placed in the public file, and provided that the fact of the Commission's reliance on any such information or ideas is noted in the *Order*.[15]

11. For purposes of this non-restricted notice and comment rulemaking proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a notice of proposed rulemaking until the time a public notice is issued stating that a substantial disposition of the matter is to be considered in a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever occurs earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding.

12. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously filed written comments in the proceeding must prepare a written summary of that presentation. On the day of the oral presentation, that written summary must be served on the Commission Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state, by docket number, the proceeding to which it relates. *See generally* § 1.1231 of the Commission's rules, 47 CFR 1.1231.

[15] This action is taken pursuant to sections 1, 4(i)-(j), 201–205, 218, and 403 of the Communications Act of 1934, 47 U.S.C. 151, 154 (i)-(j), 201–205, 218, and 403 (1982) and pursuant to section 553 of Title 5, United States Code, 5 U.S.C. 553 (1982).

13. It is further ordered, That the Secretary shall cause this *Notice of Proposed Rulemaking* to be published in the **Federal Register.**[16]

Appendix A

Part 69 is proposed to be amended as follows:

PART 69—[AMENDED]

1. The authority for Part 69 continues to read:

Authority: Secs. 4, 201, 202, 203, 205, 218, 403 and 48 Stat. 1066, 1070, 1072, 1077, 1094, as amended, 47 U.S.A.C. 154, 201, 202, 203, 205, 218, 403, unless otherwise noted.

2. Revise paragraph (c) of § 69.405 to read as follows:

§69.405 Commercial expenses.

* * * * *

(c) The procedures set out in paragraph (c)(1) of this section shall apply to study areas with more than 50,000 working loops, calculated as provided in § 67.611(a)(8), effective June 1, 1986. These procedures shall apply to study areas with 50,000 or fewer working loops, calculated as provided in § 67.611(a)(8), effective January 1, 1987. Prior to the effective date of the procedures set out in paragraph (c)(1) of this section, the procedures set out in paragraph (c)(2) of this section shall apply.

(1) Local Commercial expenses shall be assigned as follows:

(i) End user service order processing expenses attributable to presubscription shall be apportioned among the Common Line, Line Termination, Local Switching, Intercept and Transport elements in the same proportions as the investment apportioned to those elements pursuant to § 69.309.

(ii) End user service order processing, payment and collection, and billing inquiry expenses attributable to the company's own interstate private line and special access service shall be assigned to the Special Access element.

(iii) End user service order processing, payment and collection, and billing inquiry expenses atrributable to interstate private line service offered by an interexchange carrier shall be assigned to the Billing and Collection element.

[16] The provisions of the Regulatory Flexibility Act, 5 U.S.C. 601–12, are not applicable to this proceeding. *See* 5 U.S.C. 601. The Commission has found that neither local exchange carriers nor AT&T come within the Regulatory Flexibility Act's definition of a small entity. To the extent that other interexchange carriers may be affected by this proceeding, we hereby certify that the proposed rules will not have a significant economic effect of a substantial number of small entities.

(iv) End user service order processing, payment and collection, and billing inquiry expenses attributable to the company's own interstate message toll service, including WATS, shall be assigned to the interexchange category. End user service order processing, payment and collection, and billing inquiry expenses attributable to interstate message toll service, including WATS, offered by an interexchange carrier shall be assigned to the Billing and Collection element. End user payment and collection and billing inquiry expenses atrributable to End User Common Line access billings shall be assigned to the Common Line element.

(v) End user service order processing, payment and collection, and billing inquiry expenses attributable to TWX service shall be assigned to the Special Access element.

(vi) Interexchange carrier service order processing, payment and collection, and billing inquiry expenses attributable to the private lines and special access shall be assigned to the Special Access element.

(vii) Interexchange carrier service order processing, payment and collection, and billing inquiry expenses attributable to interstate switched access and message toll, including WATS, shall be apportioned among the Common Line, Line Termination, Local Switching, Intercept, Transport and Information elements in the same proportions as the investment apportioned to those elements pursuant to § 69.309.

(viii) Interexchange carrier service order processing, payment and collection, and billing inquiry expenses attributable to billing and collection service shall be assigned to the Billing and Collection element.

(ix) Coin collection and administration expenses shall be divided between limited and non-limited pay telephones. Coin collection and administration expenses attributable to limited pay telephones shall be assigned to the Limited Pay Telephone element. Coin collection and administration expenses attributable to non-limited pay telephones shall be assigned to the Common Line element.

(2) Prior to the effective dates of paragraph (c)(1) of this section, Local Commercial expenses directly attributable to non-limited pay telephone collections shall be assigned to the Common Line element. All other Local Commercial expenses shall be apportioned among access elements and the interexchange category in the same

proportions as Revenue Accounting expenses.

* * * * *

[FR Doc. 86-814 Filed 1-21-86; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 90

[PR Docket No. 86-3; FCC 86-2]

Eligibility for the Specialized Mobile Radio Services in the 800 MHZ Private Land Mobile Band

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rule making.

SUMMARY: The Commission has adopted a *Notice of Proposed Rule Making* which proposes to amend Part 90 of the rules to permit the licensing of wire line telephone common carriers in the Specialized Mobile Radio Service of the 800 MHz Private Land Mobile Band.

DATES: Comments are due by February 18, 1986, and replies are due by March 5, 1986.

ADDRESS: Federal Communications Commission, 1919 M Street NW. Washington DC 20554.

FOR FURTHER INFORMATION CONTACT: Nia Chirigos Cresham, Private Radio Bureau, Land Mobile and Microwave Division, Rules Branch, (202) 634-2443.

SUPPLEMENTARY INFORMATION:

List of Section in 47 CFR Part 90

Private land mobile radio services, Radio.

Notice of Proposed Rule Making

In the matter of amendment of Part 90 of the Commission's Rules Governing Eligibility for the Specialized Mobile Radio Services in the 800 MHz Private Land Mobile Band, PR Docket No. 86-3.

Adopted: January 3, 1986.
Released: January 10, 1986.
By the Commission.

Introduction

1. This *Notice of Proposed Rule Making* proposes to amend the Commission's rules governing the eligibility requirements for licensees in the Specialized Mobile Radio Service. Current rules prohibit wire line telephone common carriers from being licensed in the Specialized Mobile Radio (SMR) Service. We propose to allow wire line telephone carriers to be eligible to apply for an SMR license.

Background

2. The Specialized Mobile Radio (SMR) Service was established by the Commission in 1974 to permit entrepreneurs to provide a communications service to private radio licensees on a commercial basis. The decision to create such a service was a result of the Commission's land mobile radio service allocation proceeding in Docket No. 18262.[1] The *First Report and Order and Second Notice of Inquiry* in Docket No. 18262 reallocated 115 megahertz of spectrum in the 800 MHz band for land mobile radio services.[2] The *Second Report and Order* designated 30 megahertz (600 channel pairs) to private land mobile communications system and 40 megahertz to cellular radio systems.[3]

3. When the Commission established the SMR Service in 1974, we opened the service to anyone eligible as a private radio licensee or to anyone, with the exception of wire line telephone common carriers, proposing to offer service to private radio licensees. This prohibition is contained in §§ 90.352(c) and 90.603(c) of our rules. We have recently received requests for waivers of our rules by Pacific Telesis Group and New York Independent Cellular Systems, Inc. (NYICS), two wire line telephone common carriers who wish to be licensed to operate SMR systems. They raise several arguments in favor of granting their waiver requests and allowing wire line common carriers to be eligible as SMR licensees.

4. First, they argue that there is no reason to prohibit wire line common carriers from entering the SMR market to foster a competitive SMR industry. They point out that the SMR industry is highly competitive and there are waiting lists for SMR frequencies in all the major metropolitan areas. They argue that the entry of wire line common carriers would not have a detrimental effect on the market and in fact, would encourage the development of new technologies. Both Pacific Telesis and NYICS also claim that while the Commission gave no specific reasons for the prohibition on the licensing of wire line telephone common carriers in the *Second Report and Order* of Docket No. 18262, the prohibition may have been related to the allocation of 40 megahertz of spectrum to wire line carriers for the development of cellular systems in that same proceeding. The applicants point out that the 40 megahertz allocation was subsequently modified when the Commission designated 20 megahertz of cellular spectrum for wire line carriers and 20 megahertz of spectrum for non-wire line carriers. *Report and Order*, Docket No. 79-318, 86 FCC 2d 469, 491 (1981). Finally, the applicants argue that the Commission may have excluded wire line telephone common carriers from operating SMR systems to avoid common carrier regulation and preempt state regulations. However, the applicants cite *NARUC v. FCC*, 525 F.2d 630 (D.C. Cir. 1976), *cert. denied* 425 U.S. 992, (1976), and assert that therein the Court of Appeals defined SMR systems as private or non-common carrier by virtue of their function and that SMR systems are clearly exempt from common carrier regulation and preempted from state regulation. Therefore, the applicants argue that the licensing of wire line common carriers would not affect the private status of SMR systems.

Proposal

5. We have considered the requests and believe it would be appropriate at this time to reevaluate the prohibition on the licensing of wire line telephone common carriers in the SMR Service. We agree that the *NARUC* case clearly established the private status of SMR systems. Moreover, in 1982 Congress enacted legislation which defined private land mobile services and preempted such services from state and local regulation. *See*, "The communications Amendments Act of 1982", Pub. L. 97-259, 96 Stat. 1087, September 13, 1982, 47 U.S.C. 332. Therefore, we propose to eliminate the prohibition on the licensing of wire line common carriers. However, by eliminating the prohibition, we would be allowing wire line telephone common carriers to compete with the other SMR systems which must rely on the wire line company to provide interconnection. Therefore, we request comments on the following points: (1) Whether wire line telephone common carriers should be allowed to operate SMR systems only in areas where they do not provide wire line service, and (2) whether we need to take steps to ensure that wire line telephone common carriers do not impede other SMR licensees in obtaining wire line service for interconnected systems.

Initial Regulatory Flexibility Analysis

Reason for action

6. The commission believes that its rules governing the eligibility requirements for licensees in the Specialized Mobile Radio Service should be amended to permit the

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[1] This proceeding was initiated with a *Notice of Inquiry and Notice of Proposed Rule Making* (FCC 68-745), adopted July 17, 1968, 14 FCC 2d 311.

[2] *First Report and Order and Second Notice of Inquiry* (FCC 70-519), adopted May 20, 1970, 35 FR 8644 (July 4, 1970).

[3] *Second Report and Order* (FCC 74-470), adopted May 1, 1974, 46 FCC 2d 752.

licensing of wire line telephone common carriers. This action would allow further entry into the SMR market and would provide more efficient service to the public by enhancing competion.

Objective

7. The proposed action would create, to the maximum extent possible, an unregulated, competitive market place environment for the development of telecommunications by eliminating unnecessary regulations and policies.

Legal basis

8. The action proposed is in furtherance of sections 4(1), 303(g), 303(r), and 331(a) of the Communications Act of 1934, as amended.

Reporting, recordkeeping and other compliance requirements

9. No new requirements will be imposed upon Private Land Mobile Radio Service licensees.

Federal rules which overlap, duplicate or conflict with this rule

10. None.

Description, potential impact and number of small entities affected

11. This action may affect both small and large businesses, licensees and users since it would allow the entry of wire line telephone common carriers into the SMR Service. This will enhance business opportunities for small wire line telephone companies as well as large ones and will provide competition for both small and large SMR licensees. Such competition would increase the benefits and improve service to the public. We invite comments from interested parties which address this initial regulatory flexibility analysis.

Any significant alternatives minimizing the impact on small entities and consistent with the stated objectives

12. There are no significant alternatives besides those considered in this *Notice of Proposed Rule Making*.

Paperwork Reduction Act Statement

13. The decision contained herein has been analyzed with respect to the Paperwork Reduction Act of 1980 and found to contain no new or modified form, information collection and/or recordkeeping, labeling, disclosure or record retention requirements, and will not increase or decrease burden hours imposed on the public.

Procedural Matters

14. For purposes of this non-restricted notice and comment rule making proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a notice of proposed rule making until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously filed written comments for the proceeding, must prepare a written summary of that presentation. On the day of that oral presentation, a written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served and must also state by docket number the proceeding to which it relates. See generally, § 1.1231 of the Commission's Rules, 47 CFR 1.1231.

15. Authority for issuance of this *Notice of Proposed Rule Making* is contained in sections 4(1) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(l) and 303(r). Interested persons may file comments on or before February 18, 1986, and reply comments on or before March 5, 1986. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that the fact of the Commission's reliance on such information is noted in the report and order.

16. In accordance with the provisions of § 1.419 of the Commission's Rules, 47 CFR 1.419, formal participants shall file an original and five copies of their comments and other materials. Participants wishing each Commissioner to have a personal copy of their comments should file an original and 11 copies. Members of the general public who wish to express their interest by participating informally may do so by submitting one copy. All comments are given the same consideration, regardless of the number of copies submitted. All documents will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters at 1919 M Street NW., Washington, DC.

17. For further information concerning this rule making contact Nia Chirigos Cresham, Rules Branch, Land Mobile and Microwave Division, Private Radio Bureau, Room 5126, Federal Communications Commission, Washington, DC 20554, (202) 634–2443.

FEDERAL COMMUNICATIONS COMMISSION

William J. Tricarico,

Secretary.

Appendix

Part 90 of Chapter 1 of Title 47 of the Code of Federal Regulations is proposed to be amended as follows:

PART 90—PRIVATE LAND MOBILE RADIO SERVICES

Subpart M—Special Regulations Governing Licensing and Use of Frequencies in the 816–821/861–866 MHz Bands for Trunked Systems Authorized Prior to September 1, 1987

1. The authority citation for Part 90 continues to read as follows:

Authority: Sections 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303, unless otherwise noted.

2. Section 90.352 is amended by revising paragraph (c) to read as follows:

§ 90.352 Eligibility.

* * * * *

(c) Any person eligible under this rule part proposing to provide on a commercial basis base station and ancillary facilities for the use of persons eligible for licensing under Subparts B, C, D, or E of this part.

3. Section 90.603 is amended by revising paragraph (c) to read as follows:

Subpart S—Regulations Governing Licensing and Use of Frequencies in the 806–821 and 851–866 MHz Bands

§ 90.603 Eligibility.

* * * * *

(c) Any person eligible under this rule part proposing to provide on a commercial basis base station and ancillary facilities for the use of persons

eligible for licensing under Subparts B, C, D, or E of this part.

[FR Doc. 86-943 Filed 1-21-86; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 531

[Docket No. FE-85-01; Notice 4]

Passenger Automobile Average Fuel Economy Standards Model Years 1987-88; Proposed Amendments and Notice of Meeting

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Notice of proposed rulemaking (NPRM); notice of public meeting.

SUMMARY: This notice proposes to amend the average fuel economy standards applicable to passenger automobiles manufactured in model years (MY) 1987-88 and invites written and oral comments concerning the proposed action. The notice also announces the time and location of the public meeting to receive the oral comments. A range of alternative standards between 26.0 mpg and 27.5 mpg is being proposed for each model year. The agency had previously granted several petitions relating to those and other model years. General Motors (GM) and Ford had petitioned for a reduction in the MY 1986 and thereafter standards, from 27.5 mpg to 26.0 mpg. (The agency has completed rulemaking with respect to their petitions fo MY 1986.) The Center for Auto Safety (CFAS) and Environmental Policy Institute (EPI) had petitioned for an increase in the MY 1987-90 standards. The agency will deal with the petitions with respect to model years after MY 1988 at a later time.

DATES: *Public Comments:* Written comments on this notice must be received on or before March 24, 1986.

Public Meeting: A public meeting to receive oral comments will be held on February 19, 1986, in Washington, DC, at 9:00 a.m.

Date: The proposed amendments would be effective for the 1987-88 model years.

ADDRESSES: *Public Comments:* Written comments on this notice must refer to the docket and notice numbers set forth above and be submitted (preferably in 10 copies) to the Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street, SW., Washington, DC 20590. The Docket is open 8 a.m. to 4 p.m., Monday through Friday. Submissions containing information for which confidential treatment is requested should be submitted (in 3 copies) to Chief Counsel, National Highway Traffic Safety Administration, Room 5219, 400 Seventh Street, SW., Washington, DC 20590, and 7 additional copies from which the purportedly confidential informaton has been deleted should be sent to the Docket Section.

Public Meeting: The meeting will be held at the following location: Federal Aviation Administration Auditorium, 800 Independence Avenue, SW., Washington, DC 20591.

This facility is accessible to the handicapped.

FOR FURTHER INFORMATION CONTACT: All questions concerning the public meeting should be directed to: Mr. Glen Brammeier, Office of Market Incentives, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590 (202-755-9384). All other questions should be directed to: Mr. Robert Shelton, Office of Market Incentives, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590 (202-755-9384).

SUPPLEMENTARY INFORMATION:

Background

A. The Energy Policy and Conservation Act

1. Overview

In December 1975, during the aftermath of the energy crisis created by the oil embargo of 1973-74, the Congress enacted the Energy Policy and Conservation Act. Congress included a provision in that Act establishing the automotive fuel economy regulatory program. That provision added a new title, Title V, "Improving Automotive Efficiency," to the Motor Vehicle Information and Cost Savings Act.

Title V specified corporate average fuel economy (CAFE) standards for cars of 18, 19 and 20 mpg for model years 1978, 1979, and 1980, respectively, and 27.5 mpg for 1985 and thereafter. The Secretary of Transportation was required to establish standards for model years 1981-84. Section 502(a)(3) required that the standards for each of those model years be set at a level which (1) was the maximum feasible average fuel economy level and (2) would result in steady progress toward meeting the 27.5 mpg standard for model year 1985.

Although Congress clearly established the 27.5 mpg value as a goal to strive for (27.5 mpg is roughly twice the MY 1974 CAFE), it recognized that such long-term goals are subject to considerable uncertainty. The Act permits, but does not require, the Department to change the standard based on up-to-date information and changing trends and assumptions. Section 502(a)(4) provides that the Secretary of Transportation may raise or lower the 27.5 mpg standard for model year 1985 or for any subsequent model year if he or she determines that some other standard represents the maximum feasible average fuel economy level.[1] In determining maximum feasible average fuel economy, the Secretary is required under section 502(e) of the Act to consider four factors: technological feasibility, economic practicability, the effect of other Federal motor vehicle standards on fuel economy, and the need of the nation to conserve energy.

2. Congressional intent

While the Congress established a goal of 27.5 mpg, it also provided the necessary flexibility to the Department to adjust the standards to the maximum feasible level.

The report accompanying H.R. 7014, the bill containing the House version of the fuel economy provisions (which would have specified a 28.0 mpg standard for 1985 and thereafter), stated that "the automobile industry has a central role in our national economy and that any regulatory program must be carefully drafted so as to require of the industry what is attainable without either imposing impossible burdens on it or unduly limiting consumer choice as to capacity and performance of motor vehicles." H.R. Rep. No. 94-340, 94th Cong., 1st Sess. 87 (1975). As another indication of the congressional view of the need for flexibility, the report recognized the difficulty in establishing goals ten years in the future by stating that "(t)he 1985 average fuel economy standard presented a different problem [than establishing standards for MY's 1978-80] because of the high level of uncertainty which attends any attempt to predict technological feasibility a decade into the future." Id. at 88. The Committee also stated that although the 1985 standard was a "clear target," it also provided DOT the ability to amend that target so as to provide the program "with the necessary flexibility." Ibid.

It is noteworthy that the Secretary was given authority to lower the

[1] Responsibility for the automotive fuel economy program was delegated by the Secretary of Transporation to the Administrator of NHTSA (41 FR 25015, June 22, 1976).

standard for MY 1985 or for any subsequent year to 26.0 mpg without such action being subject to a one-house veto.[2] Conversely, any action to raise the standard above 27.5 mpg or to lower it below 26.0 mpg was subject to that form of congressional review and disapproval. While such legislative vetoes have since been declared unconstitutional, the separate treatment in the original legislation of action to lower the standard to any level between 26.0 mpg and 27.5 mpg appears to reflect Congress' view of the likelihood of such events and its willingness to accept—without formal review—Departmental actions making slight changes in the long-term goal established by the Act.

B. Setting the 1981–84 Standards

On June 30, 1977, NHTSA published in the **Federal Register** (42 FR 33534) a final rule establishing the 1981–84 passenger automobile CAFE standards. The selected standards were 22 mpg for 1981, 24 mpg for 1982, 26 mpg for 1983, and 27 mpg for 1984.

As part of establishing the 1981–84 standards, the agency developed estimates of the maximum feasible fuel economy for each manufacturer for model years 1981 through 1985. The agency's conclusion at that time was that "levels of average fuel economy in excess of 27.5 mpg are achievable in the 1985 time frame." 42 FR 33552. The agency believes that it was feasible for General Motors to achieve an average fuel economy level of 28.9 mpg in model year 1985, Ford 27.9 mpg, and Chrysler 28.7 mpg. See 1977 rulemaking Support Paper (RSP), p. 5–38 (Table 5.11). Those levels were based on a number of assumptions, including the ability of manufacturers to maintain a rapid rate of introduction of technology, consumer acceptance of a 10 percent reduction in vehicle acceleration, and significant use of a widespread range of technological options, including weight reduction, improved transmissions and lubricants, reduced aerodynamic drag, reduced accessory losses and reduced tire rooling resistance.

The agency's estimates did not assume a downward mix shift in automobile sizes or the use of diesel engines. The agency concluded that a standard set at a level that required substantial mix shifts would not be economically practicable due to the risk that a significant number of consumers might defer purchasing new automobiles, resulting in a substantial sales drop. However, these techniques were viewed in the 1977 rule as "constituting a safety margin" for manufactures in the event that other technological improvements did not result in sufficient CAFE improvements. 42 FR 33545, June 30, 1977.

As to foreign manufacturers, the 1977 RSP projected that all but three of them could improve their average fuel economy levels, without expanded use of diesel engines, sufficiently to meet the 27.5 mpg standard. With fleet fuel economy improvements from additional diesels included in the foreign fleet projections, only one manufacturer, Mercedes-Benz, was projected to fall below the 1985 standard.

It should be emphasized that the agency's 1977 estimates were intended to demonstrate the feasibility of achieving the 27.5 mpg standard and not to predict what specific actions the manufacturers would actually take to achieve that standard. The agency's estimates were based on one scenario of what the agency believed manufacturers could do to achieve an average fuel economy level of 27.5 mpg by 1985. Manufacturers were free to pursue other courses of action to achieve the 27.5 mpg fuel economy level.

C. Events From 1977 to 1984

In January 1979, NHTSA presented new feasibility estimates for each manufacturer for model years 1980 through 1985 in its Third Annual Report to the Congress on the Automotive Fuel Economy Program (44 FR 5742, January 29, 1979). The agency stated that "(o)n balance, the conclusions reached during the 1981–84 rulemaking . . . are similar to those resulting from the most recent assessments. These assessments indicate that all domestic manufacturers can exceed the scheduled standards for each year through 1985." 44 FR 5757.

NHTSA recognized in its Third Annual Report that the changes in vehicle design necessary to meet the fuel economy projections would require tremendous outlays of capital. The agency also recognized that its feasibility estimates were dependent on the continued financial health of the industry and could be subject to change in the event of a severe economic downturn.

The Third Annual Report noted that a number of manufacturers did not agree with the agency's conclusion that "(t)he technology is available that will enable manufacturers to achieve an average fuel economy of 27.5 mpg without reducing vehicle interior space or significantly affecting performance and without significantly changing the mix of size classes."

Between January and May of 1979, NHTSA received a number of submissions from Ford and General Motors on the 1981–84 fuel economy standards for passenger automobiles asserting that those standards should be reduced. In response to these submissions, the agency published a document entitled "Report on Requests by General Motors and Ford to Reduce Fuel Economy Standards for MY 1981–85 Passenger Automobiles," DOT HS–804 731, June 1979. The report concluded that the standards were technologically feasible and economically practicable and noted that both companies had submitted product plans for meeting the standards. Report, p. 14. The report noted that the product plans submitted by the two companies differed from each other significantly and also differed from the paths projected by NHTSA in its prior rulemaking on standards for MY 1981–84 and in the January 1979 Report to Congress. Report, p. 5.

One year later, the nation was in the midst of another energy crisis, brought on by events in Iran. Gasoline prices were rising rapidly, creating significantly increased consumer demand for small cars. The U.S. city average retail price for unleaded gasoline rose from 90 cents per gallon in 1979 to $1.25 in 1980. (In 1984 dollars, this increase was from $1.24 in 1979 to $1.57 in 1980.) In light of these changed conditions, the industry announced plans to significantly exceed the 27.5 mpg standard for 1985. Both Ford and GM, as well as Chrysler and Amercan Motors, inducated that they expected to achieve average fuel economy in excess of 30 mpg for that model year. Product plans submitted to NHTSA by those companies indicated that the projections assumed significant mix shifts toward smaller cars and rapid introduction of new technology. A letter submitted to the agency by Ford in July 1980, however, cautioned that "it is important to emphasize that the affordability of many of these programs is dependent upon substantial improvement in the market and economic conditions."

On January 26, 1981, NHTSA published an advance notice of proposed rulemaking (ANPRM) in the **Federal Register** (46 FR 8056) which addressed the issue of passenger automobile fuel economy standards for model year 1985 and beyond. That

[2] Such vetoes were declared unconstitutional in *I.N.S. v. Chandha*, 462 U.S. 919 (1983). The Department of Justice has advised that the legislative veto provision in section 502(a)(4) is fully severable from the balance of that section. Thus, the Department of Transporation retains its authority to establish fuel economy standards both within and outside the 26.0 mpg to 27.5 mpg range, so long as the standard is at the "maximum feasible" level for the model year in question.

notice and an accompanying paper entitled "Analysis of Post-1985 Fuel Economy," assumed that manufacturers would achieve their announced average fuel economy goals of over 30 mpg for 1985. The notice also took note, however, of a deepening economic crisis then facing the auto industry and possible effects on financing investments for improving fuel economy.

On April 16, 1981, NHTSA published in the **Federal Register** (46 FR 22243) a notice withdrawing the ANPRM. The notice stated that "(t)his action is being taken in recognition of market pressures which are creating strong consumer demand for fuel-efficient vehicles and sending clear signals to the vehicle manufacturers to produce such vehicles. It is expected that the market will continue to act as a powerful catalyst. . . ."

Conditions affecting fuel economy changed dramatically after 1981, following completion of decontrol of domestic oil and other external factors increasing available supplies. Gasoline prices did not continue to rise but instead declined over time. This, combined with economic recovery, caused consumer demend to shift back toward larger cars and larger engines. Data submitted to the agency by GM and Ford in mid-1983 indicated that instead of achieving fuel economy well in excess of the 27.5 mpg standard for MY 1985, they would be unable to meet the levels prescribed by the standard.

Petitions

In July 1984, NHTSA received a petition for rulemaking from the Center for Auto Safety (CFAS) and the Environmental Policy Institute (EPI) requesting that the MY 1987–90 passenger automobile average fuel economy standards be increased. The agency granted the CFAS/EPI petition in a notice published in the **Federal Register** (49 FR 46770) on November 28, 1984. The agency stated that it believed the issues raised by the petition should be analyzed in the context of rulemaking and granted the petition to that extent.

In March 1985, both GM and Ford submitted petitions for rulemaking requesting that NHTSA reduce the passenger automobile average fuel economy standards for the 1986 model year and beyond from 27.5 mpg to 26.0 mpg. The petitioners stated that factors beyond their control, including lower gasoline prices and resultant greater consumer demand for larger cars and engines, had reduced their fuel economy caability. NHTSA granted the GM and Ford petitions in a notice published in the **Federal Register** (50 FR 12344) on March 28, 1985, and requested public comments. The agency noted that it was already considering the CFAS/EPI petition with respect to model years 1987 and thereafter.

On September 30, 1985, NHTSA issued a final rule which reduced the MY 1986 standard from 27.5 mpg to 26.0 mpg (50 FR 40528, October 4, 1985). Based on all available information, including the public comments received in response to the March 1985 **Federal Register** notice and a subsequent NPRM (50 FR 22912, July 22, 1985), the agency concluded that GM and Ford, constituting a substantial part of the industry, had had sufficient plans to meet the 27.5 mpg standard in MY 1986 and made significant progress toward doing so, but were prevented from fully implementing those plans by unforeseen events. The agency concluded that, among other things, there had been a substantial shift in consumer demand toward larger cars and engines, away from the sales mixes recently anticipated for MY 1986 by GM and Ford. The agency's analysis indicated that this shift was largely attributable to a continuing decline in gasoline prices. NHTSA's analysis further indicated that the only actions now available to those manufacturers to improve their fuel economy for MY 1986 would involve product restrictions likely resulting in significant adverse economic impacts, including sales losses well into the hundreds of thousands of cars and job losses well into the tens of thousands, and unreasonable restrictions on consumer choice. Based on its analysis of the relevant statutory criteria, NHTSA determined that the maximum feasible average fuel economy level for MY 1986 is 26.0 mpg.

With rulemaking action complete with respect to the 1986 model year, the agency turns to the diametrically opposed requests relating to the 1987 and later model years: The CFAS/EPI petition requesting that the standards be increased and the GM and Ford petitions requesting that the standards be reduced. This notice addresses only the 1987–88 model years. The agency will deal with the petitions with respect to model years after MY 1988 at a later time.

Proposals

A. General

As part of setting forth proposals, this notice discusses a variety of issues which are being considered by the agency, all of which are relevant to the statutory criteria discussed above. In discussing these issues, we ask a number of questions or make a number of requests for data to help us obtain the kind of information we believe will facilitate our analysis. For easy reference, we have numbered the questions or requests consecutively throughout the document.

In providing a comment on a particular matter or in responding to a particular question, please provide any relevant factual information to support your conclusions or opinions, including but not limited to statistical and cost data, and the source of such information.

B. Ranges of Proposals

This notice proposes to amend the MY 1987–88 passenger automobile average fuel economy standards, within a range of 26.0 mpg to 27.5 mpg.

The lower end of the range, 26.0 mpg, is the value determined by NHTSA to be the maximum feasible level for MY 1986. In addition to being the baseline from which the maximum feasible level could increase in MY 1987–88, the agency believes also that 26.0 mpg is the appropriate lower end of the range given the petitions received from GM and Ford, the various risks cited by those manufacturers and the agency's analysis of uncertainties during this time period.

The upper end of the range, 27.5 mpg, is the long-term statutory goal and is also the level from which the existing MY 1987–88 standard might be reduced. For MY 1987, the record clearly does not support raising the standard above 27.5 mpg, i.e., such a standard would be above the "maximum feasible" level. Also, the agency does not have authority to increase the existing standard for that model year. Under section 502(f)(2) of the Cost Savings Act, any amendment making an average fuel economy standard more stringent must be promulgated at least 18 months prior to the beginning of the model year to which such amendment will apply. Given this timing requirement, the agency cannot increase the MY 1987 standard.

The agency has also decided that even if a standard higher than 27.5 mpg could be determined to be "feasible" for MY 1988 (which is doubtful given the record), it will not exercise its discretion at this time to set a MY 1988 standard at a level higher than 27.5 mpg.

The CFAS/EPI petition requested that NHTSA increase the 27.5 mpg standard established by Congress to 31.5 mpg in MY 1987 and 34.5 mpg in MY 1988.

CFAS and EPI did not provide quantitative analysis establishing that such levels are technologically feasible and economically practicable, but did make several general arguments in support of their request. The petitioners

argued that substantially higher levels of fuel economy are technologically feasible, that market forces have not produced and cannot produce the "necessary" increase in fuel economy, that the higher levels can be met without substantial economic displacement in the auto industry, that the political and military situation in the Middle East remains highly unstable, and that the U.S. relies on imported oil for one-third of its daily oil supply.

As discussed above, Congress set the passenger automobile fuel economy standards for MY 1985 and future model years at 27.5 mpg. Under section 502(a)(4), the Secretary *may* amend the passenger automobile standards for those model years if he or she determines that some other level represents the maximum feasible average fuel economy level. Given the statute's use of the term "may," the decision *whether* to amend a standard is discretionary. If the agency decides to amend a standard, however, the amendment must be at the maximum feasible average fuel economy level. The only time the agency has exercised this discretionary authority was in lowering the MY 1986 standard.

A decision whether to set a standard at a level above 27.5 mpg raises substantially different considerations than those examined by the agency in its recent decision to lower the MY 1986 standard to 26.0 mpg, or than those which the agency must examine in deciding whether to lower the standards under consideration by this notice. Given that standards for future model years remain at 27.5 mpg unless they are amended, a decision to slightly lower a standard largely represents a short-term delay in achieving the 27.5 mpg goal established by Congress. Setting a standard at a level above 27.5 mpg would establish a new goal.

Given the language and structure of the Act and the accompanying legislative history, the agency has concluded that the statute does not require the Secretary to raise the CAFE standard above 27.5 mpg, merely because the maximum feasible average fuel economy level might be determined to be above that level. Clearly, if Congress desired that passenger automobile fuel economy standards be continually increased, it could have *mandated* that the Secretary revise the 27.5 mpg standard to the maximum feasible level. This could have been accomplished simply by changing the word "may" in section 502(a)(4) to "shall." Moreover, as indicated above, the original legislation made such amendments subject to a one-house veto, indicating congressional concern about such amendments. Also, while Congress adopted a statutory scheme for light trucks requiring that fuel economy standards continue to be set indefinitely at the maximum feasible average fuel economy level each year, for passenger cars it instead established a long-term goal and provided discretion to the Secretary to decide whether to change that goal. The different treatment in the statute of passenger cars and light trucks supports the view that the Secretary has discretion to decide whether to increase the standard above 27.5 mpg.

The agency also notes that its April 1981 withdrawal of the ANPRM concerning passenger automobile fuel economy standards for MY 1985 and beyond, based on the agency's view that the market would "continue to act as a powerful catalyst" to encourage production of fuel-efficient vehicles, was consistent with this view.

The agency reached its decision not to exercise its discretion at this time to set standards above 27.5 mpg after careful consideration of the impacts of such standards. Fuel economy standards above 27.5 mpg could result in a number of adverse economic impacts, even if they could be determined to be "feasible." As is apparent from the agency's analysis for this rulemaking and the MY 1986 rulemaking, these include, but are not necessarily limited to, relative adverse financial and employment effects on the domestic industry vis-a-vis importers; an incentive for the domestic manufacturers to move production of less fuel-efficient cars (or parts of those cars) outside the United States, thereby eliminating American jobs while not improving overall energy conservation; increased restrictions on consumer choice; further distortions in the relative prices of smaller and larger cars, thereby reducing consumer welfare; and other economic distortions.

As discussed elsewhere in this notice, the domestic industry is facing substantial uncertainty during the model years covered by this rulemaking, including significant new competition from abroad. The agency does not believe it is appropriate to saddle the industry with additional burdens and uncertainties during this time period. The opportunity costs associated with a round of higher standards could make it much more difficult for the domestic industry to meet these new challenges.

The domestic industry has made great progress toward reaching the statutory goal of 27.5 mph, through unprecedented investment and technological change. These efforts, and the additional ones now planned by the manufacturers to enable them to fully achieve or exceed CAFE of 27.5 mpg, have had and will have an enormous positive impact on the need of the nation to conserve energy, a subject which is discussed at length elsewhere in this notice. While the agency recognizes that energy conservation continues to be important, it does not believe that factor now justifies the economic burdens associated with standards above 27.5 mpg.

Manufacturer Capabilities for MY 1987–88

In evaluating manufacturers' fuel economy capabilities for MY 1987–88, the agency has analyzed the manufacturers' current projections and underlying product plans and is considering what, if any, additional actions the manufacturers could take to improve their fuel economy.

A. Manufacturer Projections

General Motors

GM projected in August 1985 that it could achieve a CAFE of 26.6 mpg in MY 1987 and 28.0 mpg in MY 1988. (That company also provided CAFE projections for MY 1989–90.[3]) GM characterized its projections as ". . . necessarily fragile since we cannot foresee with sufficient accuracy the multitude of variables that influence CAFE. . . ." GM noted that its projections for fuel economy trends have been based on the assumption of steadily rising gasoline prices over the 1985 to 1990 period, i.e., a more than 25 percent rise in real terms. According to GM:

> There are two factors related to our gas price projections that point up the fragile nature of our CAFE projections. First, the current gasoline prices are below this trend-line and these below-trend projections are showing continuing weakness. If this persistent weakness continues, it is entirely possible that our current base-line projections for energy prices, and thus CAFE projections as well, will prove to be too high. Second, the scenario assumes a substantial reduction in the value of the dollar in foreign exchange markets. If this reduction does not occur in the time period under consideration, future fuel prices can be substantially lower than projected. Thus, we run a very real danger that fuel price and our CAFE will turn out to be substantially lower than our

[3] In August 1985, GM projected CAFE levels of 28.6 mpg for MY 1989 and 29.0 mpg for MY 1990. These projections updated earlier projections. In March 1985, GM projected CAFE levels of 30.3 mpg for MY 1989 and 31.0 mpg for MY 1990. In June 1985, GM projected CAFE levels of 28.6 mpg for MY 1989 and 29.0 mpg for MY 1990.

projection, as has been the case for the past several years when fuel prices have been declining. . . . for the past several years when fuel prices have been declining. . . .

. . . (E)ven if forecasts for future model years are in error by as much as half the error experienced over the last several years, the indicated CAFE would equal, or slightly exceed, 26 mpg. . . .

The agency notes that although GM's actual fuel price forecasts are subject to a claim of confidentiality, they are significantly higher than those currently projected by the Department of Energy's Energy Information Administration (EIA). Should the prices forecast by EIA actually occur, GM's CAFE estimates might prove to be overly optimistic.

Since GM's latest MY 1986 projection is 26.3 mpg, that company's MY 1987–88 projections would represent additional CAFE improvements of .3 mpg (to 26.6 mpg) and 1.4 mpg (to 28.0 mpg), respectively. The expected improvements are attributable to a continuing decline in average test weight, engine improvements, changes in model offerings, and changes in the number of sales of certain models The large gain between MY's 1987–88 is due primarily to changes in product offerings and engine and transmission improvements.

(The details of the changes, including which types of changes will be made for each model year, are subject to a claim of confidentiality. This is also true for the Ford and Chrysler projections discussed below.)

GM's current CAFE projections for MY 1987–88 are lower than that company's projections provided to NHTSA in March 1985. They are also lower than projections provided to the agency in June 1985 as part of a preliminary staff update of GM's business plan. (GM also updated its projections for MY 1989–90.)

In March 1985, GM provided CAFE projections of 28.1 mpg for MY 1987 and 29.4 mpg for MY 1988. In June 1985, that company provided CAFE projections of 27.1 mpg for MY 1987 and 28.2 mpg for MY 1988.

The decline in GM's projections are largely traceable to the unpredictability of fuel prices. GM's latest plan reflects a 10 percent reduction in the estimated price of gasoline in 1988–90. As a result, GM revised its product plans accordingly. In addition, recent test data have shown lower actual fuel economy improvements through new technology than was anticipated and a slight slowing down of new product introductions to ensure high quality, particularly when major product changes are being made.

Ford

Ford projected in September 1985 that it could achieve a CAFE of between 26.0 mpg to 27.3 mpg in MY 1987 and 25.9 mpg to 27.1 mpg in My 1988. (Like GM, that company also provided projections for MY 1989–90, which updated earlier projections.[4]

The high end of the Ford ranges appear to be based on the likely effects of its planned fuel economy improvements and on the assumption that there is not a substantial increase in small imported car sales. The lower end of the range assumes much greater increases in small imported car sales and a number of risks that planned technological improvements will not achieve projected fuel economy gains. According to Ford, the ranges do not include the effects on CAFE of restricting production of models for which there is continued consumer demand, partial or complete sourcing of full-size models outside the United States, or extraordinary marketing programs (Ford letter dated September 16, 1985).

Ford's high end MY 1987 projection of 27.3 mpg would represent a 1.0 mpg improvement over that company's latest MY 1986 projection. Ford plans improvements in several model lines. Ford identified a number of risks to its MY 1987 CAFE, which if combined could reduce its CAFE to 26.0 mpg. These risks include a possible mix shift, the possibility that certain marketing and technical actions may not occur, and the possibility that certain technological actions may not yield anticipated benefits.

Ford's high end MY 1988 projection of 27.1 mpg would represent a .2 mpg decline over that company's comparable MY 1987 projection. Ford explained that ". . . the slight decrease in the potential CAFE levels between the 1987 and 1988 model years . . . is primarily a function of volume shifts caused by acceleration of certain new model introduction dates." Ford does plan several technological fuel economy improvements for MY 1988.

As with MY 1987, the risks to Ford's MY 1988 CAFE projections include possible mix shifts, the possibility that certain marketing and technical actions may not occur, and the possibility that certain technological actions may not yield anticipated benefits. These risks together could reduce Ford's MY 1988 CAFE to 25.9 mpg. The majority of this risk is associated with the difficulty of estimating import sales, particularly in the fuel-efficient subcompact and compact market segmets.

Ford's current MY 1987–88 CAFE projections, i.e., those provided in September 1985, are lower than that company's projections provided to NHTSA in February 1985, but the high end projections are higher than that company's projections provided to the agency in August 1985.

In February 1985, Ford provided CAFE projections of 28.4 mpg to 28.8 mpg for MY 1987 and 27.1 mpg to 27.8 mpg for MY 1988. In August 1985, Ford provided CAFE projections of 26.2 mpg to 26.8 mpg for MY 1987 and 26.1 mpg to 26.5 mpg for MY 1988.

Ford's August 1985 and September 1985 estimates reflect updated analyses of potential import sales, continued strong demand for large cars and engines, and new data on actual carline fuel economy and the benefits of new technology programs. The September projections have a lower "bottom" end of the range than the August projections because they include consideration of certain technical risks which had been mentioned in the August submission but not included in the CAFE ranges. The September projections have a higher "top" end of the range because Ford added into its projections a number of programs it indicated it was considering in the August submission.

Chrysler

Chryler projected in August 1985 that it could achieve a CAFE of 28.8 mpg in MY 1987 and 29.3 mpg in MY 1988. (These figures were adjusted to take account of the EPA test adjustment credit expected by Chrysler. Also, like the other major domestic manufacturers, Chrysler provided projections for MY 1989–90, which updated earlier estimates.[5]

The improvements in Chrysler's CAFE would be attributable to a drop in average test weight, various engine and transmission changes, and changes in model offerings.

Chrysler's current CAFE projections for MY 1987–88 are lower than that company's projections provided to NHTSA in February 1985. At that time, Chrysler provided CAFE projections of

[4] In September 1985, Ford projected a CAFE level of 26.2 mpg to 27.6 mpg for MY 1989 and stated that it "believes it has in place a product and production program which should result in compliance with a 27.5 mpg level by 1990 . . ." In February 1985, Ford projected a CAFE level of 27.7 mpg to 28.2 mpg for MY 1989. In August 1985, Ford projected a CAFE level of 26.4 mpg to 26.8 for MY 1989 and provided a preliminary projection of 27.2 mpg for MY 1990.

[5] In August 1985, Chrysler projected CAFE levels of 30.0 mpg for MY 1989 and 31.2 mpg for MY 1990. In February 1985, Chrysler projected CAFE levels of 31.3 mpg for MY 1989 and 32.0 mpg for MY 1990. (All of these figures were adjusted to take account of the expected EPA test adjustment credit.)

29.4 mpg for MY 1987 and 30.3 mpg for MY 1988. The reasons for Chrysler's declines relate to changes in sales of various models and engine changes.

The agency notes that Chrysler's projections of future fuel economy have declined by about the same amount as those of GM and Ford, indicating a consistent view within the domestic industry as to the decreasing possibilities for significant improvements in CAFE levels.

Other Manufacturers

The agency has relatively little information concerning other manufacturer's anticipated fuel economy levels for MY 1987–88. The Japanese manufacturers generally have higher CAFE levels than the domestic manufacturers, since they do not currently compete substantially in the larger vehicle market segments (which are generally less fuel-efficient). The CAFE levels of several of the Japanese manufacturers have declined somewhat in recent years, however, as those manufacturers have responded to market demand for larger cars and greater performance. American Motors is also expected to have a higher CAFE level than the other domestic manufacturers, since it does not compete in the larger car market segments. European manufacturers are likely to have lower CAFE levels than the domestic manufacturers, since their sales are concentrated in market segments that tend toward lower fuel economy.

The agency notices that while it has previously requested CAFE estimates to 1990 from foreign manufacturers, only a handful have thus far responded. In order to assist NHTSA in analyzing the fuel economy capabilities of these companies, the agency requests information or comments on the following questions:

1. For each manufacturer other than GM, Ford, and Chrysler (for which the agency already has the relevant information), what are the projected levels of fuel economy for MY 1987–88 and what are the bases, i.e., underlying product plans, assumptions about such things as technological improvements and future gasoline prices, supporting those projections? If the projections are subject to any risk factors, please identify those factors and the magnitude of the risks.

Uncertainties

In analyzing the manufacturers' CAFE projections and underlying product plans for the MY 1987–88 time period, it is clear that they are subject to significant uncertainties. While there are always some uncertainties related to market mix and the benefits that will be achieved by use of technology, the agency believes that the period at issue for this rulemaking is unusually fraught with uncertainties which could have substantial adverse impacts on manufacturers' CAFE.

First, as discussed above with respect to GM's CAFE projections, there is significant uncertainty concerning future gasoline prices. EIA now projects that the price of unleaded gasoline will drop by 10 cents a gallon between 1985 an 1986 (in real terms) and rise only very slowly in the several years after 1986. As discussed during the recent rulemaking for MY 1986, several forecasts made during the last several years that prices would soon turn upward have proven to be incorrect. Moreover, there have been reports in the press that gasoline prices may even drop precipitously due to a possible price war among the oil-producing nations. Since the price of gasoline is one of the most significant determinants of consumer demand for fuel-efficient vehicles and a major factor in the ability of manufacturers to market their most fuel-efficient vehicles, such a drop could significantly erode manufacturers' projected CAFE levels.

Second, there is significant uncertainty during this time period related to competition from abroad. With the possibility of further liberalization of Japanese auto export restraints, there may be significant increases in Japanese imports, both from current importers and from other Japanese manufacturers. The Japanese share of the U.S. market rose from approximately 15 percent in the spring of 1985 to more than 20 percent during the summer (though it declined during August and September due primarily to the domestic companies offering costly low-interest rate financing programs and other incentives to reduce dealer inventories). In its comment concerning NHSTA's grant of the GM and Ford petitions, the Department of Commerce estimated that the Japanese manufacturers have a $2,000 cost advantage over the domestic manufacturers. This makes it difficult for the domestic manufacturers to compete. Also, the domestic manufacturers are facing new competition in small, low-price cars from Yugoslavia, Korea, Greece, and Brazil. The Yugo, from Yugoslavia, has now been introduced. That company anticipates selling 40,000 cars the first year, rising to 200,000 annually in five years. Initial reports indicate that the demand for the low-price Yugo exceeds the supply. The Hyundai, from Korea, is also being introduced for MY 1986. The Hyundai is now Canada's leading import, with 6.2 percent of the market (a market share similar to that of Toyota in America). Hyundai initially plans U.S. volumes of 100,000 annually. The Desta, from Greece, has planned volumes of 20,000 annually. Volkswagen has indicated it will import cars from Brazil beginning in 1987, although it has not announced volumes. There are continuing reports in the press that manufacturers from other parts of the world, such as Taiwan, may also enter the U.S. market during the next several years. Like the Japanese manufacturers, the manufacturers from Korea, Yugoslavia, and several other parts of the world are believed to have a cost advantage over the domestic manufacturers. With increased competition from abroad, particularly in small fuel-efficient vehicles, the domestic manufacturers may find it more difficult than estimated to significantly improve CAFE. If they should lose market share in the more fuel-efficient segments of the market, their CAFE levels could decline substantially below the projected levels discussed above.

In order to assist NHTSA in analyzing the fuel economy capabilities of manufacturers during MY 1987–88, the agency requests information or comments on the following question:

2. What are the uncertainties affecting manufacturers' fuel economy capabilities during the MY 1987–88 time period, and how should these uncertainties be considered in setting fuel economy standards at the maximum feasible level? What estimates of foreign car sales, by market segment, are available?

B. Possible Additional Actions to Improve MY 1987–88 CAFE

The possible additional actions which manufacturers may be able to take to improve their MY 1987–88 CAFE above the levels which are currently projected may be divided into three categories: Further technological changes to their product plans (beyond what they are already planning), increased marketing efforts, and product restrictions.

The ability to improve CAFE by further technological changes to product plans is dependent on the availability of fuel-efficiency enhancing technologies which can be applied by available means within available time.

Nearly a decade ago, in 1977, the agency addressed the issue of improving CAFE by technological means as part of establishing the MY 1981–84 standards. As part of that rulemaking, the agency

developed estimates of the maximum feasible average fuel economy for each manufacturer for model years 1981–85. The agency's 1977 analysis identified a number of technological actions, including weight reduction, improved transmissions and lubricants, reduced aerodynamic drag, reduced accessory losses, reduced tire rolling resistance, and 10 percent reduction in vehicle acceleration, it believed the manufacturers could take to achieve or exceed 27.5 mpg without changing model mixes.

As part of its analysis for the recent MY 1986 rulemaking, the agency concluded that while the manufacturers had developed their own plans to achieve 27.5 mpg CAFE and had used virtually all of the technologies deemed feasible in the agency's 1977 analysis, not all of those technologies have been installed in as high a percentage of cars in the manufacturers' fleets as was projected by NHTSA. This was particularly true for weight reduction, performance reduction, and automatic transmission improvements. The agency noted in the final rule for MY 1986, however, that the performance reductions were achieved by 1982, but consumers have since demanded greater performance. Similarly, the agency noted that consumers have been shifting toward heavier cars and larger engines in recent years, adversely affecting weight and fuel economy. The agency also indicated that one reason four-speed automatic transmissions have not been used on domestic small cars is because such use would exacerbate the existing production cost disadvantage domestic auto companies experience relative to their Japanese competitors.

Given the changes in the market which have occurred since 1977, some of the technological actions identified by the 1977 analysis, such as performance reduction, appear no longer practicable, while others still may be practicable. The agency's Preliminary Regulatory Impact Analysis (PRIA) discusses the fuel efficiency enhancing technologies which are expected to be available during the MY 1987–88 time period. In analyzing the issue of improving MY 1987–88 CAFE by additional technological means, the agency requests information or comments on the following questions:

3. What is the feasibility (bearing in mind both technological feasibility *and* economic practicability) of the various fuel-efficiency enhancing technologies, including but not limited to those identified in the agency's PRIA, for improving manufacturers' CAFE to or nearer to 27.5 mpg for MY 1987–88? In answering this question, please address the potential penetrations of those technologies during this time period. If feasible, for which model years? If not, why not? What are the leadtimes involved in making such technological changes?

4. In considering fuel economy standards for MY 1987–88, to what extent, if any, should the agency further address the 1977 analysis or other past analyses, beyond what has already been done in the PRIA and in the MY 1986 rulemaking?

5. How should the answers to the two preceding questions be taken into account in assessing the capabilities of each manufacturer for MY 1987–88?

6. How should the agency take account of the effect of restrictions on consumer choice in evaluating possible improvement of CAFE by additional technological means? Please address this issue with respect to the various available fuel-enhancing technologies, e.g., diesel engines, changing from rear-wheel drive to front-wheel drive, performance reduction, etc., and the legislative history indicating Congress' intent that consumer choice not be unduly limited.

NHTSA addressed the issues of improving fuel economy by additional marketing efforts and/or product restrictions in the MY 1986 rulemaking. The agency concluded, based on its analysis, that GM and Ford have in the past been, and are now, making efforts to promote the sales of fuel-efficient cars. The agency determined that the manufacturers have undertaken extensive and significant marketing efforts to shift consumers toward their more fuel-efficient vehicles and options. Both GM and Ford have undertaken pricing actions to discourage large car sales and the purchase of optional, less fuel-efficient engines. Below-market financing offerings, cash discounts, and non-cash consumer and dealer incentives were some of the other measures undertaken by Ford and GM to increase their CAFE through marketing actions. Ford stated that it has put in place approximately 100 marketing incentive programs since 1982 to promote the sale of small cars.That company indicated that as a percent of retail value it is currently spending four times more on small car marketing programs than on large and luxury car programs. It also noted that the base Escort price is now 50 percent of that of the large Crown Victoria, whereas in 1982 it was 60 percent. GM stated that its small car prices increased less than two percent per year between 1981 and 1985 while the average car price increased four percent during that period.

The agency believes that the ability to improve CAFE by additional marketing efforts is relatively small. As a practical matter, marketing efforts to improve CAFE are largely limited to techniques which either make fuel-efficient cars less expensive or less fuel-efficient cars more expensive. Moreover, the ability to increase sales of fuel-efficient cars largely relates to either increasing market share at the expense of competitors or pulling ahead a manufacturer's own sales from the future. A factor which makes it particularly difficult for domestic manufacturers to increase sales of fuel-efficient cars is the strong competition in that market from the Japanese manufacturers, which, as discussed above, enjoy a significant cost advantage over the domestic manufacturers. This cost advantage limits the ability of the domestic manufacturers to increase sales of small cars through price reductions, since the Japanese manufacturers will be able to match or exceed any price reduction. Indeed, with the liberalization of Japanese auto export restraints, the Japanese manufacturers may attempt to increase their market shares of smaller cars at the expense of the domestic manufacturers.

An additional factor making it difficult for the domestic manufacturers to sell fuel-efficient cars is the new competition of small cars from Yugoslavia, Korea, Greece and Brazil, discussed above.

The agency also notes that the fuel efficiency of modern large cars makes it more difficult to sell smaller cars. The reason for this is that there are diminishing returns in terms of fuel economy from purchasing small cars as the fuel efficiency of larger cars increases. Similarly, as gasoline prices have declined, there are diminishing returns from purchasing more fuel-efficient vehicles.

A problem with pulling ahead sales is tha the manufacturer's CAFE for subsequent years is reduced. For example, if a manufacturer increases its MY 1987 CAFE by pulling ahead sales of fuel-efficient cars from MY 1988, the MY 1988 CAFE will decrease, compared with the level it would have been in the absence of any pull-ahead sales attributable to marketing efforts. For this reason, a manufacturer cannot continually improve its CAFE simply by pulling ahead sales.

Given these factors and the manufacturers' past and current marketing efforts, NHTSA does not believe that GM and Ford can

significantly improve their CAFE's by increased marketing efforts.

Manufacturers could improve their CAFE by restricting their product offerings, e.g., deleting less fuel-efficient care lines or dropping higher performance engines. However, as discussed in the preamble to the MY 1986 final rule, such product restrictions could have significant adverse economic impacts on the industry and the economy as a whole, and would run counter to the congressional intent that the CAFE program not unduly limit consumer choice.

With respect to improving CAFE by making larger cars and engines more expensive, the agency notes that there is no sharp dividing line between marketing efforts and product restrictions. As indicated above, GM and Ford already have raised the prices of their larger cars and engines as part of their efforts to improve their CAFE, althorugh sales of larger, optional engines have continued to increase even as prices have risen. While very large price increases, e.g., doubling of prices, would likely significantly reduce sales of less fuel-efficient vehicles, such increases would amount to product restrictions. The agency believes that expecting manufacturers to make such very large price increases would be inconsistent both with Congress' intent that consumer choice not be unduly limited and with the statutory criterion of "economic practicability," and specifically seeks public comment on this issue.

As has been pointed out by Ford, the domestic manufacturers could improve their CAFE by transferring the production of their less fuel-efficient vehicles, or parts of those vehicles, outside of the United States. If this were done, the vehicles would be considered as imports under the Cost Savings Act and would not count against a manufacturer's domestic CAFE.[6] Such actions would reduce the number of American jobs while having no effect on improving overall fuel economy. Given the lack of effect on energy conservation and in light of a clear congressional intent to avoid having fuel economy standards induce manufacturers to increase their importation of foreign produced cars, the agency will not consider such actions as part of its consideration of the actions manufacturers could take to improve their CAFE. See Conference Committee Report No. 96–1402, September 25, 1980, pp. 12–13; House Report No. 96–1026, May 16, 1980, pp. 14, 16, 21–22; Senate Report No. 96–642, March 29, 1980, pp. 6–7.

In the preamble to the final rule establishing the MY 1981–84 passenger car standards, the agency concluded that economic practicability should be interpreted as requiring standards to be within the financial capability of the industry, but not so stringent as to threaten substantial economic hardship for the industry (42 FR 33537, June 30, 1977). In a final rule reducing the light truck fuel economy standard for MY 1985, the agency concluded that sales reductions to a manufacturer of 100,000 to 180,000 units, with resulting employment losses of 12,000 to 23,000, "go beyond the realm of 'economic practicability' as contemplated in the Act. . . ." (49 FR 41252, October 22, 1984).

In analyzing the possible economic impacts of alternative standards, the agency requests information or comments on the following question:

7. What would be the likely economic effects, i.e., effects on employment, car sales, restrictions on consumer choice, etc., of alternative MY 1987–88 passenger car fuel economy standards, within the 26.0 mpg to 27.5 mpg range? At what absolute levels for each model year would serious economic harm likely begin to occur? Please provide data to suport arguments on this point.

Sufficiency of Manufacturer Efforts To Meet the Existing Standard

NHTSA stated in the MY 1986 rulemaking that the issue in deciding whether to reduce the existing 27.5 mp standard is not solely whether manufacturers are now capable of meeting the standard but also whether manufacturers made sufficient efforts over time to meet the standard. For MY 1986, the agency concluded GM and Ford had previously developed plans which were, at the time, reasonably believed to be sufficient to meet the 27.5 mpg standard by 1986, but were prevented from fully implementing or achieving those plans by unforeseen events (most notably, the decline in gasoline prices). The agency also concluded that GM and Ford had not recognized a *compliance* problem until approximately the time they had submitted their petitions, when it was too late to make additional technological changes in their MY 1986 product plans to improve their fuel economy.

One difference between the MY 1986 rulemaking and the current rulemaking is the amount of time between the time of recognition of compliance difficulties and the start of the model year. In analyzing the sufficiency of manufacturer efforts to meet the existing standard, the agency requests comments on the following question:

8. In considering a reduction in the MY 1987–88 standard, how should the agency evaluate the sufficiency of manufacturer efforts to meet the standard? If manufacturer plans are found to have been reasonable, what additional actions should be expected of them, once compliance difficulties are evident? Should the agency consider a second round of investments to be "economically practicable" or otherwise compelled by the statute within the timeframe in question? Please discuss leadtime issues in answering this question.

Other Federal Standards

The Environmental Protection Agency (EPA) published a final rule in the **Federal Register** (50 FR 27172) on July 1, 1985, to provide CAFE adjustments to compensate for the effects of past test procedure changes. The final rule adopted a formula approach for calculating CAFE adjustments. The manufacturer projections discussed above include the effect of the EPA test adjustment credit. Due to the formula approach, the specific value of the credit may vary for different model years and among manufacturers. A typical credit for the MY 1987–88 time period would be 0.2 mpg.

EPA has not announced any plans to modify its current exhaust emission control requirements for hydrocarbons, carbon monoxide, and oxides of nitrogen. Therefore, the agency has not considered any further impacts on fuel economy from control of these pollutants. As discussed by the PRIA, the agency has previously analyzed the effects of the current requirements on fuel economy.

As discussed by the PRIA, EPA has a requirement for control of particulate matter in MY 1985, which will be tightened in MY 1987. While this requirement applies to all vehicles, the only current production engine which will have difficulty meeting this requirement is the diesel. EPA has indicated that there is a 1 to 2 percent fuel economy penalty for diesel powered vehicles which require a particulate trap to comply with the standard. However, it is believed that only a very small fraction of diesel vehicles will need traps for compliance.

GM has discontinued production of their larger domestically produced

[6] In an attempt to prevent the fuel economy program from inducing domestic manufacturers to increase their importation of foreign produced cars, Title V requires manufacturers to meet average fuel economy standards separately for their domestically manufactured and imported fleets. See section 503.

diesels, which comprised less than 1 percent of their total MY 1985 sales, and Ford does not offer a domestically produced diesel. While both of these manufacturers offer domestic cars with imported diesel engines, the sales of these vehicles are very small. Also, the engines are of small displacement and therefore will probably not require the use of a particulate trap for compliance. Therefore, the more stringent particulate standard is not expected to have any significant effect on their CAFE levels. Mercedes-Benz and BMW both commented during the MY 1986 rulemaking that the particulate standard was affecting their CAFE capability. As part of answering Question 1 above, the agency requests comments, with supporting data, concerning how the particulate standard may affect the fuel economy capabilities of these and any other manufacturers during the MY 1987–88 time period. Specifically, the agency requests comments on whether retaining the 27.5 mpg standard, or increasing it above that level, would compel the use of more diesel engines and, if so, whether the particulate standard would pose a more serious problem.

The agency is not aware of any plans on the part of EPA to promulgate noise regulations during the MY 1987–88 time period and therefore does not anticipate any attendant fuel economy penalties.

As discussed in the PRIA, several relatively recent changes in Federal safety and damageability requirements may affect CAFE. These include a May 1982 amendment to the Part 581 Bumper Standard reducing the standard's impact protection requirements and thereby permitting weight savings; several amendments to the agency's lighting standard, which permit greater aerodynamic efficiency; and the fact that the automatic restraint requirements of Standard No. 208, with attendant adverse weight and fuel economy penalties, are being phased in beginning in MY 1987.

The PRIA concludes that the potential weight savings associated with the Bumper Standard amendment could produce a gain in fleet average CAFE capability of 0.2 to 0.5 mpg. However, both GM and Ford commented during the MY 1986 rulemaking that market demand has led them to retain 5 mph bumper systems (generally Phase I) on most of their product lines. Consequently, relatively little weight has been removed from the GM and Ford fleets due to the change in that standard. The agency endorses the voluntary use of 5 mph bumper systems as consistent with congressional intent in enacting Title I of the Motor Vehicle Information and Cost Savings Act, Bumper Standards, and is exploring a possible consumer information program to inform the public on the protective capability of bumper systems. Accordingly, the agency will not consider the possible 0.2 to 0.5 mpg gain associated with lighter bumpers as part of its consideration of "technological feasibility."

With respect to the amendments to the agency's lighting standard, the PRIA concludes that the 2 to 3 percent improvement in aero drag associated with the new headlamp assemblies now permitted by the standard could produce a 0.4 to 0.9 percent improvement in fuel economy. For a 27.5 mpg fleet, this would equate to a 0.11 to 0.25 mpg improvement in CAFE if all vehicles in that fleet employed the new lamp designs. Several manufacturers are utilizing these headlamps to achieve the above gains.

The PRIA concludes that the fleet average fuel economy penalty associated with the phase-in of the automatic restraint requirements is likely to be 0.01 mpg for MY 1987 and 0.02 mpg for MY 1988. This assumes that manufacturers will initially choose to meet the requirements principally by the use of non-motorized automatic belts. The actual fuel economy penalty could be higher to the extent that manufacturers use motorized belts or air bags, since they result in greater weight penalties. While a non-motorized belt results in a weight penalty of approximately 10 pounds, the weight penalties associated with motorized belts and air bags are approximately 20 pounds and 42 pounds, respectively. Manufacturers are urged to call to the agency's attention any plans to use motorized belts or air bags in volumes sufficient to affect their CAFE, so that the agency can consider those effects. The agency does not wish its fuel economy standard to serve as a disincentive to the sale of motorized belts or air bags.

The Need to Conserve Energy

Since 1975, when the Energy Policy and Conservation Act was passed, this nation's energy situation has undergone a great deal of change. In particular, oil markets have been deregulated and the Strategic Petroleum Reserve (SPR) has been established.

The United States imported 15 percent of its oil needs in 1955. By 1977, the import share was 46.4 percent and the value of imported crude oil and refined petroleum products was $67 billion (stated in 1984 dollars). While the import share of total petroleum demand declined after that year, the cost continued to rise to a 1980 peak level of $93.2 billion (1984 dollars). By 1984, the import share had declined to 30.9 percent at a cost of $54.2 billion. For the first seven months of 1985, the import share has continued to decline to 27.8 percent. Thus, the concern over dependence on imported petroleum, as measured by these indicators, has lessened in the past several years.

Moreover, imports from OPEC sources have been declining, from a high of 6.2 million barrels per day and 70.3 percent of all imports in 1977 to 2.0 million barrels per day and 37.7 percent of imports in 1984. For the first seven months of 1985, the OPEC share of imports has declined further to 34.0 percent of total imports. Conversely, imports from non-OPEC sources have risen from a low of 2.2 million barrels per day or 30.7 percent in 1976, to 3.4 million barrels per day or 62.4 percent in 1984. In 1984, Mexico supplied the U.S. with the largest amount of crude oil and petroleum products, followed by Canada. As imports have shifted to non-OPEC sources, the United States' supply of petroleum has become less vulnerable to the political instabilities of some OPEC countries, as compared to the situation in the mid-1970's.

Overall, the nation is much more energy independent than it was a decade ago, when Congress established the 27.5 mpg standard for MY 1985 and thereafter. From 1975 to 1984, energy efficiency in the economy improved by 21 percent. (*1984 Annual Energy Review*, Energy Information Administration, U.S. Department of Energy, p. 47). Passenger car petroleum consumption is actually lower than it was in 1975, even though travel has increased 25 percent since then. Domestic oil production is higher than it was in 1975, total imports have dropped 20 percent since then, the value of the nation's imported oil bill has declined nearly 40 percent in the last five years, and the amount of imported oil from OPEC has dropped by 67 percent since the peak of 1977. As was pointed out by the Department of Energy during the MY 1986 rulemaking, the value of the nation's imported oil bill on a net import basis [7] fell by nearly 45 percent from 1980 to 1984, and as a percentage share of GNP, the net oil import bill fell from 2.8 percent in 1980 to 1.5 percent in 1984. In addition, the price of oil is now fully decontrolled, permitting the market to adjust quickly to changing conditions, and the Strategic Petroleum Reserve is well on its way to being filled. The 451 million barrels in

[7] Net imports equals imports minus exports.

the SPR at year-end 1984 were equal to 141 days or 38.6 percent of non-SPR crude oil imports that year. Thus, by any measure, the nation is in a stronger energy position than it was a decade ago.

Projections by the Energy Information Administration (EIA) and Data Resources, Inc. (DRI), are that domestic production would decline from a stable level of 10 MMB/D to about 8.5 MMB/D by 1985, and net imports would rise from 4.5 to 5 MMB/D to about 7.5 (EIA) to 9.0 (DRI) MMB/D by 1995. This would result in imports approaching 50 percent of U.S. petroleum use by 1995. Future projections about petroleum imports are subject to great uncertainty, however. Experience has shown that oil imports are very difficult to project beyond a year or two. For example, the EIA's *1977 Annual Report to Congress* projected that net oil imports by the U.S. would, in the "reference case," reach 11 million barrels per day by 1985. Net imports for this year are now forecast to be less than 4.5 million barrels per day, less than half the level predicted in 1977.

In the recent MY 1986 rulemaking, the Energy Conservation Coalition cited the uncertainty of future oil supplies in arguing for steadily increasing standards. In amending the standard for that model year, NHTSA stated that it believes that energy conservation is important, but also emphasized that it must consider all of the statutory criteria in establishing fuel economy standards. The agency concluded that, in its judgment, the need to conserve energy did not justify the severe economic consequences associated with the product restrictions necessary for the major manufacturers to achieve 27.5 mpg for that model year.

In analyzing the issue of how the need of the nation to conserve energy should be considered in determining CAFE standards for MY 1987–88, the agency requests information or comments on the following question:

9. How should changes in the nation's energy situation since 1975, including but not limited to those discussed above, affect the agency's consideration of the statutory criterion of "the need of the nation to conserve energy"?

Determining the Maximum Feasible Average Fuel Economy Level

As discussed above, section 502(a)(4) provides that the 27.5 mpg standard can be amended if the agency determines that some other standards represents the maximum feasible average fuel economy level. In making this determination, the agency must consider the four factors of section 502(e): technological feasiblility, economic practicability, the effect of other Federal motor vehicle standards on fuel economy, and the need of the nation to conserve energy.

A. Interpretation of "feasible".

Based on dictionary definitions and judicial interpretations of similar language in other statutes, the agency has traditionally interpreted the term "feasible" to refer to whether something is capable of being done. The agency has thus concluded in the past that a standard set at the maximum feasible average fuel economy level must (1) be capable of being done and (2) be at the highest level that is capable of being done, taking account of what manufacturers are able to do in light of available technology, economic practicablility, how other Federal motor vehicle standards affect average fuel economy level, and the need of the nation to conserve energy.

In its comment on the MY 1986 NPRM, the Council of Economic Advisers (CEA) urged a reinterpretation of these statutory criteria for model years after 1986 to permit adoption of what it termed "nonbinding" standards, i.e., standards which permit major automobile manufacturers to produce and price automobiles in response to free market forces, without concern that their competitive production and pricing decisions will cause imposition of CAFE penalties. That commenter argued that the substantial changes which have occurred in the world energy market, as well as in the nation's strategy for regulation of its domestic energy market, warrant such an interpretation. CEA suggested that NHTSA consider standards below 26.0 mpg based on such a reinterpretation.

CEA's comments primarily focused on the nation's need to conserve energy. As noted above, the statute requires NHTSA to consider four factors in raising or lowering the maximum feasible average fuel economy level for MY 1985 and subsequent years; these are technological feasibility, economic practicability, the effect of other Federal motor vehicle standards on fuel economy, as well as the need of the nation to conserve energy. Therefore, NHTSA's consideration of these four factors, in developing the current proposal, has included changes in the world energy market, as suggested by CEA. Thus, NHTSA does not believe that CEA's requested interpretation of the definition of "maximum feasible average fuel economy" (15 U.S.C. 2002(e)) is needed. Furthermore, CEA has apparently misinterpreted how NHTSA has interpreted the phrase "maximum feasible average fuel economy" level. In this proposal and earlier rulemakings, NHTSA has consistently considered and weighed all four statutory factors and has not merely set a level at what was technologically capable of being done.

B. Industrywide considerations.

The Conference Report to the 1975 Act (S. Rep. No. 94–516, 94th Cong., 1st Sess. 154–5 (1975)) states:

> Such determination [of maximum feasible average fuel economy level] should therefore take industrywide considerations into account. For example, a determination of maximum feasible average fuel economy should not be keyed to the single manufacturer which might have the most difficulty achieving a given level of average fuel economy. Rather, the Secretary must weight the benefits to the nation of a higher average fuel economy standard against the difficulties of individual automobile manufacturers. Such difficulties, however, should be given appropriate weight in setting the standard in light of the small number of domestic automobile manufacturers that currently exist, and the possible implications for the national economy and for manufacturer. . . .

This language of the Conference Report indicates that standards may at times be set at a level above that of the least capable manufacturer and that some manufacturers may find it necessary to pay penalties. The issue arises of how (and whether) this language should be reconciled with the statutory text indicating that standards must be set at a level that is capable of being done. As a matter of construction, statutory language is controlling over legislative history. Legislative history, however, should be used as an indication of congressional intent in resolving ambiguities in statutory language. The agency believes that the above-quoted language of the Conference Report provides guidance on the meaning of "maximum feasible average fuel economy level."

It is clear from the Conference Report that Congress did not intend that standards simply be set at the level of the least capable manufacturer. Rather, NHTSA must take industrywide considerations into account in determining the maximum feasible average fuel economy level. The focus, thus, must be on the manufacturers' collective ability to meet a standard, rather than any particular manufacturer's ability to meet it.

With respect to light truck standards, NHTSA has consistently taken the position that it has a responsibility to set standards at a level that can be achieved by manufacturers of a substantial share of sales. See 49 FR

41251, October 22, 1984. However, the agency did set the MY 1982 light truck fuel economy standards at a level which it recognized might be above the maximum feasible fuel economy capability of Chrysler, based on the conclusion that the energy savings benefits associated with the higher standard would outweigh the harm to Chrysler (45 FR 20871, 20876; March 31, 1980). The House Committee on Interstate and Foreign Commerce later stated that it "generally agreed with DOT." House Report No. 96–1026, May 16, 1980, p. 17. However, the Congress also enacted special provisions for adjusting the light truck fuel economy standards to provide greater flexibility in dealing with the kinds of potential problems then faced by Chrysler, in part responding to Chrysler's arguments that it should not be forced to choose between paying millions of dollars in fines for violating the law and closing plants in order to meet the law.[8]

The agency believes that the criterion of setting standards at a level that can be achieved by manufacturers of a substantial share of sales is relevant to the setting of passenger car standards, as part of taking industrywide considerations into account. In the MY 1986 rulemaking, the agency concluded that given the substantial share (more than 60 percent) of sales by GM and Ford, a standard set at a level above the maximum feasible capability of these manufacturers (which was approximately the same for that model year), would by definition not be at the maximum feasible average fuel economy level for the industry, i.e., such standard would exceed that level.

A difference between the rulemaking for MY 1986 and the current rulemaking is that, based on the fuel economy projections for MY 1987–88 provided by GM and Ford, there may be significant differences in the maximum feasible fuel economy capabilities of these manufacturers. It is possible that for MY 1987 GM will be the least capable manufacturer among the major manufacturers, and that for MY 1988 Ford will be the least capable manufacturer among the major manufacturers by a fairly wide margin.

In analyzing the issue of taking industrywide considerations into account in setting fuel economy standards at the maximum feasible average fuel economy level, the agency requests comments on the following question:

10. If GM or Ford should individually be the least capable manufacturer for one or more model years during MY 1987–88, would that manufacturer's capability define the "industry" capability? Why? Is the answer to this question dependent on which of the two—GM or Ford—is the least capable manufacturer, given their different market shares?

C. Petroleum consumption

As discussed by the preamble to the MY 1986 final rule and the PRIA for this rulemaking, the precise magnitude of possible energy savings associated with retaining the 27.5 mpg standard versus establishing a lower standard is uncertain. If manufacturers achieved CAFE of 26.0 mpg when they were in fact capable of achieving 27.5 mpg CAFE with the same number of sales, there could be a maximum increase in fuel consumption of 1.54 billion gallons of gasoline over the life of the model year's fleet. This would represent a maximum yearly impact on U.S. gasoline consumption of 210 million gallons, or roughly 0.3 percent of total annual automobile gasoline consumption. In terms of total U.S. petroleum consumption, it would amount to a maximum yearly increase of 0.09 percent.

As discussed earlier in this notice, however, it is possible that manufacturers may be able to meet a 27.5 mpg standard only be restricting the sales of their larger cars. If this occurred, consumers might tend to keep their older, less fuel-efficient large cars in service longer or purchase larger pickup trucks and vans to obtain the room, power and load-carrying capacity they desire. This could offset in whole or part the apparent energy savings associated with higher passenger car CAFE.

Moreover, NHTSA believes that each manufacturer will attempt to achieve its highest CAFE possible during MY 1987–88. As discussed above and in the MY 1986 rulemaking, the record is clear that GM and Ford have been making significant efforts, including marketing efforts, over the past several years to achieve higher CAFE. Thus, should post-rulemaking events enable the manufacturers to achieve higher CAFE than was considered likely by the agency during the rulemaking process, the agency believes that GM and Ford would, in fact, strive to achieve that higher CAFE. Therefore, with respect to the assumptions behind the theoretical figure for possible increased petroleum consumption, the agency does not believe it likely that an individual manufacturer would attempt to meet only the level of the standard, regardless of where it is set, but so long as it was capable of achieving a higher CAFE without sales losses, would attempt to achieve that higher level.

For these reasons, the agency believes that the *actual* impact on energy consumption of a reduced standard, if any, would be much less than the theoretical figure noted above.

Public Meeting

A public meeting will be held on February 19, 1986, in Washington, DC, at the time and place specified near the beginning of this notice. The agency invites interested members of the public to participate in this meeting and to comment on the full range of issues raised by this proposal.

No opportunity will be afforded the public to directly question participants in the meetings. However, the public may submit written questions to the panel of Federal officials for the panel to consider asking of particular participants. The presiding officials reserve the right to ask questions of all persons making oral presentations.

Persons wishing to make oral presentations at the public hearing should contact Mr. Glen Brammeier (whose address and telephone number are provided near the beginning of this notice) by January 31, 1986, so that time limitations (if necessary) and the need for any special equipment, such as projectors, can be discussed and final arrangements can be made. A general outline of each planned oral presentation should also be submitted to Mr. Brammeier by February 14, 1986. Persons whose presentations will include slides, motion pictures, or other visual aids should submit copies of them for the record at the meeting. Oral presentations will be limited to between five and 15 minutes, depending on the number of witnesses. If the number of requests for oral presentations exceeds the available time, the agency may ask prospective witnesses having similar views or belonging to similar type of groups or occupations to combine their presentations.

Persons making oral presentations are requested but not required to submit 25 written copies of the full text of their presentation to Mr. Brammeier, no later than the day before the hearings begin. Where time permits, persons who have not requested time, but would like to make a statement, will be afforded an opportunity to do so at the end of the day's schedule. Copies of all written statements will be placed in the docket for this notice. A verbatim transcript of the public hearing will be prepared and

[8] House Report No. 96–1026, May 16, 1980, p. 17; Hearings before the Subcommittee on Energy and Power, March 28 and April 15, 1980, Serial No. 96–162, pp. 165–167.

also placed in the NHTSA docket as soon as possible after the hearing. A schedule of the persons making oral presentations at the hearing will be available at the designated meeting area at the beginning of the public meeting.

Written Comments

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

All comments must be limited not to exceed 15 pages in length. (49 CFR 553.21) Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidential business information regulation (49 CFR Part 512).

All comments received before the close of business on the comment closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose, in the envelope with their comments, a self-addressed stamped postcard. Upon receiving the comments, the docket superisor will return the postcard by mail.

Impact Analyses

A. Economic Impacts

The agency considered the economic implications of the proposed amendment and determined that the proposal is major within the meaning of Executive Order 12291 and significant within the meaning of the Department's regulatory procedures. The agency's detailed analysis of the economic effects is set forth in a preliminary regulatory impact analysis, copies of which are available free from the Docket Section. The contents of that analysis are generally described above.

B. Environmental Impacts

The agency has analyzed the environmental impacts of the proposed amendment to the 1987–88 model year passenger automobile average fuel economy standards in accordance with the National Environmental Policy Act, 42 U.S.C. 4321 *et seq.* Copies of the Environmental Assessment (EA) are available from the Docket Section. The agency expects to conclude that no significant environmental impact would result from the execution of this rulemaking action.

C. Impacts on Small Entities

Pursuant to the Regulatory Flexibility Act, the agency has considered the impact this rulemaking would have on small entities. I certify that this action would not have a significant economic impact on a substantial number of small entities. Therefore, a regulatory flexibility analysis is not required for this action. No passenger car manufacturer subject to the proposed rule would be classified as a "small business" under the Regulatory Flexibility Act. In the case of small businesses, small organizatons, and small governmental units which purchase passenger cars, adoption of the proposed rule would not affect the availability of fuel efficient passenger cars or have a significant effect on the overall cost of purchasing and operating passenger cars.

In accordance with section 502(i) of the Cost Savings Act, the agency submitted this proposal to the Department of Energy for review. There were no unaccommodated comments.

List of Subjects in 49 CFR Part 531

Energy conservation, Fuel economy, Gasoline, Imports, Motor vehicles.

PART 531—[AMENDED]

In consideration of the foregoing, 49 CFR Part 531 would be amended as follows:

1. The authority citation for Part 531 would be revised to read as follows:

Authority: 15 U.S.C. 2002, delegation of authority at 49 CFR 1.50.

2. The table in § 531.5(a) would be revised by amending the fuel economy standards specified for MY 1987–88 to the levels determined by the agency to be the maximum feasible average fuel economy level, based on the considerations discussed above.

Issued on January 16, 1986.

Diane K. Steed,

Administrator.

[FR Doc. 86–1355 Filed 1–17–86; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Proposal To Determine Nerodia Harteri Paucimaculata (Concho Water Snake) To Be a Threatened Species and To Determine Its Critical Habitat

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The U.S. Fish and Wildlife Service proposes to list a reptile, *Nerodia harteri paucimaculata* (Concho water snake), as a threatened species and to designate its critical habitat. The Concho water snake is endemic to the Concho and Colorado Rivers in Runnels, Tom Green, Concho, McCulloch, Coleman, Brown, Mills, San Saba, Lampasas, and Coke Counties, Texas, but no longer occurs in Coke County. The known populations of this snake are currently vulnerable due to low numbers and the threat of further loss of habitat due to inundation and downstream effects from reservoir construction. A determination that *Nerodia harteri paucimaculata* is threatened would implement for it the protection provided by the Endangered Species Act of 1973, as amended. The Service seeks data and comments from the public on this proposal.

DATES: Comments from all interested parties must be received by March 24, 1986. Public hearing requests must be received by March 10, 1986.

ADDRESSES: Comments and materials concerning this proposal should be sent to the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, 500 Gold Avenue S.W., Room 4000, Albuquerque, New Mexico 87103. Comments and

materials received and other information regarding this proposal will be available for public inspection, by appointment, during normal business hours at the Service's Regional Office of Endangered Species at the above address.

FOR FURTHER INFORMATION CONTACT: Sally Stefferud, Biologist, Region 2 Endangered Species Staff, U.S. Fish and Wildlife Service (at the address above) (505/766–3972 or FTS 474–3972).

SUPPLEMENTARY INFORMATION:

Background

The Concho water snake (*Nerodia harteri paucimaculata*) is a member of the family Colubridae, and together with the Brazos water snake (*Nerodia harteri harteri*) constitues the species *Nerodia harteri*, known as Harter's water snake. *Nerodia harteri paucimaculata* is confined to the Colorado River drainage and *Nerodia harteri harteri* is confined to the Brazos River drainage. These rivers drain separately in the Gulf of Mexico. *Nerodia harteri harteri* was discovered in 1936 in the Brazos River of Texas by Phillip Harter and was described by H. Trapido (1941). *Nerodia harteri paucimaculata* was discovered in 1944 by J. Marr and was described as a distinct subspecies by Tinkle and Conant in 1961. This subspecies is relatively small for *Nerodia*; adults rarely exceed 900 millimeters (35.4 inches) total lenght. There are 21–23 dorsal scale rows, four rows of dark brown blotches arranged in alternate fashion on the grayish dorsal surface, and distinct to obscure dark spots along either side of the pink to orange venter (Wright and Wright, 1957). *Nerodia harteri paucimaculata*, when compared to the nominate form, *Nerodia harteri harteri* (Brazos water snake), has reduced ventral spotting (often totally absent), a more reddish venter, differences in average counts of certain scale groups, and often a reddish dorsal ground color.

Adult Concho water snakes live in either shallow or deep flowing water over a variety of substrates, as long as there are sufficient deep, secure hiding places not too far from nursery grounds. Adults are often found basking in woody vegetation along the banks. Juvenile Concho water snakes, however, have much more rigid habitat requirements, the two most important features of which are shallow, rocky-botttomed flowing water and medium-large flat rocks on the shore to provide hiding places (Scott and Fitzerald, 1985). Under appropriate conditions, the related Brazos River subspecies, *Nerodia harteri*, can live in impounded waters and is currently found living in two reserviors. The gradual slope, shelving rock, and rocky shore of portions of these two reservoirs have created the shallow waters and associated hiding areas necessary for juvenile Brazos water snakes. However, extensive biological surveys have not found Concho water snakes in any of the reservoirs located on the Concho and Colorado Rivers, probably because the shallow water and sloping rocky shoreline habitat necessary to support this subspecies does not exist in those reservoirs. Other snakes associated with Concho water snakes include *Nerodia erythrogaster*, *Nerodia rhombifera*, *Thamnophis proximus*, and *Agkistrodon piscivorus*, although only *Thamnophis proximus* is found regularly in the same type of microhabitat.

Historically, *Nerodia harteri paucimaculata* occurred over about 276 river miles of the Colorado and Concho Rivers. Now it is distributed discontinuously over a reduced range of approximately 199 miles in Runnels, Tom Green, Concho, McCulloch, Coleman, Brown, Mills, San Saba, and Lampasas Counties (Williams, 1971; Flury and Maxwell, 1981; Bronvak, 1975; Scott and Fitzerald, 1985).

On December 30, 1982, the Service published a Vertebrate Notice of Review in the **Federal Register** (47 FR 58454–58460). *Nerodia harteri* was included in category 1 of that notice, which comprises those taxa for which the Service has on hand substantial information to support the biological appropriateness of proposing to list the species as endangered or threatened.

On February 14, 1984, the New Mexico Herpetological Society petitioned the Service to list the Harter's water snake as threatened with critical habitat. The Service found that substantial information has been presented that the petitioned action may be warranted. A notice of this finding was published on May 18, 1984 (49 FR 21089). A 1-year finding was reported on July 18, 1985 (50 FR 29238), that the petitioned action was warranted for the Concho water snake but that such action was precluded by work on other pending proposals, in accordance with section 4(b)(3)(B)(iii) of the Act. The 1-year finding for the Brazos water snake was reported concurrently and found that the petitioned action was not warranted for that subspecies. Publication of this proposed rule constitutes the final 1-year finding for the Concho water snake required under section 4(b)(3)(C)(i), that the petitioned action is warranted

Summary of Factors Affecting the Species

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

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* The remaining populations of Concho water snakes occur in nine Texas Counties: Runnels, Tom Green, Concho, McCulloch, Coleman, Brown, Mills, San Saba, and Lampasas. This snake historically occurred along approximately 276 miles of the Concho and Colorado Rivers. It has disappeared from 78 miles of former habitat on the upstream end of that range, and now has spotty distribution within approximately 199 miles of those rivers. The present range is located on the Concho River from near Veribest, Tom Green County, to the confluence with the Colorado River, and on the Colorado River from near Maverick, Runnels County, to the FM 45 bridge, Mills County, with a small, disjunct population located below Bend, San Saba County. However, 96 percent of the Concho water snakes located by Flury and Maxwell (1981) were found in one 80-mile stretch extending downstream on the Concho River from near the town of Veribest, Tom Green County, into the Colorado River to just below its confluence with Salt Creek, northwest of the town of Doole, McCulloch Count. Scott and Fitzgerald (1985) reported that 60 percent of the Concho water snakes they located were also within that same 80 miles, and an additional 30 percent were found in 25 miles of the Colorado River from near Maverick downstream to near Ballinger in Runnels County, where Flury and Maxwell had found only 3 percent. Both studies found 10 percent or less of the Concho water snakes in the remaining 94 miles of the range. Thus, 90 to 99 percent of the Concho water snakes that have been located were concentrated in only 52 percent of the present range. The results of Flury and Maxwell's 1981 study, and Scott and Fitzgerald's 1983 and 1984 studies, were confirmed by an additional survey conducted in May 1985. This survey consisted of low level aerial mapping of all apparently suitable

habitat followed by ground surveys by Fish and Wildlife Service biologists.

Habitat of the Concho water snake has been affected by four large mainstream reservoirs on the Concho and Colordo Rivers, plus several smaller impoundments on tributary streams. At least 3 separate aspects of impoundment result in losses of Concho water snake habitat. Above dams the rocky shoreline habitat is inundated, and below dams normal water flow is curtailed and floodwater scouring is prevented. Without such flooding, the rocky streambed becomes covered with silt. This silt then provides an excellent substrate for growth of salt cedar and other vegetation, which eliminates the rocky-bottomed riffle areas required by juvenile Concho water snakes (Scott and Fitzgerald, 1985). The closure of Robert Lee Dam on the Colorado River completely eliminated a large population of Concho water snakes and 28 miles of habitat. The dam reduced downstream discharge by 98.9 percent, to an annual average of 124 days with discharge below 1 cubic foot per second (Flury and Maxwell, 1981). In the Concho River, the closure of Twin Buttes Dam reduced downstream discharge by 74.2 percent; however, discharge in the river remains well above 1 cubic foot per second below the dam (Flury and Maxwell, 1981).

Stacy Reservoir, on the Colorado River, is an additional reservoir planned within the remaining range of this subspecies. This proposed water impoundment project would be built on the Colorado River 14 miles below its confluence with the Concho and would inundate 32 miles of the Colorado River and 16 miles of the Concho River. The reservoir would inundate more than one-half (58 percent) of the 80-mile primary range and 60 percent of the individual Concho water snakes located during the 1979 to 1985 studies. An unknown amount of habitat downstream from the dam would also be affected, depending on the amount and timing of water releases from the reservoir. The State water permit for this project stipulates maintenance of a flow of 5 cubic feet per second at the Winchell gauge, about 55 miles downstream from the dam site. This minimum flow is expected to be exceeded only 4 percent of the time. However, under existing conditions, flows at the Winchell gauge exceed 5 cubic feet per second 90 percent of the time, with the average low flow being in excess of 50 cubic feet per second (U.S. Army Corps of Engineers, unpubl.). This reduction in the existing flows is expected to have significant adverse effects on the Concho water snakes living downstream from the proposed Stacy Dam; 16 percent of the 80-mile primary range lies within the 55 miles from the dam site to Winchell, as well as 16 percent of the individual snakes that have been located. Thus, 74 percent of the primary range and 76 percent of the individuals that have been located occur within the area expected to be primarily affected by the construction and operation of Stacy Reservoir. In addition, Stacy Reservoir would divide the remaining Concho water snakes into three totally isolated populations. It has been suggested that such isolation, restricting genetic interchange and population influx, was at least partially responsible for the disappearance of the Concho water snake population from the South Concho River. Lake Nasworthy impounded the South Concho in 1930 and the Concho water snake was last found there in 1947.

Sites at which this snake is known to occur are largely bordered by privately owned lands. No discernible problems for the habitat of the Concho water snake have resulted from private land uses. The inaccessibility of the habitat on private lands may provide some degree of protection to Concho water snakes, shielding the animals and their habitat from disturbances.

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* Concho water snakes are sometimes captured or killed by recreationists. Presently, such activity is believed to be minimal. Although recreational use of these rivers is increasing, negative impacts on the subspecies, primarily from direct mortality, are confined mostly to the vicinity of bridges and road crossings.

C. *Disease or predation.* No problems of disease or predation on Concho water snakes are presently known to exist.

D. *The inadequacy of existing regulatory mechanisms.* Harter's water snake (as *Natrix harteri*, including both the Concho and Brazos water snakes), is listed as endangered by the State of Texas (Texas Parks and Wildlife Code, ch. 68 (1975) as amended in 1981), although no management or monitoring program exists. The State prohibits taking of State-listed species, except under a State-issued collecting permit. The State generally prohibits selling, offering or advertising for sale, possessing, or distributing such listed species or goods made from such species (see Texas Parks and Wildlife Code section 68.015 (Vernon 1975 & Cum. Supp. 1985)). However, State listing in Texas provides no protection for the habitat of listed species. Therefore, the Endangered Species Act of 1973, as amended, would provide additional protection for the Concho subspecies and its habitat through section 7 (interagency cooperation), as well as through the prohibitions of sections 4(d) and 9(a)(1).

E. *Other natural or manmade factors affecting its continued existence.* Its naturally restricted range, low population numbers, and narrow habitat requirements make the Concho water snake quite vulnerable to further habitat loss.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by this species in determining to propose this rule. Based on this evaluation, the preferred action is to list the Concho water snake as threatened. Although the Concho water snake has experienced extensive habitat loss and presently faces imminent threats to a large portion of its remaining population, the Service is proposing threatened rather than endangered status because the subspecies presently occupies 199 miles of river and is common in localized areas.

Critical Habitat

Critical habitat, as defined by section 3 of the Act, means: (i) the specific areas within the geographical area occupied by a species, at the time it is listed in accordance with the Act, on which are found those physical or biological features (I) essential to the conservation of the species and (II) that may require special management considerations or protection, and (ii) specific areas outside the geographical area occupied by a species at the time it is listed in accordance with the provisions of Section 4 of the Act, upon a determination by the Secretary that such areas are essential for the conservation of the species.

Section 4(a)(3) of the Act requires that critical habitat be designated to the maximum extent prudent and determinable concurrently with the determination that a species is endangered or threatened. Critical habitat for *Nerodia harteri paucimaculata* is being proposed to include the following:

1. Concho River in Tom Green and Concho Counties, Texas. A stretch approximately 45 miles long of the river channel and river banks, up to 15 vertical feet above the water level at median discharge, extending from Mullin's Crossing 5 miles northwest of the town of Veribest (river mile 44.6, U.S. Army Corps of Engineers)

downstream to the confluence of the Concho and Colorado Rivers (river mile 0.0).

2. Colorado River in Runnels, Concho, Coleman, and McCulloch Counties, Texas. A stretch approximately 86 miles long of the river channel and river banks, up to 15 vertical feet above the water level at median discharge, extending from Farm to Market Road 3115 bridge near the town of Maverick (river mile 684.0) downstream to the confluence of the Colorado River and Salt Creek northeast of the town of Doole (river mile 598.1).

The proposed critical habitat includes 95 percent of the known remaining population of Concho water snakes. The proposed areas presently provide all of the ecological, behavioral, and physiological requirements essential for the long-term survival and recovery of this subspecies. Protection of the proposed habitats will ensure that sufficient numbers survive to prevent this snake from becoming endangered or extinct.

Section 4(b)(8) requires, for any proposed or final regulation that designates critical habitat, a brief description and evaluation of those activities (public or private) that may adversely modify such habitat or may be affected by such designation. Any activity that would lessen the amount of the minimum flow or would significantly alter the natural flow regime in those portions of the Concho and Colorado Rivers proposed for critical habitat could adversely impact the proposed critical habitat. Such activities include, but are not limited to, impoundment and water diversion. Any activity that would extensively alter the channel and bank morphology in those river portions and result in a significant decrease in the amount or quality of riffle habitat could adversely impact the proposed critical habitat. Such activities include, but are not limited to, channelization, excessive sedimentation, mining of rock or gravel, pollution, impoundment, and removal of riparian vegetation. Any activity that would significantly alter the water chemistry or temperature regime in those river portions could adversely impact the proposed critical habitat. Such activities include, but are not limited to, release of chemical or biological pollutants into the waters at a point source or by dispersed release.

Concho water snakes are found only in rivers and adjacent riparian areas flowing through privately owned lands. Therefore, this proposal is expected to have little effect upon the present land and water uses in the area. Known Federal activities that may be affected by this proposal are authorization of the proposed construction of Stacy Reservoir on the Concho and Colorado Rivers, and possible future federally funded or authorized dam and reservoir construction, highway and bridge construction, or irrigation projects. Such activities, although on private lands, would be subject to section 7 consultation if Federal funding is involved, or if the activity requires Federal authorization. Stacy Dam and Reservoir require an authorizing permit from the U.S. Army Corps of Engineers, under section 404 of the Clean Water Act (33 U.S.C. 1344) and section 10 of the Rivers and Harbors Appropriation Act of 1899 (33 U.S.C. 403), as amended.

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

Available Conservation Measures

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

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened and with respect to its critical habitat. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR Part 402, and are now under revision (see proposal at 48 FR 29990; June 29, 1983). Section 7(a)(4) requires Federal agencies to confer informally with the Service on any action that is likely to jeopardize the continued existence of a proposed species or result in the destruction or adverse modification of proposed critical habitat. If a species is listed subsequently, section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of such a species or to destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with the Service.

The Act and its implementing regulations found at 50 CFR 17.21 and 17.31 set forth a series of general prohibitions and exceptions that generally apply to threatened wildlife. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to take, import or export, ship in interstate commerce in the course of a commercial activity, or sell or offer for sale in interstate or foreign commerce listed species. It is also illegal to possess, sell, deliver, carry, transport, or ship any such wildlife that has been taken illegally. Certain exceptions apply to agents of the Service and State conservation agencies.

Permits may be issued to carry out otherwise prohibited activities involving threatened wildlife species under certain circumstances. Regulations governing permits are at 50 CFR 17.32. Such permits are available for scientific purposes, to enhance the propagation or survival of the species, for incidental take in connection with otherwise lawful activities, zoological exhibition, educational purposes, or special purposes consistent with the purposes of the Act.

Public Comments Solicited

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

(1) Biological, commercial trade, or other relevant data concerning any threat (or the lack thereof) to *Nerodia harteri paucimaculata;*

(2) The location of any additional populations of *Nerodia harteri paucimaculata* and the reasons why any habitat should or should not be determined to be critical habitat as provided by Section 4 of the Act;

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

(4) Current or planned activities in the subject area and their possible impacts on *Nerodia harteri paucimaculata;* and

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

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

The Endangered Species Act provides for a public hearing on this proposal, if requested. Requests must be filed within 45 days of the date of the proposal. Such requests should be made in writing and addressed to the Regional Director, U.S. Fish and Wildlife Service (see **"ADDRESSES"**).

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

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Author

This proposed rule was prepared by David Bowman and Sally Stefferud, Endangered Species Staff, U.S. Fish and Wildlife Service, Albuquerque, New Mexico. John Paradiso, C.K. Dodd, and George E. Drewry of the Service's Washington Office of Endangered Species provided editorial assistance.

List of Subjects in 50 CFR Part 17

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

Proposed Regulations Promulgation

PART 17—[AMENDED]

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

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

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

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

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
REPTILES							
Snake, Concho water	*Nerodia harteri paucimaculata*	U.S.A. (TX)	Entire	T		17.95(c)	NA

3. It is further proposed to amend § 17.95(c), Reptiles, by adding the critical habitat of the Concho water snake as follows (the position of this entry under § 17.95(c) follows the same sequence as the species in § 17.11(h):

§ 17.95 Critical habitat—fish and wildlife.

(c) * * *

* * * * *

Concho Water Snake (*Nerodia harteri paucimaculata*)

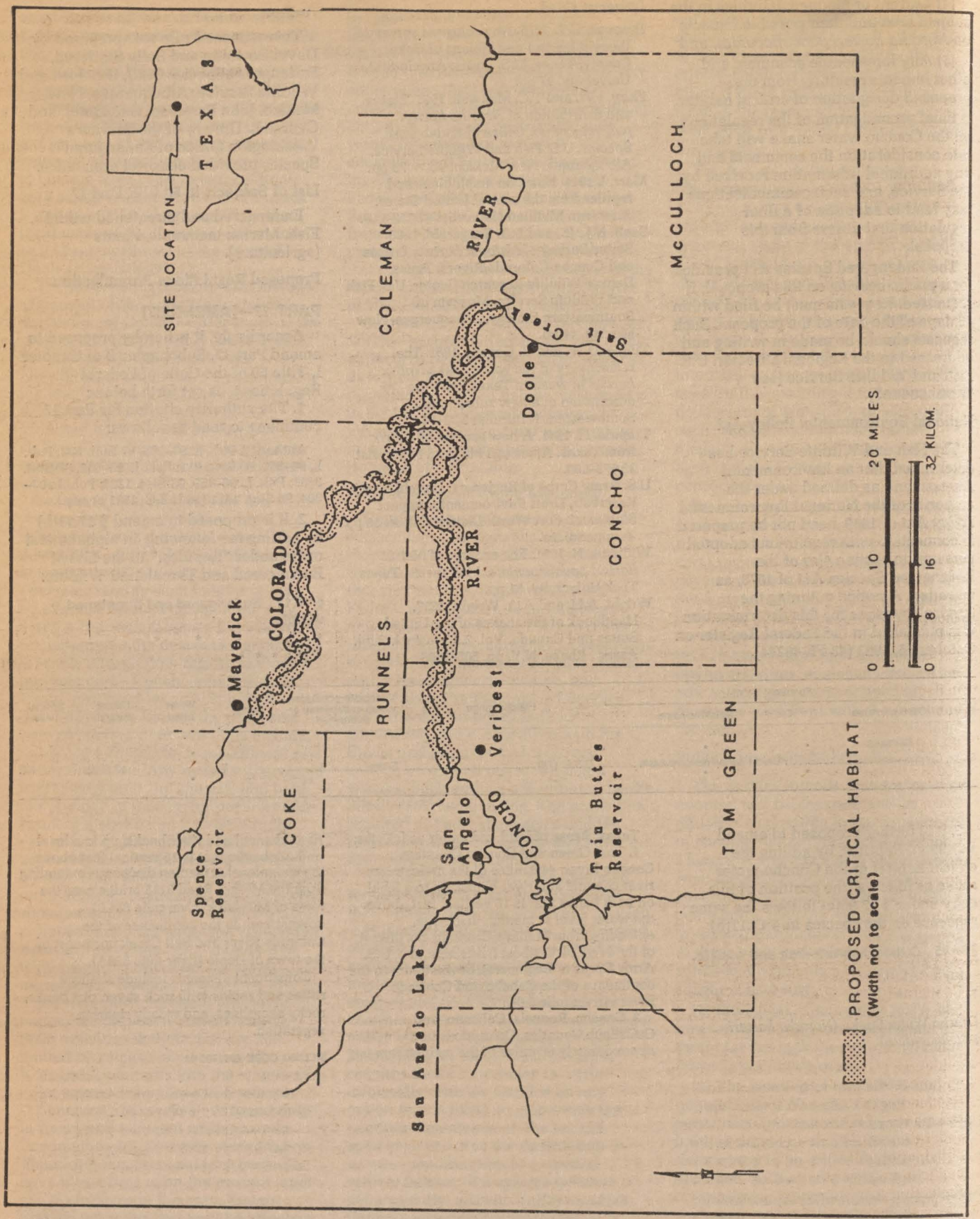
Texas: Areas of land and water as follows:

1. Tom Green and Concho Counties. Concho River; 44.6 miles of the mainstream river channel and river banks, up to a level on both banks that is 15 vertical feet above the water level at median discharge, extending from Mullin's Crossing, northwest of the town of Veribest (river mile 44.6, U.S. Army Corps of Engineers), downstream to the confluence of the Concho and Colorado Rivers (river mile 0.0).

2. Concho, Runnels, Coleman, and McCulloch Counties. Colorado River; approximately 86 miles of the mainstream river channel and river banks, up to a level on both banks that is 15 vertical feet above the water level at median discharge, extending from the Market Road 3115 bridge near the town of Maverick (river mile 684.0) downstream to the confluence of the Colorado River and Salt Creek northeast of the town of Doole (river mile 598.1).

Constituent elements include shallow riffles and rapids with rock cover, dirt banks, rocky shorelines, and woody riparian vegetation.

BILLING CODE 4310-55-M



BILLING CODE 4310-55-C

Dated: December 26, 1985.

P. Daniel Smith,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 86-1162 Filed 1-21-86; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 216

Scoping/Planning Meeting for the Development of Regulations Governing the Incidental Take of Marine Mammals During Commercial High Seas Salmon Driftnet Operations

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

ACTION: Notice of Intent to Prepare an EIS for Dall's Porpoise Rulemaking and Hold a Scoping Meeting.

SUMMARY: The National Marine Fisheries Service (NMFS) intends to prepare an Environmental Impact Statement (EIS) for regulations to govern the taking of Dall's porpoise incidental to high seas salmon driftnet fisheries in the North Pacific Ocean beginning June 9, 1987. The NMFS will convene a scoping meeting early in the rulemaking process to ensure that all interested parties have an opportunity to advise on the issues which need to be considered in developing the EIS. This Notice announces the details on the scoping meeting and the tentative schedule for the rulemaking process.

DATE: The scoping meeting will be held in Washington, DC on March 6, 1986; 9:00 a.m.–4:00 p.m.

ADDRESS: Page Building 2, NMFS Conference Room, 3300 Whitehaven Street, NW.

FOR FURTHER INFORMATION CONTACT: Kenneth R. Hollingshead or T.J. McIntyre (202/634-7529).

SUPPLEMENTARY INFORMATION: The General Permit issued in 1981 to the Federation of Japan Salmon Fisheries Cooperative Association to incidentally take 5,500 Dall's porpoise, 25 northern sea lions, and 450 northern fur seals annually during the mothership salmon gillnet operations is scheduled to expire on June 8, 1987. The NMFS is initiating a rulemaking process to consider the reissuance of the general permit to the Federation in 1987 and beyond and in anticipation of receiving a new application under the Marine Mammal Protection Act from the Federation. The NMFS is beginning this process early in order to allow for full consideration of all public comments, due process provided by the Administrative Procedure Act, minimal disruption to the 1986 salmon fishing season and the timely issuance of a final decision to allow the Applicant adequate time to plan a fishing strategy prior to the scheduled fleet departure in 1987.

An Environmental Impact Statement (EIS) will be prepared to present information on the status of the marine mammal species involved, the impact of the fishery on porpoise, and the impact of any alternatives on porpoise stocks and the salmon stocks. The public scoping meeting will be held to ensure full opportunity for interested members of the public and government agencies to advise the NMFS on the issues, alternatives, and impacts which should be addressed in the EIS and to provide information for use in decision making. Background materials are being prepared for distribution to interested persons prior to the scoping meeting. Please contact one of the individuals named in the notice if you need a copy and/or plan to attend the meeting.

The tentative schedule to consider this issue is as follows:

March 6, 1986—Public scoping meeting.

September 1, 1986—Distribution of draft EIS.

October 20, 1986 through November 18, 1986—Time Period for Administrative Law Judge (ALJ) hearing process.

December 12, 1986—Receipt of ALJ recommendations.

May 1, 1987—Announcement of Decision by Assistant Administrator. Release of Final EIS.

June 9, 1987—Effective date of action.

Dated: January 13, 1986.

William G. Gordon,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 86-1291 Filed 1-21-86; 8:45 am]

BILLING CODE 3510-22-M

50 CFR Parts 611 and 655

[Docket No. 60107-6007]

Foreign Fishing; Atlantic Mackerel, Squid, and Butterfish Fisheries

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

ACTION: Proposed rule.

SUMMARY: NOAA issues a proposed rule to implement conservation and management measures as prescribed in the proposed Amendment 2 (amendment) to the Fishery Management Plan for the Atlantic Mackerel, Squid, and Butterfish Fisheries (FMP). This rule: (1) Changes the start date of the fishing year; (2) revises squid bycatch total allowable levels of foreign fishing (TALFF); (3) revises the management regime for mackerel; (4) implements a minimum size limit on butterfish; (5) implements a reporting and recordkeeping requirement; (6) revises the permit requirements to an annual, renewable permit; (7) authorizes the Regional Director to waive foreign fishing area and time restrictions; and (8) revises the joint venture and foreign fishing management program.

The intended effect is to resolve problems in the fishery which, if left unchecked, could negatively impact the traditional commercial fishery, and also to collect management information.

DATE: Comments on the proposed rule must be received on or before February 14, 1986.

ADDRESSES: Comments on the proposed rule, the amendment, or supporting documents should be sent to Mr. Richard Schaefer, Acting Regional Director, National Marine Fisheries Service, Northeast Regional Office, 14 Elm Street, Gloucester, MA 01930-3799. Mark the outside of the envelope "Comments on Atlantic Mackerel, Squid, and Butterfish Plan."

Copies of the amendment, the environmental assessment, and the draft regulatory impact review are available from Mr. John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 South New Street, Dover, DE 19901.

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

SUPPLEMENTARY INFORMATION:

Background

The amendment was prepared by the Mid-Atlantic Fishery Management Council (Council) in consultation with the New England Fishery Management Council. A notice of availability for the proposed amendment was published in the **Federal Register** on December 6, 1985 (50 FR 50186). Copies of the amendment are available from the Council upon request at the address given above. The amendment revises management measures for Atlantic mackerel, squid, and butterfish.

Regulations implementing the FMP (effective September 28, 1983, through March 31, 1986) were published on September 30, 1983 (48 FR 44834), and January 4, 1984 (49 FR 402). This amendment would extend the FMP for

an indefinite period of time, or until amended. The amendment unit remains unchanged and is all Atlantic mackerel, *Loligo pealei* and *Illex illecebrosus* squid, and butterfish under U.S. jurisdiction, excluding the Gulf of Mexico and the Caribbean Sea. The objectives of the FMP remain unchanged and are:

1. Enhance the probability of successful (i.e., the historical average) recruitment to the fisheries;
2. Promote the growth of the U.S. commercial fishery, including the fishery for export;
3. Provide the greatest degree of freedom and flexibility to all harvesters of these resources consistent with the attainment of the other objectives of this FMP;
4. Provide marine recreational fishing opportunities, recognizing the contribution of recreational fishing to the national economy;
5. Increase understanding of the conditions of the stocks and fisheries; and
6. Minimize harvesting conflicts among U.S. recreational, and foreign fishermen.

Fishing year

The fishing year is changed by the amendment from the twelve month period beginning April 1–March 31, to the twelve month period beginning January 1–December 31, in order to eliminate administrative problems associated with foreign fishing permits issued on a calendar year basis for fisheries managed on the April 1 through March 31 year. The change also resolves the perceived problem of significant foreign fishing effort on *Loligo* squid while they are schooling prior to and during their inshore migration, thus minimizing impacts on U.S. fishermen. The new fishing year will begin the first year when the regulations are effective.

Bycatch TALFFs

The FMP provides minimum bycatch TALFF allowances based on historical performance. In order for the FMP to meet the national standards that the FMP be based on the best available data and to assure that bycatch TALFFs are not excessive based on the performance in the fishery, it was necessary to review the bycatch TALFFs and revise them as appropriate.

Atlantic mackerel

The prior mackerel regime was not designed to enhance the development of the U.S. fishery through its system of TALFF and Reserve, therefore, the system was not flexible enough to respond to development opportunities in keeping with the objectives of the FMP. In addition, it was necessary to revise the mackerel recreational catch forecasting equation, the minimum spawning stock biomass provision, and the bycatch TALFF percentages to assure they are based on the best information available in keeping with the national standards.

Butterfish

The butterfish regime is being revised to allow a reduction in the maximum allowable catch for any year from the 16,000 mt maximum in the event that information available at the time the annual catch limits are being established indicated that such a reduction is necessary to protect the resource. Additionally, a butterfish count limit is being added to reduce landings of small butterfish.

Reporting and permits

The amendment introduces a reporting system that is voluntary for catching vessels and party and charter boats if at least 20 percent of the permitted vessels in each major port of landing report. The system is mandatory for catching/processing vessels and for processors. Reporting is mandatory for the catching/processing vessels because there are relatively few of them and under-reporting from this very important sector may result if these vessels were pooled with the catching vessels.

The requirement that U.S. vessels have permits for the mackerel, squid, and butterfish fisheries is continued, but the amendment revises the permits to expire on December 31 of each year. The permits of vessels participating in the fishing vessel record program will be renewed automatically. This change is necessary so that the permit requirement produces useful management information and also provides the basis for the reporting program. Permits will not be required to be carried aboard the permitted vessels.

Foreign fishing areas and seasons

Foreign nations fishing for Atlantic mackerel, squid or butterfish continue to be subject to the time and area restrictions at 50 CFR 611.50 and the fixed gear avoidance regulations at 50 CFR 611.50(d). For several years the procedure of § 611.50(b)(7) has been used to grant waivers to the time and area restrictions for the purposes of collecting additional management information on a case by case basis for directed foreign fisheries conducted with certain joint ventures. The amendment revises the foreign fishing regulations to authorize the Regional Director to waive the time and area restrictions with the concurrence of the Mid-Atlantic and New England Fishery Management Councils. The Regional Director is required to notify permit holders of such waivers according to 50 CFR 611.3.

Joint ventures and foreign fishing

The amendment revises the foreign fishing regulations to provide that NMFS will make the terms of any agreement by a foreign organization to purchase U.S. processed or harvested fish in exchange for directed foreign fishing or a joint venture (JV) with a U.S. vessel conditions on any foreign fishing vessel permits issued pursuant to such projects. This is to assure that the permits may legally be terminated through failure of the foreign organization to adhere to the terms of the agreement. Additionally, allocations for both joint ventures and directed foreign fishing will be made in incremental amounts up to the maximum amount approved to assure that only those quantities needed and to which the foreign nation is entitled through compliance with any established project are allocated. For joint ventures, the initial amount to be allocated and the maximum amount will be specified in the permit based on the Council's recommendations. NMFS will monitor JV performance, including all phases of the project (e.g., purchase of U.S. processed fish), and project when additional allocations will be needed or if the foreign fishing permits should be terminated if permit conditions are not met according to 50 CFR 611.3; monitoring information and projections will be communicated to the staffs of the Mid-Atlantic and New England Councils to facilitate making appropriate recommendations to the Regional Director.

Classification

Section 304(a)(1)(C)(ii) of the Magnuson Act, as amended by Pub. L. 97–453, requires the Secretary of Commerce (Secretary) to publish regulations proposed by a Council within 30 days of receipt of the FMP amendment and proposed regulations. At this time the Secretary has not determined that the FMP amendment these rules would implement is consistent with the national standards, other provisions of the Magnuson Act, and other applicable law. The Secretary, in making that determination, will take into account the information, views, and comments received during the comment period.

The Council prepared an enviromental assessment for this FMP amendment and concluded that there will be no

significant impact on the human environment. You may obtain a copy of the environmental assessment from the Council at the address listed above.

The NOAA Administrator determined that this proposed rule is not a "major rule" requiring a regulatory impact analysis under Executive Order 12291. This determination is based on the draft regulatory impact review (RIR) prepared by the Council which demonstrates positive net short-term and long-term economic benefits to the fishery under the proposed management measures. A copy of this review may be obtained from the Council at the address listed above.

This proposed rule is exempt from the procedures of E.O. 12291 under section 8(a)(2) of that order. Deadlines imposed under the Magnuson Act, as amended by Pub. L. 97–453, require the Secretary to publish this proposed rule 30 days after its receipt. The proposed rule is being reported to the Director of the Office of Management and Budget with an explanation of why it is not possible to follow review procedures of the order.

The General Council of the Department of Commerce certified to the Small Business Administration that this proposed rule, if adopted, will not have a significant economic impact on a substantial number of small entities because of the reasons set forth in the RIR prepared by the Council, a copy of which may be obtained from the Council at the address listed above. As a result, a regulatory flexibility analysis was not prepared.

This rule contains several collection of information requirements subject to the Paperwork Reduction Act (PRA). A request to collect this information has been submitted to the Office of Management and Budget for review under section 3504(h) of PRA. Comments should be directed to the office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for NOAA.

The Council determined that this rule will be implemented in a manner that is consistent to the maximum extent practicable with the approved coastal zone management programs of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, and Maryland. This determination was submitted for review by the responsible State agencies under section 307 of the Coastal Zone Management Act on 28 June 1985. New Hampshire, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, and Delaware have concurred with the Council's evaluation. Maine and Maryland made no response as of November 21, 1985.

List of Subjects

50 CFR Part 611

Fisheries, Foreign relations, Reporting and recordkeeping requirements.

50 CFR Part 655

Fisheries, Reporting and recordkeeping requirements.

Dated: January 15, 1986.

Carmen J. Blondin,

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

For the reasons set out in the preamble, NOAA proposes to amend 50 CFR Parts 611 and 655 as set forth below:

PART 611—[AMENDED]

1. The authority citation for 50 CFR Part 611 continues to read as follows:

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

2. Section 611.50 is amended by adding a new last sentence to paragraph (b)(7) and adding a new paragraph (b)(8) to read as follows:

§ 611.50 Northwest Atlantic Ocean Fishery.

* * * * *

(b) * * *

(7) *Additional authorization.* * * * Also, the Regional Director may waive the time and area restrictions with the concurrence of the Mid-Atlantic and New England Fishery Management Councils. The Regional Director will notify permit holders of such waviers according to § 611.3.

(8) Allocations for both joint ventures and directed foregin fishing will be made in incremental amounts up to the maximum amount approved to assure that only those quantities needed and to which the foreign nation is entitled through compliance with any established project are allocated. For joint ventures, the initial amount to be allocated and the maximum amount will be specified in the permit based on the Council's recommendations. NMFS will monitor joint venture performance, including all phases of the project (e.g., purchase of U.S processed fish), and project when additional allocations will be needed or if the project should be terminated for failure to comply with established conditions; monitoring information and projections will be communicated to the staffs of the Mid-Atlantic and New England Fishery Management Councils to facilitate making appropriate recommendations to the Regional Director. Procedures regarding permits are set forth in § 611.3.

* * * * *

PART 655—[AMENDED]

1. The authority citation for Part 655 continues to read as follows:

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

2. In the Table of Contents, § 655.23 is amended by removing the title "Reserve release" and inserting the new title "Size restriction" and by adding § 655.25 with the title "Time and area restrictions".

3. In § 655.2, the definition of *"Major port of landing"* is added in alphabetical order to read as follows:

§ 655.2 Definitions.

* * * * *

Major port of landing means a reporting area designated by the Regional Director.

* * * * *

4. Section 655.4 is amended by revising paragraphs (a) and (b)(1), redesignating paragraph (b)(2)(xi) as (b)(2)(xii), adding a new paragraph (b)(2)(xi), and revising paragraphs (c), (d), and (i) to read as follows:

§ 655.4 Vessel permits.

(a) *General.* Any vessel of the United States which catches Atlantic mackerel, *Illex* and *Loligo* squid, or butterfish must have a permit issued under this section except vessels used by recreational fishermen taking Atlantic macherel, *Illex* and *Loligo* squid, or butterfish for the personal use of such recreational fishermen.

(b) *Application.*

(1) Each applicant must submit a permit application before November 1 of each year; provided, however, that permits to fishermen who reported voluntarily are renewed automatically.

(2) * * *

(xi) The quantity of *Loligo* and *Illex* squid, Atlantic mackerel, and butterfish landed during the year prior to the year for which the permit is being applied; and

* * * * *

(c) *Issuance.* (1) The Regional Director will issue a permit to the applicant no later than 30 days from the receipt of a completed application.

(2) For vessels with owners or operators participating in the voluntary fishing vessel record program, NMFS will reissue the annual permits without applications being filed.

(d) *Expiration.* A permit will expire upon any change in vessel ownership, registration, name, length, gross

tonnage, fish hold capacity, home port, or the regulated fisheries in which the vessel is engaged or on December 31 of the year for which the permit was issued.

* * * * *

(i) *Inspection.* Any permit issued under this part will be available for inspection by an Authorized Officer upon landing.

* * * * *

5. Section 655.5 is amended by adding text thereto to read as follows:

§ 655.5 Recordkeeping and reporting requirements.

(a) *U.S. Fishermen.—*

(1) *Owner or operator of any catching vessel with a commercial or incidental catch permit in the Atlantic mackerel, squid, or butterfish fisheries.*

(i) The owner or operator of any catching vessel with a commercial or incidental catch permit in the Atlantic mackerel, squid, or butterfish fisheries in any major port of landing may voluntarily maintain on a daily basis an accurate fishing vessel record for each fishing trip, on forms supplied by NMFS, showing at least.

(A) Name and permit number of the vessel;

(B) Date sailed, date landed;

(C) Port landed;

(D) Gear fished;

(E) Mesh size;

(F) Area fished (by NMFS 3 digit area);

(G) Depth range;

(H) Number of tows or sets;

(I) Days fished;

(J) Total hours towed; and

(K) Total amount in pounds of each squids (*Loligo, Illex,* Atlantic mackerel, butterfish, and three additional species for which the largest number of pounds were landed), by market size, and amount in pounds of *Loligo, Illex,* Atlantic mackerel, and butterfish kept and discarded.

(ii) The owner or operator should make the fishing vessel record available for inspection by an authorized official at any time after a trip.

(iii) The owner or operator should keep each fishing vessel record for one year after the date of the last entry in the fishing vessel record.

(iv) The owner or operator should submit copies of fishing vessel record forms at monthly intervals to the Regional Director.

(v) Any owner or operator who complies with the provisions of the voluntary reporting program will be exempt from the annual permit renewal requirements in § 655.4.

(vi) If fishing vessel records are not submitted for a minimum of 20 percent of the permitted vessels in each major port of landing (based on permit application data), then the Regional Director will select a sample of 20 percent of the vessels in such port and the owners or operators of the vessels selected will be required to submit fishing vessel records.

(2) *Owner or operator of any catching/processing vessel with a commercial or incidental catch permit in the Atlantic mackerel, squid, or butterfish fisheries.*

(i) The owner or operator of any catching/processing vessel with a commercial or incidental catch permit in the Atlantic mackerel, squid, or butterfish fisheries must maintain on a daily basis an accurate fishing vessel record for each fishing trip, on forms supplied by NMFS, showing at least:

(A) Name and permit number of the vessel;

(B) Date sailed;

(C) Date landed;

(D) Port landed;

(E) Gear fished;

(F) Mesh size;

(G) Area fished (by NMFS 3 digit area);

(H) Depth range;

(I) Number of tows or sets;

(J) Days fished;

(K) Total hours towed; and

(L) Total amount in pounds of each species (*Loligo, Illex,* Atlantic mackerel, butterfish, and three additional species for which the largest number of pounds were landed), by market size, and amount in pounds of *Loligo, Illex,* mackerel, and butterfish kept and discarded.

(ii) The owner or operator must make the fishing vessel record available for inspection by an authorized official at any time after a trip.

(iii) The owner or operator must keep each fishing vessel record for one year after the date of the last entry in the fishing vessel record.

(iv) The owner or operator must submit copies of fishing vessel record forms at monthly intervals to the Regional Director.

(3) *The owner or operator of any vessel with a party/charter boat permit in the Atlantic mackerel, squid, or butterfish fisheries.*

(i) The owner or operator of any vessel with a party/charter boat permit in the Atlantic mackerel, squid, or butterfish fisheries in any major port of landing may voluntarily maintain on a daily basis an accurate fishing vessel record for each fishing trip, on forms supplied by NMFS, showing at least:

(A) Name and permit number of the vessel;

(B) Date sailed;

(C) Date landed;

(D) Port landed;

(E) Gear fished;

(F) Area fished (by NMFS 3 digit area);

(G) Depth range;

(H) Number of tows or sets;

(I) Days fished;

(J) Total hours towed; and

(K) Total amount in pounds of each species (*Loligo, Illex,* Atlantic mackerel, butterfish, and three additional species for which the largest number of pounds were landed), by market size, and amount in pounds of *Loligo, Illex,* mackerel, and butterfish kept and discarded.

(ii) The owner or operator should make the fishing vessel record available for inspection by an authorized official at any time after a trip.

(iii) The owner or operator should keep each fishing vessel record for one year after the date of the last entry in the fishing vessel record.

(iv) The owner or operator should submit copies of fishing vessel record forms within five days of landing or at least monthly to the Regional Director.

(v) Any owner or operator who complies with the provisions of the voluntary reporting program will be exempt from the annual permit renewal requirements in § 655.4.

(vi) If fishing vessel records are not submitted for a minimum of 20 percent of the permitted vessels in each major port of landing (based on permit application data), then the Regional Director will select a sample of 20 percent of the vessels in such port and the owners or operators of the vessels selected will be required to submit fishing vessel records.

(b) *U.S. Processors.*—(1) *All persons who buy Atlantic mackerel, squid, or butterfish from owners or operators of vessels with permits in the Atlantic mackerel, squid, or butterfish fisheries.*

(i) All persons who buy Atlantic mackerel, squid, or butterfish from owners or operators of vessels with permits in the Atlantic mackerel, squid, or butterfish fisheries must maintain on a daily basis, on forms supplied by NMFS, at least:

(A) Total amount in pounds of each species purchased, by market class;

(B) Date of purchase;

(C) Price per pound by market class for each species purchased; and

(D) Name and mailing address of dealer or processor.

(ii) The dealer or processor must make the information available for inspection by an authorized official at any time.

(iii) The dealer or processor must keep each report for one year after the date of the last entry.

(iv) The dealer or processor must submit copies of reports weekly to the Regional Director.

(2) U.S. fish processors will annually submit to the Council, on forms supplied by the Council, the processing capacity intended to be used during the upcoming fishing year and the actual processing capacity used during the current fishing year.

(3) All persons purchasing or receiving any Atlantic mackerel, squid, or butterfish at sea for transport to any port in the U.S. will maintain and provide to the Regional Director or Council, as appropriate, records identical to those required under the above paragraphs.

6. Section 655.7 is amended by revising the introductory text and designating it as paragraph (a), by redesignating present paragraphs (a)–(m) as (2)–(13), adding new paragraphs (1) and (14)–(16), removing paragraph (n) and adding a new paragraph (b) to read as follows:

§ 655.7 General prohibitions.

(a) It is unlawful for any person to do any of the following:

(1) To fish for Atlantic mackerel, squid, and butterfish without a permit issued pursuant to § 655.4.

* * * * *

(14) To falsify the records and reports prescribed by these regulations;

(15) To fail to submit the records and reports prescribed by these regulations if the owner or operator of such vessel is required to submit such records and reports; or

(16) To land butterfish smaller than the size specified in § 655.23.

(b) It is unlawful to violate any other provision of this part, the Magnuson Act, any notice issued under subpart B of this part, or any other regulation or permit promulgated under the Magnuson Act.

* * * * *

7. Section 655.20 is revised to read as follows:

§ 655.20 Fishing year.

The fishing year is the 12-month period beginning on January 1 and ending on December 31 of the following year.

8. Section 655.21 is amended by revising paragraphs (a)(2), (b)(1)(iv)(A) and (B), (b)(2), and (b)(3) to read as follows:

§ 655.21 Allowable levels of harvest.

(a) * * *

(2) For Atlantic mackerel, the maximum OY is determined in accordance with paragraph (b)(2)(ii) of this section.

(b) * * *

(1) * * *

(iv) * * *

(A) *Loligo:* The incidental catch level is 1.0 percent of the allocated portion of the *Illex*, 0.04 percent of the allocated portion of the mackerel (if a directed fishery is allowed), and 0.5 percent of the allocated portions of the silver and red hake TALFFs.

(B) *Illex:* The incidental catch level is 10.0 percent of the allocated portion of the *Loligo* Talff and 0.2 percent of the allocated portions of the silver and red hake TALFFs.

* * * * *

(2) *Atlantic mackerel.* (i) ABC in U.S. waters for the upcoming fishing year is that quantity of mackerel that could be caught in U.S. and Canadian waters (T) minus the estimated catch in Canadian waters (C) and still maintain a spawning stock size (S) in the year following the year for which catch estimates and quotas are being prepared equal to or greater than 600,000 mt. IOY represents a modification of ABC, based on biological and economic factors, intended to provide the greatest overall benefit to the nation by incorporating all relevant factors.

(ii) The IOY is composed of an initial DAH and initial TALFF. The Regional Director projects the DAH by reviewing data concerning past domestic landings, projected amounts of mackerel necessary for domestic processing and for joint ventures during the fishing year, and other data pertinent for such a projection. The recreational fishery component of DAH is determined by the equation $Y=(0.01)(X)-(166)$ where Y is the predicted recreational catch and X is the mackerel spawning stock size in the upcoming fishing year, in metric tons. The JVP component of DAH is the portion of DAH which domestic processors either cannot or will not use. In addition, this specification of IOY is based on such criteria as contained in the Magnuson Act, specifically section 201(e), and the application of the following factors—

(A) Total world export potential by mackerel producing countries;

(B) Total world import demand by mackerel consuming countries;

(C) U.S. export potential based on expected U.S. harvests, expected U.S. consumption, relative prices, exchange rates, and foreign trade barriers;

(D) Increased/decreased revenues to the U.S. from foreign fees;

(E) Increased/decreased revenues to U.S. harvesters (with/without joint ventures);

(F) Increased/decreased revenues to U.S. processors and exporters;

(G) Increases/decreases in U.S. harvesting productivity due to decreases/increases in foreign harvest;

(H) Increases/decreases in U.S. processing productivity; and

(I) Potential impact of increased/decreased TALFF on foreign purchases of U.S. product and services and U.S. caught fish, changes in trade barriers, technology transfer, and other considerations.

(iii) The DAH, DAP, and JVP must be based on data from sources specified in § 655.22(e) and other relevant data including past domestic landings, the capacity and intent of U.S. processors to process U.S. harvested squid and projected amounts of squid necessary for joint ventures during the fishing year.

(iv) IOY must be set at a level that will produce the greatest overall net benefit to the United States. In determining this amount, the Regional Director, in consultation with the Concil, will provide for a TALFF of at least a minimum incidental catch in other directed fisheries. TALFF may be greater than an incidental catch level, if the IOY determined to produce the greatest overall benefit to the U.S. is sufficiently greater than DAH. The incidental level is 0.4 percent of the allocated portion of the silver and red hake, 1.0 percent of the allocated portion of the *Loligo*, and 0.1 percent of the allocated portion of the *Illex* TALFFs.

(v) The IOY may be adjusted by the Regional Director, in consultation with the Council, at any time during the fishing year, under § 655.22(f). The basis for any adjustment may be that new information or changed circumstances indicate that U.S. fishermen will exceed the initial DAH, or that the IOY should be increased to produce maximum net benefits to the United States based upon an application of the factors above. The IOY may be increased by the amount that DAH or TALFF, or both, are increased, but IOY may not exceed ABC. An adjustment to IOY may not result in TALFF being reduced to a quantity less than that allocated to and accepted by foreign nations or to a quantity less than the incidental catch levels specified in paragraph (iv) of this section.

(3) *Butterfish.* (i) The Regional Director will review yearly the most recent biological data, including data on discards, pertaining to the stock. If the Regional Director determines that the stock cannot support a level of harvest

equal to the maximum OY, he will establish a lower ABC for the fishing year. This level represents essentially the modification of MSY to reflect changed biological circumstances. If the stock is able to support a harvest level equivalent to the maximum OY, the ABC is set at that level.

(ii) From the ABC, the Regional Director, in consultation with the Council, will determine the IOY for the fishing year. The IOY represents a modification of ABC. The IOY is composed of an initial DAH and initial bycatch TALFF. The Regional Director will project the DAH by reviewing the data concerning past domestic landings, projected amounts of butterfish necessary for domestic processing and for joint ventures during the fishing year, and other data pertinent for such a projection. The JVP component of DAH is the portion of DAH which domestic processors either cannot or will not use.

(iii) In assessing the level of IOY, the Regional Director will provide for a bycatch TALFF equal to 3.0 percent of the allocated portion of the *Loligo* TALFF and 0.5 percent of the allocated portion of the *Illex*, 0.08 percent of the allocated portion of the Atlantic mackerel, and 0.1 percent of the allocated portion of the silver and red hake TALFFs.

(iv) The IOY may be adjusted by the Regional Director, in consultation with the Council, upward to the ABC at any time during the fishing year. An adjustment may be made to IOY to accommodate DAH needs. However, TALFF may not be adjusted to a quantity less than that needed for bycatch. Any adjustments to the IOY will be published in the **Federal Register** and may provide for a public comment period.

9. Section 655.22 is amended by revising paragraphs (a) and (c), by removing the phrase "By February 1", in paragraph (b) and inserting in place thereof, "On or about November 1", and by removing the date "March 15" in paragraph (d), and inserting in place thereof "December 15".

§ 655.22 Procedures for determining initial annual amounts and adjustments.

(a) On or about October 15 of each year, the Council will prepare and submit recommendations to the Regional Director of the initial annual amounts for the fishing year beginning January 1, based on information gathered from sources specified in paragraph (e) of this section.

* * * * *

(c) The Council's recommendation and the information listed in paragraph (e) of this section will be available in aggregate form for inspection at the office of the Regional Director during the public comment period.

* * * * *

* * * * *

10. Section 655.23 is revised to read as follows:

§ 655.23 Size restriction.

(a) General—All landed butterfish are subject to the following minimum size restriction:

(1) 500 butterfish per 100 pounds landed, per trip, with a 10 percent tolerance for undersized fish (that is, no more than 550 fish per 100 pounds).

(b) A sampling procedure will be developed to determine compliance with this provision by the Regional Director in consultation with the Council, and published in the **Federal Register** with a 15 day public comment period.

11. A new § 655.25 is added as follows:

§ 655.25 Time and area restrictions.

Foreign nations fishing for Atlantic mackerel, squid, or butterfish are subject to the time and area restrictions at 50 CFR 611.50 and the fixed gear avoidance regulations at 50 CFR 611.50(d). The procedure for waiving the time and area restrictions are set forth in 50 CFR 611.50(b)(7).

[FR Doc. 86-1287 Filed 1-16-86; 3:24 pm]
BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 51, No. 14
Wednesday, January 22, 1986

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

ACTION

National Volunteer Advisory Council; Committee Establishment

In accordance with provisions of the Federal Advisory Committee Act, and after consultation with the General Services Administration (GSA), I have determined that establishing the National Volunteer Advisory Council is in the public interest in connection with the performance of the duties and mission of the ACTION Agency.

The Council will advise and make recommendations to the Director of ACTION with respect to policy matters arising in the administration of the Domestic Volunteer Service Act of 1973, as amended (Pub. L. 93–113), and as to the effectiveness of ACTION programs. The Council will also make final recommendations for the President's Volunteer ACTION Awards.

Advisory Council membership is chosen from all areas of the country and from a broad cross section of industry, labor, local, state and Federal government and non-profit organizations. The Council will consist of 25 members, including the chairperson. The members are selected for their expertise and serve in their individual capacities, not as representatives of their organizations.

The Council will function solely as an advisory body and in compliance with the provisions of the Federal Advisory Committee Act. The charter will be filed with GSA and the appropriate Congressional committees.

Further information may be obtained from: Gayle Speirs, Special Assistant to the Director, 806 Connecticut Ave. NW., Suite 500, Washington, DC 20525 (202) 634–9400.

Signed at Washington, DC this 15th day of January, 1986.

Dated: January 15, 1986.

Donna M. Alvarado,

Director, ACTION.

[FR Doc. 86–1333 Filed 1–21–86; 8:45 am]

BILLING CODE 6050–28–M

DEPARTMENT OF AGRICULTURE

Soil Conservation Service

Tribal Trust Lands, RC&D, Measure, NC; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of Findings 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 Tribal Trust Lands, RC&D Measure, Jackson and Swain Counties, North Carolina.

FOR FURTHER INFORMATION CONTACT: Mr. Coy A. Garrett, State Conservationist, Soil Conservation Service, Room 544, Federal Building, 310 New Bern Avenue, Raleigh, North Carolina 27611, Telephone (919) 856–4210.

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, Mr. Coy A. Garrett, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan to treat critical eroding areas on Tribal Trust lands of the Eastern Band of Cherokee Indians with vegetative and structural measures.

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

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

(This activity is listed in the Catalog of Federal Domestic Assistance under No. 10.901—Resource Conservation and Development—and is subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with the State and local officials)

Dated: January 2, 1986.

Coy A. Garrett,

State Conservationist.

[FR Doc. 86–1278 Filed 1–21–86; 8:45 am]

BILLING CODE 3410–16–M

Washington City Schools, RC&D Measure, North Carolina; Finding of No Significant Impact

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 Washington City Schools, RC&D Measure, Beaufort County, North Carolina.

FOR FURTHER INFORMATION CONTACT: Mr. Coy A. Garrett, State Conservationist, Soil Conservation Service, Room 544, Federal Building, 310 New Bern Avenue, Raleigh, North Carolina 27601, Phone (919) 856–4210.

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, Mr. Coy A. Garrett, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for reducing erosion and flooding while improving drainage on three school grounds. The planned works of improvement include installing catch basins, pipes and subsurface drainage tubing. Grading and shaping will be done to improve surface drainage and to eliminate ponding. All disturbed areas will be seeded with adapted permanent vegetation.

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 Mr. Coy A. Garrett.

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

(This activity is listed in the Catalog of Federal Domestic Assistance under No. 10.901—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 2, 1986.

Coy A. Garrett,

State Conservationist.

[FR Doc. 86-1279 Filed 1-21-86; 8:45 am]

BILLING CODE 3410-16-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Marine Mammals; Application for Permit; Dr. Kenneth S. Norris, Randall S. Wells, and Dr. William T. Doyle

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant:

a. Name: Dr. Kenneth S. Norris, Randall S. Wells, and Dr. William T. Doyle (P20F).

b. Address: Institute of Marine Sciences, Long Marine Laboratory, University of California, Santa Cruz, CA 95064.

2. Type of Permit: Scientific Research.

3. Name and Number of Marine Mammals: Pacific white-sided dolphins (*Lagenorhynchus obliquidens*), 44.

4. Type of Take: Each of the animals will be freezebranded, roto-tagged, blood sampled, and have a tooth extracted for social behavioral and ecological studies. Twenty-one (21) of the animals will also be radio-tagged.

5. Location of Activity: Southern California Bight.

6. Period of Activity: 3 years.

Concurrent with the publication of this notice in the **Federal Register,** the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, DC 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, DC; and

Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731.

Dated: January 14, 1986.

Joseph W. Angelovic,

Deputy Assistant Administrator for Science & Technology, National Marine Fisheries Service.

[FR Doc. 86-1290 Filed 1-21-86; 8:45 am]

BILLING CODE 3510-22-M

National Marine Fisheries Service, Marine Fisheries Advisory Committee; Meeting That Is Partially Closed to the Public

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

Time And Date: The meeting will convene February 4, 1986, 8:30 a.m. and adjourn at approximately 5:00 p.m. February 6, 1986.

Place: Capitol Holiday Inn, 550 C Street, SW., Washington, DC.

Status: As required by section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1982), notice is hereby given of a meeting of the Marine Fisheries Advisory Committee (MAFAC). Parts of this meeting will be open to the public. The remainder of the meeting will be closed to the public. MAFAC was established by the Secretary of Commerce on February 17, 1971, to advise the Secretary on all living marine resource matters which are the responsibility of the Department of Commerce. This Committee ensures that the living marine resource policies and programs of this Nation are adequate to meet the needs of commercial and recreational fishermen, environmental, state, consumer, academia, and other national interests.

Matters To Be Considered

Portions Open to the Public

February 3, 1986, 6:00 p.m., Consumer Affairs Subcommittee meeting.

February 4, 1986, 5:30 p.m., Commercial Fisheries Subcommittee meeting.

February 5, 1986, 1:00–5:00 p.m., NOAA/NMFS research program.

February 6, 1986, 8:30a.m.–5:00 p.m., (1) Magnuson Act and (2) non-tariff trade barriers.

Portions Closed to the Public

February 4, 1986, 8:30 a.m.–5:00 p.m. (Executive Session), current and future year budget/program priorities. February 5, 1986, 8:30–11:30 a.m. (Executive Session), current and future year budget/program priorities.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration of the Department of Commerce, with concurrence of the General Counsel, formally determined on January 14, 1986, pursuant to section 10(d) of the Federal Advisory Committee Act, that the agenda item to be covered during the Executive Session may be exempt from the provisions of the Act relating to open meetings and public participation therein, because the item will be concerned with matters that are within the purview of 5 U.S.C. section 552b(c)(9)(B) as information the premature disclosure of which will be likely to significantly frustrate the implementation of proposed agency action. (A copy of the determination is available for public inspection and duplication in the Central Reference and Records Inspection Facility, Room 6628, Department of Commerce.) All other

portions of the meeting will be open to the public.

FOR FURTHER INFORMATION CONTACT: Ann Smith, Executive Secretary, Marine Fisheries Advisory Committee, National Marine Fisheries Service, NOAA, Washington, DC 20235. Telephone: (202) 634–9563.

Dated: January 16, 1986.

William G. Gordon,

Assistant Administrator for Fisheries.

[FR Doc. 86–1335 Filed 1–21–86; 8:45 am]

BILLING CODE 3510–08–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Permitting Entry of Certain Man-Made Fiber Yarns Produced or Manufactured in Brazil

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commission of Customs to be effective on January 22, 1985. For further information contact Nathaniel Cohen, Trade Reference Assistant, Office of Textiles and Apparel, U.S. Department of Commerce (202) 377–4212.

Background

On December 23, 1985 a notice was published in the **Federal Register** (50 FR 52357) which announced that during negotiations of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 7 and 29, 1985, the Governments of the United States and the Federative Republic of Brazil had agreed that 363,000 pounds of man-made fiber yarns in Category 604, produced or manufactured, in Brazil and exported during the restraint periods established prior to the current agreement year, which began on April 1, 1985 and extends through March 31, 1986, should be permitted entry without charge during the current agreement year.

To effectively implement this agreed adjustment, the letter to the Commissioner of Customs, which follows this notice cancels and supersedes the letter of December 18, 1985, and directs that the limit established for Category 604 in the directive of February 3, 1984 be increased by 363,000 pounds. To the extent that this increase is utilized it will be deducted from the limit for Category 604 during the agreement year beginning on April 1, 1986.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, 1983, (48 FR 55607), December 30, 1983(48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1985).

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

January 16, 1986.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury,
Washington, D.C. 20229

Dear Mr. Commissioner: This letter cancels and supersedes the letter of December 18, 1985, which directed you to deduct 363,000 pounds from imports charged to the restraint limit established for man-made fiber textile products in Category 604 exported during the twelve-month period which began on April 1, 1984 and extended through March 31, 1985.

To facilitate implementation of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 7 and 29, 1985 between the Governments of the United States and the Federative Republic of Brazil, I request that, effective on January 22, 1986, you increase by 363,000 pounds the limit established for man-made fiber textile products in Category 604 in the directive of February 3, 1984. This increase is to be applied to imports in Category 604, produced or manufactured in Brazil and exported during the period which began on November 1, 1983 and extended through March 31, 1984.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553.

Sincerely,

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 86–1332 Filed 1–21–86; 8:45 am]

BILLING CODE 3510–DR–M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1986; Additions

Correction

In FR Doc. 86–586 beginning on page 1274 in the issue of Friday, January 10, 1986, make the following correction:

On page 1274, third column, *Commodities*, second line, "8140–01–9789" should read "8140–01–050–9789"; and in the fourth line "3456–01–151–2891" should read "8465–01–151–2891".

BILLING CODE 1505–01

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board Task Force on the LHX Helicopter; Advisory Committee Meetings

SUMMARY: The Defense Science Board Task Force on the LHX Helicopter will meet in closed session on 27–28 February 1986 at the MITRE Corporation, McLean, 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 this Task Force will evaluate the Army's requirements for the LHX Helicopter.

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 16, 1986.

[FR Doc. 86–1342 Filed 1–21–86; 8:45 am]

BILLING CODE 3810–01–M

Defense Science Board Task Force on Semi-Conductor Dependency; Advisory Committee Meetings

SUMMARY: The Defense Science Board Task Force on Semi-Conductor Dependency will meet in closed session on 13–14 March, 29–30 May, and 10–11 July 1986 at Palisades, Crystal City, 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 this Task Force will evaluate the current and projected Department of Defense Foreign Semi-Conductor Dependency.

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 16, 1986.

[FR Doc. 86–1343 Filed 1–21–86; 8:45 am]

BILLING CODE 3810–01–M

DEPARTMENT OF EDUCATION

National Advisory Council on Women's Educational Programs; Meeting

AGENCY: National Advisory Council on Women's Educational Programs.

ACTION: Amendment of notice.

SUMMARY: This document is intended to notify the general public of change in time of meetings of the National Advisory Council on Women's Educational Programs and its Executive, Civil Rights, Federal Policies, Practices and Programs and WEEA Program Committees as published in 52552 FR/ Vol. 50, No. 247, on Tuesday, December 24, 1985. The Federal Policies, Practices and Programs, Civil Rights and WEEA Program Committees will meet at 8:30 a.m. to 10:00 a.m. on January 21, 1986. The Executive Committee will meet at 10:00 a.m. to 11:00 a.m. on January 21, 1986. The full Council will meet on January 21, 1986 at 11:00 a.m. until 12:00 noon when it will recess for lunch. The full Council will reconvene at 1:30 p.m. and continue until Council business is completed. The locations of the meetings remain the same.

FOR FURTHER INFORMATION CONTACT: Patricia A. Weber, Deputy Director, National Advisory Council on Women's Educational Programs, 2000 "L" Street NW., Suite 568, Washington, DC 20036, (202) 634–6105.

Signed at Washington, DC on January 13, 1986.

Sally A. Todd,

Executive Director.

[FR Doc. 86–1311 Filed 1–21–86; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Office of Hearings and Appeals

Cases Filed; Week of November 15 through November 22, 1985

During the Week of November 15 through November 22, 1985, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy. Submissions inadvertently omitted from earlier lists have also been included.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, DC 20585.

January 13, 1985.

George B. Breznay,

Director, Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of November 15 through November 22, 1985]

Date	Name and location of applicant	Case No.	Type of submission
Nov. 13, 1985	Philadelphia Electric Co. et al., Philadelphia, PA	KRZ-0009	Interlocutory. If granted: Philadelphia Electric Co., National Freight, Inc., and Rate Cab, Inc. and Geraldine H. Sweeney would be permitted to participate in the remedial phase of an enforcement proceeding involving Texaco, Inc. (Case No. DRO-0199).
Nov. 18, 1985	Oklahoma Refining Co., Enid, OK	KRD-0006 and KRH-0006	Motion for discovery and request for evidentiary hearing. If granted: Discovery would be granted and an evidentiary hearing connection with the statement of objections submitted by Oklahoma Refining Co. in response to the proposed remedial order (Case No. HRO-0302) issued to the firm.
Do	Tonkawa Refining Co., Enid, OK	KRD-0005 and KRH-0005	Motion for discovery and request for evidentiary hearing. If granted: Discovery would be granted and an evidentiary hearing convened in connection with a statement of objections submitted by Tonkawa Refining Co. in response to the May 31, 1985 proposed remedial order (Case No. HRO-0301) issued to the firm.
Nov. 19, 1985	Campbell Oil Co., Inc., Elizabethtown, NC	KEE-0009	Exception to the reporting requirements. If granted: Campbell Oil Co., Inc. would not be permitted to file Form EIA-782B "Reseller/Retailers' Monthly Petroleum Product Sales Report".
Do	International Petroleum Refining and Supply, Washington, DC	KEF-0010	Implication of special refund procedures. If granted: The Office of Hearings and Appeals would implement special refund procedures pursuant to 10 CFR Part 205, subpart V in connection with a December 20, 1985 consent order entered into with International Petroleum Refining & Supply.
Do	McClure Oil Co., Washington, DC	KEF-0009	Implementation of special refund procedures. If granted: The Office of Hearings and Appeals would implement special refund procedures pursuant to 10 CFR part 205, subpart V in connection with June 2, 1977 remedial order issued to McClure Oil Co.

REFUND APPLICATIONS RECEIVED

[Week of November 15 to November 22, 1985]

Date	Name of refund proceeding/ name of refund applicant	Case No.
Nov. 18, 1985.	Leese/Idaho Transportation Department.	RF211-4
Do	Charter/Dearybury et al	RF23-11 thru RF23-16
Nov. 19, 1985.	LARCO/Homefeldt Oil Company, Inc..	RF112-183
Do	Hendel's/Stonington Chevron	RF79-23

REFUND APPLICATIONS RECEIVED—Continued

[Week of November 15 to November 22, 1985]

Date	Name of refund proceeding/ name of refund applicant	Case No.
Do	Saber/Framers Union Central Exchange Inc..	RF192-12
Do	Gulf/Crownsville Gulf	RF40-3075
Nov. 20, 1985.	Gulf/Grogan Oil Company, Inc.	RF40-3076
Nov. 21, 1985.	Gulf/Joh's Gulf Service	RF40-3077
Do	Champlain/Dave's Citgo	RF187-14

REFUND APPLICATIONS RECEIVED—Continued

[Week of November 15 to November 22, 1985]

Date	Name of refund proceeding/ name of refund applicant	Case No.
Do	Leese/F.K. Williams & Company	RF211-5
Do	Champlain/Hank's Citgo	RF187-13
Nov. 22, 1985.	Quaker State/Collins & Leary, Inc..	RF213-2
Do	Quaker State/Petrolec, Inc.	RF212-3
Nov. 21, 1985.	Cibro/Kavanagh Oil Co.	RF184-4

REFUND APPLICATIONS RECEIVED—Continued

[Week of November 15 to November 22, 1985]

Date	Name of refund proceeding/ name of refund applicant	Case No.
Nov. 22, 1985.	True/Atlantic Richfield Company ...	RF195-7

[FR Doc. 86-1329 Filed 1-21-86; 8:45 am]
BILLING CODE 6450-01-M

Objection to Proposed Remedial Orders Filed Period of December 9 through December 27, 1985

During the period of December 9 through December 27, 1985, the notices of objection to proposed remedial orders listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning the proposed remedial orders described in the Appendix to this Notice must file a request to participate pursuant to 10 CFR 205.194 within 20 days after publication of this Notice. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests to participate in these proceedings should be filed with the Office of Hearings and Appeals, Department of Energy, Washington, DC 20585.

January 13, 1986.

George B. Breznay,

Director, Office of Hearings and Appeals.

Concord Petroleum Corp., Houston, Texas; KRO-0180, crude oil

On December 23, 1985, Concord Petroleum Corp., and Paul C. Elliott, 10810 Oak Creek, Houston, Texas 77024, filed a Notice of Objection to a Proposed Remedial Order which the DOE Houston Office of the Economic Regulatory Administration (ERA) issued to the firm on December 6, 1985. In the PRO, the ERA found that during the period June 1978 to December 1980, Concord and Elliott charged prices for crude oil in excess of Concord's actual purchase price in violation of 10 CFR 212.186, 210.62(c) and 205.202. According to the PRO, the violation resulted in $4,697,073.46 of overcharges.

Franks Petroleum, Inc., Shreveport, Louisiana; KRO-0210, crude oil

On December 24, 1985, Franks Petroleum, Inc., P.O. Box 7665, Shreveport, LA 71137-7665, filed a Notice of Objection to a Proposed Remedial Order which the DOE Houston Office of the Economic Regulatory Administration (ERA) issued to the firm on December 6, 1985. In the PRO, the ERA found that during the period June 1, 1979, to December 31, 1980, Franks sold crude oil at prices in excess of those permitted pursuant to 10 CFR Part 212, Subpart D. According to the PRO, the violation resulted in $234,436.20 of overcharges.

Phoenix Petroleum Co., Houston, Texas; KRO-0190, crude oil

On December 23, 1985, Phoenix Petroleum Co., 3315 Marquart, Houston, Texas 77027, filed a Notice of Objection to a Proposed Remedial Order which the DOE Office of Enforcement Programs issued to the firm on September 17, 1985. The PRO alleges that during the period September 1979 to January 1981, Phoenix resold crude oil at prices in excess of those permitted by 10 CFR Part 212, Subpart L. According to the PRO, the violation resulted in $54,448,864.03 of overcharges.

Southwestern Gulf Petroleum Co., Houston, Texas; KRO-0200, crude oil

On December 23, 1985, Southwestern Gulf Petroleum Co., formerly doing business at 13101 Northwest Freeway, Houston, Texas 77040, filed a Notice of Objection to a Proposed Remedial Order which the DOE Office of Enforcement Programs issued to the firm on November 21, 1985. The PRO alleges that during the period April 1980 to December 1980, Southwestern resold crude oil at prices in excess of those permitted by 10 CFR Part 212, Subpart L. According to the PRO, the violation resulted in $12,678,108.76 of overcharges.

[FR Doc. 86-1330 Filed 1-21-86; 8:45 am]
BILLING CODE 6450-01-M

Objection to Proposed Remedial Order Filed Week of December 30, 1985 Through January 3, 1986

During the week of December 30, 1985 through January 3, 1986, the notice of objection to proposed remedial order listed in the Appendix to this Notice was filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning the proposed remedial order described in the Appendix to this Notice must file a request to participate pursuant to 10 CFR 205.194 within 20 days after the publication of this Notice. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests to participate in this proceeding should be filed with the Office of Hearings and Appeals, Department of Energy, Washington, DC 20585.

George B. Breznay,

Director, Office of Hearings and Appeals.

January 13, 1986.

Shepherd Oil, Inc., Morristown, Arizona; KRO-0220, crude oil

On December 31, 1985, Shepherd Oil, Inc. and Shepherd Trading Corp., P.O. Box 100, Morristown, Arizona 85342, filed a Notice of Objection to a Proposed Remedial Order which the DOE Houston Office of Enforcement issued to the firm on November 26, 1985. In the PRO, the Houston Office found that during May 1980 to December 1980, Shepherd incorrectly reported volumes of exempt crude oil in its Refiners Monthly Report, in violation of 10 CFR 211.66 (b) and (h), and 205.202. According to the PRO, the violation resulted in $5,666,402 of overcharges, plus interest.

[FR Doc. 86-1331 Filed 1-21-86; 8:45 am]
BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 9639-000, et al.]

Hydroelectric Applications, Southern Star Hydro Limited et al.; Application Filed With the Commission

Take notice that the following hydroelectric applications have been filed with the Federal Energy Regulatory Commission and are available for public inspection:

1 a. Type of Application: Preliminary Permit.

b. Project No.: 9639-000.

c. Date Filed: November 22, 1985.

d. Applicant: Southern Star Hydro Limited.

e. Name of Project: Mono Star.

f. Location: On Deep Creek and Cottonwood Creek, near Bridgeport, within the Toiyabe National Forest, in Mono County, California (In Sections 14, 15, 16, and 23 of T7N, R23E, M.D.M.&B.)

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Dr. Roy C. McDonald, P.O. Box 11154, Beverly, Hills, CA 90213-4154, (213) 274-2211.

i. Comment Date: February 24, 1986.

j. Description of Project: The proposed run-of-the-river project would consist of: (1) Two 5-foot-high, 100-foot-long concrete diversion dams (one across Deep Creek and the other across Cottonwood Creek), both at elevation 7,060 feet msl; (2) an 18-inch-diameter, 4,300-foot-long, low-pressure conduit from Deep Creek; (3) a 26-inch-diameter, 2,600-foot-long, low-pressure conduit from Cottonwood Creek; (4) a 36-inch-

diameter, 6,500-foot-long steel penstock; (5) a powerhouse containing turbine-generator units with a combined rated capacity of 3,100 kW and operating under a head of 900 feet; and (6) a 12.5-kV, 7.0-mile-long transmission line interconnection the project to an existing Southern California Edison Company line. The project's estimated average annual generation of 9.0 GWh would be sold to Southern California Edison Company.

A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit to investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for development. Applicant estimates that the cost of the studies under permit would be $70,000.

k. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

2 a. Type of Application: Preliminary Permit.

b. Project No.: 9431–000.

c. Date Filed: September 4, 1985.

d. Applicant: Cornwell Hydroelectric Associates.

e. Name of Project: Structure 65-C Hydroelectric.

f. Location: On Kissimee Canal in Okeechobee and Highlands Counties, Florida.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Louis Rosenman, 1350 New York Avenue, #600, Washington, DC 20005.

i. Comment Date: February 28, 1986.

j. Description of Project: The proposed would utilize the existing U.S. Army Corps of Engineers' drop Structure 65-C and would consist of: (1) A proposed steel penstock, 25 feet long and 6 feet in diameter; (2) a proposed powerhouse, 50 feet by 30 feet in plan dimensions, and housing a single generating unit with a rated capacity of 3,200 kW; (3) an existing concrete tailrace, approximately 47 feet long and 30 feet wide; (4) a proposed 25-foot-long 12.5-kV transmission line; and (5) appurtenant facilities. The Applicant estimates the average annual generation to be 8.0 GWh.

k. Purpose of Project: The project power would be sold to Florida Power and Light Company.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B C, and D2.

m. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $145,000.

3 a. Type of Application: Major License.

b. Project No.: 8846–000.

c. Date Filed: December 28, 1984.

d. Applicant: Department of Environmental Protection, City of New York.

e. Name of Project: Cannonsville.

f. Location: On the West Branch of the Delaware River in Delaware County, New York.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Joseph T. McGough, Jr., Commissioner, City of New York, Department of Environmental Protection, 2358 Municipal Building, New York, NY 10007.

i. Comment Date: Feb 28, 1986.

j. Description of Project: The proposed project would consist of: (1) The existing Cannonsville Dam, a zoned earthfill embankment with a 2,800-foot-long, 45-foot-wide crest rising 175 feet above the valley floor to elevation 1175.0 feet msl; (2) the existing reservoir with a total available capacity of approximately 300,000 acre-feet and a surface area at the spillway crest (elevation 1150.0 feet msl) of 4,800 acres; (3) an existing concrete intake structure; (4) an existing 17.5-foot-diameter, 1,280-foot-long, concrete diversion conduit; (5) a proposed powerstation which will contain 3 generating units with a total installed generating capacity of 6 MW; (6) the existing outlet channel which will be excavated to create an approximately 180-foot-long, tailrace; (7) a proposed 750-foot-long, 46-kV transmission line; and (8) appurtenant facilities.

The existing dam and facilities are owned by the Applicant, who estimates the average annual energy generation to be 22.15 GWh.

k. This notice also consists of the following standard paragraphs: A3, A9, B and C.

4 a. Type of Application: Preliminary Permit.

b. Project No.: 9494–000.

c. Date Filed: October 1, 1985.

d. Applicant: Wickersham Associates.

e. Name of Project: Howard Creek.

f. Location: On Howard Creek, tributary to the Nooksack River, in Skagit County, Washington.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Jordan Walker, 484 East 300 North, Manti, UT 84642.

i. Comment Date: Feb 24, 1986.

j. Description of Project: The proposed project would consist of: (1) A 10-foot-high, 35-foot-long diversion dam at elevation 2,180 feet; (2) a 44-inch-diameter, 7,800-foot-long pipeline; (3) a surge tank; (4) a 32-inch-diameter, 3,900-foot-long penstock; (5) a powerhouse containing a generating unit rated at 4,700-kW at a flow of 66 cfs and at a net head of 960 feet; and (6) a 53,856-foot-long, 115-kV transmission line connecting to an existing Puget Sound Power & Light Company transmission line near Lyman, Washington.

A preliminary permit, if issued, does not authorize construction. Applicant seeks a 36-month preliminary permit to conduct engineering, economic and environmental studies to ascertain project feasibility and to support an application for a license to construct and operate the project. Applicant has stated that no new roads are necessary and that drilling is not anticipated as part of the studies. The estimated cost of permit activities is $25,000.

k. Purpose of Project: The Applicant intends to sell the power produced at the site to local municipalities or to the local power company. Applicant estimates that the average annual energy production would be 16,245,000-kWh.

1. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

5 a. Type of Application: Preliminary Permit.

b. Project No.: 9603–000.

c. Date Filed: October 31, 1985.

d. Applicant: Rocky Mountain Hydro, Inc.

e. Name of Project: Houston.

f. Location: On the Colorado River, near Rifle, in Garfield County, Colorado

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Michael L. Raisch, Rocky Mountain Hydro, Inc., 4065 South Roslyn Street, Denver, CO 80237, (303) 770–9191.

i. Comment Date: Feb 28, 1986.

j. Description of Project: The proposed run-of-the-river project would consist of: (1) A 50-foot-high, 700-foot-long concrete gravity and earth dam located across the Colorado River at elevation 5,175 feet msl; (2) a reservoir with a surface area of 300 acres and a storage capacity of 6,000 acre-feet at a normal maximum

water surface elevation of 5,225 feet msl; (3) a concrete powerhouse located at the dam site, containing two Kaplan turbine-generator units with a total installed capacity of 8,000 kW, and producing an estimated average annual generation of 50 GWh; (4) a switchyard; and (5) a 0.6-mile-long, 69-kV transmission line interconnecting the project to an existing Public Service Company of Colorado (PSCC) line. Project power would be sold to PSCC. The project would be located in Sections 22, 23, 27 and 34, T6S, R93W, Sections 21, 28 and 33, T6S, R94W, and on U.S. Bureau of Land Management lands.

A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit to investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide on whether to proceed with an application for development. Applicant estimates the cost of the studies under the permit at $150,000.

k. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

6 a. Type of Application: Preliminary Permit.

b. Project No.: 9386–000.

c. Date Filed: August 5, 1985.

d. Applicant: ESES, Incorporated.

e. Name of Project: Willow Creek.

f. Location: On Willow Creek, near the town of Willow Creek, within the Six Rivers National Forest, in Humboldt County, California (In section 30 of T6N, R5E, HB&M).

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Edward Schillinger, President, ESES, Inc., 6460 Fickle Hill Road, Arcata, CA 95521.

i. Comment Date: February 28, 1986.

J. Description of Project: The proposed project would consist of: (1) A 4-foot-high, 40-foot-long diversion dam located across Willow Creek at elevation 780 feet msl; (2) a 5-foot-diameter, 1,000-foot-long diversion conduit; (3) a 5-foot-diameter, 300-foot-long penstock; (4) a powerhouse with a total installed capacity of 1,000 kW operating under a head of 100 feet; and (5) a 500-foot-long, 12.5-kV transmission line to interconnect the project to an existing Pacific Gas and Electric Company (PG&E) line. The project's estimated average annual generation of 8.4 million kWh will be sold to PG&E.

A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a 36-month preliminary permit to conduct technical, environmental and economic studies, and to prepare an FERC development application at an estimated cost of $15,000.

k. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

7 a. Type of Application: Preliminary Permit.

b. Project No.: 9196–000.

c. Date Filed: May 20, 1985.

d. Applicant: Ruby Limited Partnership.

e. Name of Project: Ruby.

f. Location: In Okanogan National Forest, on Canyon, Granite and Panther Creeks, all tributary to Ruby Creek, tributary to skagit River, in Whatcom and Skagit Counties, Washington.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Raymond T. Michener, Michener Associates, Inc., P.O. Box 2176, Tri-Cities, WA 99302.

i. Comment Date: February 24, 1986.

J. Description of Project: The proposed project would consist of: (1) A diversion at elevation 2,830 feet on Canyon Creek; (2) a 17,200-foot-long, 7-foot-diameter tunnel to; (3) a powerhouse on Canyon Creek at elevation 2334 feet, containing generating units with a capacity of 7763 kW and an average annual generation of 47 GWh; (4) a diversion at elevation 3,325 feet on Granite Creek; (5) a 23,400-foot-long, 7-foot-diameter tunnel to; (5) a powerhouse on Granite Creek at elevation 2329 containing generating units with a capacity of 13,989 kW and an average annual generation of 85 GWh; (6) a second diversion on Canyon Creek at elevation 2,334; (7) a 26,850-foot-long, 9-foot-diameter tunnel to a powerhouse on Ruby Creek; (8) a second diversion on Granite Creek at elevation 2,329; (9) a 22,080-foot-long, 9-foot-diameter tunnel to the powerhouse on Ruby Creek; (10) a diversion at elevation 2,320 feet on Panther Creek, (11) an 11,800-foot-long, 7-foot-diameter tunnel to the powerhouse on Ruby Creek; (12) the powerhouse on Ruby Creek containing generating units with a capacity of 32,700 kW and an average annual generation of 181 GWh; and (13) a 5.5-mile-long transmission line. The transmission lines from the powerhouses on Canyon and Granite Creeks will be carried in the tunnels routed to the powerhouse on Ruby Creek

A preliminary permit, does not authorize construction. Applicant seeks issuance of a preliminary permit for a term of 36 months during which it would conduct engineering and environmental feasiblity studies and prepare an FERC license application at a cost of $150,000. No new roads would be constructed or drilling conducted during the feasibility study.

k. Purpose of Project: Project power would be sold.

1. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

8 a. Type of Application: License (Over 5MW).

b. Project No.: 7149–001.

c. Date Filed: June 27, 1985, and amended October 9, 1985.

d. Applicant: Brazos River Authority.

e. Name of Project: Lake Granbury Hydroelectric Project.

f. Location: Brazos River and Lake Granbury, Hood and Parker Counties, Texas.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Carson Hoge, General Manager, Brazos River Authority, 4400 Cobbs Drive, P.O. Box 7555, Waco, TX 76714.

i. Comment Date: March 3, 1986.

j. Description of Project: The proposed project would consist of: (1) The existing de Cordova Bend Dam approximately 2200 feet long and 84 feet high; (2) the existing 8,354 acre-feet at an elevation of 693 feet msl; (3) a new reinforced concrete intake structure; (4) a new water conductor power tunnel 800 feet long and 16.5 feet-in-diameter; (5) a new surge shaft 40 feet-in-diameter; (6) a new powerhouse 60 feet by 120 feet containing one turbine/generator with an installed capacity of 20,000 kW; (7) a new tailrace channel 50 feet wide and 120 feet long; (8) a new switchyard containing a 24–MVA, 3-phase, 13.8/138-kV transformer and 138-kV switchgear; (9) a new 800-foot-long 138-kV transmission line; and (10) appurtenant facilities. The Applicant estimates the average annual energy production to be 35,140 MWh. The Applicant is the Permittee for Project No. 7149.

k. Purpose of Project: The Applicant intends to sell the power generated at the proposed facility to local electric utility companies.

l. This notice also consists of the following standard paragraphs: A3, A9, B and C.

9 a. Type of Application: Preliminary Permit.

b. Project No.: 9380–000.

c. Date Filed: August 1, 1985.

d. Applicant: Bonners Ferry Hydro Associates.

e. Name of Project: Boundary Creek.

f. Location: On Boundary Creek in Boundary County, Idaho near the town of Bonners Ferry, within the Kaniksu-National Forest.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Louis Rosenman, 1350 New York Avenue, #600, Washington, DC 20005.

i. Comment Date: March 3, 1986.

j. Description of Project: The proposed project would consist of: (1) A 10-foot-high, 50-foot-long gravity diversion dam creating; (2) a 10-acre reservoir with a storage capacity of 40 acre-feet at an elevation of 3,000 feet m.s.l.; (3) a 9-foot-diameter, 25,000-foot-long pipeline; (4) a surge tank; (5) a 6-foot-diameter, 8,300-foot-long penstock; (6) a powerhouse containing a single generating unit with a rated capacity of 25,660 kW operating under a head of 1,500 feet and producing an estimated average annual energy output of 73.7 GWh; (7) a 10-foot-wide, 200-foot-long tailrace; and (8) a 200-foot-long, 44.5-kV transmission line tying into an existing Pacific Power and Light Company line.

A preliminary permit, if issued does not authorize construction. The Applicant seeks a permit to study the feasibility of constructing and operating the project. No new access road will be needed for the purpose of conducting these studies. The estimated cost for conducting these studies is $145,000.

k. Purpose of Project: Project power would be sold to Pacific Power and Light Company.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, D2.

10 a. Type of Application: Preliminary Permit.

b. Project No.: 9604–000.

c. Date Filed: November 1, 1985.

d. Applicant: City of Vidalia, Louisiana.

e. Name of Project: Red River Lock & Dam No. 4.

f. Location: On the Red River in Red River Parish, Louisiana.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Sidney A. Murray, Jr., P.O. Box 2010, Vidalia, Louisiana and Mr. Ralph L. Laukhuff, Jr., P.O. Box 64844, Baton Rouge, LA 70896.

i. Comment Date: February 24, 1986.

j. Description of Project: The Applicant would utilize the proposed Lock and Dam No. 4 that would be administered by the U.S. Army Corps of Engineers. The proposed project would consist of: (1) A proposed powerhouse containing generating units with a total installed capacity of 30 MW; (2) a proposed 13.8-mile-long, 138-kV transmission line; and (3) appurtenant facilities. The estimated average annual generation is 154 GWh.

k. Proposed Scope of Studies Under Permit: A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates that the cost of the studies under permit would be $25,000.

l. Purpose of Project: Energy produced at the project would be used to meet the city of Vadalia's electrical load needs, with any excess sold to other utility companies.

m. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, & D2.

11 a. Type of Application: Minor License.

b. Project No.: 8289–001.

c. Date Filed: September 28, 1985, and amended on April 29, 1985.

d. Applicant: Rivers Electric Company, Inc.

e. Name of Project: Tuxedo Falls.

f. Location: On the Rampo River, in the Town of Tuxedo, Orange County, New York.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Charles R. Pepe, President, Rivers Electric Company, Inc., 120 North Pascack Road, Spring Valley, New York 10977.

i. Comment Date: February 28, 1986.

j. Description of Project: The proposed project would consist of: (1) An existing 2-foot-high, 200-foot-long concrete dam; (2) 31-inch-high flashboards; (3) an impoundment having a surface area of 4.35 acres with negligible storage and a normal water surface elevation of 430.83 feet msl; (4) an existing intake structure; (5) a new 100-foot-long, 5-foot-diameter steel penstock; (6) an existing powerhouse containing two generating units having a total installed capacity of 225-kW; (7) the existing tailrace; (8) a new 200-foot-long, 4.8-kV underground transmission line; and (9) appurtenant facilities. The Applicant estimates the average annual generation would be 830,000 kWh. The existing dam and project facilities are owned by the Town of Tuxedo.

k. Purpose of Project: All project energy generated would be sold to the Orange & Rockland Utilities, Inc./ Rockland Electric Company.

l. This notice also consists of the following standard paragraphs: A3, A9, B, C, and D1.

12 a. Type of Application: Minor License.

b. Project No.: 7656–001.

c. Date Filed: October 4, 1985.

d. Applicant: John A. Dodson.

e. Name of Project: Buttermilk Falls.

f. Location: On the Buttermilk Falls Brook in Orange County, New York.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Major John A. Dodson, P.O. Box 221, Highland Falls, New York 10928.

i. Comment Date: February 28, 1986.

j. Description of Project: The proposed project will consist of: (1) A proposed 18-inch-high, 15-foot-long dam; (2) an 18-inch-diameter, 400-foot-long PVC penstock; (3) a proposed powerhouse to contain one 55-kW and one 20-kW generating units for a total installed generating capacity of 75-kW; (4) a proposed, 300-foot-long transmission line; and (5) appurtenant facilities. The Applicant estimates the average annual energy generation to be 262,800 kWh.

k. Purpose of Project: The Applicant intends to use the power for local domestic purposes and sell the excess to Orange and Rockland Utilities, Inc.

l. This notice also consists of the following standard paragraphs: A3, A9, B, C, and D1.

13 a. Type of Application: Preliminary Permit.

b. Project No.: 9496–000.

c. Date Filed: October 1, 1985.

d. Applicant: Caldwell Associates.

e. Name of Project: Lower Deer.

f. Location: At the U.S. Bureau of Reclamation's Lake Lowell Deer Flat Lower Dam on the Deer Flat Low Line Canal near Caldwell, Canyon County, Idaho.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Jordan R. Walker, 484 East 300 North, Manti, UT 84642.

i. Comment Date: February 24, 1986

j. Description of Project: The proposed project would utilize the existing Bureau of Reclamation's Deer Flat Lower Dam and would consist of: (1) A 250-foot-long, 9-foot-diameter concrete penstock; (2) a powerhouse containing a generating unit rated at 1,250-kW at a flow of 700 cfs and at a gross head of 26 feet; (3) a switchyard; and (4) a 3,200-foot-long, 12.47-kV underground transmission line connecting to an existing Idaho Power Company Transmission line.

A preliminary permit, if issued, does not authorize construction. Applicant seeks a 36-month preliminary permit to conduct engineering, economic and environmental studies to ascertain project feasibility and to support an application for a license to construct and operate the project. Applicant has stated that no new roads are necessary.

The estimated cost of permit activities is $35,000.

k. Purpose of Project: The Applicant intends to sell the power produced at the site to local municipalities or to the local power company. Applicant estimates that the average annual energy production would be 4,200,000-kWh.

l. This notice also consists of the following standard paragraphs: A5, A7, A9 B, C, and D2.

14 a. Type of Application: Preliminary Permit.

b. Project No.: 9558–000.

c. Date Filed: October 24, 1985.

d. Applicant: Carry Falls Corporation.

e. Name of Project: West Carry Falls.

f. Location: On the Reguette River in St. Lawrence County, New York.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Paul J. Elston, 420 Lexington Avenue, Suite 440, New York, NY 10170.

i. Comment Date: February 28, 1986

j. Description of Project: The applicant proposes to develop the currently unutilized capacity of the Carry Falls Project licensed to the Niagara Mohawk Power Corporation (NMPC). NMPC's license for Project No. 2060 consists of: (1) The existing dam and reservoir; (2) five earth dikes and (3) appurtenant facilities.

The proposed West Carry Falls Project will consist of: (1) The existing intake with 2 15-foot-long, 15-foot-high intake passages; (2) a proposed powerhouse with a total installed generating capacity of 5.7 MW; (3) a proposed 60-foot-wide, 100-foot-long tailrace; (4) a proposed 500-foot-long access road; (5) a proposed switchyard (6) a proposed 11,000-foot-long, 115 kV transmission line; and (7) appurtenant facilities.

The Applicant estimates the average annual energy generation will be 17 GWh. The Applicant anticipates selling the power output to the Niagara Mohawk Power Corporation.

k. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

l. *Proposed Scope of Studies under Permit*—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit is 24 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies Applicant would decide whether to proceed with more detailed studies, and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $160,000.

15 a. Type of Application: Exemption Under 5 MW.

b. Project No.: 9411–000.

c. Date Filed: August 20, 1985.

d. Applicant: John Crouch Jr. and Sons.

e. Name of Project: Biscoe Falls.

f. Location: On the Little Androscoggin River in Oxford County, Maine.

g. Filed Pursuant to: Section 408 of the Energy Security Act of 1980, 16 U.S.C. 2705 and 2709.

h. Contact Person: Mr. John Crouch, Box 353, Naples, Maine 04055.

i. Comment Date: February 28, 1986.

j. Description of Project: The proposed project would consist of: (1) An existing 15-foot-high, 115-foot-long concrete gravity dam with an uncontrolled spillway crest elevation of 416 m.s.l. owned by the Applicant; (2) an existing reservoir of negligible size and storage capacity; (3) a proposed steel penstock 4 feet wide and 200 feet long; (4) a proposed powerhouse to contain one turbine/generator with an installed capacity of 50 kW; (5) a proposed tailrace; (6) a new 12-kV transmission line, 600 feet long; and (7) appurtenant facilities. The estimated average annual energy produced by the project would be 219,000 kWh per year operating under a net hydraulic head of 20 feet.

k. Purpose of Project: Project power will be sold to the Central Main Power Company.

l. This notice also consists of the following standard paragraphs: A3, A9, B, C, and D3a.

m. *Purpose of Exemption*—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

16 a. Type of Application: Preliminary Permit.

b. Project No.: 9490–000.

c. Date Filed: September 30, 1985.

d. Applicant: Las Cruces Associates.

e. Name of Project: Las Cruces Associates.

f. Location: On the Rio Grande River, near the town of Las Cruces, in Sierra County, New Mexico.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Jordan Walker, 484 East 300 North, Manti, UT 84642.

i. Comment Date: February 14, 1986.

j. Competing Application: Project No. 9345–000, Date Filed: July 15, 1985. Due Date: January 21, 1986.

k. Description of Project: The proposed project, to be located at the existing outlet of the Bureau of Reclamation's Caballo Dam, would consist of: (1) A 11.5-foot-diameter, 195-foot-long penstock; (2) a powerhouse, with a total installed capacity of 5,596 kW, operating under a head of 96 feet; and (3) a 12,000-foot-long, 115-kV transmission line interconnecting the project to an existing New Mexico Public Service (NMPS) line. The project's estimated average annual generation of 18.4 GWh will be sold to NMPS.

A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit to investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for development. Applicant estimates that the cost of the studies under permit would be $55,000.

l. This notice also consists of the following standard paragraph: A8, B, C, and D2.

17 a. Type of Application: Preliminary Permit.

b. Project No.: 9494–000.

c. Date Filed: October 1, 1985.

d. Applicant: Wickersham Associates.

e. Name of Project: Howard Creek.

f. Location: On Howard Creek, tributary to the Nooksack River, in Skagit County, Washington.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Jordan Walker, 484 East 300 North, Manti, UT 84642.

i. Comment Date: February 18, 1986.

j. Description of Project: The proposed project would consist of: (1) A 10-foot-high, 35-foot-long diversion dam at elevation 2,180 feet; (2) a 44-inch-diameter, 7,800-foot-long pipeline; (3) a surge tank; (4) a 32-inch-diameter, 3,900-foot-long penstock; (5) a powerhouse containing a generating unit rated at 4,700 kW at a flow of 66 cfs and at a net head of 960 feet; and (6) a 53,856-foot-long, 115-kV transmission line connecting to an existing Puget Sound Power & Light Company transmission line near Lyman, Washington.

A preliminary permit, if issued, does not authorize construction. Applicant seeks a 36-month preliminary permit to conduct engineering, economic and environmental studies to ascertain project feasibility and to support an application for a license to construct and operate the project. Applicant has stated that no new roads are necessary

and that drilling is not anticipated as part of the studies. The estimated cost of permit activities is $25,000.

k. Purpose of Project: The Applicant intends to sell the power produced at the site to local municipalities or to the local power company. Applicant estimates that the average annual energy production would be 16,245,000 kWh.

l. This notice also consists of the following standard paragraph: A5, A7, A9, B, C, and D2.

18 a. Type of Application: Minor License.

b. Project No.: 9085–000.

c. Date Filed: April 13, 1985.

d. Applicant: Mr. Richard Balagur.

e. Name of Project: Great Falls.

f. Location: On the Ompompanoosuc River in Orange County, Vermont.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Richard Balagur, Box 68, R.F.D., Thetford Center, VT 05075.

i. Comment Date: February 18, 1986.

j. Description of Project: The proposed project will utilize the existing U.S. Army Corps of Engineers' Covered Bridge Dam and consist of: (1) A proposed 4.5-foot-diameter, 400-foot-long penstock; (2) a proposed powerhouse which will contain an installed generating capacity of 350 kW; (3) a proposed 1,620-foot-long, 7.2-kV transmission line; and (4) appurtenant facilities. The Applicant estimates the average annual energy generation to be approximately 1.45 GWh. It is anticipated that the power will be sold to the Central Vermont Public Service Company.

k. This notice also consists of the following standard paragraphs: A3, A9, B, C, and D1.

19 a. Type of Application: Preliminary Permit.

b. Project No.: P–9570–000.

c. Date Filed: November 1, 1985.

d. Applicant: Story Associates.

e. Name of Project: Story Associates Hydropower Project.

f. Location: On South Piney Creek on land owned by the Bureau of Land Management near Story in Johnson and Sheridan Counties, Wyoming.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Jordan Walker, 484 East 300 North, Manti, UT 84642.

i. Comment Date: February 18, 1986.

j. Description of Project: The proposed project would consist of: (1) A 10-foot-high diversion dam at elevation 6,800 feet; (2) a 12,000-foot-long, 60-inch-diameter penstock; (3) a powerhouse containing three generating units with a total rated capacity of 9,600 kW; and (4) a 1.5-mile-long transmission line. Applicant estimates the average annual energy production to be 19,200 MWh.

A preliminary permit does not authorize construction. Applicant seeks issuance of a preliminary permit for a term of 36 months during which it would conduct engineering and environmental feasibility studies and prepare an FERC license application at a cost of $15,000. No new roads would be constructed or drilling conducted during the feasibility study.

k. Purpose of Project: The proposed power produced is to be sold to the local power company.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

20 a. Type of Application: Exemption (5MW or Less).

b. Project No.: 9421–000.

c. Date Filed: August 26, 1985.

d. Applicant: Dale R. Davis.

e. Name of Project: Gardner Brook Project.

f. Location: Gardner Brook in Oxford County, Maine.

g. Filed Pursuant to: Section 408 of the Energy Security Act of 1980, 16 U.S.C. 2705 and 2708 as amended.

h. Contact Person: Mr. Dale R. Davis, Star Route Box 270, Bethel, ME 04217.

i. Comment Date: February 18, 1986.

j. Description of Project: The proposed project would consist of: (1) An existing 14-foot-high, 100-foot-long concrete, earth, and log dam; (2) a reservoir with a surface area of 10 acres, a gross storage capacity of 40 acre-feet, and a normal water surface elevation of 1,020 feet m.s.l. with; (3) existing 20-inch-high wood flashboards; (4) a new concrete intake structure; (5) a new PVC penstock with a diameter of 1.0 foot and a length of 3,700 feet; (6) a new concrete and wood powerhouse containing one generating unit with a capacity of 60 kW; (7) a new underground transmission line, 4,000 feet long; and (8) appurtenant facilities. The Applicant estimates the average annual generation would be 216,000 kWh. The existing dam is owned by the International Paper Company, Augusta, Maine.

k. Purpose of Project: Project power would be sold to the Central Maine Power Company.

l. This notice also consists of the following standard paragraphs: A3, A9, B, C, and D3a.

m. Purpose of Exemption: An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

21 a. Type of Application: Preliminary Permit.

b. Project No.: P–9560–000.

c. Date Filed: October 25, 1985.

d. Applicant: Black River Power Company, Inc.

e. Name of Project: Alverno Dam.

f. Location: On the Black River near the City of Cheboygan, Cheboygan County, Michigan.

g. Filed Purusant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Richard L. Byer, President, P.O. Box 435, Cheboygan, MI 49721–0435.

i. Comment Date: February 25, 1986.

j. Description of Project: The proposed project would consist of: (1) The existing Alverno Dam approximately 330 feet long and 22.3 feet high; (2) an existing 13,250-acre reservoir having a storage capacity of 105,000 acre-feet at an elevation of 614.9 msl; (3) an existing 20-foot-wide Tainter gate spillway; (4) an abandoned fish ladder and log sluice; (5) an existing powerhouse containing two turbine/generators with a present capacity of 980 kW; (6) a proposed 100 kW turbine that will increase the total installed capacity to 1,080 kW; (7) an existing 12-kV transmission line approximately 100 feet long; and (8) appurtenant facilities. The Applicant estimates that the average annual energy would be 2.948 MWh.

k. Purpose of Project. Power from the project is presently and will continue to be sold to Consumers Power Company.

l. This notice also consists of the following standards paragraphs: A5, A7, A9, B, C & D2.

m. *Proposed Scope of Studies under Permits:* A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license.

22 a. Type of Application: Preliminary Permit.

b. Project No.: 9495–000.

c. Date Filed: October 1, 1985.

d. Applicant: Buckley Associates.

e. Name of Project: Prairie Creek.

f. Location: On South Prairie Creek, tributary to the Puyallup River, in Pierce County, Washington.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Jordan R. Walker, 484 East 300 North, Manti, UT 84642.

i. Comment Date: February 18, 1986.

j. Description of Project: The proposed project would consist of: (1) An existing 5-foot-high, 30-foot-long reinforced-concrete diversion structure having spillway crest elevation 1,421 feet; (2) a 54-inch-diameter, 9,600-foot-long penstock; (3) a powerhouse containing two generating units each rated at 2,113-kW at a flow of 130 cfs and at a net head of 420 feet; (4) a 75-foot-long tailrace; and (5) a 2-mile-long, 12.5-kV transmission line connecting to an existing Puget Sound Power & Light Company transmission line.

A preliminary permit, if issued, does not authorize construction. Applicant seeks a 36-month preliminary permit to conduct engineering, economic and environmental studies to ascertain project feasibility and to support an application for a license to construct and operate the project. Applicant has stated that no new roads are necessary. The estimated cost of permit activities is $15,000.

k. Purpose of Project: The Applicant intends to sell the power produced at the site to local municipalities or to the local power company. Applicant estimates that the average annual energy production would be 19,000,000 kWh.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C and D2.

23 a. Type of Application: Preliminary Permit.

b. Project No: 9357–000.

c. Date Filed: July 25, 1985.

d. Applicant: Cook Electric, Inc.

e. Name of Project: North Fork Clackamas.

f. Location: In Mount Hood National Forest, on the North Fork of the Clackamas River, In Clackamas County, Oregon.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Dale Hatch, Cook Electric, Inc., P.O. Box 1071, Twin Falls, Idaho 83303–1071.

i. Comment Date: February 18, 1986.

j. Description of Project: The proposed project would consist of: (1) A 72-inch-high inlet structure at elevation 1,400 feet; (2) a 15,000-foot-long, 54-inch-diameter penstock; (3) a powerhouse containing four generating units with a combined capacity of 9,975 kW and an average annual generation of 19,569,000 kWh; and (4) a 7,920-foot-long transmission line.

A preliminary permit does not authorize construction. Applicant seeks issuance of a preliminary permit for a term of 36 months during which it would conduct engineering and environmental feasibility studies and prepare an FERC license application at a cost of $45,250. No new roads would be constructed or drilling conducted during the feasibility study.

k. Purpose of Project: Project power would be sold to Portland General Electric.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C and D2.

24 a. Type of Application: Preliminary Permit.

b. Project No. 9391–000.

c. Date Filed: August 5, 1985.

d. Applicant: Pan Pacific Hydro, Incorporated.

e. Name of Project: East Fork of Stuarts' Fork.

f. Location: On East Fork of Stuarts' Fork, near the town of Trinity Center, in Trinity County, California (In Section 4 of T36N, R8W, MDB&M).

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. James B. Tompkins, Pan Pacific Hydro, Inc., 215 Main Street, P.O. Box 2142, Weaverville, CA 96093, (916) 623–2914.

i. Comment Date: February 18, 1986.

j. Description of Project: The proposed project would consist of: (1) A 10-foot-long, 4-foot-high diversion structure located across East Fork of Stuarts' Fork at elevation 2,700 feet msl; (2) a 36-inch-diameter, 4,500 foot-long penstock; (3) a powerhouse, with a total installed capacity of 700 kW, operating under a head of 400 feet; and (4) a 1,200-foot-long, 12–kV transmission line interconnecting the project to long, 12-kV transmission line interconnecting the project to an existing Pacific Gas and Electric Company (PG&E) line. The project's estimated average annual generation of 3.8 million kWh will be sold to PG&E.

A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit to conduct technical, environmental and economic studies, and to prepare an FERC development application at an estimated cost of $45,000.

k. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

25 a. Type of Application: Preliminary Permit.

b. Project No. 9635–000.

c. Date Filed: November 21, 1985.

d. Applicant: Clarance A. and Lottie E. Hawkins and Hawkins Hydro Company.

e. Name of Project: Hawkins.

f. Location: On Dirty George Creek, near Cedaredge, in Delta County, Colorado.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Clarance A. Hawkins, Route 1, Box 373, Eckert, CO 81418, (303) 856–3845

Mr. Gerald E. Bergmann, High Country Hydro, Inc., 0401 Country Road 149B, Glenwood Springs, CO 81601 (303) 945–8676.

i. Comment Date: February 25, 1986.

j. Description of Project: The proposed run-of-the-river project would consist of: (1) A 3-foot-high, 15-foot-long concrete diversion structure across Dirty George Creek at elevation 7,180 feet msl; (2) a 16-inch-diameter, 9,200-foot-long steel pipeline/penstock; (3) a 20-foot-long, 20-foot-wide, 12-foot-high powerhouse containing a single Pelton turbine-generator unit with an installed capacity of 550 kW and producing an estimated average annual generation of 4.5 GWh; (4) a 14-inch-diameter, 1,300-foot-long steel pipe tailrace returning flows to Camp Creek at elevation 6,200 feet msl; and (5) a 12.4-kV, 600-foot-long transmission line interconnecting the project to an existing Delta-Montrose Electric Association line. Project power would be sold to Colorado-Ute Electric Association. The project would be located in Section 9, 15 and 16, Township 13 South, Range 95 West. No Federal lands are affected.

A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit to investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide on whether to proceed with an application for development. Applicant estimates the cost of the studies under the permit at $10,000.

k. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

26 a. Type of Application: Preliminary Permit.

b. Project No. 9436–000.

c. Date Filed: September 6, 1985.

d. Applicant: George H. and Eleanor Hage.

e. Name of Project: Al Smith Power Project.

f. Location: On Al Smith Creek, near the town of French Gulch, in Shasta County, California (In Section 35 of T34N, R7W, MDB&M).

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Frank S. Borden, Shasta Land Management Consultants, 1005 Yuba Street, Redding, CA 96001.

i. Comment Date: February 18, 1986.

j. Description of Project: The proposed project would consist of: (1) A 4-foot-high, 25-foot-long diversion structure at elevation 2,500 feet; (2) a 3,500-foot-long, 12-inch-diameter diversion conduit; (3) a 2,450-foot-long, 12-inch-diameter penstock; (4) a powerhouse with a total installed capacity of 200 kW operating under a head of 950 feet; and (5) a 200-foot-long, 12-kV transmission line to connect an existing Pacific Gas and Electric Company (PG&E) transmission line. The project's estimated average annual generation of 0.95 GWh will be sold to PG&E.

k. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

27 a. Type of Application: Preliminary Permit.

b. Project No.: 9417–000.

c. Date Filed: August 23, 1985.

d. Applicant: Cottonwood Creek No. 2 Associates.

e. Name of Project: Cottonwood Creek No. 2 Hydroelectric Project.

f. Location: On Cottonwood Creek, near Lone Pine City, within the Inyo National Forest, in Inyo County, California (In Sections 17, 18, 20, 21, 26 & 27 of T17S, R36E, MDB&M.).

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Jordan R. Walker, 484 East 300 North Manti, UT 84642.

i. Comment Date: February 18, 1986.

j. Description of Project: The proposed project would consist of: (1) a 5-foot-high, 20-foot-long, 36-inch-diameter penstock; (3) a powerhouse with a total installed capacity of 3,000 kW operating under a head of 1,120 feet; and (4) a 5,000-foot-long, 55-kV transmission line to connect to an existing Southern California Edison Company (SCE) transmission line. The project's estimated average annual generation of 8.97 GWh will be sold to SCE.

k. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

28 a. Type of Application: New License.

b. Project No.: 2727–003.

c. Date Filed: December 19, 1984.

d. Applicant: Bangor Hydro-Electric Company.

e. Name of Project: Ellsworth Project.

f. Location: On the Union River in the City of Ellsworth, Hancock County, Maine.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Robert S. Briggs, Vice President & General Counsel, Bangor Hydro-Electric Company, 33 State Street, Bangor, Maine 04401.

i. Comment Date: February 18, 1986.

j. Description of Project: The licensed project consists of: (1) Graham Dam, an earthfill dam with concrete core walls, about 740 feet long and 30 feet high and having a gated concrete spillway; (2) Graham Lake, a reservoir extending approximately 15 miles above Graham Dam and having a surface area of 12,200 acres at normal water surface elevation 104.2 feet U.S.G.S. datum; (3) Ellsworth Dam, a concrete buttress dam located about 4 miles downstream of Graham Dam, approximately 377 feet long and 60 feet high with 26-inch high flashboards on the spillway; (4) Lake Leonard, a forebay reservoir extending approximately 1 mile above Ellsworth Dam and having a surface area of 125 acres at normal water surface elevation 66.67 feet U.S.G.S. datum; (5) a reinforced concrete and concrete block masonry powerhouse containing one 2,500-kW generating unit, two 2,000 kW generating units, and one 2,400 kW generating unit; (6) three 3,333-kVA, single phase 2.3-kV to 34.5-kV transformers; and (7) appurtenant facilities. The Licensee estimates the average annual generation is 31,055,000 kWh. The Licensee plans no modifications to the operation or construction of the existing project facilities. The existing project would also be subject to Federal takeover under Sections 14 and 15 of the Federal Power Act. Based on the license expiration of December 31, 1987, the Applicant's estimated net investment in the project would amount to $1,287,833, and the estimated severance damages would amount to $100,000.

k. Purpose of Project: All project energy would be utilized by the Applicant for sale to its customers.

l. This notice also consists of the following standard paragraphs: A3, A9, B, C.

29 a. Type of Application: Preliminary Permit.

b. Project No.: 9607–000.

c. Date Filed: November 4, 1985.

d. Applicant: JDJ Energy Company.

e. Name of Project: DeGray Reservoir Reregulation Dam.

f. Location: On the Caddo River in Clark County, Arkansas.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–829(r).

h. Contact Person: Mr. Doyle W. Jones, P.O. Box 1225, Jones Mill, Arkansas 72105.

i. Comment Date: February 18, 1986.

j. Description of Project: The Applicant would utilize an existing dam and lands administered by the U.S. Army Corps of Engineers. The proposed project would consist of: (1) A proposed powerhouse containing two generating units with a total installed capacity of 5MW; (2) a proposed tailrace; (3) a proposed 115–kV transmission line; and (4) appurtenant facilites. The estimated average annual energy output is 8,700,000 kWh. Energy produced at the project would be sold to the Arkansas Power and Light Company.

k. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit is 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies the Applicant would decide whether to proceed with more detailed studies, and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $20,000.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

30 a. Type of Application: Preliminary Permit.

b. Project No.: 9577–000.

c. Date Filed: November 1, 1985.

d. Applicant: Blackstone Associates.

e. Name of Project: Saranac.

f. Location: On the Blackstone River in Worcester County, Massachusetts and Providence Counties, Rhode Island.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Jordan Walker, 484 East 300 North, Manti UT 84642.

i. Comment Date: February 25, 1986.

j. Description of Project: The proposed project would consist of: (1) An existing 17-foot-high and 120-foot-long masonry dam; (2) a reservoir with negligible storage capacity; (3) existing head gates at the southern side of the dam; (4) an existing 2,000-foot-long canal; (5) a small pool; (6) a new powerhouse with a total installed capacity of 900 kW; (7) an existing tailrace; (8) a new transmission line 800 feet long; and (9) other appurtenances. All existing facilities are owned by the C&C Chemical Company. Applicant estimates an average annual generation of 3,835,600 kWh.

k. Purpose of Project: Project energy would be sold to the local utility.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

m. Proposed Scope of Studies under Permit: A preliminary permit if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 3 years during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of the studies under the permit would be $25,000.

31 a. Type of Application: Preliminary Permit.

b. Project No.: P–9609–000.

c. Date Filed: November 4, 1985.

d. Applicant: McCallum Hydro Enterprises.

e. Name of Project: Pemberwick Dam.

f. Location: On the Byram River in Fairfield County, Connecticut.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Donald Szarmach, 805 Housationic Avenue, Bridgeport, CT 06604.

i. Comment Date: February 25, 1986.

j. Description of Project: The proposed project would consist of: (1) An existing 115-foot-long and 45-foot-high stone masonry dam with a proposed spillway crest elevation of 77.11 feet msl; (2) a proposed 5.6-acre surface area reservoir with a storage capacity of 55 acre-feet and a maximum surface elevation of 77.11 feet msl; (3) a proposed 36-inch-diameter penstock extending approximately 300 feet; (4) a proposed powerhouse to contain one turbine/generator unit with an installed capacity of 100 kW which discharges flows back into the river; (5) new transmission lines; and (6) appurtenant facilities. The estimated average annual energy produced by the project would be 466,065 kilowatt-hours under a hydraulic head of 32 feet. The dam is owned by the Fairfield Associates, Inc.

k. Purpose of Project: Project power will be sold to the Connecticut Light and Power Company.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2

m. *Proposed Scope of Studies under Permit:* A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit is 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies Applicant would decide whether to proceed with more detailed studies, and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $6,600.

32 a. Type of Application: Preliminary Permit.

b. Project No.: P–9418–000.

c. Date Filed: August 26, 1985.

d. Applicant: Innovative Technologies.

e. Name of Project: Moordenerkill

f. Location: On the Moordenerkill River in Rensselaer County, New York.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. David Clarke, 58 Philip Street, Albany, NY 12202.

i. Comment Date: February 18, 1986.

j. Description of Project: The proposed project would consist of: (1) an existing 8-foot-high and 40-foot-long concrete dam with a crest elevation of 140 msl; (2) an existing reservoir with a negligible storage capacity at elevation 140 msl; (3) a proposed siphoning penstock approximately 400 feet long containing a tubular bulb type turbine and induction generator with an installed capcity of 63 kW which discharges flows back into the river; (4) a proposed transmission line approximately 300 feet long; and (5) appurtenant facilities. The estimated average annual energy produced by the project would be 260,000 kWh operating under a new hydraulic head of 29 feet. The owner of the dam is Fort Orange Paper Company.

k. Purpose of Project: Project power will be sold to the Niagara Mohawk Power Corporation.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2

m. *Proposed Scope of Studies under Permit:* A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit is 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies Applicant would decide whether to proceed with more detailed studies, and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $1,500.

33 a. Type of Application: Preliminary Permit.

b. Project No.: 9555–000.

c. Date Filed: October 24, 1985.

d. Applicant: Higley Corporation.

e. Name of Project: West Higley.

f. Location: On the Raquette River in St. Lawrence County, NY

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Paul J. Elston, 420 Lexington Avenue, New York, NY 10170.

i. Comment Date: February 18, 1986.

j. Description of Project: The Applicant proposes to develop the currently unutilized capacity of the Higley Development of the Raquette River Project, licensed as part of Project No. 2320 to the Niagara Mohawk Power Corporation (NMPC). NMPC's license for the Higley Development consists of: (1) The existing dam and reservoir; (2) an open concrete flume; (3) a reinforced concrete powerhouse containing an installed generation capacity of 4,480 kW; and (4) appurtenant facilities. NMPC's generating facilities are currently in operation on the west bank of the river.

The proposed West Higley project would consist of: (1) a proposed 30-foot-wide, 180-foot-long, approach channel; (2) a proposed gated, 30-foot-wide, 35-foot-long, concrete intake, to be located about 250 feet west of the existing bulkhead structure; (3) a proposed 20-foot-diameter, 370-foot-long, power tunnel; (4) a proposed powerhouse to contain an installed generating capacity of 9.9 MW; (5) a proposed 80-foot-wide, 110-foot-long tailrace; (6) a switchyard; (7) a proposed 375-foot-wide-long, 115-kV transmission line; (8) a proposed easement to use 900 feet of existing access road; and (9) appurtenant facilities.

The Applicant estimates that the average annual energy generation will be 12 GWh. The Applicant anticipates selling the power output to the Niagara Mohawk Power Corporation.

k. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

l. Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of twenty four months during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $160,000.

34 a. Type of Application: Preliminary Permit.

b. Project No.: 9554–000.

c. Date Filed: October 24, 1985.

d. Applicant: Colton Hydro Corporation.

e. Name of Project: East Colton.

f. Location: On the Raquette River in St. Lawrence County, New York.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Paul Elston, 420 Lexington Avenue, Suite 440, New York, NY 10170.

i. Comment Date: Februry 18, 1986.

j. Description of Project: The Applicant proposes to develop the currently unutilized capacity at the Colton Development of the Raquette River Project, licensed as part of Project No. 2320 to the Niagara Mohawk Power Corporation (NMPC). NMPC's license for the Colton Development consists of: (1) The existing dam and reservoir; (2) a steel pipeline; (3) a surge tank; (4) steel penstocks; (5) a powerhouse with a total capacity of 29,520 kW; and (6) appurtenant facilities. Niagara Mohawk's generating facilities are currently in operation on the west bank of the river.

The proposed East Colton project would consist of: (1) A proposed 100-foot-long, approximately 40-foot-wide, approach channel on the east bank of the river; (2) a proposed intake, approximately 30-foot-wide and 35-foot-long; (3) a proposed power tunnel with a 20-foot-diameter and a maximum length of 4,000 feet; (4) a surge tank; (5) a proposed powerhouse with a total installed capacity of 50.6 MW; (6) a proposed 200-foot-long, 75-foot-wide tailrace; (7) a switchyard; (8) a proposed 1,800-foot-long, access road; (9) a proposed 3,200 foot-long, 115-kV transmission line; and (10) appurtenant facilities.

The Applicant estimates the average annual energy generation to be 67 GWh and intends to sell the power output to the Niagara Mohawk Power Corporation.

k. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

Proposed Scope of Studies under Permit: A preliminary permit if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 24 months during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $160,000.

35 a. Type of Application: Preliminary Permit.

b. Project No.: 9567–000.

c. Date Filed: October 30, 1985.

d. Applicant: Hannawa Corporation.

e. Name of Project: Pierrepont.

f. Location: On the Raquette River in St. Lawrence County, New York.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Paul Elston, 420 Lexington Avenue, Suite 440, New York, NY 10170.

i. Comment Date: February 18, 1986.

j. Description of Project: The Applicant proposes to develop the currently unutilized capacity at the Hannawa Development of the Raquette River Project, licensed as Project No. 2320 to the Niagara Mohawk Power Corporation (NMPC). NMPC's license for the Hannawa Development consists of: (1) The existing dam and reservoir; (2) an open canal; (3) steel penstocks; (4) a powerhouse with an installed generating capacity of 7.2 MW; (5) an outdoor 4.8/23 KV transformer; and (6) appurtenant facilities. NMPC's generation facilities are currently in operation on the east bank of the river.

The proposed Pierrepont Project would consist of: (1) A proposed 40-foot-wide, 200-foot-long, approach channel; (2) an intake structure to be located on the west bank of the river; (3) a proposed powerhouse to contain an installed generating capacity of 3.6 MW; (4) a proposed switchyard; (5) a proposed 2,600-foot-long, 23-kv transmission line and (6) appurtenant facilities.

The Applicant estimates the average annual energy generation will be 7 GWh. The Applicant anticipates selling the power output to the Niagara Mohawk Power Corporation.

k. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

l. Proposed Scope of Studies under Permit: A preliminary permit if issued, does not authorized construction. The term of the proposed prelimianry permit is 24 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies Applicant would decide whether to proceed with more detailed studies, and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $160,000.

Standard Paragraphs

A3. Development Application—Any qualified development applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, a competing development application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing development application no later than 120 days after the specified comment date for the particular application. Applications for preliminary permit will not be accepted in response to this notice.

A4. Development Application—Public notice of the filing of the initial development application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, any competing development applications or notices of intent to file competing development applications must be filed in response to and in compliance with the public notice of the initial development application. No competing applications or notices of intent may be filed in response to this notice.

A5. Preliminary Permit—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36 (1985)). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application.

A competing preliminary permit application must conform with 18 CFR 4.30(b) (1) and (9) and 4.36.

A7. Preliminary Permit—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before the specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application.

A competing license application must conform with 18 CFR 4.30(b) (1) and (9) and 4.36.

A8. Preliminary Permit—Public notice of the filing of the intial preliminary permit application, which has already been given, established the due date for

filing competing preliminary permit and development applications or notices of intent. Any competing preliminary permit or development application, or notice of intent to file a competing preliminary permit or development application, must be filed in response to and in compliance with the public notice of the initial preliminary permit application. No competing applications or notices of intent to file competing applications may be filed in response to this notice.

A competing license application must conform with 18 CFR 4.30(b) (1) and (9) and 4.36.

A9. Notice of intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, include an unequivocal statement of intent to submit, if such an application may be filed, either (1) a preliminary permit application or (2) a development application (specify which type of application), and be served on the applicant(s) named in this public notice.

B. *Comments, Protests, or Motions to Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 385.210, 385.211, 385.214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST" or "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing is in response. Any of the above named documents must be filed by providing the original and the number of copies required by the Commission's regulations to: Kennneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. An additional copy must be sent to: Mr. Fred E. Springer, Director, Division of Project Management, Federal Energy Regulatory Commission, Room 203–RB, at the above address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

D1. *Agency Comments*—Federal State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88–29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments with the Commisssion within the time set for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be set to the Applicants representatives.

D2. *Agency Comments*—Federal, State and local agencies are invited to file comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D3a. *Agency Comments*—The U.S. Fish and Wildlife Service, and the State Fish and Game agency(ies) are requested, for the purposes set forth in Section 408 of the Energy Security Act of 1980, to file within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D3b. *Agency Comments*—The U.S. Fish and Wildlife Service and the State Fish and Game agency(ies) are requested, for the purposes set forth in section 30 of the Federal Power Act, to file within 45 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 45 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Dated: January 15, 1986.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86–1282 Filed 1–21–86 8:45am]

BILLING CODE 6717–01–M

[Docket Nos. CP86–91–000, et al.]

Natural Gas Certificate Filings; Columbia Gulf Transmission Co. et al.

Take notice that the following filings have been made with the Commission:

1. Columbia Gulf Transmission Company

[Docket No. CP86–91–000]

January 13, 1986.

Take notice that on October 30, 1985, Columbia Gulf Transmission Company (Columbia Gulf), P.O. Box 683, Houston, Texas 77001, filed in Docket No. CP86–91–000 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 Natural Gas Pipeline Company of America (Natural), all as more fully set forth in the application

which is on file with the Commission and open to public inspection.

Columbia proposes to transport up to 17,500 Mcf of natural gas per day on a best-efforts basis for Natural. It is stated that Natural purchases natural gas from Chevron USA, Inc. (Chervon), in East Cameron Blocks 25, 31 and 32, offshore Louisiana, and that Natural would transport or cause the transportation of this gas to the point of receipt at the inlet of Columbia Gulf's jointly-owned measuring station No. 641 on the Chervon operated East Cameron 23 platform. Columbia Gulf would transport this gas from the point of receipt and would redeliver thermally equivalent quantities for the account of Natural at the tailgate of Texaco's Henry processing plant, Vermilion Parish, Louisiana, it is explained. It is further explained that the volumes delivered would be reduced to reflect Natural's *pro rata* share adjustments necessitated by the removal of liquefiable hydrocarbons, if any, and a retainage of 1.82 percent as compensation for fuel and/or unaccounted-for gas.

Columbia Gulf states that the transportation service commenced on August 7, 1984, pursuant to authority granted in Docket No. CP80–105 and is reported on file with the Commission in Docket No. ST84–1241–000. The transportation service would continue in effect for a five year period, and from year to year thereafter unless cancelled by either party, it is explained.

Columbia Gulf proposes a transportation rate of 20.37 cents per Mcf of gas received for transportation. This rate is in accordance with Docket No. RP84–74–000, effective November 1, 1984, it is explained.

Comment date: January 31, 1986, in accordance with Standard Paragraph F at the end of this notice.

2. Columbia Gulf Transmission Company

[Docket No. CP77–8–006]

January 10, 1986.

In Docket No. CP77–8–006, Columbia Gulf Transmission Company, (Columbia Gulf), P.O. Box 683, Houston, Texas 77001, requested specific certificate authorization to continue a transportation service pursuant to section 7(c) of the Natural Gas Act which was self implemented under its Order No. 60 blanket certificate and was eligible for "grandfathered" treatment pursuant to § 284.105. This specific transaction could continue over the short term under the "grandfathered" provisions of Order No. 436 and can continue over the long term under the terms and conditions promulgated by Order No. 436. Columbia Gulf has, however, indicated that it desires the Commission to process this separate request under the standard section 7(c) procedures.

In view of the issuance of Order Nos. 436 and 436–A, in Docket No. RM85–1–000, the application filed in the referenced docket is being renoticed.

Take notice that on August 14, 1985, Columbia Gulf filed in Docket No. CP77–8–006 a petition to amend the order issued May 6, 1977, as amended, in Docket No. CP77–8, pursuant to section 7(c) of the Natural Gas Act so as to authorize the transportation of gas which Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), would acquire from Southland Royalty, *et al.* (Southland), in Vermilion Area Block 88, offshore Louisiana, and an additional receipt point, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is stated that Columbia Gulf is authorized to transport for Northern a contract demand volume of 130,000 Mcf of natural gas per day from a receipt point in Vermilion Area Block 245 through the Blue Water Project to a delivery point near Egan, Louisiana, pursuant to a transportation agreement dated September 3, 1976 (agreement).

Columbia Gulf requests authority, pursuant to an amendment to the agreement dated April 4, 1985, to transport, as part of the currently authorized contract demand volumes, natural gas which Northern would acquire from Southland. It is indicated that Northern would deliver such gas to Columbia Gulf at a subsea side tap in Vermilion Area Block 76. Columbia Gulf requests that this tap be authorized as an additional receipt point.

Comment date: January 27, 1986, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

3. Kentucky West Virginia Gas Company

[Docket No. CP83–363–002]

January 14, 1986.

Take notice that on December 26, 1985, Kentucky West Virginia Gas Company (Applicant), 809 Plaza Building, Ashland, Kentucky 41101, filed in Docket No CP83–363–002 a petition to amend the order issuing a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act in Docket No. CP83–363–000 by authorizing Applicant to transport an additional 15,000 dt of natural gas per day on an interruptible basis for Weirton Steel Corporation (Weirton), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Applicant states that it is authorized to transport up to 20,000 dt equivalent of natural gas per day on a best-efforts basis to Columbia Gas Transmission Corporation (Columbia) for ultimate delivery to Weirton. Applicant proposes to transport on an interruptible basis an additional 15,000 dt per day to Columbia for ultimate delivery to Weirton. Applicant states that the proposed transportation would be conducted pursuant to its Rate Schedule ITS.

Comment date: February 4, 1986, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

4. Michigan Gas Storage Company

[Docket No. CP86–254–000]

January 14, 1986.

Take notice that on December 24, 1985, Michigan Gas Storage Company (Storage Company), 212 West Michigan Avenue, Jackson, Michigan 49201, filed in Docket No. CP86–254–000 an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas and for pre-granted authority to change points of receipt and redelivery and for permission and approval to abandon the proposed service, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Storage Company states that it seeks authorization to transport gas for certain identified end users. It is explained that in each instance, Storage Company would receive from Panhandle Eastern Pipe Line Company volumes of gas owned by the shipper and that Storage Company would then transport the gas to its corporate parent, Consumers Power Company, which would deliver the gas to the shipper. For its transportation service, Storage Company states it would charge the rate under its T–3 transportation tariff, or any subsequent, superseding rate filing by Storage Company.

Storage Company requests that the Commission authorize the service to continue for five years from commencement but that the Commission also pre-grant the right for Storage Company to terminate and abandon the service, in its discretion, at any time after June 30, 1986. If the Commission should withhold approval for such pre-granted abandonment, Storage

Company asks that the Commission pregrant abandonment as of June 30, 1986.

Storage Company states that through this transportation service various shippers would gain access to lower-cost gas. Storage Company states further that this access is especially desirable during the current condition of gas oversupply in which prices has not fallen so as to bring supply and demand into balance.

The shippers are to be served are:

Allied Paper Inc.
Motor Wheel Corporation
James River-Norwalk Incorporated
James River-KVP Incorporated
Dow Corning Corporation
DiversiTech General Inc.
General Motors Corporation.

Comment date: February 4, 1986, in accordance with Standard Paragraph F at the end of this notice.

5. Northern Natural Gas Company, Division of InterNorth, Inc.

[Docket No. CP86–252–000]

January 14, 1986.

Take notice that on December 24, 1985, Northern Natural Gas Company, Divisions of InterNorth, Inc. (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP85–252–000 an application pursuant to section 157.205 of the Regulations (18 CFR 157.205) for authorization to install and operate one small volume measurement station to accommodate natural gas deliveries to Midwest Trading Center, through North Central Public Service Company (North Central), under the certificate issued in Docket No. CP82–401–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Northern requests authority to install and operate one small volume measurement station as follows:

End-user	Distributor	Location	End-use
Midwest Trading Center.	North Central..	Wright County, MN.	Commercial space heating.

It is stated that the estimated peak day and annual volumes to be sold through the proposed facilities in the fifth year of service and the applicable rate schedule are as follows:

Quantity (Mcf)		Rate schedule
Peak day	Annual	
28	1,900	CD-1

It is further stated that the volumes to be sold would be within North Central's existing firm entitlement and therefore the service rendered through the facilities would have no impact on Northern's peak day and annual deliveries. It is asserted that the cost of installing the proposed facilities would be $2,862.

Comment date: February 28, 1986, in accordance with Standard Paragraph G at the end of this notice.

6. Panhandle Eastern Pipe Line Company

[Docket No. CP86–255–000]

January 14, 1986.

Take notice that on December 26, 1985, Panhandle Eastern Pipe Line Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP86–255–000 an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas on behalf of Brockway, Inc. (Brockway), and for permission and approval to abandon such service on June 30, 1986, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Applicant requests Commission authorization to implement a certain transportation agreement between Applicant and Brockway dated December 19, 1985. Applicant alleges that the transportation authorization requested is under the same terms as previously authorized by the Commission pursuant to the § 157.209 of the Commission's Regulations for a maximum transportation volume of 4100 Mcf of gas per day. Applicant claims that the Transportation rate for this service is pursuant to Applicant's presently effective Rate Schedule OST. Applicant also requests abandonment authority to terminate these services on June 30, 1986, authority to add points of receipt and delivery subject to certain reporting requirements, and authority to construct new points of receipt subject to the annual reporting requirements for construction activity pursuant to its blanket certificate in Docket No. CP83–83–000.

It is explained that the gas would be received by Panhandle from producers in Oklahoma, Kansas and Colorado and redelivered to Brockway in Madison County, Indiana.

Comment date: February 4, 1986, in accordance with Standard Paragraph F at the end of this notice.

7. United Gas Pipe Line Company

[Docket No. CP86–241–000]

January 14, 1986.

Take notice that on December 13, 1985, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77251, filed in Docket No. CP86–241–000 an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for American Cyanamid Company (American Cyanamid) and for permission and approval to abandon such service, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that American Cyanamid has contracted with various producers to purchase gas supplies at the wellhead in Texas or Louisiana for use at its acrylic fibers plant located in Milton, Florida. United proposes to transport on an interruptible basis up to 12,000 Mcf of natural gas per day from 49 receipt points to an existing metering and regulatory station near Pensacola, Escambia County, Florida. United may accept or refuse tenders in excess of 12,000 Mcf per day, it is explained. It is further explained that new receipt points may be added periodically during the term of the transportation agreement. The agreement would be in effect for a primary term of one year and on a month-to-month basis thereafter until terminated by either party, it is explained. United requests that it be granted pre-granted abandonment of the transportation service at the expiration of the agreement or amendment thereto.

United proposes an initial rate of 42.74 cents per Mcf. This rate is United's currently effective Northern zone transportation rate which includes the Gas Research Institute fee of 1.25 cents per Mcf and is inclusive of a charge for the cost associated with United's fuel and company-used gas allowance, it is explained.

Comment date: February 4, 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 835.214) 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.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-1285 Filed 1-21-86; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6279-001]

F. and T. Services Corp.; Availability of Environmental Assessment and Finding of No Significant Impact

January 16, 1986.

In accordance with the National Environmental Policy Act of 1969, the Office of Hydropower Licensing, Federal Energy Regulatory Commission (Commission), has reviewed the application for major license listed below and has assessed the environmental impacts of the proposed development.

LICENSES

Project No.	Project name	State	Water body	Nearest town	Applicant
6279-001	Bayou D'Arbonne	LA	Bayou D'Arbonne	Farmersville	F. and T. Services Corporation.

An Environmental Assessment (EA) was prepared for the above proposed project. Based on an independent analysis of the above action, as set forth in the EA, the Commission's staff concludes that the project would not have a significant effect on the quality of the human environment. Therefore, an environmental impact statement for this project will not be prepared.

Copies of the EA are available for review in the Commission's Public Reference Section, Room 1000, 825 North Capitol Street NE., Washington, DC 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-1283 Filed 1-21-86; 8:45 am]

BILLING CODE 6717-01-M

[Project Nos. 7470-001, et al.]

Surrender of Preliminary Permits; Dam Four Development Ltd., et al.

January 15, 1986.

Take notice that the following preliminary permits have been surrendered effective as described in Standard Paragraph I at the end of this notice.

1. Dam Four Development Ltd.

[Project No. 7470-001]

Take notice that Dam Four Development Ltd., Permittee for the proposed Kentucky River Lock and Dam No. 4 Hydro Project No. 7470, has requested that its preliminary permit be terminated. The permit was issued on July 30, 1985, and would have expired June 30, 1988. The project would have been located on the Kentucky River in Frankfort, Franklin County, Kentucky. The Permittee cites that the proposed project is not economically feasible as the basis for the surrender request.

The Permittee filed the request on December 26, 1985.

2. Dam Five Development Ltd.

[Project No. 7469-001]

Take notice that Dam Five Development Ltd., Permittee for the proposed Kentucky River Lock and Dam No. 5 Hydro Project No. 7469, has requested that its preliminary permit be terminated. The permit was issued on August 9, 1985, and would have expired July 31, 1988. The project would have been located on the Kentucky River in Anderson and Woodford Counties, Kentucky. The Permittee cites that the proposed project is not economically feasible as the basis for the surrender request.

The Permittee filed the request on December 26, 1985.

Dam 13 Development Ltd.

[Project No. 7412-001]

Take notice that Dam 13 Development Ltd., Permittee for the proposed Kentucky River Lock and Dam No. 13 Hydro Project No. 7412, has requested that its preliminary permit be terminated. The permit was issued on August 9, 1985, and would have expired July 31, 1988. The project would have been located on the Kentucky River near Beattyville, Lee County, Kentucky. The Permittee cites that the proposed project is not economically feasible as the basis for the surrender request.

The Permittee filed the request on December 26, 1985.

4. Dam 14 Development Ltd.

[Project No. 7413-001]

Take notice that Dam 14 Development Ltd., Permittee for the proposed Kentucky River Lock and Dam No. 14

Hydro Project No. 7413, has requested that its preliminary permit be terminated. The permit was issued on August 7, 1985, and would have expired July 31, 1988. The project would have been located on the Kentucky River near Beattyville, Lee County, Kentucky. The Permittee cites that the proposed project is not economically feasible as the basis for the surrender request.

The Permittee filed the request on December 26, 1985.

Standard Paragraphs

I. The preliminary permit shall remain in effect through the thirtieth day after issuance of this notice unless that day is a Saturday, Sunday or holiday as described in 18 CFR 385.2007 in which case the permit shall remain in effect through the first business day following that day. New applications involving this project site, to the extent provided for under 18 CFR Part 4, may be filed on the next business day.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-1284 Filed 1-21-86; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPP-66128; FRL-2954-8]

Certain Pesticide Products; Intent To Cancel Registrations; Empire International et al.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice lists the names of firms requesting voluntary cancellation of registration of their pesticide products in compliance with section 6(a)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended.

EFFECTIVE DATE: February 21, 1986.

ADDRESS: By mail, submit comments to: Information Services Section, Program Management and Support Division (TS-757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

In person, bring comments to: Room 236, CM#2, 1921 Jefferson Davis Highway, Arlington, VA.

Information submitted as a comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice to the submitter. All written comments will be available for public inspection in Rm. 236 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT:

By mail: Lela Sykes, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

Office location and telephone number: Room 718C, CM#2, 1921 Jefferson Davis Highway, Arlington, VA (703-557-2126).

SUPPLEMENTARY INFORMATION: EPA has been advised by the following firms of their intent to voluntarily cancel registration of their pesticide products.

Registration No.	Product name	Registrant	Date registered
5-40	EM H_2O 8260	Empire International, P.O. Box 29805, Atlanta, GA 30359	Mar. 15, 1971.
59-173	Coopona Poultry Premise Larvicide	Burroughs Wellcome, 2000 S. 11th St., Kansas City, KS 66103	Mar. 7, 1973.
73-16	No. 1 Beef Cattle and Hog Oil	Schaeffer Mfg,. Co., P.O. Box 12214, St. Louis, MO 63157	Aug. 10, 1971.
148-804	De-Pester Malathion 50% EC	Thompson Hayward, Chemical Co., 5200 Speaker Rd., Kansas City, KS 66106	Apr. 4, 1968.
150-24	Anderson's Dry Bait Fly Killer	Anderson Chemical Co., P.O. Box 1041, Litchfield, MN 55355	Mar. 19, 1964.
179-5	BO-RID TCA Chlorate Weed Killer	The R.H. Bogle Co., P.O. Box 588, Alexandria, VA 22313	Apr. 25, 1950.
179-12	BO-RID Chlorate Special-A Weed Killer	do	Feb. 26, 1959.
200-99	Exterior Spred Oil Stair Preservative/Water Repellent 750 Clear Oil Finish	SCM Corp., 16651 Sprague Rd., Strongsville, OH 44136	Dec. 7, 1982.
211-34	Formaldehyde U.S.P. 37%	Central Chemical Co., Inc., 3130 Brinkerhoff Rd., Kansas City, KS 66115	Mar. 4, 1967.
239-87	Basic Lead Arsenate	Chevron Chemical Co., Ortho Division, 940 Hensley St., Richmond, CA 94808	Dec. 11, 1947.
239-161	Ortho Standard Lead Arsenate	do	Apr. 4, 1957.
239-880	Ortho Standard Lead Arsenate-Sulfur 15-85-Dust	do	May 25, 1956.
239-881	Ortho Standard Lead Arsenate 15 Dust	do	May 28, 1956.
239-1288	Ortho® Custom Blend No. 5	do	Mar. 25, 1959.
257-176	CTC Liquid Bowl and Procelain Enamel Cleaner Disinfectant	Cello Chemical Co., 1354 Old Post Rd., Havre de Grace, MD 21078	Jan. 31, 1961.
270-59	Farnam Rotenox Tripel XXX	Farnam Companies, Inc., 2230 E. Magnolia, Phoenix, AZ 85036	Nov. 11, 1971.
358-157	Nott Kelthane	Nott Manufacturing Co., Inc., Pleasant Valley, NY 12569	June 5, 1973.
363-31	Tree Wound and Pruning Dressing	Coopers Creek Chemical Corp., River Rd., W. Conshohocken, PA 19428	Nov. 8, 1960.
372-17	Formaldehyde Solution U.S.P.	Mallinckrodt, Inc., Mallinckrodt and Second St., St. Louis MO 63147	Oct. 6, 1952.
400-196	Permagard Conc. No. 10	Uniroyal Chemical, Division of Uniroyal, Inc., 74 Amity Rd., Bethany, CT 06525	Dec. 29, 1982.
400-233	De-Pester Cotton Dust 7.50-0 (Sevin)	do	Do.
400-260	Penta MR 5%	do	Do.
400-295	Cotton Dust 5-75-0	do	Do.
400-324	7½% Sevin 60% Sulphur Dust	do	Do.
400-341	Sevin Copper Sulfur Dust with Borax for Peanuts	do	Do.
410-53	Bricon Backrubbes Insecticide	Franklin Laboratories, Inc., P.O. Box 669, Amarillo, TX 79105	May 15, 1963.
410-68	Franklin Kiltect-100 Screwworm Killer and Fly Repellent	do	Sept. 21, 1971.
410-73	Franklin Kiltect-100 Spray	do	Jan. 24, 1972.
410-74	Franklin Blue Smear Screwworm Killer	do	Nov. 1, 1972.
410-79	Screwworm Spray with Korlan	do	Apr. 23, 1973.
419-163	Dry Fly Killer	Acme Burgess, Inc., Chemical Division, Rt. 83, Grayslake, IL 60030	Oct. 7, 1969.
464-124	Radapon Liquid	Dow Chemical Co., Agricultural Dept., P.O. Box 1206, Midland, MI 48640	May 31, 1955.
464-200	Korlan 25W	do	Aug. 22, 1957.
464-208	Dow Korlan 24E	do	Mar. 18, 1958.
464-263	Dow Korlan Insecticide Backrubber Oil	do	Feb. 6, 1961.
464-274	Trolene® EM Insecticide Premix	do	May 8, 1961.
464-285	Dow Pon Grass Killer Bar	do	Oct. 31, 1961.
464-316	Dow Korlan 5G Insecticide Granules	do	Dec. 26, 1963.
464-329	Dow Korlan 8	do	Aug. 14, 1964.
464-330	Korlan 4E	do	Oct. 30, 1964.
464-331	Dow Pon C Grass Killer	do	Feb. 16, 1965.
464-332	Sodium Dalapon-Sodium TCA Mixture No. 1	do	Apr. 1, 1965.
464-334	Sodium Dalapon Sodium TCA Mixture No. 2	do	Apr. 16, 1965.
464-355	Dow Kenapon Systemic Dalapon Grass Killer	do	Feb. 8, 1967.
464-405	Ronnel F Insecticide Chemical	do	July 8, 1971.
464-411	Korlan Insecticide Pressurized Livestock Spray	do	Feb. 7, 1972.
464-415	Trolene 18 Insecticidal Salt Premix	do	Jan. 24, 1972.

Registration No.	Product name	Registrant	Date registered
464-416	Dow Korlan 2 Insecticide	....do	Apr. 15, 1972.
464-420	Trolene Zol Insecticide Liquid	....do	Aug. 13, 1975.
464-439	Korlan Insecticide Household Spray	....do	Nov. 29, 1972
464-440	Korlan Insecticide Spray Mist	....do	Do.
464-441	Korlan Insecticide Residual Spray No. 2	....do	Do.
464-442	Korlan Insecticide Pressurized Space Spray	....do	Do.
464-443	Korlan R Insecticide Pressurized Residual Spray	....do	Do.
464-503	Dow Ronnel 2E Insecticide	....do	Apr. 21, 1975.
464-516	Dow Pon C Improved Grass Killer	....do	May 14, 1975.
478-75	Real Kill Insect Spray	Realex Corp., Mergel Rd., P.O. Box 1909, Baton Rouge, LA 70821	Jan. 21, 1972.
478-89	Real Kill Automatic Indoor Fogger	....do	Feb. 21, 1975.
505-4	Cowley Rat and Mouse Bait	S. L. Cowley and Sons Mfg., Inc., 708 West McAlester, P.O. Box 666, Hugo, OK 71743.	Nov. 7, 1967.
557-1771	Vigoro Flowers and Ornamental Systemic Insect Spray	Estech, Inc., 30 N. LaSalle St., Chicago, IL 60602	Feb. 27, 1971.
572-25	Rockland Rat-Ola Rat Bait	Rockland Chemical Co., Inc., P.O. Box 909, West Caldwell, NJ 07006	Aug. 30, 1951.
572-133	Rockland Sugar Fly Bait	....do	June 24, 1963.
595-309	Haviland Demouser No. 2	Haviland Agricultural Chemical Co., 1845 Sterling NW., Grand Rapids, MI 49504.	Sept. 21, 1971.
655-286	Prentox Prolin Concentrate with Malathion	Prentiss Drug and Chemical Co., Inc., C.B. 2000, Floral Park, NY 11001	Sept. 6, 1966.
655-311	Prentox Malathion 95% Technical	....do	Oct. 20, 1967.
748-162	5% Granular Chloro IPC	PPG Industries, Inc., P.O. Box 31, Barberton, OH 44203	Mar. 9, 1959.
769-223	Security Phosdrin EC	Woolfolk Chemical Works, Inc., Farm and Garden Products, P.O. Box 938, Fort Valley, GA 31030.	June 13, 1958.
773-43	Ectoral Tablets (Ronnel)	Pitman-Moore, Inc., P.O. Box 344, Washington Crossing, NJ 08560	July 14, 1960.
773-44	Ectoral Emulsifiable Concentrate	....do	Do.
773-45	Vecto Emulsifiable Concentrate	....do	Sept. 1, 1960.
778-32	Sergeant's Skip-Flea Foam for Cats	A.H. Robins Co., 1407 Cummings Drive, P.O. Box 26609, Richmond, VA 23220.	Aug. 4, 1972.
778-45	Sergeant's Indoor Fogger	....do	Mar. 13, 1981.
829-104	SA-50 Brand 25% Phosdrin Emulsible Concentrate	Southern Agricultural Insecticides, Inc., P.O. Box 218, Palmetto, FL 33561	Nov. 20, 1959.
876-56	Velsicol Thiram 75 Fungicide	Velsicol Chemical Corp., 341 E. Ohio St., Chicago, IL 60611	July 25, 1966.
905-34	Vineland Formaldegen F	Vineland Poultry Labs., 2285 E. Landis Ave., Vineland, NJ 08360	Jan. 8, 1968.
961-127	Lebanon 50% Malathion	Lebanon Chemical Corp., P.O. Box 180, Lebanon, PA 17042	Feb. 5, 1954.
962-390	Carbon Disulphide	Los Angeles Chemical Co., 4545 Ardine St., South Gate, CA 90280	Sept. 4, 1974.
984-41	Barkers Disinfectant	Whitmoyer Labs., Inc., 19 N. Railroad St., Myerstown, PA 17067	Oct. 29, 1967.
1021-621	Pyrocide Intermediate No. 6041	McLaughlin Gormley King Co., 8810 Tenth Ave., N., Minneapolis, MN 55427	Mar. 3, 1961.
1021-622	Pyrocide Intermediate No. 6009	....do	Do.
1021-624	Pyrocide® Aerosol Mix No. 6006	....do	Mar. 17, 1981.
1021-625	Pyrocide Pressurized Spray Mix No. 6008	....do	Do.
1021-626	Pyrocide Intermediate No. 6007	....do	Do.
1021-636	Pyrocide Aerosol Mix No. 6021	....do	May 4, 1961.
1021-658	Pyrocide Aerosol Mix No. 6113	....do	Sept. 15, 1961
1021-669	Pyrocide Intermediate No. 6153	....do	Nov. 22, 1961.
1021-801	MGK Formula No. 6557	....do	Dec. 21, 1964.
1021-952	Pyrocide Intermediate 6816	....do	Nov. 28,1967.
1021-1124	Pyrocide Intermediate 7040	....do	Feb. 10, 1971.
1021-1265	Pyrocide Intermediate 7171	....do	May 23, 1973.
1021-1343	Pyrocide Pressurized Spray 7244	....do	Aug. 13, 1975.
1117-51	Myzin-R Smear (Contains Korlan)	Fort Dodge Lab., Division of American Home Products Corp., Fort Dodge, IA 50501.	Nov. 9, 1973.
1145-30	Amoco Ronnel Spray	The Cropmate Co., 320 Embassy Plaza, Omaha, NE 68114	Feb. 1, 1961.
1145-136-	Bovinol Insecticide	....do	May 21, 1971.
1187-85	Virchem 503	Virginia Chemicals, Inc., 3340 W. Norfolk Rd., Portsmouth, VA 23703	Nov. 4, 1968.
1202-186	Pure Gro Trithion 4E	PureGro Co., 1276 Halyard Dr., West Sacramento, CA 95691	Feb. 25, 1971.
1202-308	Telone II Soil Fumigant	....do	Dec. 8, 1975.
1239-19	Indo-Sol	Industrial Chemical Lab., Inc., 1015 N. 14th St., Omaha, NE 68102	Apr. 10, 1962.
1269-48	Dewitt 8D63	Dewitt Chemical Co., P.O. Box 343, Atlanta, GA 30301	Apr. 11, 1963.
1269-85	New Dewitt 13D60	....do	Feb. 27, 1967.
1269-108	Dewitt 5D62 Insecticide	....do	Jan. 12, 1971.
1270-52	Zephene	Zep Manufacturing Co., 1310 Seaboard Industrial Blvd., NW., P.O. Box 2015, Atlanta, GA 30301.	Aug. 24, 1960.
1270-54	Zephene Hatch Kleen	....do	Nov. 28, 1960.
1270-174	Zephene Hatch Kleen	....do	Nov. 20, 1974.
1270-179	Zephene-A	....do	Oct. 1, 1975.
1304-48	McNess Super Cattle Spray	Furst McNess Co., 120 E. Clark St., Freeport, IL 61032	Apr. 2, 1965.
1307-97	Dog Stop	Magnolia Chemical Co., Inc., 2646 Rodney Lane, Dallas, TX 75220	Mar. 16, 1967.
1528-38	Shep's Livestock Pressurized Spray	Shepard Labs., Division Nebraska Producing and Refining, 1521 N. 11th St., Omaha, NE 68110.	Nov. 18, 1974.
1626-9	Cuipralignum Clear No. 48-15 Water Repellent Ready to Use 5% Pentachlorophenol.	Rudd Paint and Varnish Co., 1608 15th Ave., W., Seattle, WA 9811	July 28, 1961.
1658-18	Sani-Septo	Hillyard Chemical Co., P.O. Box 909, St. Joseph, MO 64502	Aug. 8, 1966.
1677-32	Magnicide 16	Economics Labs, Inc., Osborn Building, St. Paul, MN 55102	Apr. 7, 1965.
1691-43	Quist Resistant Roach and Insect Spray	Chemical Compounding Corp., 680 Elton Ave., River Head, NY 11901	Mar. 8, 1960.
1769-146	National Chemsearch DI-Ron	National Chemsearch Division of N.C.H. Corp., 2727 Chemsearch Blvd., Irving, TX 75062.	Oct. 24, 1966.
1927-25	Bruce Terminix Professional House and Garden Insect Killer Concentrate	Terminix International, Inc., P.O. Box 17167, Memphis, TN 38117	Oct. 15, 1963.
1980-11	All Season Livestock Oil	Automatic Equipment Mfg., Co., P.O. Box "P", Pender, NE 68047	June 19, 1973.
1990-472	Sure Death Brand Malathion 25% WP	Farmland Industries, Inc., P.O. Box 7305, Kansas City, MO 64116	June 25, 1981.
2342-803	Malathion Emulsible Concentrate	Kerr-McGee Chemical Corp., Kerr-McGee Center, Oklahoma City, OK 73120	Aug. 9, 1973.
2342-822	Malathion 4.5 Emulsifiable Concentrate	....Do	
2349-4	Mehle's Commercial Liquid Insecticide	Mehle's Insecticides, 3539 Warsaw Ave., Cincinnati, OH 45205	Feb. 18, 1965
2516-7	Pressurized Roach and Ant Spray	Extermital Chemicals Inc., 1026 Wayne Ave., Dayton, OH 45410	Nov. 28, 1961
2935-380	Trithion 4 Emulsive	Wilbur-Ellis Co., Agricultural Services Corp., Office, 191 West Shaw Ave., Suite 107, Fresno, CA 93704-2876.	Dec. 28, 1971
2935-384	Red Top Abate R4 Spray	....do	Jan. 24, 1972.
3215-1	Nevarol Water Repellent Wood Preserve	Texas Refinery Corp., One Refinery Place, Fort Worth, TX 76101	Aug. 17, 1950
3509-99	Vapokil Space Spray	Safe-Way Farm Products Co., Inc., P.O. Box 6309, Austin, TX 78762	Mar. 28, 1975
3640-77	Root Out	Stearns Chemical Corp., 4200 Sycamore Ave., P.O. Box 3216, Madison, WI 53704.	Feb. 17, 1975.
4077-17	Orb Aerosol Insecticide with Methoxychlor	Orb Industries, P.O. Box 544, Media, PA 19063	Mar. 1, 1957.
4221-5	Nicotine Sulfate 40%	Gallard-Schlesinger Corp., 584 Mineola Ave., Carle Place, Long Island, NY 11514.	June 15, 1953.
4221-7	Nicotine Alkaloid	....do	Nov 17 1953.

Registration No.	Product name	Registrant	Date registered
4581-303	Decco Food Grade Potato Wax Conc. Wt-14 with Sprout Inhibitor	Agchem Division, Pennwalt Corp., Three Parkway, Philadelphia, PA 19102	Apr. 22, 1974.
4643-5	Dearcide 711	Dearborn Chemical Co., 300 Genesee St., Lake Zurich, IL 60047	Apr. 27, 1961.
4643-12	Dearcide 712	....do	July 31, 1967
4643-19	Dearcide 713	....do	Apr. 9, 1974.
4643-23	Dearcide 703	....do	May 16, 1974.
4828-59	Cor-Sect	Abco, Inc., P.O. Box J., Irwin, PA 15642	Mar. 26, 1969.
4828-102	Clash Rapid Control of Fleas and Ticks on Cats and Dogs	....do	Mar. 24, 1975.
4828-104	Aero Kill Wasp and Hornet Spray	....do	Oct. 16, 1974.
4887-15	Cube Dust (5% Rotenone)	Stephenson Chemical Co., Inc., P.O. Box 87188, College Park, GA 30337	Nov. 30, 1956.
4887-139	5% Rotenone E.C.	....do	Jan. 21, 1972.
4990-19	Heddy Hedge Control	Jet-Aer Corp., 100 Sixth Ave., Paterson, NJ 07524	Mar. 4, 1967.
5296-3	Nox Germ	Daubert Chemical Co., 1200 Jorie Blvd., Oak Brook, IL 60521	June 15, 1967.
5296-4	Dauban A Paper for Bacteriostatic and Fungistatic Wrappers	....do	Feb. 17, 1971.
5351-6	41-4002 Penta Wood Preservation-O	Fulton Co., P.O. Box 160, Sumter, SC 29150	June 3, 1971.
5351-7	41-4000 Penta Wood Preservation-R	....do	June 11, 1971.
5351-8	41-4004 Penta Concentrate C-10	....do	June 3, 1971.
5421-9	Pyrethione	My Pets Westwood, Division of Lambert Kay, Inc., P.O. Box 418, Cranbury, NJ 08512.	Dec. 11, 1958
5427-5	Inhibicide 59-P	Wright Chemical, 4328 N. United Parkway, Schiller Park, IL 60176	Feb. 1, 1963.
5535-27	Gro-Well Pro-Tek Liquid Insecticide	J. and L. Adikes, Inc., 182-12 93rd Ave., Jamaica, NY 11423	Nov. 10, 1959.
5645-6	Flea Bomb with Malathion	Veterinary Lab., Inc., 12340 Santa Fe Drive, Lenexa, KS 66215	July 12, 1960.
5813-5	Clorox Disinfectant Cleaner	Clorox Co., P.O. Box 493, Pleasanton, CA 94566	Oct. 8, 1971.
5905-62	Helena Brand Trithion 4E Insecticide Acaricide	Helena Chemical Co., Clark Tower, 5100 Poplar Ave., Suite 2900, Memphis, TN 38137.	Apr. 25, 1966.
5905-224	30% Maleic Hydrazine	....do	Feb. 4, 1974.
5905-380	Thor Brand Maleic Hydrazide	....do	Mar. 20, 1974.
6079-13	MSMA 8	North Louisiana Chemicals, Inc., P.O. Box 127, Gillian, LA 71029	June 25, 1973.
6186-5	Fogger	Damon Chemical Co., P.O. Box 480, Alliance, OH 44601	July 28, 1959.
6186-21	Malathion 50% Emulsifiable Concentrate	....do	Feb. 10, 1967.
6345-6	Beef/Dairy Chemical Contains Korlan	Northland Products Co., P.O. Box 418, Waterloo, IA 50704	Nov. 29, 1972.
6520-4	Kito L	Hamblet and Hayes Co., Colonial Rd., Salem, MA 01970	Nov. 2, 1972.
6520-9	Sterozol T-Preservation	....do	Oct. 24, 1974.
6520-10	Sterozol U-Preservative	....do	Do.
6520-11	Sterozol JW-Preservative	....do	Aug. 8, 1975.
6609-3	Self-Impregnating Duster Oil	Industrial Laundry Formulations, Inc., 10421 Franklin Ave., Franklin Park, IL 60131.	Aug. 30, 1966.
6957-2	Camisa Seria Cucarachicida	Industrias Nacionales, P.O. Box 7866, Santurce, PR 00916	Sept. 4, 1968.
7001-247	Diuron Weed Killer Wettable Powder	J.R. Simplot Co., 16771 S. Howland Ave., P.O. Box 198, Lathrop, CA 95330	Aug. 5, 1971.
7225-1	Fumicide Automatic Fogger	Pet Chemicals, Inc., 7781 NW. 73rd Court, Miami Springs, FL 33166	June 9, 1961.
7401-201	Hi-Yield Poly Ban Decimate Herban Surfactant	Voluntary Purchasing Groups, Inc., P.O. Box 460, Bonham, TX 75418	Sept. 13, 1972.
7714-3	Mary Carter's Redwood Stain and Wood Preservative	Carter Coatings Corp., P.O. Box 270000, Tampa, FL 33688	July 14, 1965.
7796-3	Dr. MacDonald's G-F-L-Kontrol Insecticidal Mineral	Dr. MacDonald's, P.O. Box 1077, Ft. Dodge, IA 50501	July 16, 1976.
8103-2	Cavco SB-7C Slimicide for Paper Mills	Cavedon Chemcial Co., 26 Avenue C, Woonsocket, RI 02895	Mar. 20, 1964.
8103-3	Cavedon CP-50 Liquid	....do	Apr. 1, 1968.
8590-203	70 Spray Oil-Trithion	Adway, Inc., P.O. Box 4741, Syracuse, NY 13221	Apr. 13, 1966.
8780-36	Turf Line Arthro-Ban Triple Action 2 Formula for Established Lawns	High Point Mills, Inc., 1225 Lehigh Station Rd., Henrietta, NY 14467	Nov. 12, 1973.
8908-11	Cor-Cide D	Coral Chemcial Co., 135 Lebanon St., Waukegan, IL 60085	Mar. 13, 1973.
9300-1	Medi-Kay Solution of Formaldehyde U.S.P.	L.T. York Co., 440 East Helm St., Brookfield, MO 64628	Sept. 15, 1966.
9313-6	Rose Out-Cide 7/93 Insecticide Concentrate	Rose Chemical Products, Inc., 545 Stimmel Rd., P.O. Box 23375, Point Station, Columbus, OH 43223.	June 4, 1971.
9313-7	Rose Out-Cide 5/50 Insecticide	....do	June 3, 1971.
9313-16	Rose Mallet Insecticide	....do	Aug. 3, 1972.
9782-18	Woodbury D-Pona 1-1E Insecticide	Woodbury Chemical Co. of Homestead, P.O. Box 4319, Princeton, FL 33032	Mar. 20, 1975.
10120-16	Deewood H-202	Cerfact Laboratories, P.O. Box 988, Tucker, GA 30084	June 27. 1973.
10163-37	Prokil Perthane Malathion 10-4 Dust	Gowan Co., P.O. Box 5696, Yuma, AZ 85364	Sept. 2, 1971.
10163-42	Prokil Perthane Malathion 6-10 Dust	....do	Do.
10163-43	Prokil Malathion 4 Perthane 4	....do	Apr. 29, 1975.
10226-40	Malathion-Perthane Dust No. 4-10	Rockwood Chemical Co., P.O. Box 34, Brawley, CA 92227	June 5, 1975.
10459-1	Bio-Checks Crabgrass, Dalligrass, Johnsongrass Killer	Scientific International Research, Inc., P.O. Box 26500, St. Louis Park, MN 55426.	May 9, 1969.
11500-1	Sapfio	Reynolds Sugar Bush, Inc., Aniwa, WI 54408	May 4, 1972.
11694-57	Chlormal-21 Concentrate	Dymon, Inc., 3401 Kansas Ave., Kansas City, KS 66016	June 10, 1975.
11706-2	Rink's Green World Premium Lawn Fertilizer and Crabgrass Preventer	Rinks Bargain City, Washington Dist., Inc., 3115 Frenchmens Rd., Toledo, OH 43607.	June 13, 1972.
11715-24	Speer Screwworm Spray and Wound Protectant	Speer Products, Inc., 4242 B.B. Goodrich Blvd., P.O. Box 18993, Memphis, TN 38118.	Feb. 28, 1974.
12035-1	Century-Cide Filter Fly Concentrate	Century Laboratories, Inc., P.O. Box 734, Shawnee Mission, KS 66201	Sept. 14, 1972.
12610-3	Seidman's Special Roach Killer	Columbia Organic Chemical Co., Inc., P.O. Box 9096, 912 Drake St., Columbia, SC 29290.	June 28, 1976.
33230-1	Algae-Ban	KCP, Inc., 515 Cedar Creek Drive, Athens, GA 30601	Oct. 20, 1975.
33560-36	Staa-Free BT	Pro Serve, Inc., 400 Brooks Rd., P.O. Box 161059, Memphis, TN 38116	Mar. 11, 1983.
33576-35	Olin 7040	Olin Water Services Olin Corp., 120 Long Ridge Rd., Stamford, CT 06904	Nov. 20, 1975.
34744-1	Water Services Co. Alagecide W	Water Services Co., 205 SW. 64 Terrace, Oklahoma City, OK 73139	May 27, 1977.
36261-1	Copper 8 D-0916 Clear Dip	Vogel Paint and Wax Co., Inc., Industrial Airpark, Orange City, IA 51041	Apr. 20, 1976.
38167-1	Bladex-MSMA Herbicide	Setre Chemical Co., 5100 Poplar, Suite 3200, Memphis, TN 38137	Sept. 17, 1982.
41942-4	Malacide 4 Swine Dust	AG-Mark, Inc., P.O. Box 127, Teachey, NC 28464	Aug. 31, 1967.
43981-4	Diuron Technical	Montedison USA, Inc., 1114 Ave. of the Americas, New York, NY 10036	Jan. 31, 1980.
44744-2	CWB-150	Continental Water Systems, 2305 NE. 19th Drive, Gainesville, FL 32601	Sept. 17, 1980.

The Agency has agreed that each cancellation shall be effective February 21, 1986, unless within this time the registrant, or other interested person with the concurrence of the registrant, requests that the registration be continued in effect. The registrants were notified by certified mail of this action.

The Agency has determined that the sale and distribution of these products produced on or before the effective date of cancellation may legally continue until the supply is exhausted, or for one year from the effective date of cancellation. Other persons may continue to sell and distribute these products until the supply is exhausted. Continued sale and use of such existing stocks has been determined to be in accordance with the provisions of FIFRA and must be consistent with the label and labeling approved by EPA. Production of these products after the effective date of cancellation is

prohibited and would be a violation of FIFRA.

Requests that the registration of these products be continued may be submitted in triplicate to the Registration Support and Emergency Response Branch, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Comments may be filed regarding this notice. Written comments should bear a notation indicating the document control number "[OPP-66128]" and the specific registration number. Any comments filed regarding this notice will be available for public inspection in Rm. 236, CM#2, at the above address from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

Authority: 7 U.S.C. 136d.

Dated: December 31, 1985.

Steven Schatzow,

Director, Office of Pesticide Programs.

[FR Doc. 86-848 Filed 1-21-86; 8:45 am]

BILLING CODE 6560-50-M

[OPP-66126; FRL-2954-9]

Certain Pesticide Products; Intent To Cancel Registrations; Bonide Chemical Co. et al.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice lists the names of firms requesting voluntary cancellation of registration of their pesticide products in compliance with section 6(a)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended.

EFFECTIVE DATE: February 21, 1986.

ADDRESS: By mail, submit comments to: Information Services Section, Program Management and Support Division (TS-757C), Office of Pesticide Programs, Envirionmental Protection Agency, 401 M St., SW., Washington, DC 20460.

In person, bring comments to: Rm. 236, CM#2, 1921 Jefferson Davis Highway, Arlington, VA.

Information submitted as a comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice to the submitter. All written comments will be available for public inspection in Rm. 236 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Lela Sykes, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Office location and telephone number: Rm 718C, CM#2, 1921 Jefferson Davis Highway, Arlington, VA, (703-557-2126).

SUPPLEMENTARY INFORMATION: EPA has been advised by the following firms of their intent to voluntarily cancel registration of their pesticide products.

Registration No.	Product name	Registrant	Date registered
4-170	Bonide Lawn Chinch Bug Control Contains Aspon	Bonide Chemical Co., 2 Wurz Ave., Yorkville, NY 13495	May 4, 1971.
4-192	Bonide Aspon 6E	do	Dec. 29, 1971.
4-193	Bonide Aspon 5GA Granules-Attaclay Carrier	do	Oct. 7, 1971.
4-194	Bonide Aspon 2E Organo-Phosporus Soil Insecticide	do	Nov. 27, 1972.
5-29	Steri-Soil	Empire Laboratories, 2159 Tucker Industrial Rd., Tucker, GA 30084	July 23, 1968.
71-49	Lightning Insect Killer	L. Perrigo Co., 100 Brady St., Allegan, MI 49010	Sept. 20, 1968.
140-1	Copper Sulfate Pentahydrate	Purepac Corp., 200 Elmora Ave., Elizabeth, NJ 07207	Sept. 28, 1967.
142-19	Meyer's Insectorfume-10 Powerful	H. B. Meyer and Son, Inc., P.O. Box 710, Huntington, IN 46750	Apr. 9, 1951.
142-20	Meyer's Insectorfume-7	do	Do.
211-15	Vapo-Cen Concentrated Liquid Insecticide	Central Chemical Co., 3130 Brinkerhoff Rd., Kansas City, KS 66115	May 10, 1948.
218-608	Arcadian Residual Fly Spray	Allied Chemical Corp., P.O. Box 2061R, Morristown, NJ 07960	Sept. 29, 1966.
226-160	Tobacco States Brand Plant Bed Soil Fumigant 50D	Tobacco States Chemical Co., Inc., P.O. Box 12530, Lexington, KY 40583-2530.	Sept. 19, 1962.
240-158	D-D Soil Fumigant	Daly-Herring Co., P.O. Box 428, Kinston, NC 28501	Apr. 16, 1970.
267-17	Old 97 Bug Killer	Old 97 Co., P.O. Box 5207, Tampa, FL 33600	Oct. 18, 1959.
279-661	Niagara Zineb 13 Phoskil 1 Niatox 5 Dust	FMC Corporation, Agricultural Chemical Division, 2000 Market St., Philadelphia, PA 19103.	June 12, 1952.
299-134	Martin's Multi-Purpose Residual Bomb	C.J. Martin and Co., P.O. Box 1089, Nacogdoches, TX 75961	Mar. 13, 1968.
303-39	Eagle Mill Insecticide and Fly Killer	Huntington Labs., Inc., P.O. Box 710, Huntington, IN 46750	Aug. 30, 1948.
303-60	Bug-Blast Spray Insecticide	do	Apr. 14, 1954.
337-21	Pentachlor	Lestar Labs, 2370 Lawrence St., Atlanta, Ga 30344	July 26, 1955.
352-322	DuPont Arasan 70-S Seed Protectant	E.I. du Pont de Nemours and Co., Agriculture Chemical Dept., Walkers Mill Bldg., Barley Mill Plaza, Wilmington, DE 19898.	Jan. 20, 1967.
356-12	Syndame Shampoo	Detroit Veterinary Supply Co., P.O. Box 577, Detroit, MI 48232	Mar. 5, 1954.
372-42	Tobaz	Mallinckrodt, Inc., P.O. Box 5439, St. Louis, MO 63147	Feb. 2, 1971.
373-84	Fog Dex	Residex Corporation, 225 Terminal Ave., Clarke, NJ 07066	May 8, 1963.
373-103	Fly Fog Jr. Household Spray	do	Feb. 25, 1972.
373-104	Fogging Concentrate 3610	do	June 26, 1972.
373-105	Assault	do	Mar. 6, 1973.
400-212	Deposter Dairy Cattle Dust	Uniroyal Chemical, Division of Uniroyal, Inc., 74 Amity Rd., Bethany, CT 06525	Jan. 24, 1962.
400-258	Deposter Perthane E-4	do	Apr. 4, 1968.
404-321	Moth Proofer	McConnon and Co., 25 McConnon Drive, Winona, MN 55987	Jan. 9, 1971.
410-80	Franklin Louse-Fly Killer	Franklin Laboratories, Inc., P.O. Box 669, Amarillo TX 79105	July 23, 1974.
410-81	Louse-Fly-Tick Wettable Powder	do	Oct. 17, 1975.
491-136	Selig's Super Tick Dip	The Selig's Industries, A Division of Nat'l Service Ind., P.O. Box 43106, Atlanta, GA 30336.	Mar. 26, 1958.
506-87	Linck's Kilz All	O.E. Linck Co., Division of Walco-Linck Corp., 1234 Highway 46, Clifton, NJ 07015.	Jan. 26, 1962.
506-112	Linck's Liquid Kilz All	do	June 24, 1964.
524-280	Granular Ramrod 26 Selective Herbicide	Monsanto Agricultural Products Co., 1101 17th St. NW., Suite 604, Washington, DC 20036.	May 23, 1968.
524-288	Wettable Powder Ramrod Linuron for Pre-emergence Weed Control in Field Corn.	do	Nov. 14, 1969.
524-289	Granular Ramrod Linuron for Pre-emergence Weed Control in Field Corn	do	Nov. 13, 1969.
557-1748	Vigoro House and Garden Insect Killer Indoors and Outdoors	Estech General Chemicals Corp., 30 N. LaSalle St., Chicago, IL 60602	Oct. 21, 1970.
557-1825	Vigoro Brand Spectrum Weed and Grass Killer	do	June 2, 1971.
622-35	Norsect Dog and Cat Spray Insecticide	Norden Labs, Inc., 601 W. Cornhusker, Lincoln, NE 68521	Aug. 13, 1956.
622-38	Mitox Ointment	do	Apr. 24, 1967.
675-10	Titan Supreme High Potency Insect Killer	National Laboratories, Lehn and Fink Industrial Products Div., 225 Summit Ave., Montvale, NJ 07645.	Dec. 27, 1965.

Registration No.	Product name	Registrant	Date registered
704-33	IS-66	Chemical Systems, Inc., 1735 W. Fullerton Ave., Chicago, IL 60614	Oct. 7, 1974.
706-64	Claire Yard and Patio Spray	Claire Manufacturing Co., 500 Vista Ave., Addison, IL 60101	June 2, 1967.
731-13	Chaperone Foam Shampoo	Sudbury Laboratory, 572 Dutton Rd., Sudbury, MA 01776	Nov. 3, 1960.
778-26	Sargeant's Skip-Bath Quick Dog Cleaner	A.H. Robins, P.O. Box 26609, Richmond, VA 23261-6609	Apr. 8, 1971.
778-31	Sargeant's Skip-Flea Foam for Dogs	do	Aug. 7, 1972.
802-322	Millers Horse and Show Stock Fly Repellent and Insecticide	The Chas. H. Lilly Co., 7737 NE. Killingsworth, Portland, OR 97218	Nov. 8, 1962.
842-102	Rocide	G.S. Robins and Co., 126 Chateau Ave., St. Louis, MO 63102	May 9, 1967.
865-15	Vapona Kwik Kil Cattle Spray	Harrison Oil Co. Inc., P.O. Box 5585, Milwaukee, WI 53211	
869-99	Green Light Bulb and Bedding Plant Food 4-12-12 with Fungicide	Green Light Co., P.O. Box 17985, San Antonio, TX 78217	Jan. 23, 1970.
871-91	Fisons Versa-Tox	The Doggett Co., Lebanon, N.J. 08833	Apr. 27, 1964.
876-200	Tiovel 2EC Insecticide	Velsicol Chemical Corp., 341 East Ohio St., Chicago, IL 60611	Oct. 12, 1973.
961-154	Lebanon Improved Fruit and Berry Spray	Lebanon Chemical Corp., P.O. Box 180, Lebanon, PA 17042	Dec. 29, 1955.
961-257	Lebanon Rose and Floral Spray	do	Oct. 24, 1970.
984-57	Laro	Whitmoyer Laboratories, Inc., 19 N. Railroad St., Myerstown, PA 17067	Dec. 18, 1972.
1007-39	Dairy Cattle Dust	Pfipharmecs Division, Pfizer Inc., 235 East 42nd St., New York, NY 10017	July 28, 1965.
1007-59	Clinicare Pet Spray	do	May 16, 1966.
1016-57	Glyodin Fungicide 50-16W Manufacturing Concentrate	Union Carbide Agricultural Products Co., Inc., P.O. Box 12014, Research Triangle Park, NC 27709.	Apr. 19, 1966.
1057-36	Crabgrass DSMA	The C.B. Dolge Co., P.O. Box 1515, Rochester, NY 14603	Oct. 2, 1958.
1111-135	Ophene 12 Disinfectant-Cleaner-Deodorant	Hockwald Chemicals, Division Oxford Chemicals, Inc., 275 Valley Dr., Brisbane, CA 94005.	Oct. 27, 1972.
1111-144	Insekkill #217	do	Oct. 6, 1972.
1157-29	Moorman's Insecticide Dust	Moorman Manufacturing Co., 1000 North 30th St., Quincy, IL 62301	Mar. 11, 1966.
1157-38	Moorman's Insectaban	do	July 29, 1971.
1182-13	D-Stroy Vegetation Killer	Hubman Supply Co., 1123 W. Goodale Blvd., Columbus, OH 43212	Jan. 17, 1972.
1187-59	Lethalaire G-67 Greenhouse Insecticide	Virginia Chemicals, 3340 W. Norfolk Rd., Portsmouth, VA 23703	June 16, 1961.
1258-906	Olin Sodium Chlorate Weed Killer Solution	Olin Research Center, P.O. Box 30-275, New Haven, CT 06511	May 10, 1971.
1258-1020	Mathieson "Quick-Pick" A Liquid Chlorate Cotton Defoliant	do	Nov. 21, 1960.
1364-2	De-O-Dis Disinfectant	The Parawax Co., 1200 S. 3rd St., Council Bluffs, IA 51501	Sept. 30, 1966.
1381-27	Household Aerosol	Land O Lakes, P.O. Box 423, Shenandoah IA 51601	Apr. 28, 1965.
1498-6	Marco Indoor and Outdoor Fogging Insecticide	Marks Supply Co., P.O. Box 15938, New Orleans, LA 70175	May 21, 1965.
1553-97	Momar Slow-Up	Momar, Inc., 1830 Ellsworth Industrial Dr., NW., Atlanta, GA 30318	Jan. 16, 1974.
1574-30	"End-a-Bug" Insecticide II	Stanhome, Inc., 333 Western Ave., Westfield, MA 01085	Apr. 18, 1973.
1616-37	Warlasco Pyrenone Type Mill Spray	Warren-Douglas Chemical, Co., Inc., 3002 F St., Omaha, NE 68107	May 1, 1967.
1616-78	Warlasco Industrial Spray	Do	Nov. 25, 1959.
1685-29	#797 State Powered Insecticide	The State Chemical, Manufacturing Co., 3100 Hamilton Ave., Cleveland, OH 44114.	Sept. 24, 1963.
1691-24	Supersan Fleen	Chemical Compounding Corp., 680 Elton Ave., Riverhead, NY 11901	Apr. 1, 1954.
1691-65	Quist Sectox Insect Killer	Do	Jan. 19, 1961.
1811-6	Surf-Kote Amber Glo Pet Shampoo	Gena Laboratories, 1341-3 Plowman St., Dallas, TX 75203	June 27, 1968.
1811-7	Surf-Kote Lustre Creme Pet Shampoo	Do	Oct. 8, 1968.
2011-3	Vigortone Insecticidal Salt No. 151	Livestock Agricultural, Products, Ltd., 5264 Council St. NE., P.O. Box 1230, Cedar Rapids, IA 52406.	Sept. 28, 1972.
2124-10	Naco Zineb Dust	W.R. Grace and Co., P.O. Box 227, Memphis, TN 38101	Nov. 24, 1952.
2124-294	Naco 1¾% Sevin—50% Sulphur	do	June 27, 1960.
2124-313	Naco Sevin-Sulphur 5-50 Dust	do	May 11, 1961.
2124-378	Naco Sevin-Sulphur 5-75 Peanut Dust	do	June 17, 1965.
2124-463	Maxwell Vapona Dairy and Beef Cattle Spray	do	Sept. 22, 1966.
2124-465	Maxwell P-B Insect Spray	do	Oct. 6, 1966.
2124-624	Naco Sevin-Sulphur 10-50 Dust	do	Mar. 5, 1968.
2124-627	Naco Cooper-Sevin Sulphur 4-5-75 Dust	do	Mar. 15, 1968.
2124-662	Naco Sevin-Sulphur 7.5-50 Dust	do	Dec. 17, 1968.
2175-10	Moldicide K	Seaport Chemicals, 1215 East Columbia St., Seattle, WA 98122	Sept. 25, 1979.
2214-7	Di-Spray Air Refreshener and Sanitizer	Vapor Products Co., P.O. Box 8395, Orlando, FL 32856	July 25, 1956.
2342-862	4% Malathion Dust	Kerr-McGee Chemical Corp., Kerr-McGee Bldg., Oklahoma City, OK 73120	May 15, 1967.
2382-51	Ronnel Animal Spray Wound Treatment	Carson Chemicals, Inc., P.O. Box 466, New Castle, IN 47362	Sept. 2, 1971.
2382-63	Fogging Dispenser	Carson Chemicals, Inc., P.O. Box 466, New Castle, IN 47362	May 3, 1974.
2439-5	Copper Cure	Apperson Chemicals, Inc., 2903 Strickland St., Jacksonville, FL 32203	May 31, 1968.
2460-6	Gowen's 15% Fermate	Gowen Chemical Corp., P.O. Box 130, Roanoke Rapids, NC 27870	Sept. 27, 1968
2491-317	Holiday 25-E Emulsifiable Methoxychlor	Koos Inc., 4500 13th Ct. Kenosha, WI 53140	Dec. 7, 1972.
2617-39	Bug Stop Flea and Tick Killer	Michel and Pelton Co., 5743 Landregan St., Emeryville, CA 95608	May 6, 1981.
2617-40	Bug Stop Ant, Roach and Spider Killer	do	May 6, 1981.
2617-41	Bug Stop Home Pest Killer	do	Do.
2619-9	Dutch Boy Wood Preservative 70-90 Clear	NL Industries, Inc., P.O. Box 1090, Hightstown, NJ 08520	Nov. 30, 1961.
2724-165	Starbar Lintox Livestock Dust	Zoecon Industries, Inc., 12200 Denton Dr., Dallas, TX 75234	June 26, 1969.
2829-60	Bentron Socci 6818	Thiokol/Ventron Division, 150 Andover St., Danvers, MA 01923	May 8, 1958.
2841-7	Phoenix Conap 45 Concentrate	Phoenix Oil Co., 625 5th St., Augusta, GA 30901	Dec. 30, 1968.
2841-8	Cop Ten Wood Preservative	do	Dec. 31, 1968.
2841-9	Phoenix Conap 20 Canvas, Rope and Wood Preservative	do	Feb. 11, 1969.
2915-20	Fuller Brush Moth Proofer	The Fuller Brush Co., P.O. Box 729, Great Bend, KS 67530	June 20, 1961.
2915-45	Outdoor Insect Fogger	do	Feb. 1, 1968.
2915-52	Fuller Garbage Can Spray	do	June 15, 1973.
2935-324	Red-Top Perthane 4 Spray	Wilbur-Ellis Co., Agricultural Services Corp., 191 W. Shaw Ave., Suite 107, Fresno, Ca 93704.	Apr. 14, 1967.
2935-355	Red-Top Residual Mosquito Larvacide (contains 1% Baytex)	do	Mar. 18, 1969.
2935-356	Red-Top Residual Mosquito Larvacide (contains 2% Baytex)	do	Mar. 19, 1969.
3090-145	Sanitized Brand TK-5	Sanitized Inc., 605 3rd Ave., New York, NY 10016	Sept. 13, 1965.
3090-160	Santized Brand X-1120	do	July 8, 1968.
3125-65	Lesan Technical	Mobay Chemical Co., Agricultural Chemicals Div., P.O. Box 4913, Kansas City, MO 64120.	Dec. 16, 1959.
3125-69	Lesan 70% Wettable Powder	do	May 16, 1960.
3125-70	Dexon-Terrachlor 35-35 Wettable Powder	do	Do.
3125-109	Dexon-Terrachlor 5-5 Granular	do	May 23, 1962.
3125-110	Dexon 5% Granular	do	Do.
3125-145	Dexon and Terrachlor 2.5% plus 10% Dust	Agricultural Chemical Division of Mobay Chemical, P.O. Box 4913, Kansas City, MO 64120.	June 8, 1964.
3125-154	Lesan 35% Wettable Powder	do	Oct. 23, 1964.
3125-287	Lesan D 72% Wettable Powder (H_2O Soluble Packets)	do	Oct. 15, 1973.
3125-298	Dexon D 72% Wettable Powder	do	Mar. 15, 1974.
3125-303	Lesan 70% Wettable Powder (H_2O Soluble Packets)	do	Oct. 21, 1974.
3134-30	Evsco 7 Plus	Evsco Pharmaceuticals, P.O. Box 209, Buena, NJ 08310	Sept. 18, 1970.
3282-21	d-Con Pyrethrum Outdoor Fogger	The d-Con Company, Inc., 225 Summit Ave., Montvale, NJ 07645	June 6, 1967.
3314-24	Colonial 42 Kills Rats and Mice	Colonial Products, Inc., 1830 Tenth Ave. North, Lake Worth, FL 33460	Apr. 10, 1963.

Registration No.	Product name	Registrant	Date registered
3850-4	Krylon House and Garden Insect Killer	Borden Inc., Chemical Division, Krylon Dept., P.O. Box 390, Norristown, PA 19406.	Dec. 1, 1965.
3886-9	Dawson Pyrenone Concentrate No. 2 Insecticide	Ferguson Fumigants, 93 Fora Lane, Hazelwood, MO 63042	July 9, 1962.
4089-6	Arbie Dairy Scooter Formula R-B-N	Arbie Mineral Feed Co., 404 S. Center St., Marshalltown, IA 50158	May 8, 1979.
4185-456	Thiodan Miscible with Pyrenone	Smith-Douglass, Inc., P.O. Box 419, Norfolk, VA 23501	July 17, 1970.
4185-458	Pyronyl Crop Spray	Smith-Douglas Division, Division of Borden Chemical, 5100 Virginia Beach Blvd., P.O. Box 419, Norfolk, VA 23501.	July 8, 1970.
4581-117	Penco Methyl Parathion E-4M	Pennwalt Corp., Three Parkway, Philadelphia, PA 19102	Aug. 18, 1959.
4581-210	Perthane F-4	....do	Aug. 1, 1963.
4581-245	Perthane E-4	....do	Apr. 26, 1966.
4581-296	Deccosol "P" Concentrate	....do	Feb. 26, 1964.
4581-297	Deccosol "SP" Concentrate	....do	Mar. 25, 1964.
4581-299	Deccosol "L" Concentrate	....do	Apr. 29, 1964.
4581-305	Decco Citrus Coating WT-18 with Fungicide	....do	Oct. 1, 1965.
4581-307	Deccosol PF Concentrate	....do	May 22, 1967.
4581-311	Decco WT 55 Cannery and Freezer Peach Wax	....do	June 30, 1971.
4581-312	Decco Plum Coating WT-57 with Fungicide	....do	July 13, 1971.
4581-313	Decco Nectarine Coating WT-58 with Fungicide	....do	June 23, 1971.
4581-320	Penncap-M Tobacco Spray	....do	May 15, 1975.
4581-324	Penncap-M Apple and Pear Spray	....do	Oct. 3, 1975.
4708-27	A-R Mothproofing Solution	Laidlow, 1212 E. Fifth St., Metropolis, IL 62962	Mar. 16, 1970.
4825-3	Fogger Fuel	Judd Ringer Corp., 6860 Flying Cloud Dr., Eden Prairie, MN 55343	Mar. 21, 1963.
4825-14	.....do	....do	Oct. 10, 1972.
4828-80	TF-15 Efficient Turf Fungicide in Wettable Powder Form	Abco, Inc., P.O. Box J, Irwin, PA 15642	Mar. 20, 1972.
5174-21	DeVere Nox	DeVere Chemical Co., Inc., P.O. Box 604, Janesville, WI 53545	Apr. 5, 1976.
5187-15	MoBam 50 Wettable Powder	Mobil Oil Co., 150 E. 42nd St., New York, NY 10017	Aug. 9, 1967.
5748-32	Hot Shot Improved Outdoor Fogger	Household Products Division, Conwood Corp., 701 North Main St., Memphis, TN 38101.	Oct. 27, 1971.
5778-30	Indoor Automatic Space Fogger	Gro Chemical Co., 3530 NW. 31st St., Miami, FL 33142	Sept. 2, 1969.
5967-130	Kelthane Dust #4	Moyer Chemical Co., P.O. Box 5434, Fresno, CA 93755	Sept. 24, 1974.
5967-142	Metadan 2-2	....do	Feb. 6, 1975.
6143-19	Loft's Professional Crabgrass and Poa Annua Killer with Balan	Loft's Pedigreed Seed Co., Chimney Rock Rd., Bound Brook, NJ 08805	Jan. 29, 1975.
6233-9	Aero-Flush	Amador Chemical Corp., P.O. box 5006, Stockton, CA 95205	Dec. 5, 1969.
6296-14	NPI Insecto Ban	Nutrilite Products Inc., 5600 Beach Blvd., Buena Park, CA 90620	Apr. 28, 1967.
6308-34	Silvisar 510 Tree Killer	Ansul Chemical Co., P.O. Drawer 1165, Weslaco, TX 78596	Apr. 25, 1967.
6354-4	Nankee Penta-Treat Water Repellent Wood Preservative	Nankee Aluminum Paint Co., Engineer Lane, Farmingdale, NY 11735	June 11, 1973.
6369-3	Eudora "Pretty Dog" Shampoo	Eudora Products Co., 46 East Swan St., Columbus, OH 43215	Sept. 13, 1972.
6658-4	Flying Insect Killer	Midco Products Co., 11697 Fairgrove Ind. Blvd., Maryland Heights, MO 63043	July 12, 1962.
6658-19	Wasp-A-Way	....do	Apr. 19, 1968.
6658-29	Cherry Fragrance Flying Insect Killer	....do	Sept. 30, 1974.
6783-9	Arcal "Resido"	Arcal Chemicals, Inc., P.O. Box 8533, Seat Pleasant, MD 20743	Aug. 24, 1971.
7246-6	Kemco Soil Kil	Kemco Chemical Co., 313 Lilac St., Houston, TX 77009	Oct. 18, 1963.
7273-71	Check-Pest Endrin 1.6 Insecticide Concentrate	Crown Industries, Division of Hopkins Agricultural Chemical Co., P.O. Box 7532, Madison, WI 53707.	Nov. 23, 1971.
7315-4	Albers Man-O-War Insect Repellent for Horses	Albers Milling Co., Division of Carnation Co., 5045 Wilshire Blvd., Los Angeles, CA 90036.	Jan. 14, 1969.
7401-192	Ferti-lome Weed and Feed Special	Voluntary Purchasing Group, Inc., P.O. Box 460, Bonham, TX 75418	Feb. 8, 1963.
7501-11	Household, M.T.X.	Gustafson, Inc., P.O. Box 220065, Dallas, TX 75222	Feb. 1, 1973.
7693-2	Insect Spray	Stoners Ink. Co., Quarryville, PA 17566	July 20, 1965.
7696-8	Kent Insecticidal Mineral	Kent Feeds, Inc., 1600 Oregon St., P.O. Box 308, Muscatine, IA 52761	Apr. 2, 1974.
7702-3	Zip Fly and Grub Mineral	IP Feed Mills, 304 East 8th St., Sioux Falls, SD 57102	May 16, 1973.
7762-15	Leslie Fly Control Oral Larvacide "R" Premix with Rabon for Mink	Leslie Salt Co., P.O. Box 364, Newark, CA 94560	Oct. 5, 1982.
7885-1	Peoples Flying Insect Killer	Zoe Chemical Co., Inc., 1801 Falmouth Ave., New Hyde Park, NY 11040	Oct. 21, 1962.
7885-2	Peoples House and Garden Bug Killer	....do	Sept. 13, 1963.
7885-4	New Meadows Bug Shield	....do	Apr. 10, 1968.
7885-29	Meadows Insect Killer	....do	Jan. 24, 1968.
7885-34	Zoe Bug Shield	....do	Apr. 24, 1973.
8203-16	Chipman D-C-S Insecticide Fungicide Seed Treatment	ICI United States Inc., Regulatory Law Department, P.O. Box 751, Wilmington, DE 19899.	Oct. 7, 1971.
8399-1	10% Granules	Great Western Sugar Co., P.O. Box 5308 Terminal Annex, Denver, CO 80217	Mar. 12, 1964.
8399-2	Pre Beta Liquid	....do	Feb. 25, 1965.
8545-3	Acco Fly-Gon Medicated	Acco Feeds Agriculture Products Division, Anderson Clayton and Co. Inc., P.O. Box 521, Abilene, TX 79604.	Nov. 25, 1974.
8590-170	Sugar Bait Fly Killer	Agway, Inc., Fertilizer Chemical Division, Box 4933, Syracuse, NY 13221	Aug. 20, 1965.
8590-285	Korlan 24E Insecticide	....do	Feb. 8, 1968.
8590-313	Perthane 4E	....do	July 17, 1970.
8590-442	Alfa B 0-10-40 W.B. with Boron Plus 0.25 Simazine	....do	Jan. 10, 1974.
8764-5	Sta-Fresh 450	FMC Corp., Citrus Machinery Division, P.O. Box 552, Riverside, CA 92502	May 23, 1967.
8764-11	Sta-Fresh 414	....do	July 29, 1971.
8764-19	Sta-Fresh 418	....do	June 19, 1973.
8764-37	Sta-Fresh 551	....do	Nov. 6, 1975.
8764-38	Sta-Fresh 452	....do	Do.
8764-39	Sta-Fresh 552	....do	Nov. 7, 1975.
8785-14	Vita-Crown	Borden Inc., 960 Kingsmill Pkwy., Columbus, OH 43229	Mar. 26, 1968.
8823-39	Habco Chlorate Liquid No. 1010	Habco Inc., 1418 5th Street South, Hopkins, MN 55343	Nov. 2, 1973.
8823-40	Habco Chlorate Liquid No. 1013	....do	Do.
8823-41	Habco Chlorate Liquid No. 2020	....do	Nov. 1, 1973.
8823-42	Habco Chlorate Liquid No. 1515	....do	Nov. 2, 1973.
8823-43	Habco Chlorate Liquid No. 710	....do	Do.
8867-34	DSMA Liquid Plus	Cleveland Chemical Co., P.O. Box 520, Cleveland, MS 38732	Apr. 8, 1975.
9018-4	Telone II Soil Fumigant	Collier Carbon and Chemical Corp., P.O. Box 60455, Los Angeles, CA 90060	June 6, 1979.
9027-4	Copper Napthanate	Gilman Paint Varnish Co., P.O. Box 1257, Chattanooga, TN 37401	Jan. 11, 1966.
9110-1	RVPellent #399	Paul B. Elder Co., 705 Mulberry St., Bryan, OH 43506	Jan. 27, 1967.
9349-2	S-523 Concentrated Insecticide	Precision Labs., Inc., P.O. Box 127, Northbrook, IL 60062	Nov. 4, 1966.
9349-4	Granular Soil Sterilant	....do	May 25, 1967.
9349-7	S-T Insecticide	....do	Aug. 19, 1970.
9444-4	New Purge for Home and Patio Use Concentrated Aerosol Insect Killer	Cline-Buckner, Inc., 16317 Piuma Ave., Cerritos, CA 90701	Aug. 6, 1968.
9444-45	Purge CB-80 Aerosol Insect Killer	....do	Sept. 12, 1975.
9905-1	ACM Copper Sulfate Large Crystals	ACM Corp., P.O. Box 98, Aguila, AZ 85320	June 19, 1968.
10130-4	Rexco Multipurpose Kil-Fog/II	Rose Exterminator Co., 1130 Livernois Rd., Troy, MI 48084	July 2, 1968.
10423-1	Modern Living Ant and Roach Killer	Essex Chemical Corp., 1401 Broad St., Clifton, NJ 07015	May 1, 1970.
10423-7	Modern Living Wasp and Hornet Killer	....do	Dec. 28, 1971.
10423-10	Modern Living Yard and Patio Outdoor Fogger	....do	May 2, 1968.

Registration No.	Product name	Registrant	Date registered
10423-15	Modern Living House and Garden Bug Killer	....do	May 19, 1965.
10423-16	New Era Rose Spray	....do	Mar. 27, 1967.
10474-1	Formula 19 Roach Killer	Quality Manufacturing Co., 5957 South St., Andrews Place, Los Angeles, CA 90047.	Apr. 9, 1969.
10493-1	Continental IRT Shipping Sacks	Continental Can Co., Inc., 633 Third Ave., New York, NY 10017	June 20, 1969.
10497-1	Flea and Tick Spray for Dogs	Star Chemical Co., Inc., 9830 Derby Lane at Bristol, Westchester, IL 60153	June 2, 1969.
10519-1	Mars Water Base House and Garden	Mars Chemical Corp., 762 Marietta Blvd., NW., Atlanta, GA 30318	June 2, 1969.
10519-3	Mars Dual Synergist Insect Spray	....do	Dec. 4, 1969.
10780-1	E-Z Edge No Trim	Custom Services, 555 York Dr., Blackfoot, ID 83221	
10782-2	New Bixotox Household Insecticide	Big State Chemical Service, P.O. Box 15099, Houston, TX 77020	Oct. 12, 1973.
11440-1	Lane's Pre-emergence Herbicide	Lane Laboratories, Inc., P.O. Box 24632, Los Angeles, CA 90024	Sept. 27, 1971.
11524-4	Contact	Halbro Control Industries, 2090 Route 110, Farmingdale, NY 11735	May 18, 1973.
11556-47	Fly Spray For Horses	Cutter Animal Health Laboratories, Division of Bayvet Corp., P.O. Box 390, Shawnee Mission, KS 66201.	July 29, 1971.
11556-59	Para Bomb-M	....do	Feb. 27, 1962.
11598-1	Patio and Outdoor Spray	Connecticut Aerosols Inc. 85 Furniture Row, Milford, CT 06460	Sept. 22, 1971.
11656-47	Granular Simazine 2.0-U Herbicide	Western Farm Service, Inc., 3075 Citrus Circle, Suite 195, Walnut Creek, CA 94598-2674.	
11707-1	Wichita Spray Concentrate No. 625	Wichita Pest Control, 1603 Garfield, Wichita Falls, TX 76309	Apr. 21, 1972.
11849-3	1% Ronnel Insecticide Backrubber Oil	WHB Specialty Products Co., P.O. Box 231, Alton, IA 51003	Jan. 3, 1973.
11849-13	Silak 5% Karlan Insecticide Granules	....do	Nov. 7, 1974.
12455-20	Chexit Warfarin Rat and Mouse Bait	Bell Laboratories, Inc., 3699 Kinsman Blvd., Madison, WI 53704	Aug. 18, 1965.
12714-1	Golden Sun Insect-Raid	Golden Sun Feeds, Inc., 111 S. 5th St., Estherville, IA 51334	Sept. 15, 1975.
13136-1	Clear Crop Chlorate Defoliant	Tri-State Chemicals, P.O. Box 1206, Hereford, TX 79045	Dec. 21, 1972.
13437-13	Lo-Tox	DuCor Chemical Corp., P.O. Box 13298, Orlando, FL 32809	Mar. 30, 1976.
14981-1	Insect Repellent Treated Kraft	Gilman Paper Co., 111 W. 50th St., New York, NY 10020	Sept. 1, 1972.
19713-77	Drexel Dicofol Technical	Drexel Chemical Co., P.O. Box 9306, Memphis, TN 38109	Feb. 17, 1982.
19753-2	Permite Xcide Mildew Control Paint Additive	The Permite Corp., 796 Old Scottsdale Rd., Decatur, GA 30033	Mar. 5, 1974.
20004-4	Traco Copper Sulfate Fungicide with Zinc	Traylor Chemical and Supply Co., Inc., P.O. Box 7937, Orlando, FL 3280	May 27, 1975.
23304-1	Diazinon 4E Insecticide	Crummett Chemical, Inc., 2894 Forsyth Rd., Orlando, FL 32807	May 1, 1975.
33855-1	Root Destroyer	Melard Manufacturing Corp., 153 Linden St., Passaic, NJ 07055	Dec. 17, 1974.
34224-6	CR-173 Dedrite	Chemrite Corp., 12600 S. Daphne Ave., Hawthorne, CA 90250	Apr. 3, 1975.
34309-1	De-Bugg Spray	All States Product Co., 2616 Guinotte St., Kansas, City,MO 64120	Jan. 30, 1975.
36645-1	Petagree Concentrated Shampoo	Zodiac, Healox and Lustray Divisions, Majestic Drug Co., Inc., 711-717 E. 134th St., Bronx, NY 10454.	Oct. 8, 1975.
37177-1	Telone II Soil Fumigant	AFC Co., P.O. Box 207, Edison, CA 93220	Oct. 18, 1976.
37699-3	Challenger 3 Premix Contains Rabon 7.76 Oral Larvacide	Lavergne Supplement Co., 1038 Space Park South, Nashville, TN 37211	July 26, 1976.
38097-3	DiChem 656 Microbiocide	Dresser Industries, Inc., P.O. Box 6504, Houston, TX 77005	Oct. 26, 1981.
38097-7	G-100	....do	Sept. 23, 1981.
38097-8	G-101	....do	Do.
38097-9	G-102	....do	Do.
38097-10	G-103	....do	Do.
38097-11	G-100W	....do	Do.
38097-15	Di-Chem G113 Bactericide	....do	Apr. 8, 1983.
39492-11	34020 Anti-Fouling Ship-bottom Paint	Devoe and Reynolds Co., Division of Grow Chemical Corp., 4000 Dupont Circle, Louisville, KY 40207.	Apr. 2, 1969.
40831-23	Best 4 Servis Brand Pick-Aid	Falls Chemicals, Inc., P.O. Box 6323, Great Falls, MT 59406	Apr. 25, 1967.
45639-40	Hercules Azak Selective Pre-emergence Herbicide for Manufacturing Use	Nor Am Chemical Co., P.O. Box 7495, Wilmington, DE 19803	July 16, 1964.
45639-50	MCPP (Technical Grade)	....do	Sept. 11, 1980.

The Agency has agreed that each cancellation shall be effective February 21, 1986 unless within this time the registrant, or other interested person with the concurrence of the registrant, requests that the registration be continued in effect. The registrants were notified by certified mail of this action.

The Agency has determined that the sale and distribution of these products produced on or before the effective date of cancellation may legally continue until the supply is exhausted, or for one year from the effective date of cancellation. Other persons may continue to sell and distribute these products until the supply is exhausted. Continued sale and use of such existing stocks has been determined to be in accordance with the provisions of FIFRA and must be consistent with the label and labeling approved by EPA. Production of these products after the effective date of cancellation is prohibited and would be a violation of FIFRA.

Requests that the registration of these products be continued may be submitted in triplicate to the Registration Support and Emergency Response Branch, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Comments may be filed regarding this notice. Written comments should bear a notation indicating the document control number "[OPP-66126]" and the specific registration number. Any comments filed regarding this notice will be available for public inspection in Rm. 236, CM#2, at the above address from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

Authority: (7 U.S.C. 136d).

Dated: December 31, 1986.

Steven Schatzow,

Director, Office of Pesticide Programs.

[FR Doc. 86-849 Filed 1-21-86; 8:45 am]

BILLING CODE 6560-50-M

[OPP-66127; FRL-2955-1]

Certain Pesticide Products; Intent To Cancel Registrations; Bonide Chemical Co. et al.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice lists the names of firms requesting voluntary cancellation of registration of their pesticide products in compliance with section 6(a)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended.

EFFECTIVE DATE: February 21, 1986.

ADDRESSES: By mail, submit comments to:

Information Services Section, Program Management and Support Division (TS-757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460

In person, bring comments to: Rm. 236, CM#2, 1921 Jefferson Davis Highway, Arlington, VA

Information submitted as a comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice to the submitter. All written comments will be available for public inspection in Rm. 236 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail:

Lela Sykes, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460

Office location and telephone number: Rm. 718C, CM#2, 1921 Jefferson Davis Highway, Arlington, VA, (703-557-2126)

SUPPLEMENTARY INFORMATION: EPA has been advised by the following firms of their intent to voluntarily cancel registration of their pesticide products.

Registration No.	Product name	Registrant	Date registered
4-90	Bonide Tom Cat	Bonide Chemical Co., Inc., 2 Wurz Ave., Yorkville, NY 13495	Nov. 24, 1953.
59-111	Pulvex Kitty and Cat Flea Spray	Coopers Animal Health Inc., P.O. Box 167, Kansas City, MO 64141-167	May 28, 1965.
59-130	Cooper Fly Spray for Horses	do	Jan. 31, 1962.
59-138	Cooper Insect Spray for Horses	do	June 26, 1972.
59-143	Cooper Wipe-on Insecticide	do	Nov. 3, 1969.
59-144	Residual Surface Spray	do	Mar. 25, 1966.
59-179	Pulvex Flea-Free-30 Brand Insecticide Base	do	May 15, 1975.
59-190	Tic-Cide	do	May 12, 1948.
61-126	Koppers Wood Pecker Hole Filler	Koppers Co., Inc., Pittsburgh, PA 15219	Sept. 14, 1967.
106-53	Disinfectant Cleaner #14	Brulin & Co., 2920 Martindale Ave., Indianapolis, IN 46205	May 24, 1973.
218-6	Arcadian Lead Arsenate Powdered Standard	Allied Chemical Corp., P.O. Box 2061 R, Morristown, NJ 07960	Jan. 30, 1948.
218-48	Arcadian Astringent Lead Arsenate	do	Dec. 2, 1960.
226-143	Tobacco States 1¾% Bean Dust	Tobacco States Chemical Co., Inc., P.O. Box 12530, Lexington, KY 40583-2530.	Mar. 14, 1961.
226-147	Tobacco States Vegetable Dust Contains 5% Sevin	do	Aug. 11, 1971.
239-1607	Dibrom Lawn Insect Spray	Chevron Chemical Co. Ortho Division, 940 Hensley St., Richmond, CA 94804	May 4, 1961.
239-2207	Arsenic Acid	do	Oct. 26, 1966.
239-2357	Ortho Ready-To-Use Contax Weed and Grass Killer	do	Apr. 7, 1971.
239-2032	Ortho Chinch Bug and Sod Webworm Control	do	Oct. 27, 1964.
239-2475	Ortho Chinch Bug Killer	do	Oct. 18, 1982.
257-245	Vitozone Shoe and Locker Spray	Cello Chemical Co., 1354 Old Post Rd., Havre de Grace, MD 21078	June 14, 1968.
270-42	Farnam 3% Ciodrin Insecticide Dust	Farnam Co., Inc., 6847 N. 16th St., Omaha, NE 68112	Nov. 31, 1967.
279-1182	Thiodan Miscible	FMC Corp., Agricultural Chemical Division, 2000 Market St., Philadelphia, PA 19103.	Feb. 21, 1957.
279-1543	Thiram 5 Ethion 5 Granular Fungicide-Insecticide	do	Mar. 11, 1960.
299-127	Martin's Household and Patio Bug Bomb	C.J. Martin Co., P.O. Box 1089, Nacogdoches, TX 75961	Sept. 8, 1967.
334-205	Fyte 13 Hospital Disinfectant	Hysan Corp., 4309 S. Morgan St., Chicago, IL 60609	May 16, 1962.
334-208	Fyte Hospital Germicidal Detergent	do	Aug. 8, 1962.
334-323	Blue Grotto Hospital Disinfectant	do	July 27, 1970.
352-114	DuPont Thiram Techical	E.I. du Pont de Nemours & Co., 6054 DuPont Bldg., Wilmington, DE 19898	Aug. 5, 1948.
352-160	DuPont Tersan 75 Turf Fungicide	do	June 16, 1950.
352-169	DuPont Arasan SF-X Thiram Seed Protectant	do	Jan. 5, 1952.
352-218	DuPont Arasan 75	do	Jan. 23, 1956.
352-277	DuPont Arasan 50-Red Seed Protectant	do	July 5, 1962.
352-302	DuPont Arasan 50-Red ND Seed Protectant	do	Mar. 27, 1964.
352-355	DuPont Anti-Fouling Bottom Paint 360-774 Gulf Blue	do	Dec. 22, 1970.
358-107	Heal-Rite Tree Wound Paint	Nott Manufacturing Co., Inc., Pleasant Valley, NY 12569	Oct. 3, 1962.
358-139	Screen Treat	do	Apr. 28, 1971.
359-371	Chipman Hi-Test Lead Arsenate	Rhone-Poulenc Chemical Co., Agrochem Division, P.O. Box 125, Monmouth Junction, NJ 08852.	June 17, 1959.
359-400	Shed-A-Leaf	do	Sept. 14, 1960.
359-488	Chipco Hi-Test Lead Arsenate	do	Feb. 8, 1962.
359-520	Chlorea Granular	do	Feb. 27, 1963.
407-334	Imperical Flea and Tick Spray for Dogs	Imperial, Inc., P.O. Box 423, Shenanoah, IA 51601	Nov. 27, 1972.
413-79	Pioneer Sod Webworm Spray	Bartels & Shores Chemical Co., 1400-02 St. Louis Ave., Kansas City, MO 64101.	June 16, 1972.
421-12	H-D-5 Disinfectant Phenol Coef. 5	James Varley & Sons, Inc., 1200 Switzer Ave., St. Louis, MO 63147	Feb. 26, 1948.
421-13	H-D-10 Disinfectant Phenol Coef. 10	do	Do.
421-17	Odorless Disinfectant Coef. 5	do	Apr. 23, 1948.
421-182	Ordoless Distinfectant Coef. 20	do	Jan. 19, 1953.
438-19	Vermonex 50% Malathion Emulsifiable	State Chemical Co., P.O. Drawer 310, Amarillo, TX 79105	May 21, 1965.
442-26	Boron Insect Killer for House and Garden	Standard Oil Co., Midland Bldg., Cleveland, OH 44115	Apr. 17, 1951.
442-53	Boron Ant and Roach Killer	do	Dec. 3, 1971.
464-412	Dow Dursban Lawn and Ornamental Plant Insecticide	Dow Chemical U.S.A., P.O. Box 1706, Midland, MI 48640	Mar. 3, 1972.
464-449	Dow Lorsban 10G Granular Insecticide	do	July 13, 1975.
464-464	Dow Termiticide	do	Nov. 24, 1972.
464-468	Dow Chlorpyrifos 25D	do	Feb. 26, 1975.
464-475	Dow Lorsban 5G	do	June 18, 1974.
464-509	Dow Lorsban 25-PB Insecticide	do	Jan. 9, 1975.
464-517	Dow Dursban 10CR Insecticide	do	Feb. 3, 1974.
464-573	Dursban WB05 Plus Insecticide	do	Feb. 10, 1982.
464-584	Rhodia MCPP I0E Technical Grade	do	Dec. 10, 1971.
476-2092	Captan-Thiram-Methoxychlor 42-42-1.5 Seed Protectant	Stauffer Chemical Co., 1200 S. 47th St., Richmond, CA 94804	Jan. 24, 1972.
476-2093	Captan-Thiram	do	Sept. 28, 1971.
476-2146	Tillam-Dasanit 6.65-10G	do	Jan. 14, 1975.
476-2147	Tillam-Dasanit 6.65-13.35G	do	Oct. 24, 1974.
485-25	45% Emulsifiable Chlordane Concentrate	The Industiral Fumigant Co., 601 E. 159th St., Olathe, KS 66061	June 3, 1975.
485-29	75% Emulsifiable Chlordane Concentrate	do	Do.
538-38	Scott's Pro Turf Fertilizer IV	O.M. Scott & Sons Co., Marysville, OH 43040	Dec. 16, 1965
713-8	Algi Rid NF	Atlas Manufacturing Co., P.O., Box 224968, Dallas, TX 75264	June 7, 1973.
746-106	Crabgrass Preventer Granules Contains Bandane	MFA Oil Co., 200 South 7th St., Columbia, MO 65201	Oct. 8, 1968.
748-206	Chem Hoe 2EC	PPG Industries, Inc., One Gateway Center, Pittsburgh, PA 15222	Aug. 28, 1967.
777-54	Lysol Brand Spray Disinfectant C	Lehn & Fink Products Co., Inc., 225 Summit Ave., Montvale, NJ 07645	Jan. 29, 1976.
802-204	Miller's Lead Arsenate	The Chas. H. Lilly Co., 7737 NE. Killingsworth, Portland, OR 97218	July 22, 1957.
802-332	Miller's Lead Arsenate Sulfur 1585D	do	Apr. 29, 1963.

Registration No.	Product name	Registrant	Date registered
824-8	Giv Gard BNS Industrial Preservative	Givaudan Corp., 125 Delawanna Ave., Clifton, NJ 07014	Nov. 12, 1972.
829-201	SA-50 Hornfly and Lice Dust	Southern Agricultural Insecticides, P.O. Box 218, Palmetto, FL 33561	Mar. 2, 1972.
829-227	SA-50 Brand Vegetable Dust	do	Sept. 30, 1974.
829-229	SA-50 Brand 5% Diphenamid Granules	do	Mar. 27, 1974.
830-48	Crain Clear Pool	Crain Chemical Co., 2630 Andjon Dr., Dallas, TX 75220	May 22, 1979.
830-49	Crain ABF Tower Aid	do	Do.
833-64	Afco San-i-Lube Lubricant	Alex C. Fergusson Co., Spring Mill Dr., Frazer, PA 19355	July 10, 1973.
876-154	Jolt 15G Insecticide	Velsicol Chemical Corp., 341 E. Ohio St., Chicago, IL 60611-3371	Mar. 1, 1972.
912-38	Co-op Systemic T	Farmers Union Central Exchange, Inc., P.O. Box 43089, St. Paul, MN 55164	Apr. 12, 1968.
912-46	Co-op Systemic T Contains 0.6% Thimet Fertilizer Plus Insecticide	do	Mar. 13, 1968.
912-68	Co-op 18-46-0 Systemic T	do	Feb. 20, 1973.
912-69	Co-op 18-46-0 Systemic T	do	Jan. 22, 1973.
962-362	Lacco Diel Mulsion 1.5	Los Angeles Chemical Co., 4545 Ardine St., South Gate, CA 90280	May 23, 1974.
1021-490	Pyrocide Pressurized Pet Spray Mix 5602	McLaughlin Gormley King Co., 1715 SE. Fifth St., Minneapolis, MN 55414	Mar. 3, 1958.
1021-637	Pyrocide Intermediate 6031	do	May 9, 1961.
1021-792	MGK Mosquito Adulticiding Conc. 6508	do	Aug. 19, 1964.
1021-800	MGK Formula 6085	do	Dec. 16, 1964.
1021-884	Pyrocide Intermediate 6721	do	Nov. 25, 1966.
1021-885	Pyrocide Intermediate 6734	do	Dec. 16, 1966.
1021-942	Pyrocide Pressurized Plant Conc. 6361	do	Aug. 31, 1967.
1021-969	Pyrocide Plant Spray 6852	do	Mar. 21, 1968.
1021-1043	Pyrocide Pressurized Pet Spray Mix 6467	do	Apr. 10, 1969.
1021-1063	Pyrocide Formula 6976	do	Oct. 28, 1969.
1021-1073	MGK Formula 1832	do	Aug. 31, 1970.
1021-1161	Pyrocide Plant Spray Conc. 7064	do	July 1, 1971.
1021-1211	MGK Mosquito Adulticiding Conc. 1951	do	July 24, 1972.
1021-1264	Pyrocide Intermediate 7169	do	May 2, 1973.
1111-136	Phenogen Bactericidal Disinfectant Cleaner-Deodorant	Hockwald Chemicals, a Division of Oxford Chemicals, P.O. Box 227, Brisbane, CA 94005.	Apr. 26, 1972.
1111-149	Hockwald 1111 Bactericidal Detergent	do	Dec. 11, 1972.
1112-4	Lime and Sulfur Solution	Amfac Veterinary Supply Co., 2130 Marietta Blvd. NW., Atlanta, GA 30318	May 3, 1948.
1145-115	Amoco Perthane 4EC	The Cropmate Co., 320 Embassy Plaza, Omaha, NE 68114	Sept. 21, 1967.
1159-157	Twin Light Turf Fungicide W/Thiram	Seacoast Laboratories, Inc., P.O. Box 157, East Brunswick, NJ 08816	May 5, 1967.
1183-13	Corvel Flyte Powder	Elanco Products Co., 740 S. Alabama St., Indianapolis, IN 46285	Dec. 29, 1971.
1239-24	Lila-phene	Industrial Chemical Labs., Inc., 1015 N. 14th St., Omaha, NE 68102	Nov. 11, 1971.
1239-35	New Ozon-o-phene	do	Oct. 17, 1975.
1299-6	Control 56 Liquid Insecticide	Scientific Supply Co., Inc., P.O. Box 7406, Denver, CO 80207	July 26, 1967.
1348-139	Selco Soil Fumigant 50-D Contains Mylone	Selco Supply Co., 650 "O" St., Greeley, CO 80631	Mar. 10, 1958.
1364-1	Para-O-Pine Disinfectant	The Parawax Co., P.O. Box 477, Council Bluffs, IA 51502	Nov. 30, 1966.
1439-194	Lawn-Aid Fungus Control Prills	Blue Spruce Co., 50 Division Ave., Millington, NJ 07946	May 6, 1968.
1448-24	Busperse 51	Buckman Labs, Inc., 1256 McLean Blvd., Memphis, TN 38108	July 13, 1967.
1455-17	Microcide	Pro-Tex-All Co., Inc., 223 NW. 2d St., 740 S. Alabama St., Evansville, IN 47708.	Feb. 24, 1969.
1471-34	Dymid 80W	Elanco Products Co., a Division of Eli Lilly & Co., Indianapolis, IN 46285	Dec. 20, 1962.
1471-135	Trelmid WP Herbicide	do	Jan. 13, 1983.
1471-136	Trelmid 50W	do	Do.
1526-382	Agro-Chem Brand Perthane EC48	Chemical Distributors d.b.a. Arizona Agrochemical Co., P.O. Box 21537, Phoenix, AZ 85036.	Nov. 19, 1965.
1526-426	Phoenix Brand Perthane 10 Malathion 4	do	June 14, 1967.
1526-466	Phoenix Brand Perthane 10 Dust	do	July 8, 1968.
1677-74	Zylium 50%	Economics Laboratory, Inc., Osborn Bldg., St. Paul, MN 55102	Sept. 7, 1972.
1706-6	Nalco 21-S	Nalco Chemical Co., 2901 Butterfield Rd., Oak Brook, IL 60521	July 21, 1948.
1706-27	Nalco 201	do	Apr. 8, 1957.
1706-33	Nalco 322	do	Nov. 14, 1958.
1706-45	Nalcon 243 Microorganism Control Chemical	do	May 4, 1964.
1706-46	Nalcon 246 Microorganism Control Chemical	do	Apr. 4, 1964.
1706-54	Nalco 401	do	Sept. 3, 1964.
1706-57	Nalco 424 Ball	do	Do.
1737-10	Archer Cattle Oil with Korlan	Witco Chemical Corp., P.O. Box 8587, Woodcliff Lake, NJ 07675	Apr. 27, 1973.
1757-21	Biocide 253	Drew Chemical Corp., One Drew Chemical Plaza, Boonston, NJ 07005	July 15, 1962.
1757-32	Biocide 285	do	June 15, 1976.
1757-47	Drewsperse 782	do	Feb. 4, 1975.
1757-53	Amersperse 306	do	Sept. 4, 1973.
1762-6	AC Industrial Insecticide	Associated Chemists, Inc., 4401 SE. Johnson Circle Blvd., Portland, OR 97222.	May 3, 1965.
1769-16	Aerosal Concentrate	National Chemsearch, a Division of NCH Corp., 2727 Chemsearch Blvd., Irving, TX 75062.	Nov. 1, 1948.
1769-86	Certi-Fog	do	Aug. 9, 1961.
1769-91	Rat-Tat-Tat	do	May 17, 1963.
1769-160	National Chemsearch Chemweed S-678 Selective Weed Killer	do	Nov. 3, 1967.
1769-170	Quata-Sept	do	June 5, 1968.
1769-195	Gro-Tard Liquid Growth Retardant for Grass	do	Aug. 3, 1970.
1769-314	NCH Corporation's Grotard II	do	May 25, 1982.
1812-212	Methomill Tobacco Dust	Griffin Corp., P.O. Box 1847, Valdosta, GA 31601	Nov. 4, 1974.
1927-12	Terminix SF	Terminix International, Inc., P.O. Box 17167, Memphis, TN 38117	Dec. 28, 1956.
1990-425	Lawn Guard	Farmland Industries, P.O. Box 7305, Kansas City, MO 64116	May 13, 1959.
1990-434	Techne Weed-D	do	June 7, 1962.
1990-446	Sta-thion Stabilized 10% Parathion Granules	do	Dec. 1, 1966.
2124-304	NACO Maneb 4.8 Dust	W.R. Grace & Co., P.O. Box 227, Memphis, TN 38101	Dec. 6, 1960.
2204-03	Nopcocide 120	Diamond Shamrock Chemical Co., Process Chemicals Division, CN 1931, Morristown, NJ 07960-1931.	Jan. 23, 1976.
2204-14	Nopcocide DS-649	do	Nov. 2, 1973.
2204-15	Nopcocide 170	do	Nov. 4, 1974.
2342-815	5% Captan—5% Diazinon Dust	Kerr-McGee Chemical Corp., Kerr-McGee Bldg., Oklahoma City, OK 73125	Nov. 29, 1966.
2347-13	OZEX Insect Spray	Woodlets, Inc., 90 Chenango St., Buffalo, NY 14213	Sept. 22, 1967.
2382-7	F-T-Sevin Dip for Dogs	Carson Chemicals, Inc., P.O. Box 466, New Castle, IN 47362	Apr. 26, 1954.
2382-64	Paracide with Sevin	do	Sept. 9, 1974.
2384-6	Slimicide 100	Pfister Chemical, Inc., Linden Ave., Ridgefield, NJ 07657	Mar. 3, 1954.
2393-228	Hopkins Turf Insecticide	Hopkins Agri. Chem. Co., P.O. Box 7532, Madison, WI 53707	Sept. 27, 1972.
2749-219	Trifluralin 4 EC Herbicide	Aceto Agri. Chem. Corp., 126-02 Northern Blvd., Flushing, NY 11368	Nov. 14, 1973.
2749-226	Aceto Methylamino Benzene Diozo Sodium Sulfonate 35% WP Turf and Soil Fungicide.	do	Jan. 10, 1973.
2749-294	Trifluralin Technical Herbicide	do	Jan. 11, 1973.

Registration No.	Product name	Registrant	Date registered
2995-5	Germ-A-Cide Liquid	Bingman Labs, Inc., P.O. Box 88, Sarahsville, OH 43779	July 18, 1967.
3134-34	Sect-A-Fog	Evsco Pharmaceutical Corp., P.O. Box 209, Buena, NJ 08310	Apr. 3, 1973.
3222-10	Chlorinated Levulinic Acid	Crown Zellerbach Corp., One Bush St., San Francisco, CA 94104	Apr. 14, 1967.
3507-7	Duracide Liquid Germicidal Detergent No. 522	Chicago Sanitary Products Co., 1280 W. Washington Blvd., Chicago, IL 60607	July 6, 1967.
3876-26	Betz Slimicide A-9	Betz Laboratories, Inc., 4636 Somerton Rd., Trevose, PA 19047	Sept. 5, 1958.
3876-65	B-7P	do	Feb. 10, 1969.
3876-66	Betz DP-339	do	Mar. 11, 1969.
3897-1	Lotshaw's Pellent Spray	The Lotshaw Co., 1335 W. 47th St., Chicago, IL 60609	Oct. 5, 1955.
4236-10	Fly Tabs	Bandwagon, Inc., 54 Industrial Way, Wilmington, MA 10887	Aug. 3, 1976.
4499-3	Penta-Pine Wood Preserver	Floyd Pine Products, P.O. Box 25, Andalusia, AL 36420	Dec. 20, 1967.
4499-4	Floyd Copp-A-Cote	do	Jan. 13, 1972.
4887-71	Stephenson Chemicals Copper Napthenate	Stephenson Chemical Co., Inc., P.O. Box 87188, College Park, GA 30337	Apr. 25, 1961.
4981-41	Clear Pool NF Concentrate	Redwood Chemical, Inc., P.O. Box 45916, Houston, TX 77245	Sept. 4, 1973.
5185-22	Bio-Guard Tray Washing Cmpd.	Bio-Lab, Inc., P.O. Box 1489, Decatur, GA 30031	Nov. 17, 1958.
5576-45	Pool-Cide	Regal Supply & Chemical, P.O. Box 1955, El Paso, TX 79950	Apr. 25, 1979.
5839-6	66-665 Green Copper Anti-Fouling Bottom Paint	M.A. Bruder & Sons, Inc., 52nd St. and Grays Ave., Philadelphia, PA 19143	Apr. 5, 1974.
5839-7	66-461 Red Copper Anti-Fouling Bottom Paint	do	Feb. 26, 1974.
5870-27	Tex-2-O No. 2094 Microbiocide	Texo Corp., 2801 Highland Ave., Cincinnati, OH 45212	Feb. 9, 1984.
5870-28	Tex-2-O-No. 2095 Microbiocide	do	Do.
5905-173	Helena Marauder	Helena Chemical Co., Clark Tower, Suite 2900, 5100 Poplar Ave., Memphis, TN 38137.	June 22, 1973.
5967-55	Moyer Dexaclor 35-35	Moyer Chemical Co., P.O. Box 945, San Jose, CA 95108	Oct. 13, 1969.
6202-2	Pioneer Brand 5% Penta Wood Preserving Compound	Pioneer Building Specialties, 1125 SE. Division St., Portland, OR 97202	Feb. 17, 1959.
6202-5	Pioneer Brand Copper Napthenate	do	Aug. 28, 1968.
6264-3	Tex Treat	Nelson Chemicals Co., 12345 Schaefer Highway, Detroit, MI 48227	Aug. 21, 1961.
6520-7	Sterozol N Germicide	Hamblett & Hayes Co., Colonial Rd., Salem, MA 01970	Sept. 30, 1965.
6658-7	Deodorant Disinfectant	Midco Products Co., Division of Sigma International Ltd., 11697 Fairgrove Ind. Blvd., Maryland Heights, MO 63043.	Nov. 9, 1965.
6658-22	Legear Face-Fly and Livestock Spray	do	Dec. 29, 1971.
6772-4	Surface Spary Disinfectant	Fluid Chemical Co., 800 Airport Rd., Lakewood, NJ 08701	Apr. 22, 1968.
6771-5	Formula 409 Bathroom and Tile Cleaner	do	June 3, 1968.
7001-293	Best Crabgrass Preventer and Lawn Food 12-3-6 for Gras or Dichondra	Occidental Chemical Co., 360 Rainbow Blvd., South, Box 728, Niagara Falls, NY 14302.	Apr. 13, 1973.
7053-20	Fremont 9930	Fremont Industries, Inc., P.O. Box 67, Shakopee, MN 55379	Apr. 16, 1975.
7361-1	Penta Wood Preservative and Sealer	Preservative Paint Co., 5410 Airport Way, Seattle, WA 98108	May 27, 1965.
7779-3	Slimex 11	E.F. Houghton and Co., Madison and Van Buren Ave., Valley Forge, PA 19482.	June 18, 1963.
7779-5	Slimex 31	do	July 27, 1967.
8123-51	Mosquito Larvacide	Frank Miller and Sons, Inc., 13831 S. Emerald Ave., Chicago, IL 60627	July 23, 1974.
8394-1	So Long to Roaches, Ants, Etc.	Sawyer's Exterm Fumigating, 201 Monroe Ave., Rochester, NY 14607	Apr. 24, 1964.
8461-3	Cypress Brand LC-59 Weed Killer Wettable Powder	Cypress Manufacturing Co., 1406 South Hanley Rd., St. Louis, MO 63144	July 31, 1967.
8590-23	Dinitro 10G	Agway, Inc., P.O. Box 4933, Syracuse, NY 13221	Dec. 1, 1964.
8591-5	Mogul A-423	The Mogul Corp., P.O. Box 200, Chagrin Falls, OH 44022	June 27, 1977.
8591-6	Mogul A-421	do	Oct. 20, 1964.
8591-18	Mogul SP-417	do	Jan. 11, 1974.
8591-33	Mogul PC 1313	do	July 12, 1978.
8766-1	EZY-Weed	Jackson and Perkins Co., 1 Rose Lane, Medford, OR 97501	Mar. 25, 1965.
8780-27	Turf Line Crabgrass Preventer 1 Formula for Seeding Lawns Plus Fertilizer	High Point Mills, Inc., P.O. Box 36, 1225 Lehigh Station Rd., Henrietta, NY 14467.	Apr. 20, 1972.
8940-3	Su-Ro Triple Action Crabgrass Control	Lite Weight Products, Inc., 707 Funston Rd., Kansas City, KS 66115	Apr. 28, 1967.
9027-2	Gilman Pentox Wood Preservative	Gilman Paint Varnish Co., P.O. Box 1257, Suite 300, Interstate Life Bldg., 540 McCallie Ave., Chattanooga, TN 37401.	Jan. 11, 1968.
9307-4	Pop-In Tomato and Vegetable Spray	Encap Products Co., P.O. Box 278, Mt. Prospect, IL 60056	June 22, 1966.
9307-11	Pop-In Tomato and Vegetable Spray (Repackaging Only)	do	Jan. 15, 1974.
9403-1	Alken Fungus Treatment V-2	Alken-Murray Corp., 417 Canal St., New York, NY 10013	Nov. 6, 1967.
9444-47	Purge Total Release with Vapona/Ronnel	Cline-Buckner, Inc., 16317 Piuma Ave., Cerritos, CA 90701	Jan. 6, 1976.
9445-2	Inter-State Multi-Purpose Home Orchard Spray	Inter-State Nurseries, Hamburg, IA 51640	Sept. 29, 1966.
9640-38	M-60 Algaecide	Clow Corp., Water Management Division, 408 Auburn Ave., Pontiac, MI 48058	July 10, 1967.
9640-43	K-70 Algaecide	do	Feb. 7, 1973.
9640-46	M-50 Algaecide	do	July 27, 1976.
9640-47	M-50A	do	Aug. 4, 1975.
9640-48	IPL-400	do	May 15, 1980.
9779-85	Riverside Maneb 5 Dust Fungicide	Riverside Chemical Co., P.O. Box 171367, Memphis, TN 38117	Feb 29, 1968.
9779-161	Kill-A-Plenty Malathion 5	do	Dec. 23, 1971.
9923-1	Raymond I.R.T. Shipping Sack	Champion International Corp., P.O. Box 70, Middletown, OH 45042	Dec. 19, 1967.
10023-1	Niagara Spray Starch	CPC International, International Plaza, Englewood Cliffs, NJ 07832	Apr. 10, 1968.
10163-5	Prokil Perthane 4	Gowan Co., P.O. Box 5696, Yuma, AZ 85364	Apr. 17, 1969.
10267-6	Viro-Tec Hospital Spray Disinfectant	American Hospital Supply Corp., 1450 Waukegan Rd., McGaw Park, IL 60085	June 28, 1965.
10392-3	Pump Spray Disinfectant Formula 101	Sterwin Labs, Inc., P.O. Box 537, Millsboro, DE 19966	Jan. 28, 1976.
10445-36	Meta-Sol DX-3S Liquid	Calgon Corp., Calgon Center, P.O. Box 1346, Pittsburgh, PA 15230	May 11, 1964.
10445-39	Metasol TC-915	do	July 8, 1968.
10447-2	No. 22 Algaecide	do	Jan. 20, 1959.
10461-10	Meat Maker No. 3 Premix with Rabon® Oral Larvicide	V.M.S., Inc., P.O. Box 406, Montgomery, AL 36195-6001	Mar. 22, 1983.
10692-1	Morehead 5% DDVP Spray	Morehead Industries, Inc., 273 Hayden Rowe, Hopkinton, MA 01748	July 23, 1973.
10692-2	Morehead 10% DDVP Spray for Use in Tobacco Warehouses	do	Do.
10692-5	Morehead 50 WB Concentrate	do	Nov. 7, 1974.
10864-7	Gamlen Gamacide 1829	Sybron Chemicals, Inc. Birmingham Rd, P.O. Box 66, Birmingham, NJ 09011	Apr. 25, 1974.
10900-1	Keyspray Insecticide Spray	Sprayon Products, 26300 Fargo Ave., Bedford Heights, OH 44146	June 8, 1971.
11283-4	Tite-Gard Anti-Fouling Bottom Paint Red	General Paint and Chemical Co., 201 Jandus Rd., Cary, IL 60014	July 15, 1980.
11283-6	Tite-Gard Anti-Fouling Paint Blue	do	July 8, 1980.
11516-1	Stop Mold B	Gwin, White, and Prince, Inc., P.O. Box 15317, Seattle, WA 98115	July 29, 1971.
11581-1	Technical Maleic Hydrazide	Otsuka Chemical Co., Ltd., 200 Park Ave., New York, NY 10166	Aug. 6, 1971.
11656-32	Perthane 4 E	Western Farm Service, Inc., 3075 Citrus Circle, Suite 195, Walnut Creek, CA 94598.	Feb. 24, 1969.
11656-41	Western Farm Service Perthane BTB 5-144M	do	Feb. 17, 1976.
11684-1	Lawn Fertilizer with Bandane	Jirdon Agri Chemicals, Inc., P.O. Box 516, Morrill, NE 69358	Dec. 15, 1971.
11724-22	Intex 8308 Decitrex	Intex Products, Inc., P.O. Box 6648, Greenville, SC 29606	Nov. 29, 1966.
11724-32	Intex 8315 Super Phene Germicidal Detergent	do	Aug. 21, 1972.
11743-4	#89 Algaecide	Guardian-Ipco, Inc., P.O. Box 43067, Birmingham, AL 35243	June 5, 1973.
12484-1	401-L Liquid Biocide	Max-Gard Chemical and Equipment Co., P.O. Box 140306	Apr. 14, 1972.
13306-1	Shield Towercide W	Shield, Inc., P.O. Box 1708, Odessa, TX 79760	Sept. 17, 1980.
13306-2	Shield Algae-Go	do	Do.
13344-1	Weed and Feed	Traget Stores, Inc., 33 South 6th St., Minneapolis, MN 55440-1392	Feb. 3, 1975.

Registration No.	Product name	Registrant	Date registered
25030-1	Clover Brand Oral Larvicide Premix	MFC Services (AAL) P.O. Box 449, 414 North St., Jackson, MS 39205	Aug. 31, 1976.
32182-1	Dennison's 5% Sevin Bait Carbaryl	Mid Valley Chemicals, Inc., 200 West Railroad St., Weslaco, TX 78596	Aug. 30, 1973.
33108-5	Heritage House Chinch Bug Control	Weavers Lawn and Garden Products, Inc., P.O. Box 333, Bowling Green, OH 43402.	Apr. 23, 1969.
33631-1	Alg-Kontrol	Carrier-Stevens Co., P.O. Box 396, 2362 Jarco Drive, Holt, MI 48842	Mar. 28, 1975.
34775-1	Towercide	Industrial Water Conditioning Co., 2199 Frisco, P.O. Box 14867, Memphis, TN 38114.	Feb. 16, 1977.
36488-5	Gypsy Moth Insecticide Pouch	Reuter Labs, Inc., 14540 John Marshall Highway, Gainesville, VA 22065	July 15, 1981.
37976-1	Dividend Brand Mineral Mix	Glasgow Cooperative, Association, Glasgow, MO 65254	Aug. 31, 1976.
40300-3	Algaecide	Main Pro, Inc., P.O. Box 5208, Irving, TX 75062	Aug. 22, 1983.
40923-2	CMB-5 Microbiocide 27-011	Combustion Engineering, Inc., P.O. Box 828, Valley Forge, PA 19482	Mar. 15, 1978.
40923-3	CMB-5B Microbiocide	do	Jan. 25, 1978.
41182-2	Arcor A 105-B	American Resin and Chemical Corp., P.O. Box 4505, Wichita Falls, TX 76308	Aug. 5, 1981.
41128-4	Arcor A 114-B	do	Do.
45017-2	Slime-Trol RX-12	Betz Paper Chem Inc., 4636 Somerton Rd., Trevose, PA 19047	Nov. 2, 1954.
45639-124	Acti-Aid	Nor-Am Chemical Co., P.O. Box 7495, Wilmington, DE 19803	Aug. 27, 1973.
45865-1	„H 3010	Petro-Hydro Chemical Co., Inc., P.O. Box 4320, Wichita Falls, TX 76308	Feb. 24, 1982.
45865-2	„H 3012	do	Feb. 25, 1982.
46375-3	Algicide A-1	Wayne Consultants, Inc., W227 N752 Westmound Dr. Waukesha, WI 53218	Aug. 2, 1982.
46588-1	Tetramethylthiuram Disulfide TMTD	Reactor Products, Inc., P.O. Box 128, Armuchee, GA 30105	Sept. 22, 1982.
46909-6	Savannah Copper Napthanate 20% Sol'n	Savannah Paint Manufacturing Co., P.O. Box 7051, Savannah, GA 31408	Apr. 12, 1983.
48516-1	SPCTB	Southern Testing and Engineering, P.O. Box 513, Havana, FL 32333	Oct. 27, 1982.
48516-2	CTB 20	do	Do.
45516-5	CTB 10	do	Do.
49564-2	Algaecide CWT-10	Puritan Chemicals, 1709 North Kickapoo, Lincoln, IL 62656	Aug. 19, 1983.
50534-19	Termil Tablets	SDS Biotech Corp., World Headquarters, 7528 Auburn Rd., P.O. Box 348, Painesville, OH 44077.	Sept. 23, 1966.
50534-21	Exotherm Termil	do	Feb. 3, 1969.
51477-3	Biocon-103	Solution Chemicals, Inc., P.O. Box 842, Neosho, MO 64850	Apr. 30, 1984.
52440-1	Algaecide 5200	Crown Associates, Inc., 912 W. Ash, Salina, KS 67401	July 13, 1984.

The Agency has agreed that each cancellation shall be effective February 21, 1986, unless within this time the registrant, or other interested person with the concurrence of the registrant, requests that the registration be continued in effect. The registrants were notified by certified mail of this action.

The Agency has determined that the sale and distribution of these products produced on or before the effective date of cancellation may legally continue until the supply is exhausted, or for one year from the effective date of cancellation. Other persons may continue to sell and distribute these products until the supply is exhausted. Continued sale and use of such existing stocks has been determined to be in accordance with the provisions of FIFRA and must be consistent with the label and labeling approved by EPA. Production of these products after the effective date of cancellation is prohibited and would be a violation of FIFRA.

Requests that the registration of these products be continued may be submitted in triplicate to the Registration Support and Emergency Response Branch, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Comments may be filed regarding this notice. Written comments should bear a notation indicating the document control number "[OPP-66127]" and the specific registration number. Any comments filed regarding this notice will be available for public inspection in Rm. 236, CM#2, at the above address from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

Authority: 7 U.S.C. 136d.

Dated: December 31, 1986.

Steven Schatzow,

Director, Office of Pesticide Programs.

[FR Doc. 86-850 Filed 1-21-86; 8:45 am]

BILLING CODE 6560-50-M

[OPP-100028; FRL-2958-4]

Computer Science Corp. and Informatics General Corp.; Transfer of Data

AGENCY: Environmental Protection Agency (EPA).

ACTION: NOTICE.

SUMMARY: This is a notice to certain persons who have submitted information to EPA in connection with pesticide information requirements imposed under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Federal Food, Drug, and Cosmetic Act (FFDCA).

Computer Science Corporation (CSC) and its subcontractor, Informatics General Corporation have been awarded a contract to perform work for EPA's Office of Health and Environmental Assessment (OHEA), and will be provided access to certain information submitted to EPA under FIFRA and the FFDCA. Some of this information may have been claimed to be confidential business information (CBI) by submitters. Contractor access to FIFRA and FFDCA CBI is authorized by 40 CFR 2.307(h) and 40 CFR 2.308(h)(2) respectively. Information to be provided to CSC and Informatics General Corporation is described below.

DATE: CSC and Informatics General Corporation will be given access to this information no sooner than January 27, 1986.

FOR FURTHER INFORMATION CONTACT:

By mail: William C. Grosse, Program Management and Support Division (TS-757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Office location and telephone number: Room 222, CM#2, 1921 Jefferson Davis Highway, Arlington, VA (703-557-2613).

SUPPLEMENTARY INFORMATION: Under Contract No. 689-01-7176, CSC and Informatics General Corporation will organize, inventory, and maintain OHEA chemical assessments, projects, and reference materials used in support of EPA's regulatory programs. OHEA has determined that access by CSC and Informatics General Corporation to chemical information on all pesticide chemicals is necessary to the performance of this contract.

The Office of Health and Environmental Assessment and the Office of Pesticide Programs have jointly determined that the contract herein described involves work that is being conducted in connection with FIFRA, in that pesticide chemicals will be the subject of certain evaluations to be made under this contract. These evaluations may be used in subsequent regulatory decisions under FIFRA.

Some of this information may be entitled to confidential treatment. The information has been submitted to EPA under sections 3, 6, and 7 of FIFRA and obtain under sections 408 and 409 of the FFDCA.

In accordance with the requirements of 40 CFR 2.301(h)(2), the contract with CSC and Informatics General Corporation prohibits use of the information for any purpose other than purpose(s) specified in the contract; prohibits disclosure of the information in any form to a third party without prior written approval from the Agency or affected business; and requires that each official and employee of the contractor sign an agreement to protect the information from unauthorized release. In addition, CSC and Informatics General Corporation are required to submit for EPA approval a security plan under which any CBI will be secured and protected against unauthorized release or compromise. No information will be provided to this contractor until the above requirements have been fully satisfied. Records of information provided to this contractor and subcontractor will be maintained by the Project Officer for this contract in the EPA OHEA. All information supplied to CSC and Informatics General Corporation by EPA for use in connection with this contract will be returned to EPA when CSC and Informatics General Corporation have completed their work.

Dated: January 10, 1986.

Susan H. Sherman,

Acting Director, Office of Pesticide Programs.

[FR Doc. 86-1320 Filed 1-21-86; 8:45 am]

BILLING CODE 6560-50-M

[AMS-FRL-2958-7]

Control of Air Pollution From New Motor Vehicle Engines; Federal Certification Test Results for 1985 Model Year

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: Section 206(e) of the Clean Air Act, as amended August 1977, directs the Administrator of the Environmental Protection Agency to announce in the **Federal Register** the availability of the results of certification tests. These tests are conducted on new motor vehicles and new motor vehicle engines to determine vehicle'/engines' conformity with Federal standards for the control of air pollution caused by motor vehicles. The Federal Certification Test Results for the 1985 model year are now available and may be obtained by writing: U.S. Environmental Protection Agency, Office of Mobile Sources, Certification Division, 2565 Plymouth Road, Ann Arbor, Michigan 48105.

FOR FURTHER INFORMATION CONTACT: Judy Carmickle, Certification Division, U.S. Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, Michigan 48105, (313) 668-4200.

Dated: January 14, 1986.

Charles L. Elkins,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 86-1318 Filed 1-21-86; 8:45 am]

BILLING CODE 6560-50-M

[OPP-42062; FRL-2958-3]

Intent To Approve Amendment to Wyoming Pesticide Applicator Certification Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of intent to amend Wyoming plan for certification of pesticide applicators.

SUMMARY: The Wyoming Commissioner of Agriculture has submitted to EPA an amendment to their approved plan for the certification of applicators of restricted use pesticides. EPA recently registered Compound 1080 Livestock Protection Collar for predator control. This amendment to the Wyoming Certification Plan permits certification of Compound 1080 Livestock Protection Collar applicators. Notice is given of the intention of the Regional Administrator, EPA, Region VIII, to approve this amendment. A summary of the amendment appears under **SUPPLEMENTARY INFORMATION.** Interested persons are invited to comment.

DATE: Comments should be submitted on or before February 21, 1986.

ADDRESSES: Address comments identified by the docket control number OPP-42062, to: Edward L. Stearns, Air and Toxics Division (8AT-TS), Region VIII, Environmental Protection Agency, Suite 1300, 999 18th St., Denver, CO 80202-2413.

See **SUPPLEMENTARY INFORMATION** for addresses where the plan and comments are available for public inspection.

FOR FURTHER INFORMATION CONTACT: Edward Stearns (303) 293-1745.

SUPPLEMENTARY INFORMATION: In accordance with the provisions of section 4(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act as amended (86) Stat. 973; 7 U.S.C. 136b and 40 CFR Part 171, John Orton, Commissioner, Wyoming Department of Agriculture, has submitted to EPA an amendment to the Wyoming State Plan to permit certification of private and commercial applicators of the Compound 1080 Livestock Protection Collar.

On July 11 1985, EPA registered Compound 1080 for predator control use in Livestock Protection Collars. Prior to this action, all predator control uses of Compound 1080 has been cancelled. The registration of Compound 1080 Livestock Protection Collars Imposed additional reporting and recordkeeping requirements beyond these required of other restricted use pesticides. Further, the registration required that Compound 1080 Livestock Protection Collar applicators receive specific training and a distinct certification. This amendment to the original Wyoming Certification Plan approved in January 13, 1978, meets the requirements of the Compound 1080 Livestock Protection Collar registration.

The Wyoming Plan sets up a special certification subcategory for both private and commercial applicators. Private applicators will meet both the general certification competency standards plus product specific competency standards. Competence in the product specific standards will be determined through a pass/fail written exam.

Commercial applicators will be certified in the Vertebrate Pest Control subcategory under the Regulatory Pest Control major category. Commercial application will be limited to government employees or their agents. Competence will be determined through a pass/fail written examination. The State estimates that there will be 250 private and commercial applicators requesting certification to use the collar.

All applicators will be required to complete a training course presented by the Wyoming Department of Agriculture. The course will use a training package developed by Texas A&M University under a contract from EPA.

Collars will only be available to applicators through the Wyoming Department of Agriculture. The Department will also assume responsibility for disposal of damaged collars.

Applicators who cannot read will not be certified.

Reciprocity will only be granted to applicators holding a specific Compound 1080 Livestock Protection Collar certification. Reciprocity will be further limited to those who own or lease land in Wyoming and to federal employees

engaged in predator control in an official capacity.

The written examination which the Department will use to determine competency was attached to the Plan but will not be available for public review in order to protect the integrity of the exam. EPA has reviewed the examination and determined that it satisfactorily measures the competence of the applicators.

Copies of the plan amendment are available for review at the following locations during normal business hours:

1. Wyoming Department of Agriculture, receptionist's Desk, 2219 Carey Avenue, Cheyenne, WY 82002, (303–777–6590)
2. Environmental Protection Agency, EPA Region VIII, Room 2456, 999 18th Street, Denver, CO 80202–2413 (303–293–1730)
3. Environmental Protection Agency, Program Management and Support Division (TS–757C), Office of Pesticide Programs, Room 236, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (202–557–3262)

Interested persons are invited to submit written comments on the proposed State Plan amendment.

Dated: January 10, 1986.

John G. Welles,

Regional Administrator, Region VIII.

[FR Doc. 86–1321 Filed 1–21–86; 8:45 am]

BILLING CODE 6560–50–M

[OPP–100033; FRL–2957–5]

Toxic and Hazardous Substances Control, Dynamac Corp.; Transfer of Data

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This is a notice to certain persons who have submitted information to EPA in connection with pesticide, information requirements imposed under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Federal Food, Drug, and Cosmetic Act (FFDCA).

Dynamac Corporation has been awarded multiple contracts to perform work for the EPA's Office of Pesticide Programs and Office of Research and Development, and will be provided access to certain information submitted to EPA under FIFRA and the FFDCA. Some of this information may have been claimed to be confidential business information (CBI) by submitters. Contractor access to FIFRA and FFDCA CBI is authorized by 40 CFR 2.307(h) and 40 CFR 2.308(h)(2) respectively. Information to be provided to Dynamac Corporation is described below.

DATE: Dynamac Corporation will be given access to this information no sooner than January 27, 1986.

FOR FURTHER INFORMATION CONTACT: By mail: William C. Grosse, Program Management and Support Division (TS–757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 222, CM#2, 1921 Jefferson Davis Highway, Arlington, VA, (703–557–2613).

SUPPLEMENTARY INFORMATION: 1. Under contract 68–02–4225, Dynamac Corporation will provide scientific reviews and evaluations to EPA on the toxicity of chemicals in connection with Registration Standards, Registration actions, and Special Reviews, and provide hearing/litigation support. Also, Dynamac Corporation will provide statistical and analytical support to EPA to improve the quality of data collection and analysis of pesticide evaluations.

2. Under contract 68–02–4226, the contractor will review data submitted to EPA in tolerance petitions to determine whether the data supports established and newly requested tolerances; and in addition, the contractor will review data in response to data gaps in completed Registration Standards.

3. Under contract 68–01–6679, the contractor will review and evaluate available data relative to the chemistry and fate of pesticides in the environment and the environmental and human exposure of these pesticides received during FY '85 and FY '86.

4. Under contract 68–01–4131, the contractor will review and prepare evaluations of carcinogenicity data, including qualitative and quantitative assessment of selected chemicals. The Office of Research and Development and the Office of Pesticide Programs have jointly determined that access by Dynamac Corporation to information on certain pesticide chemicals—chlordane, heptachlor, aldrin, and dieldrin—is necessary to the performance of this contract. These evaluations may be used in subsequent regulatory decisions under FIFRA.

Some of this information may be entitled to confidential treatment. The information has been submitted to EPA under sections 3, 6, and 7 of FIFRA and obtained under sections 408 and 409 of the FFDCA.

In accordance with the requirements of 40 CFR 2.301(h)(2), the contracts with Dynamac Corporation prohibit use of the information for any purpose other than purpose(s) specified in the contract(s); prohibit disclosure of the information in any form to a third party without prior written approval from the Agency or affected business; and require that each official and employee of the contractor sign an agreement to protect the information from unauthorized release. In addition, Dynamac Corporation is required to submit for EPA approval a security plan under which any CBI will be secured and protected against unauthorized release or compromise. No information will be provided to this contractor until the above requirements have been fully satisfied. Records of information provided to this contractor will be maintained by the Project Officer for each contract in the EPA office of Pesticide Programs and Office of Research and Development. All information supplied to Dynamac Corporation by EPA for use in connection with these contracts will be returned to EPA when Dynamac Corporation has completed its work.

Dated: January 10, 1986.

Susan H. Sherman,

Acting Director, Office of Pesticide Programs.

[FR Doc. 86–1221 Filed 1–21–86; 8:45 am]

BILLING CODE 6560–50–M

[OPP–100032; FRL–2957–6]

Toxic and Hazardous Substances Control, GCA Corp. and Temple, Barker & Sloane; Transfer of Data

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This is a notice to certain persons who have submitted information to EPA in connection with pesticide information requirements imposed under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Federal Food, Drug, and Cosmetic Act (FFDCA).

GCA Corporation and its subcontractor, Temple, Barker & Sloane, have been awarded a contract to perform work for EPA's Office of Policy, Planning, and Evaluation and Office of Water, and will be provided access to certain information submitted to EPA under FIFRA and the FFDCA. Some of this information may have been claimed to be confidential business information (CBI) by submitters. Contractor access to FIFRA and FFDCA CBI is authorized by 40 CFR 2.307(h) and 40 CFR 2.308(h)(2) respectively. Information to be provided to GCA Corporation and its subcontractor, Temple, Barker & Sloane is described below.

DATE: GCA Corporation and Temple, Barker & Sloane will be given access to this information no sooner than January 27, 1986.

FOR FURTHER INFORMATION CONTACT:

By mail: William C. Grosse, Program Management and Support Division (TS–757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460

Office location and telephone number: Rm. 222, CM#2, 1921 Jefferson Davis Highway, Arlington, VA, (703–557–2613)

SUPPLEMENTARY INFORMATION: Under Contract No. 68–01–6775, GCA Corporation and Temple, Barker & Sloane will support the evaluation of data gathered under Tier III of the National Dioxin Study. The contractor and subcontractor will evaluate alternative strategies for addressing potentially contaminated formulation sites not tested as part of the National Dioxin Study.

The Office of Policy, Planning, and Evaluation and Office of Water have determined that access by GCA Corporation and Temple, Barker & Sloane to data on 2,4,5-trichlorophenoxy and its derivatives that were formulated into pesticide products, including 2,4,5-T, silvex, hexachlorophene, ronnel, and erbon, is necessary to the performance of this contract.

The Office of Policy, Planning, and Evaluation, Office of Water, and Office of Pesticide Programs have jointly determined that the contract herein described involves work that is being conducted in connection with FIFRA, in that pesticide chemicals (stated above) will be the subject of certain evaluations to be made under this contract. These evaluations may be used in subsequent regulatory decisions under FIFRA.

Some of this information may be entitled to confidential treatment. The information has been submitted to EPA under sections 3, 6, and 7 of FIFRA and obtained under sections 408 and 409 of the FFDCA.

In accordance with the requirements of 40 CFR 2.301(h)(2), the contract with GCA Corporation and Temple, Barker & Sloane prohibits use of the information for any propose other than purpose(s) specified in the contract; prohibits disclosure of the information in any form to a third party without prior written approval from the Agency or affected business; and requires that each official and employee of the contractor and subcontractor sign an agreement to protect the information from unauthorized release. In addition, GCA Corporation and Temple, Barker & Sloane are required to submit for EPA approval a security plan under which any CBI will be secured and protected against unauthorized release or compromise. No information will be provided to this contractor until the above requirements have been fully satisfied. Records of information provided to this contractor and subcontractor will be maintained by the Project Officer for this contract in the EPA Office of Policy, Planning, and Evaluation. All information supplied to GCA Corporation and Temple, Barker & Sloane by EPA for use in connection with this contract will be returned to EPA when GCA Corporation and Temple, Barker & Sloane have completed their work.

Dated: January 10, 1986.

Susan H. Sherman,

Acting Director, Office of Pesticide Programs.

[FR Doc. 86–1222 Filed 1–21–86; 8:45 am]

BILLING CODE 6560–50–M

[OPP 100035; FRL–2957–4]

Toxic and Hazardous Substances Control, Life Systems, Inc.; Transfer of Data

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This is a notice to certain persons who have submitted information to EPA in connection with pesticide information requirements imposed under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Federal Food, Drug, and Cosmetic Act (FFDCA).

Life Systems, Inc. has been awarded a contract to perform work for the EPA Office of Drinking Water, and will be provided access to certain information submitted to EPA under FIFRA and the FFDCA. Some of this information may have been claimed to be confidential business information (CBI) by submitters. Contractor access to FIFRA and FFDCA CBI is authorized by 40 CFR 2.307(h) and 40 CFR 2.308(h)(2) respectively. Information to be provided to Life Systems, Inc. is described below.

DATE: Life Systems, Inc. will be given access to this information no sooner than February 27, 1986.

FOR FURTHER INFORMATION CONTACT:

By mail: William C. Grosse, Program Management and Support Division (TS–757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460

Office location and telephone number: Rm. 222, CM#2, 1921 Jefferson Davis Highway, Arlington, VA, (703–557–2613)

SUPPLEMENTARY INFORMATION: Under Contract No. 68–03–3279, Life Systems, Inc. (24755 Highpoint Road, Cleveland, Ohio 44122) will provide technical support to EPA's Office of Drinking Water in the development of drinking water criteria documents and health advisories, including program outreach activities. This contract involves no subcontractors.

The Office of Drinking Water and the Office of Pesticide Programs have jointly determined that the contract herein described involves work that is being conducted in connection with FIFRA in that access to chemical and toxicology information on the following pesticide chemicals is necessary to the performance of this contract. These pesticide chemicals will be the subject of certain evaluations and may be used in subsequent regulatory decisions under FIFRA.

Aciflurofen	2,4-D
Alachlor	1,2-Dichloropropane
Aldicarb	Dieldrin
Ametryn	Dimethipin
Ammonium sulfamate	Dinoseb
Atrazine	Diphenamid
Baygon * (propoxur)	Disulfoton
Bentazon	Diuron
Bromacil	EDB
Butylate	Fenamiphos
Carbaryl	Fluometuron
Carbofuran	Fonofos
Carboxin	Hexazinone
Chloramben	Maleic hydrazide
Chlordane	MCPA
Chlorothalonil	Methomyl
Cyanazine	Methyl parathion
Cycloate	Metolachlor
Dalapon	Metribuzin
DBCP	Nabam
DCPA/Dacthal	Nitrates
Diazinon	Oxamyl
Dicamba	Paraquat
PCNB	Simazine
Pentachlorophenol	Treflan
Picloram	Triallate
Prometone	2,4,5-T
Pronamide	2,4,5-TP
Propazine	Tebuthiuron
Propham	Terbacil

Some of this information may be entitled to confidential treatment. The information has been submitted to EPA under sections 3, 6, and 7 of FIFRA and obtained under sections 406 and 409 of the FFDCA.

In accordance with the requirements of 40 CFR 2.301(h)(2), the contract with Life Systems, Inc., prohibits use of the information for any purpose other than purpose(s) specified in the contract; prohibits disclosure of the information in any form to a third party without prior written approval from the Agency or affected business; and requires that each official and employee of the contractor sign an agreement to protect the information from unauthorized

release. In addition, Life Systems, Inc. is required to submit for EPA approval a security plan under which any CBI will be secured and protected against unauthorized release or compromise. No information will be provided to this contractor until the above requirements have been fully satisfied. Records of information provided to this contractor will be maintained by the Project Officer for this contract in the EPA Office of Drinking Water. All information supplied to Life Systems, Inc. by EPA for use in connection with the contract will be returned to EPA when Life Systems, Inc., has completed its work.

Dated: January 10, 1986.

Susan H. Sherman,

Acting Director, Office of Pesticide Programs.

[FR Doc. 86-1220 Filed 1-21-86; 8:45 am]

BILLING CODE 6560-50-M

[OPP-100029; FRL-2957-2]

Toxic and Hazardous Substances Control, Oak Ridge National Laboratory and the Martin Marietta Corp.; Transfer of Data

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This is a notice to certain persons who have submitted information to EPA in connection with pesticide information requirements imposed under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Federal Food, Drug, and Cosmetic Act (FFDCA).

The Oak Ridge National Laboratory (ORNL) and its contractor, the Martin Marietta Corporation, under an Interagency Agreement (IAG) will perform work for the Office of Pesticide Programs, EPA and will be provided access to certain information submitted to EPA under FIFRA and the FFDCA. Some of this information may have been claimed to be confidential business information (CBI) by submitters. This information will be transferred to ORNL and the Martin Marietta Corporation consistent with the requirements of 40 CFR 2.209(c), 2.307(h), and 2.308(h)(2) respectively. This action will enable ORNL and the Martin Marietta Corporation to fulfill the obligations of an IAG, and this notice serves to notify affected persons.

DATE: ORNL and the Martin Marietta Corporation will be given access to this information no sooner than February 3, 1986.

FOR FURTHER INFORMATION CONTACT:

By mail: William C. Grosse, Program Management and Support Division (TS-757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460. Office location and telephone number: Rm. 222, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-2613).

SUPPLEMENTARY INFORMATION: Under this IAG which supports the OPP regulatory efforts, ORNL and the Martin Marietta Corporation will perform multiple tasks: (1) Review and evaluate the data from toxicology studies on all chemicals received during FY '86 for Registration Standards, Registration actions, and Special Reviews; (2) develop a prototype chemistry coding guide for use in pesticide regulation; and (3) review and identify document citations on scientific studies to verify that they are clear of information that meets the confidentiality criteria in FIFRA section 10(d)(1) (A), (B), and (C). Access to this information is necessary to the performance of this IAG.

Some of this information may be entitled to confidential treatment. The information has been submitted to EPA under sections 3, 6, and 7 of FIFRA and obtained under sections 408 and 409 of FFDCA.

In accordance with the requirement of 40 CFR 2.209(c), 2.307(h), and 2.308(h)(2), this IAG with ORNL and Martin Marietta Corporation, prohibits use of the information for any purpose other than the purpose(s) specified in this IAG; prohibits disclosure of the information in any form to a third party without prior written approval from the Agency or affected business; and requires that each official and employee sign an agreement to protect the information from unauthorized release. In addition, ORNL and Martin Marietta Corporation are required to submit for EPA approval a security plan under which any CBI will be secured and protected against unauthorized release or compromise. No information will be provided until the above requirements have been fully satisfied. Records of information provided under this IAG will be maintained by the Project Officers for each task in the EPA Office of Pesticide Programs.

All information supplied to ORNL and Martin Marietta Corporation by EPA for use in connection with this IAG will be returned to EPA when ORNL and Martin Marietta Corporation have completed their work.

Dated: January 10, 1986.

Susan H. Sherman,

Acting Director, Office of Pesticide Programs.

[FR Doc. 86-1218 Filed 1-21-86; 8:45 am]

BILLING CODE 6560-50-M

[OPP-100031; FRL-2957-3]

Toxic and Hazardous Substances Control, Research Triangle Institute; Transfer of Data

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This is a notice to certain persons who have submitted information to EPA in connection with pesticide information requirements imposed under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Federal Food, Drug, and Cosmetic Act (FFDCA).

Research Triangle Institute (RTI) has been awarded two contracts to perform work for the EPA Office of Pesticide Programs, and will be provided access to certain information submitted to EPA under FIFRA and the FFDCA. Some of this information may have been claimed to be confidential business information (CBI) by submitters. Contractors access to FIFRA and FFDCA is authorized by 40 CFR 2.307(h) and 40 CFR 2.308(h)(2) respectively. Information to be provided to RTI is described below.

DATE: Research Triangle Institute will be given access to this information no sooner than January 27, 1986.

FOR FURTHER INFORMATION CONTACT:

By mail: William C. Grosse, Program Management and Support Division (TS-757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460

Office location and telephone number: Rm. 222, CM#2, 1921 Jefferson Davis Highway, Arlington, VA (703-557-2613)

SUPPLEMENTARY INFORMATION: Under Contract No. 68-02-4233, RTI will redesign the Confidential Statement of Formula form for the Registration Division and conduct pesticide usage surveys on exposure incidents and integrate these results into a comprehensive computer data base retrieval system for the Benefits and Use Division. Under Contract No. 68-01-6326, RTI will review and evaluate the statistical designs of the Colorado and the Consumer Product Safety Commission's (CPSC) Pesticide Poisoning Surveys on all pesticide chemicals for the Hazard Evaluation Division.

The Office of Pesticide Programs has determined that access by RTI to information on all pesticide chemicals is necessary to the performance of these contracts.

Some of this information may be entitled to confidential treatment. The

information has been submitted to EPA under sections 3, 6, and 7 of FIFRA and obtained under sections 408 and 409 of the FFDCA.

In accordance with the requirements of 40 CFR 2.301(h)(2), the contracts with RTI prohibit use of the information for any purpose other than purpose(s) specified in the contracts; prohibit disclosure of the information in any form to a third party without prior written approval from the Agency or affected business; and require that each official and employee of the contractor sign an agreement to protect the information from unauthorized release.

In addition, RTI is required to submit for EPA approval a security plan under which any CBI will be secured and protected against unauthorized release or compromise. No information will be provided to this contractor until the above requirements have been fully satisfied. Records of information provided to this contractor will be maintained by the Project Officers for these contracts in the EPA Office of Pesticide Programs. All information supplied to RTI by EPA for use in connection with these contracts will be returned to EPA when RTI has completed its work.

Dated: January 10, 1986.

Susan H. Sherman,

Acting Director, Office of Pesticide Programs.

[FR Doc. 86-1219 Filed 1-21-86; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice 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, DC 20573, within 10 days after the date of the Federal Register in which this notice appears. The requirements for comments are found in § 572.602 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.: 224-010720-001.

Title: Port of Palm Beach Terminal Agreement.

Parties: Port of Palm Beach District, CHO Properties, Inc. (CHO).

Synopsis: The proposed amendment would give CHO two additioinal condition periods permitting the present lease to be extended through January 8, 1987.

Agreement No.: 221-010873.

Title: Port of Oakland Terminal Agreement.

Parties: Port of Oakland (Port), Gearbulk Container Services (Gearbulk).

Synopsis: The proposed agreement would allow Gearbulk nonexclusive rights to certain assigned premises at the Port's Charles P. Howard Terminal. The levels of dockage and wharfage charge would vary according to the amount and type of cargo handled. The agreement will terminate on December 31, 1990.

Agreement No.: 221-010875.

Title: Port of Palm Beach Terminal Agreement.

Parties: Port of Palm Beach District (Port) Grundstad Terminals, Inc. (Grundstad).

Synopsis: The proposed agreement would allow Grundstad to rent a 7,500 square foot terminal building from the Port for use as a passenger terminal. The agreement would expire on November 31, 1992 unless extended for an optional period of ten years as provided in the agreement.

Dated: January 16, 1986.

By Order of the Federal Maritime Commission.

Bruce A. Dombrowski,

Acting Secretary.

[FR Doc. 86-1337 Filed 1-21-86; 8:45 am]

BILLING CODE 6730-01-M

CAMSHIP/BWAL Westbound Space Charter Agreement; Request for Additional Information

Agreement No: 217-010858.

Title: CAMSHIP/BWAL Westbound Space Charter Agreement.

Parties:

Cameroon Shipping Lines, S.A.
Barber West Africa Line

Synopsis: Notice is hereby given that the Federal Maritime Commission pursuant to section 6(d) of the Shipping Act of 1984 (46 U.S.C. app. 1701-1720), has requested additional information from the parties to the agreement in order to complete the statutory review of Agreement No. 217-010858 as required by the Act. This action extends the review period as provided in section 6(c) of the Act.

Dated: January 16, 1986.

By Order of the Federal Maritime Commission.

Bruce A. Dombrowski,

Acting Secretary.

[FR Doc. 86-1338 Filed 1-21-86; 8:45 am]

BILLING CODE 6730-01-M

Ocean Freight Forwarder License Applicants; Oceanair, Inc.

Notice is hereby given that the following applicant has filed with the Federal Maritime Commission application for license as an ocean freight forwarder pursuant to section 19 of the Shipping Act, 1984 (46 U.S.C. app. 1718 and 46 CFR Part 510).

Persons knowing of any reason why the following applicant should not receive a license are requested to communicate with the Director, Bureau of Tariffs, Federal Maritime Commission, Washington, DC 20573.

Oceanair, Inc., Six Eagle Square, East Boston, MA 02128.

Officers:

Edward S. Kaplan, President
Joseph J. Wyson, Treasurer
Harvey R. Waite, II, Clerk, Director
Arlene V. Cohen, Vice President.

Dated: January 16, 1986.

By the Federal Maritime Commission.

Bruce A. Dombrowski,

Acting Secretary.

[FR Doc. 86-1339 Filed 1-21-86; 8:45 am]

BILLING CODE 6730-01-M

Ocean Freight Forwarder License Revocations; Shipperama International Forwarding, Inc.

Notice is 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: 1819

Name: Shipperama International Forwarding, Inc.

Address: P.O. Box 523341, Miami, FL 33152

Date Revoked: December 31, 1985
Reason: Surrendered license voluntarily
License Number: 2170
Name: All Services Forwarding, Inc.
Address: P.O. Box 530903, Miami Shores, FL 33153
Date Revoked: January 1, 1986
Reason: Failed to maintain a valid surety bond
License Number: 1455
Name: Brag International, Inc.
Address: 17 Battery Place, New York, NY 10004
Date Revoked: January 3, 1986
Reason: Failed to maintain a valid surety bond

Eugene P. Stakem,
Deputy Director, Bureau of Tariffs.
[FR Doc. 86-1340 Filed 1-21-86; 8:45 am]
BILLING CODE 6730-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration; Statement of Organization, Functions and Delegations of Authority

Part S of the Statement of Organization, Functions and Delegations of Authority for the Department of Health and Human Services (DHHS) covers the Social Security Administration (SSA). Section SL.00, SL.10 and SL.20 describe the mission, organization and functions of SSA's Office of Assessment (OA). Notice is given that Sections SL.10 and SL.20 are being amended to abolish the Division of Sampling and Data Management and to revise the title and functions of the Division of Reports and Analysis. The new material and changes are as follows:

Section SL.10 The Office of Assessment—(Organization)

E. Office of Assistance Program Quality (SLG):

Delete:

1. Division of Reports and Analysis (SLG1).

Add:

1. Division of Reports and Data Management (SLG1).

Delete:

3. Divsion of Sampling and Data Management (SLG3) in its entirety.

Section SL.20 The Office of Assessment—(Functions)

E. Office of Assistance Program Quality (SLG).

Delete:

1. Division of Reports and Analysis (SLG1).

Add:

1. Division of Reports and Data Management (SLG1).

Add:

d. Monitors changes in SSI policy specifically with regard to their impact on quality review operations and systems and initiates changes and enhancements of existing SSI quality review ADP systems.

e. Designs and develops sampling methods and techniques for SSI payment and process accuracy review programs. Provides technical guidance in areas related to sample size design and procedures for the SSI quality review programs.

f. Provides ongoing technical planning and support to OA components and the Field Assessment Offices in developing, maintaining and improving an OA communication and data processing system.

g. Monitors ADP equipment utilization and data needs for the purpose of identifying equipment needs.

h. Prepares reports and data regarding Federal Fiscal Liability (FFL) to States and prepares fiscal year FFL estimates.

Delete:

3. Division of Sampling and Data Management (SLG3) in its entirety.

Dated: January 7, 1986.
Nelson J. Sabatini,
Acting Deputy Commissioner for Management and Assessment.
[FR Doc. 86-1293 Filed 1-21-86; 8:45 am]
BILLING CODE 4190-11-M

Centers for Disease Control

Safe Distance Requirements for Mechanical Power Presses; Open Meeting

The following meeting will be convened by the National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control (CDC) and will be open to the public for observation and participation, limited only by the space available:

Date: February 11, 1986.
Time: 9:00 a.m.—4:00 p.m.
Place: Room 138-B, Appalachian Laboratory for Occupational, Safety and Health, 944 Chestnut Ridge Road, Morgantown, West Virginia 26505.

Purpose: To review and improve proposed objectives and research methodologies for a new NIOSH research project concerning safe distance requirements for mechanical power presses. Viewpoints and suggestions from industry, organized labor, academia, other government agencies, and the public are invited.

Additional information may be obtained from: Roger Jensen, Division of Safety Research, NIOSH, CDC, 944 Chestnut Ridge Road, Morgantown, West Virginia 26505, Telephones: FTS: 923-4809, Commercial: 304/923-4809.

Dated: January 15, 1986.
Elvin Hilyer,
Associate Director for Policy Coordination, Centers for Disease Control.
[FR Doc. 86-1286 Filed 1-21-86; 8:45 am]
BILLING CODE 4160-19-M

Food and Drug Administration

Advisory Committees; Meetings

AGENCY: Food and Drug Administration.
ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also summarizes the procedures for the meetings and methods by which interested persons may participate in open public hearings before FDA's advisory committees.

Meetings: The following advisory committee meetings are announced:

Circulatory System Devices Panel

Date, time, and place. February 7, 8:30 a.m., Rms. 703-727A, 200 Independence Ave. SW., Washington, DC.

Type of meeting and contact person. Open public hearing, 8:30 a.m. to 9:30 a.m.; open committee discussion, 10 a.m. to 2 p.m.; closed committee deliberations, 2 p.m. to 4 p.m.; Keith Lusted, Center for Devices and Radiological Health (HFZ-450), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7594.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of medical devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before January 31, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and

an indication of the approximate time required to make their comments.

Open committee discussion. The committee will discuss a premaket approval application (PMA) for a cardiac pacemaker system, a PMA for a transesophageal pacemaker, and possibly a PMA for a prosthetic heart valve.

Closed committee deliberations. If necessary, the committee may discuss trade secret or confidential commercial or financial information regarding the PMA's listed above. This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

Blood Products Advisory Committee

Date, time, and place. February 13 and 14, 8:30 a.m., Lister Hill Auditorium, Bldg. 38A, National Library of Medicine, National Institutes of Health, 8600 Rockville Pike, Bethesda, MD.

Type of meeting and contact person. Open public hearing, February 13, 8:30 a.m. to 9:30 a.m., unless public participation does not last that long; open committee discussion, 9:30 a.m. to 11:30 a.m.; closed committee deliberations, 11:30 a.m. to 12:15 p.m.; open committee discussion, 1:30 p.m. to 4 p.m.; closed committee deliverations, 4 p.m. to 4:30 p.m.; open committee discussion, February 14, 8:30 a.m. to 11:30 a.m.; closed committee deliberations, 12:30 p.m. to 2 p.m.; open committee discussion, 2 p.m. to 3 p.m.; Isaac F. Roubein, Center for Drugs and Biologics (HFN-32), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4696.

General function of the committee. The committee reviews and evaluates available data on the safety, effectiveness, and appropriate use of blood products intended for use in the diagnosis, prevention, or treatment of human diseases.

Agenda—Open public hearing. Interested persons requesting to present data, information, or views, orally or in writing, on issues pending before the committee should communicate with the committee contact person.

Open committee discussion. On February 13, the committee will discuss (1) update on Non-A, Non-B hepatitis in relation to transfusion mortality and morbidity studies and the role of testing for antibody to the Hepatitis B virus core antigen, (2) reconsideration of the current storage period for platelets, and (3) timing of addition of additive solution to red blood cells; and on February 14, the committee will discuss (1) blood sample collection procedures, (2) review of the data on inactivation and removal of Human T-lymphotropic virus Type III (HTLV-III) from intravenous immune globulin products, and (3) review of test kit results for antibody to HTLV-III.

Closed committee deliberations. The committee will review trade secret or confidential commercial information relevant to pending biological product licensing issues. This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

Each public advisory committee meeting listed above may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. The dates and times reserved for the separate portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairperson determines will facilitate the committee's work.

Public hearings are subject to FDA's guideline (Subpart C of 21 CFR Part 10) concerning the policy and procedures for electronic media coverage of FDA's public administrative proceedings, including hearings before public advisory committees under 21 CFR Part 14. Under 21 CFR 10.205, representatives of the electronic media may be permitted, subject to certain limitations, to videotape, film, or otherwise record FDA's public administrative proceedings, including presentations by participants.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairperson's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be requested from the Dockets Management Branch (HFA-305), Rm. 4-62, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

The Commissioner, with the concurrence of the Chief Counsel, has determined for the reasons stated that those portions of the advisory committee meetings so designated in this notice shall be closed. The Federal Advisory Committee Act (FACA), as amended by the Government in the Sunshine Act (Pub. L. 94-409), permits such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed, however, shall be closed for the shortest possible time, consistent with the intent of the cited statutes.

The FACA, as amended, provides that a portion of a meeting may be closed where the matter for discussion involves a trade secret; commercial or financial information that is privileged or confidential; information of a personal nature, disclosure of which would be a clearly unwarranted invasion of personal privacy; investigatory files compiled for law enforcement purposes; information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action; and information in certain other instances not generally relevant to FDA matters.

Examples of portions of FDA advisory committee meetings that ordinarily may be closed, where necessary and in accordance with FACA criteria, include the review, discussion, and evaluation of drafts of regulations or guidelines or similar preexisting internal agency documents, but only if their premature disclosure is likely to significantly frustrate implementation of proposed agency action; review of trade secrets and confidential commercial or financial information submitted to the agency; consideration of matters involving investigatory files compiled for law enforcement purposes; and review of matters, such as personnel records or individual patient records, where disclosure would constitute a clearly unwarranted invasion of personal privacy.

Examples of portions of FDA advisory committee meetings that ordinarily shall

not be closed include the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices; consideration of labeling requirements for a class of marketed drugs or devices; review of data and information on specific investigational or marketed drugs and devices that have previously been made public; presentation of any other data or information that is not exempt from public disclosure pursuant to the FACA, as amended; and, notably deliberative sessions to formulate advice and recommendations to the agency on matters that do not independently justify closing.

This notice is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770–776 (5 U.S.C. App. I)), and FDA's regulations (21 CFR Part 14) on advisory committees.

Dated: January 15, 1986.

Frank E. Young,

Commissioner of Food and Drugs.

[FR Doc. 86–1276 Filed 1–21–86; 8:45 am]

BILLING CODE 4160–01–M

Public Health Service

Advisory Committees; March Meetings

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 bodies scheduled to meet during the month of March 1986:

Name: Health Services Developmental Grants Review Subcommittee.

Date and Time: March 13–14, 1986, 8:30 AM.

Place: Linden Hill Hotel, Queensbury Room, 5400 Pooks Hill Road, Bethesda, Maryland 20814.

Open March 13, 8:30 AM to 9:30 AM.

Closed for remainder of meeting.

Purpose: The Subcommittee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Center for Health Services Research and Health Care Technology Assessment (NCHSR).

Agenda: The open session of the meeting of March 13 from 8:30 AM to 9:30 AM will be devoted to a business meeting covering administrative matters and reports. There will also be a presentation by the Director, NCHSR. During the closed sessions, the Subcommittee will be reviewing research grant applications relating to the delivery, organization, and financing of health services. In accordance with the Federal Advisory Committee Act, Title 5, U.S. Code, Appendix 2 and Title 5, U.S. Code 552b(c)(6), the Assistant Secretary for Health has made a formal determination that these latter sessions will be closed because the discussions are likely to reveal personal information concerning individuals associated with the applications. This information is exempt from mandatory disclosure.

Anyone wishing to obtain a Roster of Members, Minutes of Meeting, or other relevant information should contact Mr. Hoke S. Glover, National Center for Health Services Research and Health Care Technology Assessment, Stop 152, Park Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443–3091.

Name: Health Care Technology Study Section.

Date and Time: March 10–11, 1986, 8:30 AM.

Place: Bethesda Ramada Hotel, Salon Room, 8400 Wisconsin Avenue, Bethesda, Maryland 20814.

Open March 10, 830 AM to 9:30 AM.

Closed for remainder of meeting.

Purpose: The Committee is charged with the initial review of health research grant applications for Federal assistance in the program areas administered by the National Center for Health Servies Research and Health Care Technology Assessment (NCHSR).

Agenda: The open session from 8:30 AM to 9:30 AM on March 10 will be devoted to a business meeting covering administrative matters and reports. There will also be a presentation by the director, NCHSR. The closed portion of the meeting will be devoted to review of health services research grant applications relating to the delivery, organization, and financing of health services. In accordance with the Federal Advisory Committee Act, Title 5, U.S. Code, Appendix 2 and Title 5, U.S. Code 552b(c)(6), the Assistant Secretary for Health has made a formal determination that these latter sessions will be closed because the discussions are likely to reveal personal information concerning individuals associated with the applications. This information is exempt from mandatory disclosure.

Anyone wishing to obtain a Roster of Members, Mintues of Meeting, or other relevant information should contact Dr. Alan E. Mayers, National Center for Health Services Research and Health Care Technology Assessment, Stop 152, Park Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443–3091.

Name: Health Services Research Review Subcommittee.

Date and Time: March 6–7, 1986, 8:00 AM.

Place: Linden Hill Hotel, Pinehurst Room, 5400 Pooks Hill Road, Bethesda, Maryland 20814.

Open March 6, 8:00 AM to 9:00 AM.

Closed for remainder of meeting.

Purpose: The Subcommittee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Center for Health Service Research and Health Care Technology Assessment (NCHSR).

Agenda: The open session of the meeting on March 6 from 8:00 AM to 9:00 AM will be devoted to a business meeting covering adminsitration and reports. There will also be a presentation by the Director, NCHSR. During the closed sessions, the Subcommittee will be reviewing research grant applications relating to the delivery, organization, and financing of health services. In accordance with the Federal Advisory Committee Act, Title 5, U.S. Code, Appendix 2 and Title 5, U.S. Code 552b(c)(6), the Asssitant Secretary for Health has made a formal determination that these latter sessions will be closed because the discussions are likely to reveal personal information concerning individuals associated with the applications. This information is exempt from mandatory disclosure.

Anyone wishing to obtain a Roster of Members, Minutes of Meeting, or other relevant information should contact Dr. Anthony Pollitt, National Center for Health Services Research and Health Care Technology Assessment, Stop 152, Park Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443–3091.

Agenda items are subject to change as priorities dictate.

Dated: January 9, 1986.

John E. Marshall,

Director, National Center for Health Services Research and Health Care Technology Assessment.

[FR Doc. 86–1345 Filed 1–21–86; 8:45 am]

BILLING CODE 4160–17–M

Extracranial-Intracranial Arterial Bypass Surgery; Assessment of Safety and Clinical Effectiveness

The Public Health Service (PHS), through the Office of Health Technology Assessment (OHTA), announces that it is coordinating an assessment of what is known of the safety, clinical effectiveness, appropriateness, and use of extracranial-intracranial arterial bypass surgery for the treatment or prevention of cardiovascular accidents or stroke. Specifically, this assessment seeks to determine the medical indications for the procedure as well as its clinical acceptability.

Data that would help define the population of patients that might benefit from the application of this technology is also being sought.

PHS assessments consist of a synthesis of information obtained from appropriate organizations in the private sector as well as from PHS agencies and others in the Federal Government. The assessments are based on the most current knowledge concerning the safety

and clinical effectiveness of a technology. Based on this assessment, a PHS recommendation will be formulated to assist the Health Care Financing Administration (HCFA) in establishing Medicare coverage policy. Any person or group wishing to provide OHTA with information relevant to this assessment should do so in writing no later than April 15, 1986.

The information being sought is a review and assessment of past, current, and planned research related to this technology, a bibliography of published controlled clinical acceptability and effectiveness of this technology, and a characterization of the patient population most likely to benefit from it.

Proprietary information is not being sought.

Written Material should be submitted to: Harry Handelsman, D.O., National Center for Health Services Research and Health Care Technology Assessment, Park Building, Room 3–10, 5600 Fishers Lane, Rockville, MD 20857, (301) 443–4990).

Dated: January 13, 1986.

Enrique D. Carter,

Director, Office of Health Technology Assessment, National Center for Health Services Research and Health Care Technology Assessment.

[FR Doc. 86–1347 Filed 1–21–86; 8:45 am]

BILLING CODE 4160–17–M

National Committee on Vital and Health Statistics; Meeting

Pursuant to the Federal Advisory Act (Pub. L. 92–463), notice is hereby given that the National Committee on Vital and Health Statistics (NCVHS) established pursuant to 42 USC 242k, section 306(k)(2) of the Public Health Service Act, as amended, will convene on Thursday, February 6, and Friday, February 7, 1986 from 9:00 a.m. to 5:00 p.m. both days in Room 529A of the Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC. 20201.

The Committee will hear reports from the Subcommittee on Uniform Minimum Health Data Sets, the Subcommittee on Disease Classification and Automated Coding of Medical Diagnoses, the Subcommittee on Statistical Aspects of Physician Payment Systems, the Subcommittee on Minority Health Data Needs, and the Subcommittee on Data Gaps in Disease Prevention and Health Promotion. The Subcommittees will report on past activities and future plans. The Executive Subcommittee of the NCVHS will report findings and recommendations for future direction of the NCVHS.

Further information regarding the Committee may be obtained by contacting Gail F. Fisher, Ph.D., Executive Secretary, National Committee on Vital and Health Statistics, Room 2–28 Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, telephone (301) 436–7050.

Dated: January 14, 1986.

Robert A. Israel,

Acting Director, National Center for Health Statistics.

[FR Doc. 86–1346 Filed 1–12–86; 8:45 am]

BILLING CODE 4160–17–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR 37647]

Realty Action; Direct Sale of Public Land in Malheur County, OR; Sale Procedures

The following lands are suitable for sale under sections 203 and 209 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1713 and 1719, at no less than the appraised fair market value:

Parcel No: 1
Serial No: OR–37647
Legal Description—

Willamette Meridian

T. 30 S., R. 45 E.,
sec. 2: S½S½ and NE¼SE¼

Acreage: 200.00.
Appraised Value: $30,000.00.
Minimum Bid Deposit (%): 20%.
Mineral Estate Filing Fee: $50.00.
Bidding Procedure: Direct Sale.

The above described land(s) are hereby segregated from appropriation under the public land laws, including the mining laws, but not from sale or exchange under the above cited statutes.

The sale will be held on March 26, 1986, at the Bureau of Land Management, Vale District Office, 100 Oregon Street (P.O. Box 700), Vale, Oregon 97918. This parcel is difficult and uneconomic to manage as part of the public lands and is not suitable for management by another Federal agency. No significant resource values will be affected by this disposal. The sale is consistent with BLM's planning for the land involved and the public interest will be served by offering this land for sale.

Bidder Qualifications

Bidders must be U.S. citizens, 18 years of age or more; a state or state instrumentality authorized to hold property; or a corporation authorized to own real estate in the state in which the land is located.

Direct Sale Procedures

Direct sale procedures are being used since a competitive sale is not appropriate and the public interest would best be served by the direct sale because this method will recognize the needs and historical uses of the adjoining landowner, who will be able to incorporate the tract into their ranching operations.

The Parcel identified by Serial No. OR–37647 is being offered to Jeff Anderson Estate c/o Jim Anderson, using direct sale procedures authorized under 43 CFR 2711.3–3. The land will be sold at fair market value to Jeff Anderson Estate c/o Jim Anderson without competitive bidding. The prospective purchaser is required to render a minimum deposit of 20 percent of the purchase price by March 26, 1986, and the balance within 180 days of the sale date. If the deposit is not submitted or the full purchase price not rendered within 180 days of the sale date, the preference right is cancelled, the deposit will be forfeited, and the parcel will be sold through competitive bidding procedures.

Sale bidding will be limited to sealed bid and must be for at least the appraised fair market value. Sealed written bid, mailed or delivered, must be received by the Bureau of Land Management, at the aforementioned address prior to 10:00 A.M., Wednesday, March 26, 1986.

The written sealed bid must be accompanied by a certified check, postal money order, bank draft or cashier's check made payable to Department of the Interior—BLM for not less than 20 percent of the amount of the bid. The sealed envelope must be marked in the lower left hand corner, "Bid for Public Land Sale OR 27645, Sale Parcel Number 1, Malheur County, Oregon, March 26, 1986". Bid will be opened and publicly declared at the sale.

Terms and Conditions of the Sale

The terms, conditions, and reservations applicable to the sale are as follows:

1. The mineral interests being offered for conveyance have no known mineral value. A bid will also constitute an application for conveyance of the mineral estate, with the exception for geothermal resources and rock quarry material, sand and gravel which will be reserved to the United States in accordance with Section 209 of the Federal Land Policy and Management Act 43 U.S.C. 1719. All qualified bidders

must include with their bid deposit a non refundable $50.00 filing fee for the conveyance of the mineral estate.

2. Rights-of-way for ditches and canals will be reserved to the United States under 43 U.S.C. 945.

3. Patents will be issued subject to all valid existing rights and reservations of records.

4. The BLM may accept or reject any and all offers, or withdraw any land or interest in land from sale if, in the opinion of the authorized officer, consummation of the sale would not be fully consistent with the Federal Land Policy and Management Act or other applicable laws.

5. The sale parcel will be subject to:

a. Such rights for public road purposes as State of Oregon, or its successors in interest may have pursuant to a highway right-of-way, TD 029016. Title 23 U.S.C. sections 107 and 317.

b. Such rights for electric power transmission line and telephone line purposes as Continental Telephone or its successors in interest may have, pursuant to right-of-way OR 14691. Act of October 21, 1976, 90 Stat. 2776, 43 U.S.C. 1761.

Unsold Parcels

If the parcel identified in this Notice is not sold on March 26, 1986, the parcel will be offered to the public, using competitive sale procedures 43 CFR 2711.3–1, until sold, exchanged, or withdrawn from the market. Sealed bids will be solicited at the BLM, Vale District Office, during regular business hours. All bids received will be opened the first Wednesday of each month, beginning on April 2, 1986. To be considered, bids must be received by 10:00 a.m. on the day of the bid opening.

Comments

Further information concerning the sale, including the environmental analysis and land report, is available for review at the Vale District Office at the above address. 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 Vale District Manager, at the above address. Objections will be reviewed by the State Director who may sustain, vacate, or modify this realty action. In absence of any objections, this realty action will become the final determination of the Department of the Interior. Interested parties should continue to check with the District Office to keep themselves advised of changes.

Dated: January 15, 1986.

David Lodzinski,

Associate District Manager.

[FR Doc. 86–1274 Filed 1–21–86; 8:45 am]

BILLING CODE 4310–33–M

[OR 39278]

Realty Action; Direct Sale of Public Land in Malheur County, OR; Sale Procedures

The following lands are suitable for sale under sections 203 and 209 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1713 and 1719, at no less than the appraised fair market value:

Parcel No: 2
Serial No: OR–39278
Legal Description—

Willamette Meridian

T. 41 S., R. 43 E.,
sec. 19: Lot 1

Acreage: 39.68.
Appraised Value: At time of publication, appraised value was not available.
Minimum Bid Deposit (%): 20%.
Mineral Estate Filing Fee: $50.00.
Bidding Procedure: Direct Sale.

The above described land(s) are hereby segregated from appropriation under the public land laws, including the mining laws, but not from sale or exchange under the above cited statute.

The sale will be held on March 26, 1986, at the Bureau of Land Management, Vale District Office, 100 Oregon Street (P.O. Box 700), Vale, Oregon 97918. The sale involves land which will serve important public objectives, including but not limited to, expansion of communities and economic development, which cannot be achieved prudently or feasibly on land other than public land and which outweigh other public objectives and values, including, but not limited to, recreation and scenic values, which be served by maintaining such tract in Federal ownership. The public interest will be served by offering this land for sale for the purpose and need of future school expansion by either the Malheur County School District No. 51 or the Humboldt County School District. No significant resource values will be affected by this disposal. The sale is consistent with BLM's planning for the land involved and the public interest will be served by offering this land for sale.

Bidder Qualifications

Bidders must be U.S. citizens, 18 years of age or more; a state or state instrumentality authorized to hold property; or a corporation authorized to own real estate in the state in which the land is located.

Direct Sale Procedures

Direct sale procedures are being used since a competitive sale is not appropriate and the public interest would best be served by the direct sale because this method will recognize the needs and historical uses of the adjoining landowner, who will be able to incorporate the parcel into their adjacent school facilities and meet their future school expansion needs.

The parcel identified by Serial No. OR–39278 is being offered to Malheur County School District No. 51, using direct sale procedures authorized under 43 CFR 2711.3–3. The land will be sold at fair market value to Malheur County School District No. 51 without competitive bidding. The prospective purchaser is required to render a minimum deposit of 20 percent of the purchase price by March 26, 1986, and the balance within 180 days of the sale date. If the deposit is not submitted or the full purchase price not rendered within 180 days of the sale date, the preference right is cancelled, the deposit will be forfeited.

Sale bidding will be limited to sealed bid and must be for at least the appraised fair market value. Sealed written bid, mailed or delivered, must be received by the Bureau of Land Management, at the aforementioned address prior to 10:00 A.M., Wednesday, March 26, 1986.

The written sealed bid must be accompanied by a certified check, postal money order, bank draft or cashier's check made payable to Department of the Interior—BLM for not less than 20 percent of the amount of the bid. The sealed envelope must be marked in the lower left hand corner, "Bid for Public Land Sale OR 39278, Sale Parcel Number 2, Malheur County School District No. 51, Oregon, March 26, 1986". Bid will be opened and publicly declared at the sale.

Terms and Conditions of the Sale

The terms, conditions, and reservations applicable to the sale are as follows:

1. If the parcel is not sold pursuant to the Notice of Realty Action to either Malheur County School District No. 51 or Humboldt County School District, the Bureau of Land Management will withdraw the parcel from public sale on April 2, 1986, after closing of public sale bid opening if the parcel is not sold at the March 26, 1986 sale date.

2. The Bureau of Land Management and school district will mutually agree

and execute a lease for the existing BLM administrative site before issuance of the patent.

3. The mineral interests being offered for conveyance have no known mineral value. A bid will also constitute an application for conveyance of the mineral estate, with the exception for geothermal resources, oil and gas, sodium and potassium which will be reserved to the United States in accordance with Section 209 of the Federal Land Policy and Management Act 43 U.S.C. 1719. All qualified bidders must include with their bid deposit a non refundable $50.00 filing fee for the conveyance of the mineral estate.

4. Rights-of-way for ditches and canals will be reserved to the United States under 43 U.S.C. 945.

5. Patents will be issued subject to all valid existing rights and reservations of records.

6. The BLM may accept or reject any and all offers, or withdraw any land or interest in land from sale if, in the opinion of the authorized officer, consummation of the sale would not be fully consistent with the Federal Land Policy Management Act or other applicable laws.

7. The sale parcel will be subject to:

a. Such rights for public road purposes as Malheur County, or its successors in interest may have pursuant to a road right-of-way, OR–36633. Act of October 21, 1976, 90 Stat. 2776, 43 U.S.C. 1761.

b. Such rights for electric power transmission line purposes as Harney Electric Cooperative or its successors in interest may have, pursuant to right-of-way OR–12596. Act of March 4, 1911, 43 U.S.C. 961.

c. Such rights for private telephone line purposes as Wilkinson Ranches or its successors in interest may have, pursuant to right-of-way OR–36536. Act of October 21, 1976, 90 Stat. 2776, 43 U.S.C. 1761.

8. The Malheur County School District No. 51 currently has a Recreation and Public Purpose lease (OR–23468) on 10 acres of the 39.68 acres which is subleased back to Humboldt County School District for development. The R & PP lease will terminate concurrently with issuance of patent to either the Malheur County School District No. 51 or the Humboldt County School District.

9. Gerald and Kris Hepworth have an unauthorized city water and sewer line rights-of-way and a corner of a double wide mobile home located on the parcel. The successful bidder will accept the land with the unauthorized use but will be free to resolve these unauthorized uses any way they so choose after patent is issued. The authorized uses and/or users are not given any preference rights.

Unsold Parcels

If the parcel identified in this Notice is not sold on March 26, 1986, the parcel will be offered on April 2, 1986, to Humboldt County School District or to both school districts to purchase the parcel jointly in which they share equally the purchase price and ownership, using the Direct Sale procedures 43 CFR 2711.3–3, until withdrawn from the market. If either school district fails to purchase the parcel, the Bureau of Land Management will withdraw at the close of bid opening on April 2, 1986 the parcel from public sale. Sealed bids will be solicited at the BLM, Vale District Office, during regular business hours.

Comments

Further information concerning the sale, including the environmental analysis and land report, is availble for review at the Vale District Office at the above address. 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 Vale District Manager, at the above address. Objections will be reviewed by the State Director who may sustain, vacate, or modify this realty action. In absence of any objections, this realty action will become the final determination of the Department of the Interior. Interested parties should continue to check with the District Office to keep themselves advised of changes

Dated: January 15, 1986.

David Lodzinski,

Associate District Manager.

[FR Doc. 86–1275 Filed 1–21–86; 8:45 am]

BILLING CODE 4310–33–M

[Nev–025474]

January 8, 1986.

Nevada; Termination, in Part, of Airport Lease Nev–025474 Involving Lands in Elko County

Notice is hereby given that Elko County, through and by the Board of County Commissioners, relinquished its airport lease as to the following described public lands:

Mount Diablo Meridian, Nevada

T. 47 N., R. 64 E.,

Sec. 12, N½NW¼SW¼NE¼.

The segregate effect of the airport lease is hereby removed upon publication of this notice in the **Federal Register.**

Rodney Harris,

District Manager.

[FR Doc. 86–1310 Filed 1–21–86; 8:45 am]

BILLING CODE 4310–HC–M

National Park Service

Kalaupapa National Historical Park; Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Kalaupapa National Historical Park Advisory Commission will be held at 10:00 a.m. on Thursday, February 20, 1986 at the Paschoal Community Hall, Kalaupapa, Molokai, Hawaii.

The Advisory Commission was established by Pub. L. 95–565 to provide advice with respect to park development, operations, public visitation, and employee training.

Members of the Commission are as follows:

Rev. David K. Kaupu, Chairman
Mr. Clifford K. Anderson
Mr. Robert L. Barrel
Mrs. Kuulei Bell
Mr. James Brede
Mr. Shoichi Hamai
Mr. Paul Harada
Mr. Isaac Keao
Mr. Richard Marks
Mr. Ralston Nagata
Mr. Bernard Punikaia

This meeting will be devoted to review of the Park's Natural Resource Plan, the Land Protection Plan, and an inspection of resource projects and facilities on Friday, February 21.

The meetings are open to the public. Any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing to receive further information on this meeting or who wish to submit written statements may contact Mr. Bryan Harry, Pacific Area Director, National Part Service, 300 Ala Moana Boulevard, Box 50165, Honolulu, Hawaii 96850; telephone (808) 546–7584.

Minutes of the meeting will be available for public inspection by April 1, 1986, in the Office of the Pacific Area Director, National Park Service, 300 Ala Moana Boulevard, Room 6305, Honolulu, Hawaii.

Dated: January 3, 1986.

Howard H. Chapman,

Regional Director, Western Region.

[FR Doc. 86-1298 Filed 1-21-86; 8:45 am]

BILLING CODE 4310-70-M

Office of Surface Mining Reclamation and Enforcement

[Navajo Coal Lease No. 14-20-0603-8580 and Joint Use Area Coal Lease Nos. 14-20-0603-5743 and 14-20-0603-9910]

Intent To Hold Public Meetings Concerning the Preparation of an Environmental Impact Statement on the Proposed Life-of-Lease Plan for the Black Mesa-Kayenta Mine, Navajo County, AZ

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

ACTION: Notice of intent to hold public meetings and announcement of an extended period for submittal of written comments regarding the scope of the environmental impact statement analysis.

SUMMARY: Notice is hereby given that the Office of Surface Mining Reclamation and Enforcement (OSMRE) intends to hold public meetings to receive oral comments on the scope of the Black mesa-Kayenta mine environmental impact statement (EIS). In addition, OSMRE intends to extend the period during which written comments regarding the scope will be received. OSMRE announced its intent to prepare the EIS to analyze the probable impacts of continued mining at the Black mesa-Kayenta mine in the November 5, 1985, **Federal Register** (Vol. 50, No. 214, p. 45945).

DATES: Comment period: Written comments or statements concerning the scope of the EIS will be accepted through April 11, 1986, at the location given under **"ADDRESSES."** Public meetings: Five public meetings will be held:

(1) February 18, 1986; 7 p.m.; Regency Room, Little America Best Western Motel, 2515 East Butler Avenue, Flagstaff, Arizona.

(2) February 19, 1986; 4 p.m.; Kayenta Chapter House, Kayenta, Arizona.

(3) February 20, 1986; 4 p.m.; North Conference Room, Navajo Tribal Council Chamber, Window Rock, Arizona.

(4) March 18, 1986; 4 p.m.; Shungopovi Community Building, Shungopovi, Arizona.

(5) March 19, 1986; 4 p.m.; Moencopi Community Building, Moencopi, Arizona.

ADDRESSES: Written comments or statements concerning the scope of the EIS should be mailed or hand delivered to Allen D. Klein, Administrator, Attn: Acting Chief, Environmental Analysis Branch, OSMRE, Western Technical Center, Second Floor, Brooks Towers, 1020 15th Street, Denver, Colorado 80202.

FOR FURTHER INFORMATION CONTACT: Floyd McMullen, Team Leader, Environmental Analysis Branch, at the Denver, Colorado, location given under **"ADDRESSES"** (telephone: 303-844-2451 or FTS-564-2451).

SUPPLEMENTARY INFORMATION: Peabody Coal Company's (PCC) Black Mesa-Kayenta mine is an existing surface coal mine situated on three contiguous leaseholds comprising 64,858 acres within the boundaries of the Navajo and Hopi Reservations approximately 125 miles northeast of Flagstaff, Arizona, and 10 miles southwest of Kayenta, Arizona. The terms of PCC's leases provide for the removal of a maximum of 400 million tons of coal from these leaseholds on the northern part of Black Mesa. Approximately 12 million tons of coal are currently produced each year at the Black Mesa-Kayenta mine.

OSMRE is preparing the EIS to evaluate alternative actions available to the Department of the Interior on the permit application and the environmental impacts associated with each such alternative action. The major alternative actions thus far identified for consideration are approval of the permit application with such conditions, if any, as would be necessary to assure its compliance with requirements of the Surface Mining Control and Reclamation Act of 1977, its implementing regulations, and other Federal laws; disapproval of the permit application; and no action. Other alternative actions may be identified based on comments received by OSMRE regarding the scope of the EIS analysis.

OSMRE is requesting that any interested party attend one or more of the public meetings to submit oral comments and/or submit written comments or statements regarding the scope of the EIS. Comments/statements received by OSMRE will assist that agency in gathering information and in defining the scope of issues and concerns to be evaluated in the EIS.

Dated: January 15, 1986.

H. Leonard Richeson,

Acting Assistant Director, Program Operations.

[FR Doc. 86-1344 Filed 1-21-86; 8:45 am]

BILLING CODE 4310-05-M

INTERSTATE COMMERCE COMMISSION

Appointment of Agents to Require Emergency Routings of Amtrak Passenger Trains

Section 402(c) of the Rail Passenger Service Act of 1970 (45 U.S.C. 562(c)) requires the Commission to take emergency actions pertaining to the use by the National Railroad Passenger Corporation (Amtrak) of the tracks and facilities of other railroads.

Under certain conditions the necessity of immediate action may be such as to require determination and action by a single individual because of the time required to convene the Commission to receive and act upon an application from Amtrak for an emergency order.

It is ordered,

Appointment of Agents to Require Emergency Routings of Amtrak Trains.

(a) Bernard Gaillard, Director, William J. Love, Associate Director, and Heber P. Hardy,[1] Deputy Director, Office of Compliance and Consumer Assistance, Interstate Commerce Commission, Washington, D.C., are hereby appointed Agents of the Insterstate Commerce Commission and vested with authority to issue emergency orders requiring a railroad immediately to make its tracks and other facilities available to Amtrak for the operation of its passenger trains.

(b) *Effective date.*[1] This order shall become effective at 12:01 a.m., January 18, 1986.

This action is taken under the authority of 49 U.S.C. 10305 and 45 U.S.C. 562(c).

Decided: January 13, 1986.

By the Commission, Chairman Gradison, Vice Chariman Simmons, Commissioners Sterrett, Andre, and Lamboley.

James H. Bayne,

Secretary.

[FR Doc. 86-1294 Filed 1-21-86; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. MC-F-17030]

Burlington Northern Inc. and Burlington Northern Motor Carriers, Inc., Control Exemption; Stoops Express, Inc., Wingate Trucking Co., Inc., and Taylor-Maid Transportation, Inc.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Proposed Exemption.

[1] Change in agent and effective date.

SUMMARY: Burlington Northern, Inc. (BN) and Burlington Northern Motor Carriers, Inc. (BNMC) filed a petition to exempt under 49 U.S.C. 11343(e) their acquisition of control of Stoops Express, Inc. (Stoops), Wingate Trucking Company, Inc. (Wingate), and Taylor-Maid Transportation, Inc. (Taylor-Maid) from the prior approval requirements of 49 U.S.C. 11343, *et seq.* BNMC has also filed application pursuant to 49 U.S.C. 11349 and 49 CFR 1182.5, for temporary authority to operate through management and control the motor carrier properties of Stoops, Wingate, and Taylor-Maid.

DATES: Comments must be received by February 11, 1986.

ADDRESSES: Send comments (an original plus 10 copies) referring to Docket No. MC–F–17030 to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423; and

(2) Petitioners' representative: Hebert J. Martin, Esq., Crowell & Moring, 1100 Connecticut Avenue, NW., Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275–7245.

SUPPLEMENTARY INFORMATION: BN is a non-carrier holding company; BNMC is a wholly-owned non-carrier subsidiary of BN. BN also owns the Burlington Northern Railroad Company (BNRR), a Class I railroad. BNMC controls Victory Freightway System, Inc., and is seeking an exemption under 49 U.S.C. 11343(e) to control Monkem Company, Inc., and Monroe Trucking, Inc. Stoops holds both common and contract carrier authority under Docket MC–144630. Wingate holds both common and contract carrier authority under Docket MC–124154. Taylor-Maid holds both common and contract carrier authority under Docket MC–152180.

BNMC has entered into separate agreements with Stoops, Wingate, and Taylor-Maid whereby each of the motor carriers will become a wholly-owned subsidiary of BNMC. As a result, BN will commonly control Stoops, Wingate, Taylor-Maid and BNRR, requiring Commission approval under 49 U.S.C. 11343, *et seq.*

BN, BNMC, Stoops, Wingate, and Taylor-Maid seek exemption under 49 U.S.C. 11343(e) and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures—Handling Exemptions Filed by Motor Carriers*, 367 I.C.C. 113 (1982), 49 FR 53303 (November 24, 1982).

A copy of the petition may be obtained from petitioner's representative, or it may be inspected at the Washington, DC office of the Interstate Commerce Commission during normal business hours.

Decided: January 15, 1986.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

James H. Bayne,

Secretary.

[FR Doc. 86–1354 Filed 1–21–86; 8:45 am]

BILLING CODE 7035–01–M

[Finance Docket No. 30763]

Fairmont, Morgantown and Pittsburg Railroad Co.; the Baltimore and Philadelphia Railroad Co.

Fairmont, Morgantown and Pittsburg Railroad Company (FM&P) and The Baltimore and Philadelphia Railroad Compnay (B&P) filed a notice of exemption for B&P to merge into FM&P.

FM&P and B&P are both controlled by The Baltimore and Ohio Railroad Company (B&O). Consummation of the merger will promote corporate simplication and eliminate the expense and burden associated with maintenance of B&P as a separate corporate entity. Under the merger plan, B&P will be dissolved as a separate corporate entity, and all of its assets and liabilities will be vested in FM&P. No reduction of transportation facilities are contemplated, and no obligations of B&P will be impaired.

This is a transaction within a corporate family of the type specifically exempted from the necessity of prior review and approval under 49 CFR 1180.2(d)(3). It will not result in adverse changes in service levels, significant operational changes, or a change in the competitive balance with carriers outside the corporate family.

As a condition to use of this exemption, any employees affected by the merger shall be protected pursuant to *New York Dock R.—Control—Brooklyn Eastern District*, 360 I.C.C. 60 (1979).

Decided: January 8, 1986.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

James H. Bayne,

Secretary.

[FR Doc. 86–1295 Filed 1–21–86; 8:45 am]

BILLING CODE 7035–01–M

[Ex Parte No. 388 (Sub-No. 15)]

Intrastate Rail Rate Authority; Minnesota

AGENCY: Interstate Commerce Commission.

ACTION: Notice of decision.

SUMMARY: The Commission grants final certification to the Minnesota Transportation Regulation Board under 49 U.S.C. 11501(b) to regulate intrastate rail transportation, subject to a condition precedent that it modify its standards and procedures as noted in the full decision.

DATES: If the necessary changes are made, certification will begin February 21, 1986.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275–7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision write to T.S. InfoSystems, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or call 289–4357 (DC Metropolitan area) or toll free (800) 424–5403.

Dated: December 19, 1985.

By the Commission, Chairman Gradison, Vice Chairman Simmons, Commissioners Taylor, Sterrett, Andre, Lamboley, and Strenio. Commissioner Strenio did not participate.

James H. Bayne,

Secretary.

[FR Doc. 86–1296 Filed 1–21–86; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

St. Joe Minerals Corp.; Lodging of Consent Decree Pursuant to the Clean Air Act 42 U.S.C. 7401 et seq.

In accordance with departmental policy, 28 CFR 50.7, notice is hereby given that on January 10, 1986, a proposed consent decree in *United States v. St. Joe Minerals Corporation*, Civil Action No. 84–0170, was lodged with the United States District Court for the Western District of Pennsylvania. The proposed decree requires the company to modify two coal-fired boilers at its George F. Weaton Generating Station near Monaca, Pennsylvania, on an expeditious basis to permit them to burn sufficient natural gas so as to comply with the SO_2 emission limit found in 25 Pennsylvania Code § 123.22(d)(2). The company is also required to pay a civil penalty of $2,200,000.

The Department of Justice will receive for a period of thirty (30) days from the date of publication comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *St. Joe*

Minerals Corporation, D.J. Ref. 90–5–2–1–601. Please send a copy of any comments to Wayne R. Walters, Senior Counsel, Environmental Enforcement Section, Room 2634, Department of Justice, Washington, DC 20530.

The proposed consent decree may be examined at the Office of the United States Attorney, Attention Joel Strauss, Esq., U.S. Post Office and Courthouse, 7th and Grant Streets, Pittsburgh, Pennsylvania 15219 and at the Region III Office of the Environmental Protection Agency, c/o Diane Ajl, Esq., 841 Chestnut Street, Philadelphia, Pennsylvania 19107, and at the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice, Room 1515, Washington, DC 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please enclose a check in the amount of $1.30 ($.10/page reproduction cost) payable to the Treasurer of the United States.

F. Henry Habicht II,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 86–1313 Filed 1–21–86; 8:45 am]

BILLING CODE 4410–01–M

Town of Clarksville, IN; Lodging of Consent Decree Pursuant to the Clean Water Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on January 8, 1986, a proposed consent decree in *United States* v. *Town of Clarksville*, Civil Action No. NA 84–197C was lodged with the United States District Court for the Southern District of Indiana. The proposed Consent Decree concerns the discharge of pollutants from the town's wastewater treatment facilities and the replacement of these two plants with a new facility. The proposed consent decree requires the defendant to pay a $15,000 civil penalty, to construct the new plant and demonstrate compliance there with its National Pollutant Discharge Elimination System permit by September 1, 1987, and to implement certain interim measures at the existing plants to ensure their optimum operation and maintenance pending their replacement.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Town of Clarksville*, D.J. Ref. No. 90–5–1–1–2160.

The proposed consent decree may be examined at the office of the Assistant United States Attorney, U.S. Courthouse, 46 East Ohio Street, Room 274, Indianapolis, Indiana 46204 and at the Region V Office of the Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604. Copies of the consent decree may be examined at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1517, Ninth Street and Pennsylvania Avenue NW., Washington, DC 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please refer to the referenced cases and enclose a check in the amount of $10.30 (10 cents per page reproduction cost) made payable to the Treasurer of the United States.

F. Henry Habicht II,

Assistant Attorney General, Land and Natural Resources Division, Department of Justice.

[FR Doc. 86–1314 Filed 1–21–86; 8:45 am]

BILLING CODE 4410–01–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 86–05]

National Commission of Space; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the National Commission of Space.

DATE AND TIME: January 23–24, 1986, 8:30 a.m. to 5:30 p.m. each day.

ADDRESS: Jet Propulsion Laboratory, Building 180, 4800 Oak Grove Drive, Pasadena, CA 91109.

FOR FURTHER INFORMATION CONTACT: Mr. Steve Hartman, National Commission on Space, Suite 3212, 490 L'Enfant Plaza East SW, Washington, DC 20024 (202/453–8685).

SUPPLEMENTARY INFORMATION: The National Commission on Space was established to study existing and proposed U.S. space activities; formulate an agenda for the U.S. civilian space program; and identify long-range goals, opportunities, and policy options for civilian space activity for the next 20 years. The Commission, chaired by Dr. Thomas O. Paine, consists of 15 voting members.

The meeting must be held at this time in order to meet the publishing deadline of the final report. This is the earliest opportunity to assemble the Commissioners subsequent to the distribution of the final draft report for review. The meeting will be closed to the public in order to control the premature disclosure of information in the case of the Commission report that would be likely to significantly frustrate the implementation of the proposed Commission action pursuant to the exemption contained in 5 U.S.C. 552b(c)(9)(B).

Type of meeting: Closed.

Richard L. Daniels,

Deputy Director, Logistics Management and Information Programs Division, Office of Management.

January 15, 1986.

[FR Doc. 86–1272 Filed 1–21–86; 8:45 am]

BILLING CODE 7510–01–M

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Records Schedules

AGENCY: Office of Records Administration, NARA.

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes a notice at least once monthly of all agency records schedules (requests for records disposition authority) which include records proposed for disposal. The first notice was published on April 1, 1985. Records schedules identify records of continuing value for eventual preservation in the National Archives of the United States and authorize agencies to dispose of records of temporary value. NARA invites public comment on proposed records disposals as required by 44 U.S.C. 3303a(a).

DATE: Comments must be received in writing on or before March 24, 1986.

ADDRESS: Address comments and requests for single copies of schedules identified in this notice to the Records appraisal and Disposition Division (NIR), National Archives and Records

Administration, Washington, DC 20408. Requestors must cite the control number assigned to each schedule when requesting a copy. The control number appears in parenthesis immediately after the title of the requesting agency. Copies of the schedules are also available for public inspection during the comment period at the Office of the Federal Register, Room 8401, 1100 L Street, NW., Washington, DC 20408.

SUPPLEMENTARY INFORMATION:

Each year U.S. government agencies create billions of records in the form of paper, film, magnetic tape, and other media. In order to control the accumulation of records, Federal agencies prepare records schedules which specify when the agency no longer needs them for current business and what happens to the records after the expiration of the destruction of the records requires the approval of the Archivist of the United States, which is based on a thorough study of their potential value for future use. A few schedules are comprehensive; they list all the records of an agency or one of its major subdivisions. Most schedules cover only one office, or one program, or a few series of records, and many are updates of previously approved schedules.

The monthly public notice identifies the Federal agencies and their appropriate subdivisions requesting disposition authority, includes a control number assigned to each schedule, and briefly identifies the records scheduled for disposal. The complete record schedule contains additional information about the records and their disposition. Additional information about the disposition process will be furnished with each copy of a records schedule requested.

Schedules Pending Approval:

1. Department of the Air Force (NC1–AFU–85–27). Air conditioning, cooling, and ventilation records.

2. Department of the Air Force (NC1–AFU–85–30). Medical Laboratory reports of tissue and cytology examinations.

3. Department of the Air Force (NC1–AFU–85–39). Joint Uniform Military Pay System records at base level.

4. Department of the Air Force (NC1–AFU–86–4). Administrative records of nonappropriated fund activities.

5. Department of the Air Force, Directorate of Administration, HQ USAF (N1–AFU–86–16). Daily and weekly pen recording charts for temperature and humidity at data processing facilities.

6. Environmental Protection Agency. Office of Solid Waste (NC1–412–85–7). Records relating to administrative support and public information.

7. Department of Justice, Federal Bureau of Investigation, Records Management Division (N1–65–86–1, N1–65–86–2, N1–65–86–3, and N1–65–86–4). Documentation containing personal information of insufficient historical or other value to warrant archival retention. Expunction of the information has been requested by the individual to whom it relates.

8. Department of Justice, Civil Division, International Trade Field Office, New York (NC1–60–85–2). International trade litigation case files, exclusive of files relating to antidumping, countervailing duties, and trade adjustment assistance matters, which are designated for archival retention.

9. Department of Labor, Bureau of Labor Statistics (N1–257–86–1). Commodities and housing schedules (forms) containing data complied for use in the Consumer Price Index.

10. Department of Transportation, Federal Aviation Administration, (N1–237–86–1). Provisioning files and provisions parts list required for equipment support.

11. Department of the Treasury, Internal Revenue Service, Facilities Management Division (NC1–58–85–15). Individual tax returns in machine-readable form and other related records generated under Project SUPER—The Electronic Filing of Tax Returns.

Dated: Janaury 10, 1986.

Frank G. Burke,

Acting Archivist of the United States.

[FR Doc. 86–1358 Filed 1–21–86; 8:45 am]

BILLING CODE 7515–01–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Council on the Humanities Advisory Committee; Meeting

January 14, 1986.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, as amended) notice is hereby given that a meeting of the National Council on the Humanities will be held in Washington, DC on February 12–14, 1986.

The purpose of the meeting is to advise the Chairman of the National Endowment for the Humanities with respect to policies, programs, and procedures for carrying out his functions, and to review applications for financial support and gifts offered to the Endowment and to make recommendations thereon to the Chairman.

The meeting will be held in the Old Post Office Building, 1100 Pennsylvania Avenue, NW., Washington, DC. The afternoon session on February 12, 1986 and a portion of the morning and afternoon sessions on February 13–14, 1986 will not be open to the public pursuant to subsections (c) (4), (6) and (9)(B) of section 552b of Title 5, United States Code because the Council will consider information that may disclose: trade secrets and commercial or financial information obtained from a person and privileged or confidential; information of a personal nature the disclosure of which will constitute a clearly unwarranted invasion of personal privacy; and information the disclosure of which would significantly frustrate implementation of proposed agency action. I have made this determination under the authority granted me by the Chairman's Delegation of Authority dated January 15, 1978.

The agenda for the session on February 12, 1986 will be as follows:

Committee Meeting

2:00 p.m. until Adjourned, Jefferson Lecture Committee, (Closed to the Public) Discussion of Jefferson, Lecture Nominees—Room 506.

The agenda for the sessions on February 13, 1986 will be as follows:

8:30–9:30 a.m., Coffee for Council Members (Open to the Public)—Room 502.

Committee Meetings

9:30–10:30 a.m.—(Open to the Public) Policy Discussion
Education Programs—Room M–14
Fellowship Programs—Room 315
General Programs—Room 415
Research Programs—Room 316–2
State Programs—Room M–07 East

10:30 a.m. until Adjourned, (Closed to the Public) Discussion of specific grant applications before the Council

3:00–3:30 p.m.—(Open to the Public) Policy Discussion
Challenge Grants—Room 430
Preservation Grants—Room M–07 West

3:30 p.m. until Adjourned, (Closed to the Public) Discussion of specific grant applications before the Council

The morning session on February 14, 1986 will convene at 8:30 a.m. in the 1st Floor Council Room M–09 and will be open to the public. The agenda for the morning session will be as follows. (Coffee for Staff and Council members attending the meeting will be served from 8:30 a.m.–9:00 a.m.)

Minutes of the Previous Meeting Reports
A. Introductory Remarks
B. Introduction of New Staff

C. Contracts Awarded in the Previous Quarter
D. Application Report and Gifts and Matching Report
E. Fiscal Year 1986 Appropriation
F. Fiscal Year 1987 Congressional Budget Request
G. Committee Reports on Policy and General Matters
1. Education Programs
2. Fellowship Programs
3. Preservation Grants
4. Research Programs
5. General Programs
6. Challenge Grants
7. State Programs
8. Jefferson Lecture
H. Emergency Grants and Actions Departing from Council Recommendation—Approvals

The remainder of the proposed meeting will be given to the consideration of specific applications (closed to the public for the reasons stated above).

Further information about this meeting can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, Washington, DC 20506, or call area code 202–786–0322.

Stephen J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 86–1348 Filed 1–21–86; 8:45 am]

BILLING CODE 7537–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Developmental Biology; Closed Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463, the National Science Foundation announces the following meeting.

Name: Advisory Panel for Developmental Biology.

Date and Time: February 6, 7, 8, 1986, starting at 8:30 A.M. to 5:30 P.M.

Place: Room 523, National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550

Type of Meeting: Closed.

Contact Person: Dr. Joseph Mascarenhas, Program Director, Developmental Biology Program, Room 332–H, National Science Foundation, Washington, D.C., 20550, Telephone 202/357–7989.

Purpose of Advisory Panel: To provide advice and recommendations concerning support of research in developmental biology.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemption (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Officer.

January 16, 1986.

[FR Doc. 86–1350 Filed 1–21–86; 8:45 am]

BILLING CODE 7555–01–M

Advisory Panel for Regulatory Biology; Closed Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463 the National Science Foundation announces the following meeting.

Name: Advisory Panel for Regulatory Biology.

Date and Time: February 5, 6, and 7, 1986, 8:30 a.m. to 6:00 p.m.

Place: Room 1242B, National Science Foundation, 1800 G Street NW, Washington, D.C. 20550

Type of Meeting: Closed.

Contact Person: Dr. Lewis Greenwald, Program Director, Regulatory Biology Program, Room 332, National Science Foundation, Washington, DC 20550, Telephone 202/357–7975.

Purpose of Advisory Panel: To provide advice and recommendations concerning support for research in regulatory biology.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Officer.

January 16, 1986

[FR Doc. 86–1351 Filed 1–21–86; 8:45 am]

BILLING CODE 7555–01–M

Division of Mechanics, Structures and Materials Engineering Advisory Committee; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Science Foundation announces the following meeting:

Name: Committee for the Division of Mechanics, Structures and Materials Engineering.

Date & Time: February 5, 1986—8:30 a.m. to 5:30 p.m., February 6, 1986—8:30 a.m. to 5:00 p.m., February 7, 1986—9:00 a.m. to 3:00 p.m.

Place: National Science Foundation, 1800 G Street, NW., Washington, DC 20550, Room 540.

Type of Meeting: February 5th Meeting—Closed, February 6th & 7th Meeting—Open.

Contact Person: Mrs. Hope Duckett, National Science Foundation, Room 1110, Washington, DC 20550. Telephone (202) 357–9542.

Summary Minutes: May be obtained from the Contact Person.

Agenda: *Wednesday, February 5, 1986* (Closed Meeting)

8:30–9:15 a.m.—Welcome and Briefing on Audit & Oversight Process,
9:15–12:00 N—Review of Division Programs,
12:00–1:30 p.m.—Lunch,
1:30–4:30 p.m.—Continuation of Review of Division Programs,
4:30–5:30 p.m.—Develop Audit & Oversight Report.

Thursday, February 6, 1986 (Open Meeting)

8:30–10:30 a.m.—Introductions and Activities of Engineering Directorate,
10:30–12:15 a.m.—Discussion of Division Programs,
12:15–1:30 p.m.—Lunch,
1:30–3:00 p.m.—Continuation of Discussion of Division Programs,
3:00–5:00 p.m.—Discussion of MSME Division's Plans.

Friday, February 7, 1986 (Open Meeting)

8:30–10:15 a.m.—Discussion of Objectives for Advisory Committee,
10:15–12:00 N—Roles for Advisory Committee Members,
12:00–12:30 p.m.—Lunch,
12:30–3:00 p.m.—Prepare Summaries of Action Items and Recommendations to Assistant Director,
3:00—Adjourn.

Reason for Closing: The meeting involves discussion of proposals containing information of a proprietary or confidential nature, including technical information, financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b (c), Government in the Sunshine Act.

Authority to Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10 (d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such

determinations by the Director, NSF on July 6, 1979.

M. Rebecca Winkler,

Committee Management Officer.

January 16, 1986.

[FR Doc. 86-1349 Filed 1-21-86; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-250 and 50-251 License Nos. DPR-31 and DPR-41 EA 85-80]

Florida Power and Light Co. (Turkey Point, Units 3 and 4); Order Imposing Civil Monetary Penalty

I

Florida Power and Light Company (the licensee) is the holder of Operating License Nos. DPR-31 and DPR-41 (the licenses) issued by the Nuclear Regulatory Commission (the Commission) on July 19, 1972 and April 10, 1973, respectively. The licenses authorize the licensee to operate the Turkey Point Units 3 and 4 in accordance with conditions specified therein.

II

A safety inspection of the licensee's activities under the licenses was conducted by the NRC from May 1–June 5, 1985. As a result of this inspection, it appeared that the licensee had not conducted its activities in full compliance with NRC requirements. A written Notice of Violation and Proposed Imposition of Civil Penalty (NOV) was served upon the licensee by letter dated August 20, 1985. The NOV stated the nature of the violation, the provisions of the NRC's requirements that the licensee had violated, and the amount of the civil penalty proposed for the violation. The licensee responded to the NOV on September 19, 1985.

III

Upon consideration of the licensee's response and the statements of fact, explanation, and argument for mitigation or remission of the proposal civil penalty contained therein, as set forth in the Appendix to this Order, the Director, Office of Inspection and Enforcement, has determined that the violation occurred as stated and that the penalty proposed for the violation designated in the Notice of Violation and Proposed Imposition of Civil Penalty should be imposed.

IV

In view of the foregoing and pursuant to section 234 of the Atomic Energy Act of 1954, as amended 42 U.S.C. 2282, Pub. L. 96-295, and 10 CFR 2.205, it is hereby ordered that:

The licensee pay a civil penalty in the amount of One Hundred Thousand Dollars ($100,000) within thirty days of the date of this Order by check, draft, or money order payable to the Treasurer of the United States and mailed to the Director, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

V

The licensee may, within thirty days of the date of this Order, request a hearing. A request for a hearing shall be addressed to the Director, Office of Inspection and Enforcement at the above address. A copy of the hearing request shall also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, DC 20555. If a hearing is requested, the Commission will issue an Order designating the time and place of the hearing. Upon failure of the licensee to request a hearing within thirty days of the date of this Order, the provisions of this Order shall be effective without further proceedings. If payment has not been made by that time, the matter may be referred to the Attorney General for collection.

In the event the licensee requests a hearing as provided above, the issues to be considered at such hearing shall be:

(a) Whether the licensee violated NRC requirements as set forth in the Notice of Violation and Proposed Imposition of Civil Penalty; and

(b) Whether on the basis of such violations this Order should be sustained.

Dated at Bethesda, Maryland this 14 day of January 1986.

For the Nuclear Regulatory Commission.

James M. Taylor,

Director, Office of Inspection and Enforcement.

APPENDIX

On August 20, 1985, a Notice of Violation and Proposed Imposition of Civil Penalty (NOV) was issued for a violation of an NRC requirement. Florida Power and Light Company's response to the NOV was provided in a letter dated September 19, 1985. A restatement of the violation, a summary of the licenee's response, the NRC staff's evaluation of the licensee's response, and its conclusions are set forth below.

Restatement of the Violation

10 CFR 50.59(a) allows the holder of a license to make changes in the facility as described in the Final Safety Analysis Report (FSAR) without prior Commission approval unless it involves a change to the Technical Specifications or is an unreviewed safety question. An unreviewed safety question is created if the consequences of an accident or the malfunction of equipment important to safety previously evaluated in the FSAR are increased.

10 CFR 50.59(b) requires in part that the licensee maintain records of changes in the facility to the extent that such changes constitute changes in the facility as described in the FSAR. These records shall include a written safety evaluation which provides the bases for the determination that the change does not involve an unreviewed safety question.

Section 9.3 of the Turkey Point FSAR states that the possibility of siphon draining of the Spent Fuel Pit (SFP) by a break in the SFP drain piping is prevented by a normally closed valve located six feet above the fuel assemblies.

Contrary to the above, sometime prior to September 1984, and continuing through June 5, 1985, the licensee had failed to meet the requirements of 10 CFR 50.59 in that a change was made to the facility described in the FSAR after license issuance without first conducting and documenting a review to determine that the change did not involve an unreviewed safety question. The change to the facility involved operating a valve on the drain portion of each units's SFP cooling loop in an open position, although it was described in Section 9.3 of the FSAR as closed. This change involved an unreviewed safety question since a malfunction could have completely drained the SFP. The FSAR includes an evaluation of the possibility of a piping break upstream of this normally-closed valve, but did not evaluate a piping break or other malfunctions of equipment downstream of the valve with the valve open.

This is a Severity Level III violation (Supplement I). (Civil Penalty—$100,000).

Summary of the Licensee's Response

Florida Power and Light Company's response admits that the violation occurred as stated in the NOV but objects to the escalation of the base civil penalty. The licensee believes that its extensive programs formulated as a result of previous NRC findings regarding the Intake Cooling Water System (Notice of Violation and Proposed Imposition of Civil Penalty, EA 84-121, dated August 20, 1985) are in place and working. Therefore, the current finding regarding the SFP should not require penalty escalation in that it

predates the Intake Cooling Water System issue and was within the scope of previously identified corrective actions.

The licensee contends that one of these actions, the System Operability Review Program (SORP) could have recognized and prevented the continued existence of this condition. In addition, considerable efforts have been expended in the Program for Enhanced Performance (PEP) and the Program for Improved Operation (PIO) and that these programs have and will prevent similar occurrences from happening in the future.

The licensee response indicates that the original error in classifying the SFP cooling system valve lineup change was clearly an oversight as opposed to a willful or intentional act. The lineup change was made in response to a problem of vortexing at the upper suction connection. Corrective action for this problem had been identified, was in progress and, in fact, was completed on Unit 3 prior to formal notification of the finding on May 17, 1985.

The licensee also requests that the NRC staff consider the resources it has devoted to improving and upgrading physical features of the spent fuel storage area, as well as the subsequent evaluation which showed there was reason to believe that the probability of uncovering the fuel in the spent fuel pool was not increased when consideration is given for operator intervention. The licensee notes, however, that operation with the lower drain opened was not recommended.

NRC Evaluation of the Licensee Response

The licensee admits that the violation occurred as stated.

The licensee contends that the previous NRC findings regarding the Intake Cooling Water System (EA 84–121) should not be used for penalty escalation because the current finding predates that issue and was within the scope of the corrective action being taken in response to EA 84–121. The current violation and the violation cited in EA 84–121 together reflect a pattern of poor performance in the area of system operability. Although the concurrent violation occurred before the enforcement action in EA 84–121 was taken, identification and corrective action were not taken until several months after that action when it was identified by the NRC resident inspector. The licensee had many opportunities both before and after EA 84–121 was issued to identify this problem but failed to do so. The improper system alignment existed for an extended period of time. Modified safety analysis reports submitted to the NRC in 1976 and 1984 to support Turkey Point Technical Specification changes failed to identify this problem. Several design changes were also completed on these systems that failed to detect that their operation was outside of the normal operating parameters. As the NRC letter transmitting the NOV in this case indicates, the base civil penalty was escalated in part because of poor performance in the area of concern and in part because the duration of the violation provided opportunities to identify and correct the problem.

The licensee also argues that the long term corrective actions formulated as a result of EA 84–121 were still in progress and that the SORP would have recognized and corrected this problem. However, the interim corrective actions initiated as a result of EA 84–121 were completed in December 1984, and the deficiencies that existed with regard to the Spent Fuel Pit were neither identified nor corrected by the SORP.

Similarly, the deficiencies in the SFP were not picked up under either the PEP or the PIO although the PEP had been in effect for over a year and the PIO had been in effect for several months. The NRC recognizes that improved performance takes time to achieve but believes that tangible results from these programs have been slow in coming. The staff has determined that escalation of the proposed penalty because of poor performance in the area and the duration of the violation was appropriate and that the penalty should be imposed to emphasize the necessity for improved performance in normal operating practices to ensure that the changes do not create unreviewed safety questions.

With regard to the licensee's arguments that no unreviewed safety question existed, the NRC staff review of the licensee's evaluation indicates that the evaluation was inadequate and, in fact, an unreviewed safety question did exist. Operation of the SFP cooling system using the drain suction increased the potential consequences of a malfunction of the equipment and created a failure mechanism of a different type than any evaluated previously.

The NRC staff did not consider willfulness on the part of the licensee as a factor in determining the severity level of the violation or the civil penalty and, consequently, the absence of willfulness does not provide a basis for mitigation in this case.

Conclusion

The violation occurred as stated in the NOV, and the licensee has not provided an adequate basis for either mitigating or remitting the proposed penalty. Accordingly, a civil penalty in the amount of One Hundred Thousand Dollars ($100,000) should be imposed.

[FR Doc. 86–1353 Filed 1–21–86; 8:45 am]
BILLING CODE 7590–01–M

OFFICE OF MANAGEMENT AND BUDGET

ERISA Annual Report for Pension and Welfare Benefit Plans (Form 5500 Series); Open Meeting

AGENCY: Office of Management and Budget.

ACTION: Notice of meeting.

SUMMARY: There will be a public meeting soliciting comments on the existing data elements for the annual report of pension and welfare benefit plans, the Form 5500 series. Members of the public are invited to provide comments and suggestions for improving the forms and reducting its associated paperwork burden.

DATE: Thursday, January 30, 1986, beginning at 2:00 p.m. and concluding by 5:00 p.m.

ADDRESS: The meeting will be held at the New Executive Office Building, Room 2010, 726 Jackson Place, NW., Washington, DC (use 17th Street entrance). To obtain entrance into the building, please call (202) 395–6880 and request that your name be placed on the access list.

FOR FURTHER INFORMATION CONTACT: James B. MacRae, Jr., Chief, Reports Management Branch, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, NW., Washington, DC 20503, (202/395–6880).

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to solicit the views of a wide range of individuals and organizations who may have an interest in the development of a more effective and less burdenson report. The Departments of Labor and the Treasury (Internal Revenue Service), and the Pension Benefit Guaranty Corporation are currently conducting a review of the existing data elements of the Form 5500 series in an effort to make this series more useful to these agencies in carrying out their ERISA-related responsibilities. This meeting will provide a forum for discussing the current Form 5500 report and providing suggestions for

improvement. Although comments are welcome on all aspects of the report, the audience will be particularly encouraged to comment on the following issues:

Reporting Requirements

- What degree of effort is required to complete individual items on the Form 5500? Are there less burdenson alternatives that would provide adequate oversight?
- Does repetition of information reported in previous years make it easier or more difficult to complete the Form 5500?
- The IRS finds a large number of errors in the annual reports that are submitted every year. What are the causes of these errors? What could be done to reduce the number of errors?
- Which particular date elements would you recommend for elimination and why?

Filing Time

- What problems would arise if the length of time allowed for filing were shortened from the current 7 months after the end of the plan year?

Persons who are unable to attend but who wish to provide comment may do so in writing. Such comments should be submitted on or before February 28, 1986 to the following address: Office of Management and Budget, OIRA Docket Library, Room 3201, Washington, DC 20503.

Robert L. Neal, Jr.,

Acting Chief, Reports Management Branch.

[FR Doc. 86-1470 Filed 1-21-86; 8:45 am]

BILLING CODE 3110-01-M

SECURITIES AND EXCHANGE COMMISSION

Agency Information Collection Activities Under Office of Management and Budget Review

Agency Clearance Officer: Kenneth A. Fogash, (202) 272-2142.

Upon Written Request Copy Available From: Securities & Exchange Commission, Office of Consumer Affairs Washington, DC 20549.

Extension
Rule 17Ad-13
No. 270-263

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et. seq.*) the Securities and Exchange Commission has submitted for extension of OMB approval Rule 17Ad-13 (17 CFR 240.17Ad-13) under the Securities Exchange Act of 1934 (15 U.S.C. 78 *et. seq.*), which requires certain registered transfer agents to file annually a study and evaluation of internal accounting control.

Submit comments to OMB Desk Officer: Ms. Sheri Fox, (202) 395-3785, Office of Information and Regulatory Affairs, Room 3235 NEOB, Washington, DC 20503.

Shirley E. Hollis,

Assistant Secretary.

January 13, 1986.

[FR Doc. 86-1308 Filed 1-21-86; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Boston Stock Exchange, Inc.

January 15, 1986.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following securities:

Courtaulds PLC
American Depository Receipts (File No. 7-8750)
Showboat, Inc.
Common Stock, $1.00 Par value (File No. 7-8751)
Union Exploration Partners, Ltd.
Depository Receipts, No Par Value (File No. 7-8752)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before February 3, 1986, written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commisison, by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 86-1304 Filed 1-21-86; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Boston Stock Exchange, Inc.

January 15, 1986.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following securities:

Diamond Shamrock Offshore Partners
Units of Limited Partnership Interest (File No. 7-8741)
I.P. Timberlands, Ltd.
Class A Depository Units (File No. 7-8742)
Manor Care, Inc.
Common Stock, Par Value $.10 (File No. 7-8743)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before February 3, 1986, written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 86-1303 Filed 1-21-86; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Midwest Stock Exchange, Inc.

January 15, 1986.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following securities:

International Technology
Common Stock, $1.00 Par Value (File No. 7–8753)
Beverly Investment Properties Inc.
Common Stock, $.10 Par Value (File No. 7–8754)
Glenfed, Inc. (Holding Company)
Common Stock, $.01 Par Value (File No. 7–8755)
Wedtech Corporation
Common Stock, $.01 Par Value (File No. 7–8756)
Russell Corporation
Common Stock, $.01 Par Value (File No. 7–8757)
MESA Limited Partnership
Depositary Units (File No. 7–8758)
Triangle Industries
Participating Preferred Stock (File No. 7–8759)
International Thoroughbred Breeders, Inc.
Common Stock, $.10 Par Value (File No. 7–8760)
Kay Corporation
Common Stock, $1.00 Par Value (File No. 7–8761)
Charter Medical
Common Class A, $.25 Par Value (File No. 7–8762)
MacNeal Schwendler Corporation
Common Stock, $.10 Par Value (File No. 7–8763)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before February 3, 1986, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 86–1307 Filed 1–21–86; 8:45 am]

BILLING CODE 8010–01–M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Pacific Stock Exchange, Inc.

January 15, 1986.

The above named national securities exchange has filed application with the Securities and Exchange Commission pursuant to section 12(f)1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the following securities:

Republic Airlines, Inc.
Common Stock, $0.20 Par Value (File No. 7–8744)
Nicor, Inc.
Common Stock, $5.00 Par Value (File No. 7–8745)
Piedmont Aviation, Inc.
Common Stock, $1.00 Par Value (File No. 7–8746)
IPALCO Enterprises, Inc.
Common Stock, No Par Value (File No. 7–8747)
Prime Motor Inss, Inc.
Common Stock, $0.05 Par Value (File No. 7–8748)
Rockefeller Center Properties, Inc.
Common Stock (File No. 7–8749)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before February 3, 1986, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 86–1305 Filed 1–21–86; 8:45 am]

BILLING CODE 8010–01–M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Pacific Stock Exchange, Inc.

January 15, 1986.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the following securities:

West Point Pepperell, Inc.
Common Stock, $5.00 Par Value (File No. 7–8767)
Zapata Corporation
Common Stock, $0.25 Par Value (File No. 7–8768)
Pennsylvania Power & Light Company
Common Stock, No Par Value (File No. 7–8769)
Bally Manufacturing Corporation
Common Stock Purchase Warrants (File No. 7–8770)
General Motors Corporation
Common Stock, Class H (File No. 7–8771)
Kenner Parker Toys, Inc.
Common Stock (File No. 7–8772)
Crystal Brands, Inc.
Common Stock (File No. 7–8773)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before February 3, 1986, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such application are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 86–1302 Filed 1–24–86; 8:45 am]

BILLING CODE 8010–01–M

[Release No. IC-14895; (File No. 811-3520)]

First Phoenix Fund, Inc.; Application for Order Declaring That Applicant Has Ceased To Be an Investment Co.

January 10, 1986.

Notice is hereby given that First Phoenix Fund, Inc. (the "Applicant"), No. 6, The Commons, 3512 Silverside Road, Wilmington, DE 19803, registered under the Investment Company Act of 1940 (the "Act") as an open-end, diversified management investment company, filed an application on December 3, 1985, for an order of the Commission, pursuant to section 8(f) of the Act, declaring that Applicant has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act for the applicable provisions thereof.

Applicant, a Georgia corporation, states that it filed a notification of registration and a registration statement on July 20, 1982, in accordance with the Act. Applicant also states that on that same date it filed a registration statement and registered an indefinite number of Class A Common Shares and Class B Common Shares under the Securities Act of 1933. Applicant further states that the initial public offering of the Class A Common Shares commenced on March 23, 1983, and that no public offering of the Class B Common Shares was made during the existence of the Applicant.

Applicant represents that on September 24, 1984, its Board of Directors unanimously authorized the appropriate officers to enter into an Agreement and Plan of Reorganization (the "Plan") on behalf of the Applicant with Temporary Investment Fund, Inc. ("TempFund"), an investment company registered under the Act. A similar authorization in regard to the proposed reorganization of Applicant was approved by TempFund's Board of Directors at a regular meeting of the Board held on September 21, 1984. Applicant further represents that the Plan was unanimously approved at a Special Meeting of its shareholders held on November 7, 1984, at which representatives of the two shareholders of record of all outstanding Class A and Class B Common Shares were present.

Applicant represents that on November 7, 1984, substantially all of the assets of Applicant were acquired by exchange for shares of TempFund's Class B Common Stock having a net asset value at the time of the exchange equal to the value of the net assets held by Applicant. Applicant represents further that the shares of TempFund so received were distributed to its shareholders on a pro rata basis in liquidation of their interests in Applicant on November 7, 1984.

According to the application, fees and expenses incurred by Applicant in connection with the reorganization were borne by The Boston Company Advisors ("Boston Advisors"), the administrator of both Applicant and TempFund. Fees and expenses incurred by TempFund in connection with the reorganization, excluding such fees attributable to the issuance of shares in the ordinary course of its business, were borne by TempFund up to a maximum of $12,000. Applicant states that such fees and expenses of TempFund in excess of $12,000 incurred in connection with and directly related to reorganization were borne by Boston Advisors.

Applicant states that it presently has no securityholders, assets or outstanding liabilities, is not a party to any litigation or administrative proceeding and does not intend to engage in business activities other than those necessary for the winding up of its affairs. Finally, Applicant represents that it filed all the required materials, and that it was duly dissolved as a Georgia corporation on December 18, 1984.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than February 4, 1986, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, DC 20549. A copy of the request should be served personally or by mail upon Applicant(s) at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 86-1306 Filed 1-21-86; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 35-23989; 70-6985]

Middle South Energy, Inc., et al.; Proposed Amendments to Foreign Bank Loan Agreement

January 10, 1986.

Middle South Utilities, Inc. ("MSU"), 225 Baronne Street, New Orleans, Louisiana 70112, a registered holding company, its electric generating subsidiary, Middle South Energy, Inc. ("MSE"), P.O. Box 61000, New Orleans, Louisiana 70161, and MSU's electric utility subsidiaries, Arkansas Power & Light Company, P.O. Box 551, Little Rock, Arkansas 72203, Louisiana Power & Light Company, 142 Delaronde Street, New Orleans, Louisiana 70174, Mississippi Power & Light Company, P.O. Box 1640, Jackson, Mississippi 39205, and New Orleans Public Service Inc., 317 Baronne Street, New Orleans, Louisiana 70112, have filed with this Commission a further post-effective amendment to the declaration in this proceeding pursuant to sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act").

By supplemental order in this proceeding dated August 2, 1985 (HCAR No. 23782), this Commission authorized the conversion of MSE's revolving credit borrowing to term loans pursuant to a Third Amended and Restated Bank Loan Agreement among MSE, Manufacturers Hanover Trust Company, and Citibank, N.A., as agents, and the banks listed therein ("U.S. Banks") and a Fourth Amendment to Loan Agreement ("Foreign Loan Agreement") among MSE, Credit Suisse First Boston Limited, as agent, and the banks listed therein ("Foreign Banks"), respectively. Under the Foreign Loan Agreement, $378 million of loans made by the Foreign Banks to MSE became term loans.

MSE now seeks approval of certain additional amendments to the Foreign Loan Agreement. MSE proposes an increase of 1% per annum over the present interest rate which is the London Interbank Offered Rate ("LIBOR") plus 1%. The new effective rate would thus be LIBOR plus 2%. The same increase would apply to loans made on certain alternative bases and to penalty interest in the event of a default.

MSE also proposes to make certain changes in the Foreign Loan Agreement related to Unit 2 of the Grand Gulf Nuclear Project. Specifically: (1) Clause 12(B), which presently requires prepayment of loans under the Foreign Loan Agreement in the event of condemnation or abandonment of the entire Grand Gulf Project, would be

amended to require that this could occur only if such events relate to Unit 1 of such Project. (2) Clause 12(C)(i), which presently requires prepayment of loans under the Foreign Loan Agreement in the event a governmental order or the like makes completion of the Project impracticable, would be amended to eliminate this prepayment requirement. (3) Clause 19 (E), which presently requires MSE to use its best efforts to complete and maintain the Project in commercial operation, would be amended so that this obligation relates only to Unit 1 of the Project.

The amended declaration and any further amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by February 3, 1986, to the Secretary, Securities and Exchange Commission, Washington, DC 20549, and serve a copy on the declarants at the addresses specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the declaration, as now amended or as it may be further amended, may be permitted to become effective.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 86-1309 Filed 1-21-86; 8:45 am]

BILLING CODE 8010-01-M

SELECTIVE SERVICE SYSTEM

Agency Form Submitted to the Office of Management and Budget for Clearance

The following form has been submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S. Chapter 35):

SSS Form No. and Title

22—Claim Documentation Form—Conscientious Objector

Copies of the above identified form can be obtained upon written request to: Selective Service System, Reports Clearance Officer, Washington, DC 20435.

Written comments and recommendations for the proposed forms should be sent within 60 days of this notice, to: Selective Service, Reports Clearance Officer, Washington, DC 20435.

Send a copy of the comments to: OMB Reports, Management Branch, New Executive Office Building, Room 3208, Washington, DC 20503.

Dated: January 16, 1986.

Thomas K. Turnage,

Director.

[FR Doc. 86-1300 Filed 1-21-86; 8:45 am]

BILLING CODE 8015-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Advisory Committee for Trade Negotiations, Investment Policy Advisory Committee, Services Policy Advisory Committee; Meetings and Determination of Closing of Meetings

The meetings of the Advisory Committee for Trade Negotiations to be held Thursday, February 13, 1986, from 1:30 p.m. to 4:30 p.m.; the Investment Policy Advisory Committee to be held Wednesday, February 26, 1986, from 10:00 a.m. to 12:30 p.m.; and the Services Policy Advisory Committee to be held Monday, March 3, 1986, from 2:00 p.m. to 5:00 p.m. in Washington, DC, will include the development of review and discussion of current issues which influence the trade policy of the United States. Pursuant to section 2155(f)(2) of Title 19 of the United States Code, I have determined that these meetings will be concerned with matters the disclosures of which would seriously compromise the Government's negotiating objectives or bargaining positions.

More detailed information can be obtained by contacting Phyllis O. Bonanno, Director, Office of Private Sector Liaison, Office of the United States Trade Representative, Executive Office of the President, Washington, DC 20506.

Clayton Yeutter,

United States Trade Representative.

[FR Doc. 86-1289 Filed 1-21-86; 8:45 am]

BILLING CODE 3190-01-M

DEPARTMENT OF TRANSPORTATION

[Docket 43575]

Aviation Proceedings; U.S.—Japan Gateways Case

Counsel for Emery Air Freight Corporation has requested that the prehearing conference report be clarified to provide that non-applicant parties need not file statements of position in advance of their briefs.

The prehearing conference report states that ". . . the parties would file a statement of position—as requested by Portland (Tr. 69)—by January 21, 1986 (Tr. 91)." Emery is correct. "Parties" should be read to include only the applicant carriers. The other parties are not required to file statements of position in advance of the date to be established for briefs.

Dated at Washington, D.C., January 15, 1986.

John M. Vittone,

Administrative Law Judge.

[FR Doc. 86-1322 Filed 1-21-86; 8:45 am]

BILLING CODE 4910-62-M

Federal Aviation Administration

Proposed Policy Regarding Airport Access and Capacity

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed policy.

SUMMARY: This notice announces the intent of the Federal Aviation Administration to set forth Federal policy with respect to airport access and capacity. The FAA believes public comment on this issue is essential to development of a viable policy. As a consequence, this notice describes a possible policy and requests public comment on the proposed policy and on issues relevant to developing an airport access and capacity policy to serve the public interest.

FOR FURTHER INFORMATION CONTACT: Office of Aviation Policy and Plans, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

Introduction

The Federal Aviation Administration (FAA) is considering issuance of a policy statement that describes the position of the Federal Government in reference to airport access and capacity issues. It would establish general Federal policy as opposed to current ad hoc response to access and use issues at specific airports or groups of airports.

A formal statement of policy is desired for two reasons. First, ad hoc response to use restrictions (including rules imposed for environmental reasons) enacted by airport authorities at hubs and other airports may produce inconsistent or undesired results from a national perspective of utilizing system

capacity and minimizing congestion and delay. Second, policies formulated by airport operators in the absence of clearly stated Federal guidelines may result in an inefficient cycle of Federal review or legal action as new policies are put forth. Thus, the FAA believes a comprehensive policy should be developed.

The development of an explicit Federal policy has been encouraged from time to time by various segments of the aviation community. Most recently, a petition for rulemaking was submitted by the Air Transport Association on September 14, 1984. The petition was published in the **Federal Register** on October 25, 1984, and comment invited. This Notice of Proposed Policy, and the eventual issuance of a policy is intended to respond to, among other things, the suggestions advanced by the Air Transport Association.

In addition, the FAA believes the scope and ramifications of airport access and capacity policy are such that public comment and advice are desirable. The policy will affect the general public as well as all segments of the aviation industry. The issues are, moreover, multijurisdictional. The FAA provides the air traffic control system and ground based air navigation systems while a variety of non-Federal public authorities own and operate airports. Nonetheless, the systems are not distinctly separate; jurisdiction over system interfaces presents legal and practical problems must be identified and resolved.

Public Hearings

The FAA believes that development of an airport access and capacity policy should involve the widest possible dialogue with affected parties. To that end, a series of public discussions have been scheduled at which views may be expressed orally. These discussions will be scheduled as follows: Washington, DC, on February 20 & 21, 1986; Denver, during the month of March.

Both discussions will be open to the public from 9 a.m. to approximately 5 p.m. on the scheduled days. The second day of each meeting will be ended after all present have been given an opportunity to speak. The exact date of the Denver discussions will be published in the **Federal Register** at least 30 days in advance of the discussion dates. Persons wishing to make a presentation at the Washington meeting should advise Carol Strong, Office of Aviation Policy and Plans, Federal Aviation Administration, Washington, DC 20591, Telephone: (202) 426-3331.

Presentations will be scheduled on a first-request, first-heard basis. In addition, written comment is encouraged. Comments should be submitted to the above address.

Proposed Airport Access and Capacity Policy

The FAA believes there is some benefit in issuing a statement that delineates airport access policies. It would be to the advantage of the entire aviation community and others to understand the parameters of statutory requirements and Federal policy.

In order to engage in a constructive dialogue with all members of the aviation community and the affected public, local governments, and planning organizations, it is necessary to have a starting point for discussion. One could set forth general principles and solicit comments as part of the discourse or, alternatively, one could set out a tentatively preferred set of policy elements and address them directly. For purposes of initiating a dialogue, the FAA has chosen the latter route with full recognition that after public discourse many of the elements will probably be modified or deleted and others may be added. Nevertheless we believe that it provides the framework for constructive dialogue. The policy itself, when formulated, may require implementation through rulemaking.

General Approach

The concept of shared responsibility is one which has been basic to the development of the airport and airway system. Generally, local authorities have had responsibility for the development and operation of the airport while the Federal Government has developed the air traffic control, navigation and communication systems. This has historically been the posture adopted by FAA. One of the factors to be considered in developing the policy is where the line should be drawn to separate these responsibilities and how firm that line should be.

The proposed policy relies on the concept of shared responsibility between the Federal Government and local communities for the development of the airport and airway system. By defining a common set of national policy objectives, the fitting of these objectives to unique local airport/community situations is facilitated.

The objective underlying the policy is to ensure sufficient airport capacity to meet the demands of the American public for air transportation services in a safe, efficient, and environmentally sound manner, to clearly define the roles of the FAA and airport proprietors, and to reduce the need for Federal intervention in airport issues. To be consistent with the objectives we should strive to develop and operate a system of airports and airways with minimum restrictions on runways, taxiways, airspace, and landside facilities, consistent with economic, safety, and environmental considerations. Additional capacity—where warranted and feasible—should be established at existing airports or new sites.

Provision of airport capacity is a local responsibility of airport operators and communities. If requested, and to the extent that such funds are available, the Federal Government will provide financial assistance to airport operators for qualifying airport development projects. Airport facilities developed with Federal funds should be operated to capacity levels consistent with airside capacity, except as limited by appropriate noise compatibility programs.

The FAA is solely responsible for determining efficient and safe use of the airspace, including capacity of airport runways and taxiways open to the public. It reserves for itself the right to determine efficient and safe runway and taxiway operating levels, and to impose operational limits and allocation procedures in such situations. Nonetheless, the FAA encourages regional airport planning and will cooperate with regional airport authorities by providing air traffic management consistent with regional airport system plans that provide adequate overall levels of service to all users. In addition, the FAA recognizes the right and responsibility of airport operators to achieve airport noise compatibility and will cooperate in implementing actions specified in FAA approved noise compatibility programs.

Airport sponsors and operators are responsible for management of landside facilities. However, management of these facilities must not interfere with competition in air transportation, must not impose undue burden on interstate commerce, must be consistent with Federal grant agreements, and must not violate existing prohibitions against the regulation of air transportation routes, rates, or service. Noise abatement plans and terminal capacity management procedures should not directly or indirectly arbitrarily deny access to or unjustly discriminate among potential or existing airport users.

In support of this approach to the provision and use of airport capacity, the FAA proposes the following principles with respect to: provision of airport facilities; runway and taxiway

use; terminal and landside facility use; and environmental impact management.

I. Provision of Airport Facilities

A. The FAA has statutory responsibility for promoting air commerce, including the development of a safe and efficient National air transportation system.

B. To assure an adequate National system of public use airports, the FAA, as authorized by Congress, administers the Airport Improvement Program. Under this program grants are made to public agencies, and in some cases to private owners, for the planning and development of public use airports included in the National Plan of Integrated Airport Systems.

C. Airport Improvement Program priorities for grant awards reflect the degree of National interest in projects. Safety will be given first priority followed by preservation of and increases to airport capacity where warranted. Projects at or related to airports providing commercial air service (including general aviation reliever airports) and experiencing or anticipating capacity problems will continue to receive high priority.

D. The FAA may, through the Airport Improvement Program, encourage individual new airport construction which it has identified as necessary to reduce congestion and delay in the National air transportation system.

E. Development and maintenance of airport facilities—runways, taxiways, terminals, and other facilities—is considered the responsibility of local airport operators and communities, with an appropriate level of FAA financial assistance through the Airport Improvement Program.

F. Airport grant recipients should ultimately provide a complete system of local airport facilities consistent with the capacity of the element(s) funded by Federal grants. The FAA is considering amending its airport grant regulations to require recipients to provide such assurances.

G. The FAA will cooperate with airport operators and users to identify and implement capacity increasing development, equipment, and procedures whenever it will be advantageous to the National air transportation system.

H. The FAA will continually identify advancements in facilities, equipment, and procedures (ground based or airborne) that are capable of increasing airport capacity or efficiency and will promote feasible development and implementation.

II. Runway and Taxiway Use

A. Sole responsibility for assigning use of navigable airspace is vested in the FAA and there shall be no exclusive right granted for the use of any land area upon which federal funds have been expended.

B. In managing the airspace and runway access, the FAA will consider proposals of regional airport authorities having direct responsibility for several airports to develop specialized uses for individual airports under their jurisdiction.

C. Aircraft traffic control procedures and runway capacity determinations will be developed and administered as necessary by the FAA, based on safety, efficiency, and environmental considerations with a general objective of facilitating the movement of people and goods in air commerce.

D. The FAA will monitor delays and their causes in the air transportation system and will identify the need and potential for increasing capacity and reducing delays. Where practical, system expansion, modernization, or procedural improvements will be undertaken to increase capacity.

E. When necessitated by air traffic delays, the FAA may implement procedures for allocating runway access. The procedures will minimize Government intervention, facilitate competition, and recognize that public resources should be available to serve all the public. Specific measures to achieve these objectives at high density airports are the subject of separate rulemaking action and will not be addressed in development of this policy.

F. If necessary, congestion problems experienced in the air transportation system may be mitigated by temporarily delaying individual aircraft departures through flow control procedures.

G. The airport sponsor and operator is responsible for the safe and efficient operation of the airport. On the airside, this includes:

1. Maintenance of sponsor owned facilities.

2. Temporarily closing facilities during periods of adverse climatic conditions (e.g., snow, flood).

3. Decommissioning airport facilities (FAA approval is necessary if grant funds have been expended at the airport).

4. Requesting issuance of NOTAMS.

H. Airport operators may not impose arbitrary restrictions denying use of runways or taxiways for reasons unrelated to noise. Where such noise restrictions are necessary, they should be established after consultation with FAA and be consistent with Federal Aviation Regulations (FAR) Part 150 guidelines.

I. Airport operators may collect reasonable use fees for purposes of defraying the cost of constructing, purchasing, and maintaining runways and taxiways and related equipment, in accordance with agreements negotiated with users or by means of unilaterally imposed charges, but such charges must not be unjustly discriminatory nor otherwise prohibited by federal law.

III. Terminal and Landside Facility Use

A. Management of airport facilities exclusive of FAA's air traffic responsibilities for runways and taxiways is the responsibility of the airport operator.

B. Airport sponsors and operators should provide landside facility capacity consistent with capacity of runways and taxiways. Future grant assurance may reflect this concept.

C. Airport operators may not regulate airline routes, rates, or services. However, physical limitations, e.g. runway design weight or noise considerations, may affect aircraft operations at some airports.

D. Management of airport facilities must be consistent with Congressional intent to maximize competition and with provisions of Federal airport grant agreements, including access to the airport for public use on fair and reasonable terms and without unjust discrimination, to all types, kinds, and classes of aeronautical uses. Landside capacity may not be used as a basis for arbitrarily denying airport access to existing or potential users.

E. Airport facility use procedures imposed by airport operators for reasons other than noise should be directed at landside problems. They should unreasonably constrain or reduce total airport capacity.

F. Airport sponsors are encouraged to solve terminal and landside congestion problems by expansion, modernization, or procedural improvements to increase capacity or to permit others to do so.

G. Airport operators may collect reasonable fees or commissions for purposes of defraying the costs of constructing, purchasing, and maintaining airport facilities and related equipment in accordance with agreements negotiated with aeronautical users or by means of unilaterally imposed but not unjustly discriminatory charges.

IV. Environmental Impact Management

A. In carrying out its statutory responsibility to afford present and future relief and protection to the public

health and welfare from aircraft noise, the FAA:

1. Controls aviation noise through regulations set out at FAR Part 36 and Part 91.

2. controls the navigable airspace and the manner in which aircraft are flown into and out of airports; and

3. Provides technical and financial support for local airport noise compatibility programs.

B. Control of individual aircraft noise emission and the navigable airspace are Federally preempted areas, and are solely FAA responsibilities.

C. The formulation and implementation of airport noise compatibility programs are the responsibility of the airport proprietor, arising from its liability for any damages resulting from the operation of the airport. Airport proprietors are encouraged to develop airport noise compatibility programs in consultation with the FAA using procedures outlined in FAR Part 150.

D. In formulating local airport noise compatibility programs, airport proprietors are encouraged to consider revised flight procedures, physical airport layout and development measures, and land use compatibility measures as the principal means to minimize noise impacts on adjacent communities. The programs may include extending control over adjacent lands and land uses. Airport use restrictions may be considered only when other less restrictive alternatives are clearly shown to be inadequate and less effective ways to achieve the goals of the noise compatibility program. Any such restrictions should be reasonable in relationship to the overall transportation needs of the area and the nation.

E. Within the limits of available funds, the FAA will provide Airport Improvement Program (AIP) grants to develop and implement noise compatibility programs, where approved by the FAA. Priority will be given to those airports which have undertaken FAR Part 150 noise compatibility studies.

F. FAA review and approval of proposed airport noise compatibility programs will include, as a minimum, consideration of:

1. Discrimination against any type or class of user;

2. Undue burden on interstate or foreign commerce;

3. Attempted controls over any Federally preempted areas;

4. Effectiveness of proposed noise controls in addressing a significant noise problem and achieving the goal of reducing noncompatible land uses around the airport;

5. Conflict with any existing grant agreements.

6. Derogation of safety or adverse effect on the efficient use and management of the navigable airspace and air traffic control systems;

7. The relationship of noise limits on numbers and type of operations in relationship to the overall transportation needs of the area; and

8. Adverse effect on any other powers and responsibilities of the Administrator prescribed by law or any other program, standard, or requirement established in accordance with law.

G. Airport proprietors may establish reasonable restrictions on the use of airports by time of day or noise performance of aircraft, where other alternatives are ineffective and such restrictions are necessary to achieve significant noise mitigation.

H. Any proposed restrictions on access should be submitted to the FAA for review. The FAA shall consider such factors as: the existing and forecasted noise problem, the relative effectiveness of feasible alternative noise controls and the potential impact on interstate commerce. FAR Part 150 provides appropriate guidance in carrying out such analyses.

Issues for Public Comment

The options and policy provided in this notice raise issues relevant to Federal airport access and capacity policy. Consequently, the FAA is interested in receiving comments regarding alternative policy options, the specific policy put forth in this notice, and any additional areas relating to airport access and capacity. All interested parties are invited to participate in the making of policy on this subject by submitting such written data, views, or arguments as they may desire. Communications received on or before April 18, 1986 will be considered by the FAA.

Questions concerning this policy may be directed to: Director, Office of Aviation Policy and Plans, Federal Aviation Administration, Washington, D.C. 20591, Telephone: 202/426-3331.

Issued in Washington, DC January 15, 1986.

Dale E. McDaniel,

Acting Associate Administrator for Policy and International Aviation, API-1.

[FR Doc. 86-1149 Filed 1-21-86; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Department Circular—Public Debt Series—No. 5-86]

Treasury Notes of January 31, 1988, Series V-1988

Washington, January 16, 1986.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of Chapter 31 of Title 31, United States Code, invites tenders for approximately $9,500,000,000 of United States securities, designated Treasury Notes of January 31, 1988, Series V-1988 (CUSIP No. 912827 TD 4), hereafter referred to as Notes. The Notes will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the yield of each accepted bid. The interest rate on the Notes and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of the Notes may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities.

2. Description of Securities

2.1. The Notes will be dated January 31, 1986, and will accrue interest from that date, payable on a semiannual basis on July 31, 1986, and each subsequent 6 months on January 31 and July 31 through the date that the principal becomes payable. They will mature January 31, 1988, and will not be subject to call for redemption prior to maturity. In the event any payment date is a Saturday, Sunday, or other nonbusiness day, the amount due will be payable (without additional interest) on the next-succeeding business day.

2.2. The Notes are subject to all taxes imposed under the Internal Revenue Code of 1954. The Notes are exempt from all taxation now or hereafter imposed on the obligation or interest thereof by any State, any possession of the United States, or any local taxing authority, except as provided in 31 U.S.C. 3124.

2.3. The Notes will be acceptable to secure deposits of Federal public monies. They will not be acceptable in payment of Federal taxes.

2.4. Notes in registered definitive form will be issued in denominations of $5,000, $10,000, $100,000, and $1,000,000. Notes in book-entry form will be issued in multiples of those amounts. Notes will not be issued in bearer form.

2.5. Denominational exchanges of registered definitive Notes, exchanges of Notes between registered definitive and book-entry forms, and transfers will be permitted.

2.6. The Department of the Treasury's general regulations governing United States securities apply to the Notes offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedure

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, DC 20239, prior to 1:00 p.m., Eastern Standard time, Wednesday, January 22, 1986. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, January 21, 1986, and received no later than Friday, January 31, 1986.

3.2. The par amount of Notes bid for must be stated on each tender. The minimum bid is $5,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10%. Fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield.

3.3. A single bidder, as defined in Treasury's single bidder guidelines, shall not submit noncompetitive tenders totaling more than $1,000,000. A noncompetitive bidder may not have entered into an agreement, nor make an agreement to purchase or sell or otherwise dispose of any noncompetitive awards of this issue prior to the deadline for receipt of tenders.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and are on the list of reporting dealers published by the Federal Reserve Bank of New York, may submit tenders for accounts of customers if the names of the customers and the amount for each customer are furnished. Others are permitted to submit tenders only for their own account.

3.5. Tenders for their own account will be received without deposit from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loans associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from all others must be accompanied by full payment for the amount of notes applied for, or by a guarantee from a commercial bank or a primary dealer of 5 percent of the par amount applied for.

3.6. Immediately after the deadline for receipt of tenders, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established, at a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.500. That stated rate of interest will be paid on all of the Notes. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance of their bids. Those submitting noncompetitive tenders will be notified only if the tender is not accepted in full, or when the price at the average yield is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of Notes specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for the Notes allotted must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on Notes allotted to institutional investors and to others whose tenders are accompanied by a guarantee as provided in Section 3.5. must be made or completed on or before Friday, January 31, 1986. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Wednesday, January 29, 1986. In addition, Treasury Tax and Loan Note Option Depositaries may make payment for the Notes allotted for their own accounts and for accounts of customers by credit to their Treasury Tax and Loan Note Accounts on or before Friday, January 31, 1986. When payment has been submitted with the tender and the purchase price of the Notes allotted is over par, settlement for the premium must be completed timely, as specified above. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the par amount of Notes allotted shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered definitive securities tendered in payment for the Notes allotted are not required to be assigned if the new Notes are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new Notes are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (Notes offered by this circular) in the name of (name and

taxpayer identifying number)". Specific instructions for the issuance and delivery of the new Notes, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment must be delivered at the expense and risk of the holder.

5.4. Registered definitive Notes will not be issued if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (e.g., an individual's social security number or an employer identification number) is not furnished. Delivery of the Notes in registered definitive form will be made after the requested form of registration has been validated, the registered interest account has been established, and the Notes have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized, as directed by the Secretary of the Treasury, to receive tenders, to make allotments, to issue such notices as may be necessary, to receive payment for, to issue and deliver the Notes on full-paid allotments, and to maintain, service, and make payment on the Notes.

6.2. The Secretary of the Treasury may at any time supplement or amend provisions of this circular if such supplements or amendments do not adversely affect existing rights of holders of the Notes. Public announcement of such changes will be promptly provided.

6.3. The Notes issued under this circular shall be obligations of the United States, and, therefore, the faith of the United States Government is pledged to pay, in legal tender, principal and interest on the Notes.

Gerald Murphy,

Acting Fiscal Assistant Secretary.

[FR Doc. 86-1422 Filed 1-17-86; 2:10 pm]

BILLING CODE 4810-40-M

Customs Service

[T.D. 86-8]

Petitioners' Desire To Contest Decision Denying Domestic Interested Party Petition Requesting Reclassification of Certain Fuel Grade Ethanol

AGENCY: Customs Service, Treasury.

ACTION: Notice of petitioners' desire to contest decision on domestic interested party petition.

SUMMARY: This document advises the public of the desire of several domestic interested parties to contest Customs decision denying their petition requesting the reclassification of certain imported fuel grade ethanol. Customs has determined that the ethanol imported from several Caribbean Basin countries may qualify for duty-free entry under the Caribbean Basin Economic Recovery Act. The petitioners contend that the ethanol is incorrectly classified and they have advised Customs of their intention to pursue this matter through appropriate court proceedings.

DATE: January 22, 1986.

FOR FURTHER INFORMATION CONTACT: Harold Singer, Classification and Value Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, DC 20229 (202-566-2938).

SUPPLEMENTARY INFORMATION:

Background

On January 29, 1985, a petition was filed with Customs under section 516, Tariff Act of 1930, as amended (19 U.S.C. 1516), on behalf of several domestic interested parties dissatisfied with Customs determination that certain fuel grade ethanol imported from Caribbean Basin countries may qualify for duty-free entry under the Caribbean Basin Economic Recovery Act (CBERA; 19 U.S.C. 2701). The product at issue, ethyl alcohol (ethanol) imported for use as a fuel, is classified under item 901.50, Tariff Schedules of the United States (TSUS; 19 U.S.C. 1202), at a rate of duty of 60¢ per gallon. (This 60¢ per gallon duty is in addition to a 3% ad valorem duty on ethanol for nonbeverage purposes from item 427.88, TSUS). However, some ethanol may enter the U.S. free of duty since Customs has ruled that the transformation of beverage grade ethanol from a non-beneficiary country to motor fuel ethanol in a beneficiary country through azeotropic distillation is sufficient to make the motor fuel a product of the beneficiary country for purposes of the CBERA.

The domestic interested parties advanced two basic arguments in their petition. First, it was argued that fuel grade ethanol is not a new or different article of commerce from beverage grade ethanol as the only significant difference in the composition of the two is their water content. It was also contended that the azeotropic method of distillation, which involves adding benzene or some other chemical to 190 proof ethanol and then heating the mixture so that the benzene will vaporize and carry away most or all of the water, is not a substantial manufacturing process.

A notice of receipt of the petition was published in the **Federal Register** on April 11, 1985 (50 FR 14250), advising the public of the petitioners' contentions and requesting comments on the petition. Of the many comments received in response to the notice, numerous commenters chose to discuss policy issues concerning the Caribbean Basin Initiative. However, it is Customs view that there is only one controlling issue in this case: whether azeotropic distillation of 190 proof ethanol to 199+ proof ethanol is a substantial transformation.

Discussion of Comments

The arguments that azeotropic distillation is not a substantial processing operation are that (1) dehydration is merely the opposite of dilution and dilution is clearly not considered a sufficient operation to entitle an article to duty-free treatment pursuant to § 10.195, Customs Regulations (19 CFR 10.195); (2) azeotropic distillation is just a simple boiling and cooling procedure; (3) the process does not require many workers; (4) the incremental capital, energy and labor requirements are miniscule when compared with the total cost of converting agricultural feedstock to ethanol, and (5) there is no significant distinction between proof enrichment from 194-199+ and from 190-199+, and Customs has ruled that enrichment from 194-199+ would not be sufficient to entitle the ethanol to duty-free treatment.

It is Customs view that if removal of water were to be considered *per se* an operation not sufficient to entitle an article to duty-free treatment under the CBI, it could have been listed in the statute or regulations as easily as dilution was listed. Further, the addition of water to a product is generally a much more simple process than removing water.

Azeotropic distillation is more than a simple boiling and cooling procedure. The process involves complex equipment, sensitive instruments and trained personnel. In the particular operation challenged in this petition, the equipment includes a dehydration column over 150 feet high and 7 feet in diameter, over 60 stainless steel trays, each with nearly 100 valves, plus weirs and downcomers, all manufactured to exacting standards. The Entrainer Recovery Column is 90 feet tall, 3 feet in diameter with nearly 60 stainless steel valve trays of its own. There are reboilers, heat exchangers, condensers, reflux tanks, decanters, surge tanks, vents, pumps, meters, structure and

mechanical systems required to maintain these columns.

In *Uniroyal, Inc. v. United States,* 542 F Supp. 1026, 3 CIT 220, *aff'd* 702 F2d 1022 (Fed Cir. 1983), the court stressed that factors such as cost and skill can be considered in determining whether a substantial transformation has occurred. In this case, the personnel must be trained to correctly monitor the azeotropic distillation process, and there has been an ample capital investment.

According to one comment, the drying process, *per se,* is not complex. Any complexity associated with the ternary distillation and directly associated process steps is in the design of the equipment and control apparatus. It is our view that the technical nature of the design of the equipment and the skill required of the workers to operate and monitor the system is of sufficient complexity to take the operation out of the simple combining, packaging or mere dilution categorization. While the number of workers involved in any specific operation is a factor to be considered in determining whether a substantial processing operation has occurred, it is not a controlling factor. In this particular case, we believe that the amount of local employment involved in the operation would not deter us from finding substantial processing.

We do not agree with the argument that the conversion of 190 proof ethanol to absolute ethanol is a minor step in the manufacture of ethanol from grain and therefore cannot be a substantial transformation. Obviously, the relative cost of any one step in an overall process will decrease as the number of steps increases. Further, each operation must be examined on its own as to whether it is a substantial transformation.

Finally, Customs holding in a General Headnote 3(a) case (19 U.S.C. 1202) that there is not a substantial transformation when ethanol of 194 proof is brought up to 199+ proof through azeotropic distillation was based on the fact that an entire azeotropic distillation operation was not occurring in the insular possession. Customs looks at all operations on a case-by-case basis in determining whether substantial transformation occurs. In the particular case where an operation was proposed to make ethanol anhydrous from a level of 194 proof, it was Customs view that since a partial azeotropic distillation operation had already occurred, merely finishing the azeotropic distillation operation in the insular possession would not be sufficient to make the 199+ proof ethanol a product of that insular possession. In this instance an entire azeotropic distillation operation is occurring in the beneficiary country.

Among the arguments set forth as to why 199+ proof ethanol is not a new and differing article of commerce than ethanol of up to 190 proof are: (1) There is no chemical change between the 190 proof and 199+ proof alcohol—the only difference is that water is removed; (2) there is no clear distinction between hydrous and anhydrous ethanol for many industrial uses; and (3) hydrous ethanol is used in Brazil as motor fuel.

It is Customs view that the extra 5 percent water that is missing from the anhydrous ethanol which causes the difference in specification is significant enough to make the anhydrous a new or different article of commerce. It is the absence of water that makes 200 proof ethanol suitable for particular uses, while it is the presence of water that makes 190 proof ethanol unsuitable for those same uses. Also, 190 and 200 proof ethanol have different freezing points, boiling points, densities, viscosities, vapor pressures and flash points.

Further evidence that 190 proof and 200 proof ethanol are different articles is the price differential between the two. For the past year, the *Chemical Marketing Reporter* has stated that the price of tax-free absolute ethanol is 12 cents per gallon higher than that of 190 proof tax-free ethanol. There is a price difference of about 8 percent. A price difference of about 5 percent is to be expected since the anhydrous product contains 5 percent more alcohol, but a price difference of 8 percent reflects, in part, the additional dehydration steps involved.

Regarding the claim that 190 proof ethanol is used as motor fuel, the Brazilian government built a fleet of motor vehicles that used 190 proof ethanol as a defense against rising oil prices, but those vehicles and others like them were specially designed for that use. The modifications needed to enable the average car in the U.S. to use 190 proof ethanol would be more than minor and such vehicles are not commercially available in the U.S.

In the U.S., gasohol can have a maximum of 10 percent anhydrous ethanol according to EPA regulations (see 47 FR 14596, April 5, 1982). Only absolute ethanol can be blended with gasoline and technical references examined by Customs indicated that for ethanol to be blended with gasoline, to make gasohol, the entire fuel delivery system from refinery to tank trucks to underground tanks in filling stations, must be dry. Water, even a small amount, will "split" the blend, causing the blend to separate into an aqueous phase and a hydrocarbon phase. Accordingly, it is Cutoms view that anhydrous ethanol has a use in the U.S., for blending to make gasohol, that hydrous ethanol will not serve. While hydrous and anhydrous ethanol may both serve some industrial uses, our research reveals that anhydrous ethanol even when used for industrial purposes is used generally for purposes where water cannot be tolerated, such as in certain manufacturing processes and for certain solvents.

Decision on Petition and Notice of Petitioners' Desire to Contest

After careful analysis of the petition, supplemental submissions, and all comments received, Customs has decided to continue to consider the azeotropic distillation of up to 190 proof ethanol to 199+ proof ethanol in a beneficiary country of the Caribbean Basin Initiative a substantial transformation of the ethanol making the 199+ proof ethanol a new and different article of commerce entitled to duty-free entry. The petitioners were informed by letter dated November 19, 1985 (CLA–2 CO:R:CV:V 553849 HS), through their counsel, that Customs is of the opinion that the current classification is correct and their petition is therefore denied.

In response to Customs decision to deny the petition, on November 19, 1985, the petitioners filed notice of their intention to contest the decision in accordance with section 516(c), Tariff Act of 1930, as amended (19 U.S.C. 1516(c)), and § 175.23 Customs Regulations (19 CFR 175.23).

Customs has reconsidered the matter in light of the petitioners' letter, but remains of the opinion that its November 19, 1985, decision is correct. That decision will stand in the absence of a contrary judgment rendered by the U.S. Court of International Trade or the U.S. Court of Appeals for the Federal Circuit.

Authority

This notice is published under the authority of section 516(c), Tariff Act of 1930, as amended (19 U.S.C. 1516(c)), and § 175.24, Customs Regulations (19 CFR 175.24).

Drafting information

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

John P. Simpson,
Acting Commissioner of Customs.

Approved January 7, 1986.
Francis A. Keating, II,
Assistant Secretary of the Treasury.
[FR Doc. 86-1336 Filed 1-21-86; 8:45 am]
BILLING CODE 4820-02-M

Sunshine Act Meetings

Federal Register
Vol. 51, No. 14
Wednesday, January 22, 1986

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

COMMODITY FUTURES TRADING COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 51 FR 1958.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10:00 a.m., January 21, 1986.

CHANGES IN THE MEETING: The meeting to consider final rules of the Reporting Requirements for contract Markets, Futures Commission Merchants, Clearing Members and Traders has been changed to Friday, January 24, at 10:00 a.m.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 86-1390 Filed 1-17-86; 12:44 pm]

BILLING CODE 6350-01-M

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TIME AND DATE: Monday, January 27, 1986 through Friday, January 31, 1986 and Tuesday, April 1, 1986 through Thursday, April 10, 1986.

PLACE: 1111 20th Street, NW., Suite 450, Washington, DC 20036.

STATUS: Closed pursuant to a vote taken January 6, 1986.

MATTERS TO BE CONSIDERED: Adjudication of the 1983 cable distribution proceeding.

CONTACT PERSON FOR MORE INFORMATION: Robert Cassler, General Counsel, Copyright Royalty Tribunal, 1111 20th Street, NW., Suite 450, Washington, DC 20036, 202-653-5175.

Dated: January 16, 1986.

Edward W. Ray,

Chairman.

Certification of Closed Meeting

The Chairman of the Copyright Royalty Tribunal hereby certifies, pursuant to 5 U.S.C. 552b(f)(1), and pursuant to § 301.14(b) of the Tribunal's rules, 37 CFR 301.14(b), that the Tribunal's deliberations concerning the hearing of the 1983 cable distribution proceedings scheduled to occur on January 27, 1986 (and from time to time thereafter up to January 31, 1986 as the Tribunal may, pursuant to 37 CFR 301.14(a), find appropriate) and on April 1, 1986 (and from time to time thereafter up to April 10, 1986 as the Tribunal may, pursuant to 37 CFR 301.14(a), find appropriate) may property be closed to public observation.

The relevant exemptions on which this certification is based are set forth in the following provisions of law:

5 U.S.C. 552b(c)(10) (adjudication)
37 CFR 301.13(i) (adjudication)

The recorded vote of each Commissioner taken January 6, 1986 on the question of a closed meeting is as follows:

Commissioner Edward W. Ray, Chairman—Yes
Commissioner Mario F. Aguero—Yes
Commissioner J.C. Argetsinger—Yes

It is anticipated that, in addition to the Commissioners of the Tribunal, the General Counsel and each of the Commissioners' confidential assistants will attend the Tribunal's deliberations.

Dated: January 16, 1986.

Edward W. Ray,

Chairman.

[FR Doc. 86-1391 Filed 1-17-86; 12:45 pm]

BILLING CODE 1410-01-M

3

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

TIME AND DATE: 11:00 a.m., Monday, January 27, 1986.

PLACE: Marriner S. Eccles Federal Reserve Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204. You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: January 17, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-1301 Filed 1-17-86; 3:40 pm]

BILLING CODE 6210-01-M

4

LEAGAL SERVICES CORPORATION

Board of Directors Meeting

TIME AND DATE: An executive session will be held at 8:00 p.m., Wednesday, January 29, 1986. The public portion of the meeting will commence at 9:00 a.m., Friday, January 31, 1986, and continue until all official business is completed.

PLACE:

January 29, 1986—Capitol Holiday Inn, Apollo Room, 550 C Street, SW., Washington, DC 20024
January 31, 1986—Capitol Holiday Inn, Columbia Room, 550 C Street, SW., Washington, DC 20024

STATUS OF MEETING: Open [A portion of the meeting is to be closed to discuss personnel, personal, litigation, and investigatory matters under The Government Sunshine Act (5 U.S.C. 552b (c) (20, (6), (7), (9)(B), and (10) and 45 CFR 1622.5 (a), (e), (f), (g), and (h)].

MATTERS TO BE CONSIDERED:

1. Personal and Personnel Matters (Closed)
2. Litigation and Investigation matters (Closed)
3. Approval of Agenda
4. Approval of Minutes
   —December 19, 1985
5. Discussion and Action on the Recommendations of the Audit and Appropriations Committee
   —Allocation of 1985 Carryover
6. Review of 1985 LSC Audit
7. Report on Recipient Board Training
8. Public Comment

CONTACT PERSON FOR MORE INFORMATION: Timothy H. Baker, Executive Office, (202) 863-1839.

Date issued: January 17, 1986.

Timothy H. Baker,

Secretary.

[FR Doc. 86-1447 Filed 1-17-86; 3:59 pm]

BILLING CODE 6820-35-M

5

LEGAL SERVICES CORPORATION

Committee on Audit and Appropriations

TIME AND DATE: Meeting will commence at 8:30 a.m., Thursday, January 30, 1986, and continue until 12:00 p.m. or all official business is completed.

PLACE: Capitol Holiday Inn, Columbia Room, 500 C Street, SW., Washington, DC 20024.

STATUS OF MEETING: Open.

MATTERS TO BE CONSIDERED:

1. Approval of Agenda
2. Approval of Draft Minutes
   —December 18-19, 1985
3. Allocation of 1985 Carryover

CONTACT PERSON FOR MORE INFORMATION: Joel Thimell, Policy Development, (202) 863-1842.

Date issued: January 17, 1986.

Timothy H. Baker,

Secretary.

[FR Doc. 86-1448 Filed 1-17-86; 4:00 pm]

BILLING CODE 6820-35-M

6

LEGAL SERVICES CORPORATION

Operations and Regulations Committee Meeting

TIME AND DATE: Meeting will commence at 2:00 p.m., Thursday, January 30, 1986, and continue until all official business is completed.

PLACE: Capitol Holiday Inn, Columbia Room, 550 C Street, SW., Washington, DC 20024.

STATUS OF MEETING: Open.

MATTERS TO BE CONSIDERED:

1. Approval of Agenda
2. Approval of Minutes
   —October 25, 1985
   —November 8, 1985
3. Lobbying—45 CFR 1612
   —Report from the Division of Policy Development
   —Public Comment
4. Recommendations to full Board on 45 CFR 1612 (Lobbying)

CONTACT PERSON FOR MORE INFORMATION: Thomas A. Bovard, Counsel, Division of Policy Development (202) 863-1842.

Dated issued: January 17, 1986.

Timothy H. Baker,

Secretary.

[FR Doc. 86-1449 Filed 1-17-86; 4:00 pm]

BILLNG CODE 6820-35-M

7

PAROLE COMMISSION

DATE AND TIME:

Tuesday, January 28, 1986—9:00 a.m. to 5:30 p.m.
and Wednesday, January 29, 1986—9:00 a.m. to 5:30 p.m.

CHANGES IN MEETING: An additional matter will be considered: No 14a—Discussion of retroactivity of guideline revisions. Notice of this change is made at the earliest practicable time.

PLACE: 5550 Friendship Boulevard, One North Park Building, Room 420-F, Chevy Chase, Maryland 20815.

STATUS: Open.

OTHER MATTERS TO BE CONSIDERED: Specified in original Public Announcement of Open Meeting dated January 15, 1986.

CONTACT PERSON FOR MORE INFORMATION: Peter B. Hoffman, Director of Research, United States Parole Commission, (301) 492-5980.

Dated: January 16, 1986.

Joseph A. Barry,

General Counsel, United States Parole Commission.

[FR Doc. 86-1389 Filed 1-17-86; 12:42 pm]

BILLING CODE 4410-01-M

8

POSTAL RATE COMMISSION

TIME AND DATE: 10:00 a.m., January 23, 1986.

PLACE: Conference Room, Room 300, 1333 H Street, NW., Washington, DC 20268.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Consideration of decision in Docket No. C85-1, Complaint of Advo System, Inc.

CONTACT PERSON FOR MORE INFORMATION: Charles L. Clapp, Secretary, Postal Rate Commission, Room 300, 1333 H Street, NW., Washington, DC 20268-0001, Telephone (202) 789-6840.

[FR Doc. 86-1417 Filed 1-17-86; 12:46 pm]

BILLING CODE 7715-01-M

Federal Register

Wednesday
January 22, 1986

Part II

Environmental Protection Agency

40 CFR Part 60

Standards of Performance for New Stationary Sources; Magnetic Tape Manufacturing Industry; Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[AD-FRL-2820-3]

Standards of Performance for New Stationary Sources; Magnetic Tape Manufacturing Industry

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The proposed standards would limit emissions of volatile organic compounds (VOC) from new modified, and reconstructed magnetic tape manufacturing lines. The proposed standards implement Section 111 of the Clean Air Act and are based on the Administrator's determinations that emissions from industrial paper coating cause, or contribute significantly to, air pollution which may reasonably be anticipated to endanger public health or welfare. Magnetic tape manufacturing is part of the industrial paper coating category, which includes coating of foil and plastic film. The intent is to require new, modified, and reconstructed magnetic tape manufacturing lines to control emissions to the level achievable by the best demonstrated system of continuous emission reduction, considering costs, nonair quality health, and environmental and energy impacts.

A public hearing will be held, if requested, to provide interested parties an opportunity for oral presentations of data or views concerning the proposed standards.

DATES: *Comments.* Comments must be received on or before April 7, 1986.

Public Hearing: If anyone contacts EPA requesting to speak at a public hearing by February 11, 1986, a public hearing will be held on March 11, 1986 beginning at 10:00 a.m. Persons interested in attending the hearing should call Ms. Shelby Journigan at (919) 541–5578 to ascertain if a hearing will be held.

Request to Speak at Hearing. Persons wishing to present oral testimony must contact EPA by February 11, 1986.

Incorporation by Reference. The incorporation by reference of certain publications in these standards will be approved by the Director of the Federal Register as of the date of publication of the final rule.

ADDRESSES: *Comments.* Comments should be submitted (in duplicate if possible) to: Central Docket Section (LE–131), Attention Docket Number A–82–45, U.S. EPA, 401 M Street SW, Washington, DC 20460.

Public Hearing. If anyone contacts EPA requesting a public hearing, it will be held at EPA's Office of Administration Auditorium, Research Triangle Park, North Carolina. Persons interested in attending the hearing or wishing to present oral testimony should notify Ms. Shelby Journigan, Standards Development Branch (MD–13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541–5578.

Background Information Document. The background information document (BID) for the proposed standards may be obtained from the U.S. EPA Library (MD–35), Research Triangle Park, North Carolina 27711, telephone number (919) 541–2777. Please refer to the Magnetic Tape Manufacturing Industry—Background Information for Proposed Standards (EPA–405/3–85–029a).

Docket. Docket No. A–82–45, containing supporting information used in developing the proposed standards, is available for public inspection and copying between 8:00 a.m. and 4:00 p.m., Monday through Friday, at EPA's Central Docket Section, West Tower Lobby, Gallery 1, Waterside Mall, 401 M Street SW., Washington, DC 20460. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: For information on the policy aspects of the proposed standards, contact Gil Wood or Sims Roy (telephone number (919) 541–5578); for information on the technical aspects, contact Jim Berry (telephone number (919) 541–5605), Emission Standards and Engineering Division (MD–13), U.S. EPA, Research Triangle Park, North Carolina 27711.

SUPPLEMENTARY INFORMATION:

I. Introduction

A. New Source Performance Standards—General

New source performance standards (NSPS or "standards") implement Section 111 of the Clean Air Act. The NSPS are issued for categories of sources which cause, or contribute significantly to, air pollution which may reasonably be anticipated to endanger public health or welfare. They apply to new stationary sources of emissions, i.e., sources whose construction, reconstruction, or modification begins after a standard for them is proposed.

An NSPS requires these sources to control emissions to the level achievable by "best demonstrated technology," or 'BDT," which is defined in item B.3 below.

B. NSPS Decision Scheme

An NSPS is the product of a series of decisions related to certain key elements for the source category being considered for regulation. The elements identified in this "decision scheme" are generally the following:

1. *Source category to be regulated.* Usually an entire industry but can be a process or group of processes within an industry.

2. *Pollutant(s) to be regulated.* The particular substance(s) emitted by the source that the standard will control.

3. *Best demonstrated technology.* The technology on which the Agency will base the standards, i.e.,

> . . . the best technological system of continuous emission reduction which (taking into consideration the cost of achieving such emission reduction, and any nonair quality health and environmental impact and energy requirements) the Administrator determines has been adequately demonstrated. [Section 111(a)(1)].

For convenience, this will be referred to as "best demonstrated technology" or "BDT."

4. *Affected facility.* The pieces or groups of equipment that comprise the sources to which the standards will apply.

5. *Emission points to be regulated.* Within the affected facility, the specific physical location emitting pollutants (e.g., vents, stacks, and equipment leaks).

6. *Format for the standards.* The form in which the standards are expressed, i.e., as a percent reduction in emissions, as pollutant concentrations, or as equipment standards.

7. *Actual standards.* Based on what BDT can achieve, the maximum permissible emissions. (Note: In general, standards do not require that a specific technology be used to achieve them. The source owner/operator may select the method for achieving the pollution control required.)

8. *Other possible considerations.* In addition, NSPS usually include: modification/reconstruction considerations, monitoring requirements, performance test methods, and reporting and recordkeeping requirements.

C. Overview of This Preamble

This preamble will:

1. Summarize the important features of this NSPS by discussing the conclusions reached with respect to each of the elements in the decision scheme.

2. Describe the environmental, energy, and economic impacts of this NSPS.

3. Present a rationale for each of the decisions in the decision scheme.

4. Discuss administrative requirements relevant to this action.

II. Summary of the NSPS

The proposed standards limit emissions of VOC's from new, modified, and reconstructed magnetic tape coating lines. The VOC emission sources in a magnetic tape coating line are: (1) The coating operation, consisting of an application/flashoff area and a drying oven; (2) equipment for preparing the coating; and (3) solvent storage tanks. These collective emission points will be referred to as the coating line.

There are two separate affected facilities to which the proposed standards would apply. The first affected facility is each new solvent storage tank with a capacity less than 75 m^3 that supplies solvent to the coating mix preparation equipment. The second affected facility is each new, modified, or reconstructed coating operation and the equipment used to prepare or mix the coating for the coating operation.

Separate standards are proposed for each of the three emission sources within the two affected facilities. Table 1 summarizes the proposed standards, the environmental impacts, and the incremental cost-effectiveness values associated with the standards.

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TABLE 1. SUMMARY OF REGULATIONS AND IMPACTS FOR A TYPICAL COATING LINE

Emission source	Annual solvent use, m^3	Format	Control required	Emission reductions, Mg/yr[a]	Incremental cost-effectiveness, $/Mg[b]	Maximum solid waste impact,[c] kg/yr	Maximum energy impact,[c] GJ/yr	Maximum wastewater impact,[c] m^3/yr
Solvent storage tank	For all new tanks with capacity less than 75 m^3	Equipment standard	Pressure relief valves set at 103 kPa gauge pressure for tanks constructed on or after the date of proposal	0.62	-3,200	0	0	0
Mix equipment	≥38	Equipment standard	Ventilation to a 95% efficient control device	67	-490	58	689	200
Coating operation	≥38	Percent reduction or Formulation	93% or 0.20 kg VOC/ℓ coating solids	70	-580	780	11,180	1,780

[a]Relative to baseline, which is uncontrolled storage tanks and mix equipment and oven control of the coating operation.
[b]The incremental cost effectiveness of the control option selected as BDT relative the next less stringent control option, first quarter 1983 dollars.
[c]For a typical coating line controlled by a fixed-bed carbon adsorber.

BILLING CODE 6560-50-C

A. Storage Tank BDT and Regulation

An equipment standard is proposed for the storage tanks. For the solvent storage tanks, the BDT, taking cost into consideration, is the use of pressure relief valves. For all tanks with a capacity less than 75 m^3 and for which construction commences on or after the date of proposal, the proposed standard is the installation of pressure relief valves with a gauge pressure setting of at least 103 kilopascals (kPa). All tanks will be equipped with and filled from a submerged fill pipe.

Tanks for which construction commenced before the date of proposal would not be subject to the standard because there is no safe and cost-effective control option that would universally apply to these tanks. Storage tanks that are equal to or greater than 75 m^3 in capacity are subject to the control requirements of the volatile organic liquid storage vessels NSPS, which was proposed on July 23, 1984 (49 FR 29698).

An equivalent means of emission limitation is to duct all storage tank emissions to a 95 percent efficient control device.

B. Mix Equipment BDT and Regulation

An equipment standard is proposed for the mix preparation equipment. No control of mix preparation equipment would be required for those lines that always use less then 38 m^3 of solvent per year. Coating lines with an annual solvent use of at least 38 m^3 would install, operate, and maintain covers on, and ductwork from, each piece of mix preparation equipment that contains VOC and vent all emissions to a control device that is at least 95 percent efficient.

C. Coating Operation BDT and Regulation

The best demonstrated control system for the coating operation VOC emissions is a total enclosure to capture the emissions from the coating application/flashoff area and a control device that is 95 percent efficient to control the enclosure and drying oven emissions. Reflecting this technology, the proposed standard for coating operations at lines using at least 38 m^3 of solvent per year would require control of no less than 93 percent of the VOC contained in the coating applied at the coating applicator. Once a line becomes subject to the standards (exceeds 38 m^3 of solvent/year), control would be required even if solvent use later is less than 38 m^3 yr. Alternative means of demonstrating compliance (other than a performance test demonstrating 93 percent control) would be: (1) The use of coatings with an average VOC content of less than 0.20 kg VOC per liter of coating solids or (2) the installation of a total enclosure on the application/flashoff area and the venting of the enclosure and oven emissions to 95 percent efficient control device.

D. The Compliance Test Methods and Associated Reporting Requirements

For this NSPS, two different types of information are collected that are used for different purposes by the enforcing agencies. These types of information are: (1) Direct compliance data and (2) monitored parameter data. For the public to understand better the compliance and monitoring reporting requirements, the distinction between the two requirements will be described. The monitored parameter data will be discussed in Section E following this section.

Direct compliance information is that which may be used by the enforcement agency as sole evidence of a violation of the standard. Direct compliance information is useful to an enforcement agency because the compliance status of the source is evident from the information itself and no further testing is necessary for documentation. All except two of the compliance test methods described in this section are one-time tests, the results of which are reported to EPA only once. The required liquid material balance for a single coating operation controlled by a solvent recovery device and the use of Reference Method 24 on all low-solvent coatings are continuous compliance tests; they must be performed each month, and the results for months of noncompliance reported to EPA twice a year. The frequency with which compliance data are reported is currently under review.

1. *Storage Tanks and Mix Equipment.* Compliance with the requirement to install pressure relief valves on the solvent storage tanks would be evaluated by documentation that the equipment was installed and is being maintained (see § 60.713(h) of the regulation). There would be a one-time reporting requirement for each affected solvent storage tank that is installed without the corresponding installation of an affected coating operation with associated coating mix preparation equipment. This report would consist of a notification of actual startup and documentation of the installation of pressure relief valves certified by the manufacturer to have a gauge pressure setting of at least 103 kPa. In this situation, owners or operators would be exempt from the remaining reporting requirements in the General Provisions (see § 60.717 (e) and (f) of the regulation).

For mix equipment, compliance would be evaluated by (1) evaluation of the ventilation system design and inspection to verify that all emissions from each piece of equipment are delivered to the control device and (2) measurement of control device efficiency using Reference Methods 1 through 4 and 25A and calculation of control efficiency (see § 60.713(g) of the regulation).

2. *Coating Operation.* For the coating operation, the initial compliance test and subsequent compliance tests demonstrating compliance with the proposed standard vary with the type of control system in use. If a solvent recovery system controls only a single coating operation, the test requires a determination of the VOC contained in coating applied at the coating applicator and of the VOC recovered by the control device over each 1-month period (see § 60.713(a) of the regulation). The owner or operator of a coating line demonstrating continuous compliance by a monthly liquid material balance would report semiannually the results of the compliance tests for months of noncompliance (see § 60.717(d)(1) of the regulation).

If emission sources in addition to those associated with the affected coating operation are controlled by a single control device, the compliance tests require the use of Reference Methods 1 through 4 and 25A to measure all the gaseous emissions from the affected coating operation, including fugitive emissions, and all emissions entering and exiting the control device. These data would be used to calculate the capture efficiency of the system and the efficiency of the control device. The product of these two values yields overall efficiency of the control system (see § 60.713(c)(2) of the regulation). For solvent recovery devices, these gaseous emission test results can also be used to perform a liquid solvent material balance (see § 60.713(c)(1) of the regulation). The ratio of VOC emissions from the affected coating operation to the total emissions entering the control device would be used to determine the proportion of the recovered VOC that is attributable to the affected coating operation. This volume would be compared to the total VOC contained in coatings applied at the affected coating operation to determine the recovery efficiency. The results of these one-time compliance tests would be reported to EPA (see § 60.717(a) of the regulation). The Administrator invites comments on the test method using a short-term gas

test to apportion long-term liquid material balance results.

The situation could occur in which the VOC emissions from more than one affected coating operation are vented through the same duct to a control device that is also controlling emissions from nonaffected sources. In this case, the combined affected coating operations could be tested as a single source using the methods described in the previous paragraph (see § 60.713(d) of the regulation).

Reference Method 24 data would be used to determine performance for affected facilities using low-solvent coatings. The average VOC content of the coatings (the weighted average mass [kg] of VOC per unit volume [liter] of coating solids) would be calculated over each 1-month period. Each determination of the average VOC content of the coatings would constitute a compliance test (see § 60.713(i) of the regulation). Semiannual reports would be required for any months of noncompliance (see § 60.717(d)(2) of the regulation).

An alternative method of complying would be the installation, use, and maintenance of the specific equipment described in Section II.C above. The compliance test would include inspection of the capture and ventilation system to determine that all emissions are being vented to the control device and determination of control efficiency by use of Reference Methods 1 through 4 and 25A to measure gaseous emissions entering and exiting the control device (see § 60.714(f) of the regulation).

E. The Monitoring, Recordkeeping, and Associated Reporting Requirements

Monitored parameter data consist of information on control device parameters (e.g., outlet VOC concentration) used by EPA to indicate how well the control device is being operated and maintained and to target inspections. In contrast to compliance test data, monitored parameter data are not used directly to determine compliance with NSPS but rather are used as an indicator of whether acceptable operating and maintenance procedures are being used (see § 60.11(d) in the General Provisions of 40 CFR Part 60). Under NSPS, reporting frequencies of data other than direct compliance information are reviewed on a case-by-case basis, and semiannual reporting of these data is required unless evidence supporting more frequent reporting is produced. For this NSPS, a semiannual reporting period is required for all monitored parameter data.

1. *Size Cutoff.* If the owner or operator of a plant claims that an affected coating operation with associated mix equipment is below the size cutoff and, thus, would not be subject to the control requirements, a copy of a material flow chart indicating projected solvent use would be submitted with the notification reports (see § 60.717(b) of the regulation). For these affected facilities, the actual solvent use records would be examined at the end of the initial year for verification of this projected solvent use (see § 60.717(b) of the regulation). If the initial annual solvent use is less than 38 m^3, semiannual estimates of projected solvent use would be made in subsequent years and actual solvent use records would be kept (see § 60.714(a) of the regulation). When a projection or the actual solvent use exceeds 38 m^3/yr, a report would be submitted to EPA (see § 60.717(c) of the regulation).

2. *Solvent Storage Tanks and Mix Equipment.* There are no periodic monitoring, recordkeeping, or reporting requirements for storage tanks or coating mix equipment.

3. *Coating Operations.* Coating lines with a carbon adsorber for VOC emission control and not demonstrating compliance by a liquid material balance would continuously measure and record the VOC concentration either in the exhaust gas or in both the inlet and outlet gas streams. Coating lines with incinerators for VOC emission control would monitor combustion gas temperature. Coating lines with a condensation system would continuously measure and record the condenser's exhaust gas temperature. When a total enclosure is used around the application/flashoff area of an affected coating operation, the monitoring requirement would be the continuous measurement and recording of the fan amperage, air flow rate, or absolute pressure within the total enclosure. When the equipment alternative is selected as the compliance technique, the monitoring requirements would be the continuous measurement and recording of total enclosure and control device operating parameters as described above in this paragraph (see § 60.714 (c) through (g) of the regulation).

Deviations in the control device monitoring parameters beyond the limits specified in the proposed standard would serve as indicators to the Administrator and to the owner or operator that the coating operation control system may not be operating at the conditions tested during the performance test. Records of deviations beyond these specified limits would be reported to the Administrator every 6 months (see § 60.717(d) (3) to (8) of the regulation). Owners or operators are required to maintain for 2 years the records of the control device operating parameters that must be monitored, as specified in 40 CFR 60.7(d).

F. Modification and Reconstruction

Existing facilities can become subject to the NSPS when they are modified or reconstructed. There are no changes expected that would cause an existing solvent storage tank to become subject to the modification or reconstruction provisions of the NSPS. Few changes are expected to coating operations with associated mix equipment that would cause an existing operation to become subject to the modification provisions of the NSPS. The addition of a piece of mix equipment to an existing coating line is a possible modification but is expected to occur rarely, if at all. A possible reconstruction of a coating operation that might occur is replacement of the coating applicator. In this case, existing mix equipment that serves a new coating operation would become subject to the standard.

III. Impacts of This NSPS

The environmental, energy, and economic impacts of this NSPS are expressed as incremental differences between the impacts for facilities complying with the proposed standard and for those facilities if no NSPS were promulgated. In the absence of an NSPS, it is assumed that facilities would comply with the applicable State implementation plan (SIP) for VOC emissions (see complete discussion under section entitled "Regulatory Alternatives"). There are very few SIP's regulating storage tanks of the size used in this industry. There are no SIP's regulating mix equipment emissions. The typical SIP control of a coating operation is equivalent to about 83 percent control. It is expected that States would impose this level of control for any new lines built in a nonattainment area. In attainment areas, however, the level of control would depend on the particular plant and State agency involved. Thus, to the extent that State requirements in attainment areas differ from the requirements of a typical SIP, the actual impacts may differ from the impacts presented in the following discussion.

By the fifth year after the standards become applicable (1990), there will be an estimated 21 new coating lines built. Of these, one will be a research line, five will be small lines (0.15-m wide), eight will be 0.33-m wide, and seven will be 0.66-m wide, (the "typical"

production size discussed in this section). The research line would be subject only to the recordkeeping requirements. The other 20 lines would be subject to the control requirements of the proposed NSPS. The environmental and cost impacts of the proposed standards are summarized in Table 2. All of the impacts were calculated assuming that fixed-bed carbon adsorbers (the most commonly used control device) will be installed on all new lines. This assumption results in worst-case impact estimates for wastewater, solid waste, and energy.

BILLING CODE 6560-50-M

TABLE 2. ANNUAL EFFECTS OF THE PROPOSED NSPS

	Typical model lines[a]					
	Storage tanks[b]	Mix equipment[b]	Coating operation[b]	Total[b]	Baseline[c]	In the fifth year for all lines[d]
VOC emissions, Mg	0.07	3.5	44	47.57	179	1,520
Wastewater, m^3	0	200	1,780	1,980	1,590	4,290
Solid waste, kg	0	58	780	838	700	1,590
Energy, TJ	0	0.7	11.2	11.9	10	16
Annualized cost, $	-800	-39,700	18,900	-21,600	52,000	-776,520
Capital cost, $	0	4,700	1,607,200	1,611,900	1,580,000	454,900

[a]Typical model line is 0.66-m wide; assumes any new line that is controlled will be controlled by a fixed-bed carbon adsorber.
[b]Absolute impacts of a single line operating in compliance with the proposed NSPS.
[c]SIP level of control, for a single typical line.
[d]Total increment above baseline for all sizes of lines built by 1990.

BILLING CODE 6560-50-C

A typical new magnetic tape line coating about 35 million m^2 of tape annually would emit about 179 Mg of VOC per year under the SIP's. Controlled to the level of the proposed standards, the total annual VOC emissions from the line would be approximately 48 Mg. This level represents a decrease of 131 Mg (about 72 percent) of VOC emissions per year from the levels emitted by an identical line controlled by typical SIP's. In the fifth year after this NSPS becomes applicable, the proposed standards would reduce the nationwide VOC emissions from new, modified, or reconstructed magnetic tape coating lines 1,520 Mg below the emission level required by typical SIP's.

Use of a fixed-bed carbon adsorber to comply with the standard would create a potential problem with wastewater pollution. The total annual wastewater discharge from a typical new magnetic tape coating line controlled to the level required by the proposed standard would be 1,980,000 liters. This discharge represents an increase of 24 percent or 400,000 liters over the total annual discharge expected from a typical coating line controlled to the level of typical SIP's. Typical wastewaters from magnetic tape plants contain less than 100 ppm dissolved solvents and are treated by municipal sewer systems. As a result of the proposed standards, the nationwide wastewater discharges in 1990 would increase by 4,300,000 liters above the discharge levels that would result from the SIP's.

Under the proposed standards, a typical new magnetic tape coating line would generate 0.8 Mg per year of solid waste (spent carbon), an increase of 20 percent or 0.14 Mg per year over the total annual solid waste generated at a similar facility controlled by typical SIP's. As a result of the proposed standards, the nationwide solid waste load in 1990 would be 1.6 Mg greater than that associated with typical SIP control.

A typical new coating line would consume 11.9 terajoules (TJ) of energy under the proposed NSPS, an increase of 13 percent or 1.4 TJ over the total annual energy consumption expected by a similar plant controlled by typical SIP's. In the fifth year after this NSPS would become applicable, energy consumption in the magnetic tape industry nationwide would increase by 16 TJ compared with energy consumption determined from the current regulatory baseline.

Annualized control costs include the utility requirements and capital recovery value of the control device, the labor required for the device, any raw material costs (e.g., carbon for an adsorber), and the value of the recovered solvent. Annualized control costs for a typical coating line equipped to meet the SIP level of control would be $52,000. The total annualized control costs for a typical coating line equipped to meet the proposed standards would be a savings of $21,600. This decrease in annualized cost under the proposed NSPS would be a result of the value of the increased volume of recovered solvent that is realized after a minimal additional cost for the total enclosure. The annualized cost of the coating line itself (utilities, raw materials, building and land costs for the line alone, excluding any control costs) would be $11 million. The control system annualized costs would represent less than 1 percent of the total annualized cost for the controlled coating line.

The capital cost for control equipment to meet the recommended standards of performance at a typical line would be $1.61 million compared with $1.58 million necessary to meet the SIP level of control. Fluidized-bed carbon adsorbers were estimated to be slightly more expensive and condensation systems to be slightly less expensive than these estimates for fixed-bed carbon adsorbers. The capital cost of a typical new coating line without control equipment would be $3 million.

In the fifth year of implementation, the nationwide annualized cost of control of coating lines covered by the standards would amount to $36,000 compared with an annualized cost of $812,500 for new coating lines with emissions controlled to the SIP level. The cumulative capital costs for control under the proposed standards would be $18.4 million compared to $18.0 million for control under the regulatory baseline.

By the end of the fifth year after the standards are proposed, the projected growth of the magnetic tape coating industry would be an increase of 21 new coating lines of various sizes, the same as if the controls had remained at the SIP level. No retail price change attributable to the proposed standards is expected because there would be no increase in annualized cost. No adverse effects on capital availability, competition, employment, productivity, or small businesses are expected as a result of the proposed standards.

IV. Rationale for Proposed Standards

A. Selection of Source Category

The priority list, authorized by the Clean Air Act, ranks sources on a nationwide basis in terms of quantities of air pollutant emissions from the source category, the mobility and competitive nature of each source category, and the extent to which each pollutant endangers public health and welfare. Magnetic tape coating is a segment of the industrial paper coating industry, which is ranked fourth on this list (40 CFR 60.16). The industrial paper coating category includes the coating of foil and plastic because similar processes are involved in coating the three types of substrates.

All magnetic tape products are coated with solvent-based coatings. Products include audio, video, and computer tape products. Industry data show that the manufacturing processes and the coating formulations are similar for all products.

Sources of emissions are solvent storage tanks, mix preparation equipment, and the coating operation, which applies the coatings on a continuous web material and dries the coating. In 1979, annual solvent use ranged from less than 91 Mg to more than 910 Mg per coating line; the average was 422 Mg/yr. Estimated annual VOC emissions from the control devices at those plants ranged from 4.5 to 64 Mg per coating line; the average was 34 Mg per coating line. Based on these data, current nationwide emissions are about 9,800 Mg. Based on typical line size, production hours, and coating formulations, a typical new coating line uses 710 Mg per year of solvent. Most State regulations require control of only drying oven emissions.

B. Pollutants to be Regulated

The primary air pollutants are VOC. Nitrogen oxides and VOC's are precursors to the formation of ozone and oxygenated organic aerosols; health and welfare risks from these include impaired respiratory function, eye irritation, deterioration of materials such as rubber, and necrosis of plant tissue.

Drying ovens are potential sources of pollutants other than VOC (e.g., NO_x; SO_2, and particulates). The drying ovens are operated with electricity or indirect heat sources. Electrical ovens do not add any additional pollutants. Indirect-heated ovens are usually steam-tube heaters with an on-site steam boiler. Control of boiler emissions is being examined by EPA in a separate study of industrial boilers.

Possible sources of VOC emissions are the production process and the cleaning of equipment. Solvent use in cleaning is approximately 6 percent of total solvent use. Most solvent used for cleaning equipment stays in the liquid phase and is reused or disposed of in accordance with solid waste or water quality regulations. Therefore, only

VOC's from the manufacturing process are regulated by this standard.

C. Selection of Best Demonstrated Technology (BDT)

Section 111 of the Clean Air Act requires that standards of performance reflect BDT, which is the technology that yields the greatest emission reduction without imposing unreasonable impacts. *Essex Chemical Corp. v. Ruckelshaus* 486 F.2d 427, 433 (D.C. Cir. 1973). This section describes the emission control technology applicable to the magnetic tape industry and the regulatory alternatives considered by EPA in the development of this standard. Included is a summary of the environmental, energy, and economic impacts and a description of the basis of the proposed standards.

1. Applicable Capture and Control Technologies

a. *Coating Operation Capture Systems*—(1) *Coater.* Total enclosures, which are the most effective means of capturing solvent emissions from the coating applicator and the flashoff area, are in use in this industry. When such enclosures are used, all of the captured emissions are eventually directed to the control device. The captured gases frequently are used as makeup air to the ovens.

The emissions from a totally enclosed coater should be nearly 100 percent contained. Variations of this type of containment equipment have been installed at nine magnetic tape plants producing all types of magnetic tape products, including high quality computer tape. One type of enclosure is the entire coater room from which ventilation air is directed to a control device, sometimes via the drying oven. A second type of enclosure is a small room, within the coater room, large enough to allow operator access to the coater. In some cases, both the room air and the enclosure air are vented to the control device. The third type of enclosure is a very small box that encloses the applicator and that bridges the distance to the dryer. This box is too small for a person to enter although it may have doors or glove box openings to permit manual access.

The ability of all enclosures to contain the solvent fumes can be decreased by decreasing the capture velocity of the draft caused by the ventilation air. This happens when doors or windows in the enclosure are opened.

Partial enclosures are anything less than total and, in the extreme, could be represented only by a hood located high over the web, which captures part of the vapors released from the applicator and the flashoff area. The performance of such a hood can be improved by addition of strips of fabric or plastic that hang to floor level. Because many solvents are heavier than air, draft intakes at floor level can be used to increase capture efficiency. Data on capture efficiencies achieved by partial enclosures in other web-coating industries indicate that at least 50 percent capture can be expected from a hood that has no side walls.

(2) *Drying oven.* The drying ovens used in this industry have openings in the ends to allow the web to enter and exit, have sides that can be opened to observe the web while drying, and are sometimes operated at slight positive pressure to avoid dust on the tape. For these reasons, some fugitive emissions escape the oven, and capture may not be total.

b. *Coating Operation Control Devices.* This industry has operated three types of equipment for abatement of VOC: carbon adsorbers, condensers, and thermal incinerators.

(1) *Adsorbers.* There are 16 adsorption systems now operated in this industry. The VOC emissions are adsorbed on the surface of activated carbon, desorbed from the carbon by steam (fixed-bed adsorbers) or hot nitrogen (fluidized-bed adsorbers), and then usually recovered as liquid solvents. Recovery and reuse of the solvents require distillation of the VOC/steam condensate (fixed-bed) or caustic dying of the condensed VOC (fluidized-bed). Test data from many industries, including magnetic tape plants, indicate that operational efficiency levels of better than 95 percent are attainable with carbon adsorbers. As a result, the analysis of BDT is based on carbon adsorbers that are 95 percent efficient.

(2) *Condensers.* Two condensation systems are in use in this industry, and three more may be added in the near future. In condensers, VOC emissions are cooled to the dew point of the solvent, which is then recovered as a liquid. There are two basic types of condensation systems. In the first, the drying oven is blanketed with nitrogen. In the second, air is used as the carrier gas from the oven. The only moisture present is from humidity in the solvent laden air (SLA). As a result, a caustic drying system may be necessary to remove water to return the solvent to specification.

Equipment vendors state that recovery efficiencies of 99 percent are attainable with condensation systems. Because of the limited experience with these systems in this industry, a more conservative control efficiency of 95 percent was assumed for this analysis of BDT. Neither of the plants in this industry that use a condensation system delivers emissions from the application area to the condenser; however, plants in other industries do have the air from total enclosures vented to the condenser.

(3) *Incinerators.* A third means of controlling VOC emissions from magnetic tape coating lines is incineration. Of the two types of incinerators available, thermal and catalytic, only thermal incinerators are known to be used in this industry. Five are used by commercial lines and two by research lines. It is well documented that properly designed and operated incinerators destroy more than 98 percent of the VOC introduced into the combustion chamber. This figure was used for the purposes of this analysis of BDT.

(4) *Flares.* Although not currently in use in this industry, flares could be used to control VOC emissions from the coating operation and the mix equipment. The heat content of these gas streams is so low that natural gas would be needed as a supplement to achieve a destruction efficiency of 98 percent.

c. *Capture and control systems for solvent storage tanks.* For solvent storage tanks, VOC emission reduction can be obtained with conservation vents on a fixed-roof tank. These vents can be installed on the same type of tank that is operated without control. The VOC emissions from solvent storage tanks can result from two different mechanisms: (1) Breathing losses due to diurnal temperature changes and (2) working losses due to filling and emptying the tanks. A conservation vent is a combination pressure and vacuum relief valve that protects a closed tank from physical damage during filling or draining or from damage due to high pressures or vacuums and that reduces some of the breathing losses. The pressure and vacuum settings are achieved by weights inside the vent. Breathing losses from solvent tanks used by this industry comprise approximately 17 to 85 percent of the total tank VOC losses. Based on the average vapor pressures of the solvents used in this industry, a diurnal temperature variation of 11 °C, and a gauge pressure setting of 17.2 kPa, a control efficiency of 65 percent was calculated for conservation vents. Some existing storage tanks could not withstand this internal pressure.

A pressure relief valve operates in a manner similar to that of the conservation vent but at higher pressures. Because of the higher internal

working pressure, the use of these valves requires a tank of a different design than those on which conservation vents are installed. Many existing storage tanks could not withstand these increased working pressures. The pressure relief valves control all of the breathing losses and most of the working losses. Based on the average vapor pressures of the solvents in this industry and a gauge pressure setting of 103 kPa, a control efficiency of 90 percent was calculated for pressure relief valves.

The most efficient and most expensive control for a storage tank is to vent directly to a control device. At least six plants in this industry vent storage tanks emissions to the control device for the coating operation. Use of a separate, disposable control device is technically possible, although not in use in this industry.

d. *Capture and control systems for mix preparation equipment.* Emissions from mix tanks can be reduced by covering the vessels. The industry covers this equipment two general ways: with loose-fitting covers (2 plants) such as metal lids or plastic film or with tight-fitting covers (2 plants). Conservation vents are installed for safety purposes on equipment with vapor-tight covers. Covers reduce emissions by at least 40 percent by preventing diffusion losses. Mix equipment with fastened covers have also been vented to the coating operation control device in at least seven magnetic tape facilities. Because it is a permanent, closed system, capture is total.

2. Factors Considered in Capital and Annualized Costs

The selection of BDT includes an analysis of cost. Capital and operating costs considered in this analysis include factors for: (1) Both types of carbon adsorbers and a thermal incinerator, (2) a nitrogenblanketed condensation system, (3) a distillation system to be used at any plant that recovers a solvent blend, (4) a caustic drying system to be used at any plant that must dry a single solvent, (5) a partial enclosure that is essentially a small room with one wall missing that drafts through a duct in the ceiling, (6) the small-room type of total enclosure within the coater room, and (7) the value of the recovered solvent, if appropriate; otherwise, a disposal charge for the waste solvent/water mixture.

3. Control Options and Regulatory Alternatives

Several control options representing various levels of emission reduction were considered for each of the three emission sources. The environmental impact and cost analyses were performed for each control option for each emission source. The selection of BDT was then made from the control options for each source. Table 3 presents a summary of the control options, emission reduction, and cost analysis that were considered for each VOC emission source. Estimates of the emission reduction and cost impacts were determined through the development of three sizes of model lines that represent new facilities: (1) "Research," (2) "small," and (3) "typical" plants. The annual solvent use for the plants is 28 m^3, 84 m^3, and 784 m^3, respectively. Table 3 presents the analysis results only for the fixed-bed carbon adsorbers although similar work was done for all the possible control devices.

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TABLE 3. BEST DEMONSTRATED TECHNOLOGY SELECTION FACTORS

Plant size Emission source	Control option No.[a]	Control option Technology	Emission reduction,[b] Mg/yr	Cost effectiveness,[c] $/Mg	Incremental cost,[d] $/Mg
Research					
Individual storage tank[e]	2	Conservation vent	0.004	26,800	26,800
Individual storage tank[e]	3	Pressure relief valve	0.0048	-1,500	-142,500
Individual storage tank[e]	4	Separate carbon adsorber	0.005	313,400	7,870,000
Individual storage tank[e]	4	Common carbon adsorber	0.005	254,800	6,405,000
Combined storage tanks[f,g]	2	Conservation vent	0.018	30,000	30,000
Combined storage tanks[f,g]	3	Pressure relief valve	0.024	-1,300	-95,000
Combined storage tanks[f]	4	Separate carbon adsorber	0.025	300,000	3,915,000
Combined storage tanks[f]	4	Common carbon adsorber	0.025	246,200	3,215,000
Individual mix equipment[e]	2	Cover with conservation vent	0.23	-300	-300
Individual mix equipment[e]	3	Separate carbon adsorber	0.68	4,500	23,300
Individual mix equipment[e]	3	Common carbon adsorber	0.68	400	890
Mix room[f]	2	Covers with conservation vent	0.9	-300	-300
Mix room[f]	3	Separate carbon adsorber	2.7	4,500	6,900
Mix room[f]	3	Common carbon adsorber	2.7	400	760
Coating operation	2	Oven emission to carbon adsorber	19[h]	Baseline	1,800[h]
Coating operation	3	Partial enclosure and oven to carbon adsorber	0.9[i]	1,900	1,900
Coating operation	4	Total enclosure and oven to carbon adsorber	1.8[i]	2,000	2,100
Coating operation	5	Total enclosure and oven to incinerator	2.7[i]	7,400	18,100
Small					
Individual storage tank[e]	2	Conservation vent	0.010	9,300	9,300
Individual storage tank[e]	3	Pressure relief valve	0.013	-1,300	-36,700
Individual storage tank[e]	4	Separate carbon adsorber	0.015	134,100	1,014,000
Individual storage tank[e]	4	Common carbon adsorber	0.015	112,500	852,500
Combined storage tanks[f,g]	2	Conservation vent	0.029	10,000	10,000
Combined storage tanks[f,g]	3	Pressure relief valve	0.040	-1,200	-31,800
Combined storage tanks[f]	4	Separate carbon adsorber	0.043	139,500	3,025,000
Combined storage tanks[f]	4	Common carbon adsorber	0.043	118,600	2,575,000
Individual mix equipment[e]	2	Cover with conservation vent	0.45	-500	-500
Individual mix equipment[e]	3	Separate carbon adsorber	1.22	14,300	23,000
Individual mix equipment[e]	3	Common carbon adsorber	1.22	400	930
Mix room[f]	2	Covers with conservation vent	2.7	-500	-500
Mix room[f]	3	Separate carbon adsorber	7.3	3,100	5,300
Mix room[f,j]	3	Common carbon adsorber	7.3	300	730
Coating operation	2	Oven emission to carbon adsorber	56[h]	Baseline	860[h]
Coating operation	3	Partial enclosure and oven to carbon adsorber	2.7[i]	700	700
Coating operation	4	Total enclosure and oven to carbon adsorber	7.3[i]	630	600
Coating operation	5	Total enclosure and oven to incinerator	8.2[i]	2,400	16,400

(continued)

TABLE 3. (continued)

Plant size / Emission source	Control option No.[a]	Control option Technology	Emission reduction,[b] Mg/yr	Cost effectiveness,[c] $/Mg	Incremental cost,[d] $/Mg
Typical					
Individual storage tank[e]	2	Conservation vent	0.15	-500	-500
Individual storage tank[e]	3	Pressure relief valve	0.21	-1,300	-3,100
Individual storage tank[e]	4	Separate carbon adsorber	0.22	42,300	958,000
Individual storage tank[e]	4	Common carbon adsorber	0.22	7,100	181,500
Combined storage tanks[f,g]	2	Conservation vent	0.45	-530	530
Combined storage tanks[f,g]	3	Pressure relief valve	0.62	-1,300	-3,200
Combined storage tanks[f]	4	Separate carbon adsorber	0.66	43,200	732,200
Combined storage tanks[f]	4	Common carbon adsorber	0.66	7,100	124,800
Individual mix equipment[e]	2	Cover with conservation vent	4.7	-740	-740
Individual mix equipment[e]	3	Separate carbon adsorber	11.2	1,700	3,400
Individual mix equipment[e]	3	Common carbon adsorber	11.2	-600	-460
Mix room[f]	2	Covers with conservation vent	28	-740	-740
Mix room[f]	3	Separate carbon adsorber	67	500	1,300
Mix room[f]	3	Common carbon adsorber	67	-600	-490
Coating operation	2	Oven emission to carbon adsorber	527[h]	Baseline	100[h]
Coating operation	3	Partial enclosure and oven to carbon adsorber	25[i]	-450	-450
Coating operation	4	Total enclosure and oven to carbon adsorber	63[i]	-520	-580
Coating operation	5	Total enclosure and oven to incinerator	76	1,300	10,100

[a]The control option number increases with increasing level of control. For each emission source, control options with the same number have the same level of control but different control device configurations. For all emission sources, control option No. 1 is uncontrolled, and this is not listed in the table.

[b]Relative to baseline emissions (option No. 2 for coating operation, uncontrolled for tanks and mix equipment).

[c]
$$\text{Cost effectiveness} = \frac{\text{net annualized cost per component}}{\text{annual pollutant emission reduction per component}}, \$/\text{Mg}$$

[d]
$$\text{Incremental cost} = \frac{(\text{net annualized cost of control technique}) - (\text{net annualized cost of next-to-less restrictive control technique})}{(\text{annual emission reduction of control technique}) - (\text{annual emission reduction of next-less-restrictive control technique})}, \$/\text{Mg}$$

[e]The emission reduction and cost values for control of a single tank or a single piece of mix equipment.

[f]The emission reduction and cost values for control of a group of storage tanks or a group of mix equipment serving a single coating operation.

[g]"Combined storage tank" control by "conservation vents" or "pressure relief valves" means that a vent is installed on each tank.

[h]The emission reduction and cost above uncontrolled baseline.

[i]The emission reduction and cost above controlled baseline.

[j]The underlined control options are those selected as BDT.

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Regulatory alternatives representing combinations of control options for the three emission sources were developed. Typically, the proposed NSPS is selected from this array of regulatory alternatives for an entire facility. However, because each emission source at a coating line has a different emission level, different control technology options, and a different achievable control level, the selection of BDT was made from the control options, not the regulatory alternatives. These alternatives were used to analyze the economic impacts that all possible combinations of the control options would have on the industry nationwide.

a. *Solvent storage tanks.* Magnetic tape plants usually have multiple solvent storage tanks. A set of control options was examined both for control of individual tanks and for collective control of a group of tanks. The first control option (baseline) assumes that no NSPS would be developed and that a new tank would be subject to the SIP regulations. The storage tanks used in the magnetic tape industry are relatively small, less than 75 m^3 in capacity, and only about one quarter of the States have any applicable regulations. Furthermore, the NSPS currently being developed for volatile organic liquid storage tanks would not apply to storage tanks with less than 75 m^3 capacity. Therefore, in most States, the baseline would require no control of VOC emissions from storage tanks. The second control option, installation of conservation vents with a gauge pressure setting of 17.2 kPa, would effect a 65 percent reduction of VOC emissions. The third control option would effect a reduction of 90 percent by requiring pressure relief valves with a gauge pressure setting of 103 kPa. The fourth control option would effect a reduction of 95 percent by requiring that the tank emissions be vented to a carbon adsorber.

b. *Coating mix preparation equipment.* The number of vessels in a mix room that supplies coating to a single coating operation currently ranges from about 5 to 27. Control options were examined both for control of each vessel individually and for control of the combined emissions from the entire group that supplies a single coating operation. The first control option (baseline) assumes that no NSPS would be developed. Because there are no SIP regulations for emissions from mix equipment, the first control option presumes the mix equipment would not be controlled.

The second control option would effect a 40 percent reduction in emissions from the mix equipment by requiring fastened, gasketed covers with conservation vents on each piece of mix equipment. The third control option would reduce emissions from the mix equipment by 95 percent. This reduction can be achieved by covering the mix tanks and ducting the vapor line to a control device that is 95 percent efficient.

c. *Coating operation.* The first control option assumes that no NSPS would be developed. In the few States with no applicable VOC regulation, emissions from the coating operation may not be controlled. The second control option also assumes that no NSPS would be developed but presumes that the new plant would be built in a State that does have an applicable regulation. Those regulations typically would require an overall control efficiency of 83 percent from magnetic tape coating operations.

The third option represents an emission reduction of 87 percent and can be achieved by delivering 92 percent of the coating operation emissions to a control device that is 95 percent efficient. This reduction may be achieved by delivering emissions from a partial enclosure on the application/flashoff area and from the oven to a control device.

The fourth option would effect an emission reduction of 93 percent by delivering no less than 98 percent of the coating operation emissions to a control device that is 95 percent efficient. This reduction would require complete enclosure of the application area to ensure that essentially all of its emissions are delivered to the control device. The oven emissions would be controlled by the same device.

The fifth alternative would achieve a 95 percent reduction in VOC emissions by the use of the same capture system described in the fourth control option and an incinerator that destroys 98 percent of the emissions.

4. Cost, Environmental, Energy, and Economic Impacts

These impact analyses for each option and each emission source are based on comparisons with the respective baselines, which require no VOC emission control for the solvent storage tanks and mix equipment and control only of the drying oven emissions for the coating operation (second control option).

a. *Cost impacts*—The impacts of the control options on the cost-effectiveness values and the incremental costs for each emission source are included in Table 3. For solvent storage tanks, the incremental cost for the lowest level of control considered (the installation of conservation vents) ranged from—$530/Mg for the typical plant to $30,000/Mg for the research plant. For the third control option, the incremental cost-effectiveness value ranged from −$3,200/Mg for the typical plant to −$142,500/Mg for the research plant. For the fourth control option, both the cost-effectiveness and incremental-cost values exceeded $7,100/Mg regardless of whether the tanks are vented to a dedicated absorber or to the oven's adsorber; this was true for all model plants because the cost of successively more effective control equipment increases faster than the incremental emission reduction.

The cost-effectiveness and incremental-cost values for control of the coating mix preparation room via vessels with fastened, gasketed covers (and conservation vents) were negative for all model plants. There is some return to the company for installing this equipment. This return results from the relatively high value of the solvent and the low annual cost of the vapor containment equipment. When the vapors are vented to a separate dedicated carbon adsorber, the incremental control costs for all model plants were above $1,300/Mg. The cost effectiveness of controlling emissions from the mix equipment for all model plants with the adsorber for the coating operation was less than $400/Mg. This incremental cost effectiveness was less than $800/Mg.

For the coating operation, the cost effectiveness is relative to control of the drying oven only. For those options based on carbon adsorption, the cost effectiveness and incremental costs decrease with increasing levels of control. This decrease reflects the increasing quantity of solvent recovered and the relatively small increases in annual costs that the enclosures incur. All values are below $630/Mg for both the small and typical plants and below $2,100/Mg for the research plant. The highest level of control, installation and use of incinerators, reflects cost-effectiveness values that range from $1,300/Mg for typical plant to $7,400/Mg for the research plant. For all model plants, the incremental cost of using an incinerator is greater than $10,100/Mg because an incinerator destroys the valuable solvent whereas the adsorber reclaims it.

b. *Environmental impacts*—An estimate was made of the nationwide impacts on VOC emissions, wastewater effluents, and solid waste generation for each control option and each emission source. This analysis was based on a projected increase of 21 new coating

lines by 1990 (see Section C.3 above). Each new coating operation would require new mix preparation equipment and new solvent storage capacity.

Under the baseline control option that assumes no applicable SIP VOC requirements, storage tanks at new, modified, or reconstructed magnetic tape lines would emit approximately 7.8 Mg of VOC per year by 1990. Installing the conservation vents as required by the second control option would reduce emissions by 65 percent and result in emissions of about 2.7 Mg per year of VOC by 1990. The third option would reduce emissions 90 percent (from the first control option) to 0.8 Mg per year in 1990. The fourth control option would reduce emissions 95 percent to 0.4 Mg per year in 1990.

Under the first option that presumes States would not regulate mix equipment, new, modified, or reconstructed equipment would emit approximately 820 Mg per year of VOC by 1990. By covering the tanks (the second control option), emissions would decrease by 40 percent to 490 Mg per year by 1990. By venting the covered vessels to a carbon adsorber, emissions would decrease 95 percent from the first option to 40 Mg per year in 1990.

Under the second control option that presumes States would require about 83 percent control, coating operations at new, modified, or reconstructed coating lines would emit approximately 1,250 Mg per year of VOC by 1990. Installation of equipment to comply with the third control option (adsorption of emissions from a partial enclosure and oven) would reduce emissions by 290 Mg or 23 percent from that presumed for the second control option to 960 Mg per year of VOC by 1990. Implementation of the fourth control option (delivery of essentially all emissions to a carbon adsorber) would reduce VOC emissions by 740 Mg or 59 percent from the second control option to 510 Mg per year in 1990. The fifth option (delivery of essentially all emissions to an incinerator) would reduce emissions 880 Mg or 70 percent from the second control option to 370 Mg per year in 1990.

Wastewater created by the stripper column in the distillation system that is recovering solvent from the regeneration steam for carbon adsorbers is usually discharged to local publicly owned waste treatment systems without penalty or surcharge. The environmental impact on natural water systems from this discharge is expected to be small because: (1) The total annual volume is small and (2) it contains low levels (<100 ppm) of organics. If State or local regulations require additional VOC removal from the wastewater, the cost to achieve levels as low as 1 ppm is reasonable. The maximum nationwide wastewater discharge rates, which would result from implementation of an NSPS on all new magnetic tape plants, were estimated assuming that all emissions are directed to fixed-bed carbon adsorbers. Storage tanks and mix equipment emit to a control device only in the third control option. Under that scenario, in 1990, they would cause a wastewater discharge of 11,000 liters and 2.2 million liters, respectively. The annual wastewater discharge in 1990 from coating operations controlled by the second (baseline), third (partial enclosed and carbon adsorber), and fourth (total enclosure and carbon adsorber) control options would be 17.5 million liters, 18.4 million liters, and 19.6 million liters, respectively. The increased cost to discharge the increased volume of wastewater to publicly owned treatment works (POTW's) in 1990 would be about $5,000 nationwide. These scenarios assume that all wastewater from research and small lines is removed to a waste disposal facility. Incinerators require no water; thus, there would be no wastewater discharge resulting from implementation of the fifth control option.

A National Pollutant Discharge Elimination System permit is required for magnetic tape coating wastewaters that are discharged directly to a receiving stream; wastewaters discharged to a POTW have to meet the requirements in 40 CFR Part 403, General Pretreatment Regulations, as well as other requirements established by the POTW.

The only solid waste generated by the emission control system is from the carbon adsorbers. The adsorption efficiency of the activated carbon gradually degrades over time until replacement of the carbon is necessary. Magnetic tape manufacturers report carbon life of from 6 months to 7 years. The usual procedure for handling waste carbon is to recycle it to the carbon manufacturer who reactivates it. Other satisfactory procedures for handling the waste carbon that minimize the environmental impact are to landfill it properly or use it as fuel. In 1990, new modified, or reconstructed storage tanks and mix equipment controlled to the level of control option four and three, respectively would generate 0.7 Mg and 12 Mg per year of solid waste, respectively. The annual solid waste generated in 1990 from a coating operation controlled to the level of the second (baseline), third (partial enclosure and carbon adsorber), and fourth (total enclosure and carbon adsorber) control options would be 8.2 Mg, 8.4 Mg, and 9.0 Mg, respectively. The nationwide solid waste impacts for all of these control options are considered reasonable.

c. *Energy impact*—The air pollution control equipment for this industry may use steam from fuel oil combustion, electricity, and natural gas. The blowers, cooling towers, boiler support systems, and all instrumentation are electrically driven. Boiler systems (to produce steam for regeneration of adsorbers and operation of distillation columns) are generally fired with fuel oil. An 80 percent thermal efficiency was assumed for the fuel oil usage. Incinerators used to burn VOC are fired with natural gas. In 1990, the annual nationwide energy consumption by storage tanks and mix equipment would be 44 GJ and 8.0 TJ, respectively, if they are required to be vented to an adsorber. The annual energy consumption in 1990 of coating operations controlled to the level of the second (baseline), third (partial enclosure and carbon adsorber), and fourth (total enclosure and carbon absorber) control options would be 119 TJ, 122 TJ, and 126 TJ, respectively. Control of the coating operation to the level of option five (total enclosure and incinerator) would result in an annual energy consumption of 175 TJ in 1990.

d. *Economic impact*—The capital cost for installation of conservation vents on new solvent storage tanks (second option) at a typical plant would be about $1,700. A similar type of tank is used for control options one (baseline) and two (conservation vents); therefore, only the cost of the vent itself was considered. A different type of tank must be used for control option three than for control option two. The estimated costs for these two tanks are about equal, and the relatively minor cost of the pressure relief valve is within the variability of the tank costs. Thus, there is no capital cost associated with the third control option. The capital cost for venting the tanks to an adsorber (fourth control option) would be $19,300 if a separate adsorber is required and $25,000 if the coating operation adsorber is used. For a typical line, the annualized cost for installation of conservation vents (second option) on the storage tanks would be about −$240 and for installation of pressure relief valves (third option) would be about −$790. The negative annualized cost is a result of the value of the solvent that is prevented from escaping. If tanks are vented to a dedicated carbon adsorber (fourth control option), the cost would be $28,500. This cost would be $4,700 if

the coating operation adsorber is used (fourth option).

The capital cost for covers and conservation vents for the coating mix equipment (second option) at a typical line would be $4,100. The capital cost for venting the equipment to an adsorber (third control option) would be $36,600 for a separate adsorber and $4,700 if the coating operation adsorber is used. For a typical line, the annualized control cost for the coating mix equipment would be −$20,800, $30,100, and −$39,700 for control option two, control option three with a separate adsorber, and control option three using the coating operation adsorber, respectively.

The capital cost for a typical coating operation controlled to the most common SIP level (second control option) would be $1.58 million. The capital costs for control options three (partial enclosure) and four (total enclosure) using a carbon adsorber would be $1.60 million and $1.61 million, respectively. Under control option five, use of an incinerator, the capital cost would be $300,300. At a typical plant, the annualized cost to control to the most common SIP level would be $52,000. Under control options three and four, the annualized control costs for fixed-bed carbon adsorbers would be $40,800 and $18,900, respectively. The decrease in estimated annualized costs is attributable to the value of the additional solvent recovered for control options three and four. The annualized cost of control option five would be $153,500; this increase relative to control options three and four reflects the high fuel costs and the loss of the credit for recovered solvents.

The potential economic impacts of the control options were examined by analyzing the potential effects on the two models which represent production plants. A small line will produce 3.5 million m^2 of tape, and a typical line, 35 million m^2. The analysis was performed by combining the costs of controlling all three emission sources. When a variety of control devices was available for the coating operation, the cost for a fixed-bed carbon adsorber was used for the economic impact analysis. Three types of economic analyses were conducted: (a) Effect on production costs; (b) effect on retail prices; and (c) capital availability.

The production cost analysis examines the impact of the alternatives on the cost to manufacture coated web. These costs would increase up to 5.7 percent, depending somewhat on the size of the line and the type of product but primarily on the control device selected for use. The highest cost increases for all types of tape and sizes of line would be associated with use of an incinerator. For all other control systems, the greatest cost increase would be expected for audio products, the segment of the industry in which least growth is expected. The impact on production cost for both video and computer tape is estimated to be less than 1.1 percent. The retail price impact analysis assumed that all of the increased production cost would be passed along to the consumer. The greatest price increase would be only 1 percent. For both analyses, the greatest cost increases occur if an incinerator is installed.

Capital availability is the ability of the manufacturer to raise the necessary capital to purchase the pollution control equipment. Debt financing is the preferred method of financing this purchase, and most magnetic tape companies are either medium size or are subsidiaries of large companies with long-term debts of several hundred million dollars. Even the most costly regulatory alternative (incremental capital cost of approximately $368,000) would not increase debt by more than 1 percent.

5. Rationale for Selection of Control Options

A. *Coating operation.* Three levels of control above baseline were considered before BDT was selected for the coating operation. The highest control considered was 95 percent based on the use of a total enclosure and an incinerator. The cost effectiveness associated with this control option is unreasonable ($10,100/Mg), and it was not selected. The second highest level of control considered, option four at 93 percent, was based on the use of a total enclosure and a carbon adsorber. Its cost effectiveness (−$580/Mg) and associated environmental impacts were judged to be reasonable. Therefore, it was selected as BDT. The remaining control option (option three), use of a partial enclosure and a carbon absorber, is less cost effective than control option four and achieves a lower level of VOC control; therefore it was not selected as BDT.

b. *Mix preparation.* Two control options other than baseline were considered for BDT for coating mix preparation equipment. The most effective control considered was to vent all mix equipment to a control device that is at least 95 percent efficient. Some existing magnetic tape plants already vent mix equipment to the carbon adsorber that handles emissions from the coater and/or oven. There are limited adverse impacts, if any, to such an arrangement; the incremental cost values are reasonable (less than $1,200/Mg). Therefore, this control option has been designated BDT for the mix equipment. The second control option (fastened, gasketed covers with conservation vents) achieves a lower emission reduction and, thus, was not considered BDT.

c. *Solvent storage tanks.* Three control alternatives (other than baseline) were evaluated for the solvent storage tanks. Maximum control would require venting of all storage tank emissions to a control device that is at least 95 percent efficient. Some plants currently vent tank emissions to the coating operation adsorber. This option was not designated BDT, however, because its incremental cost effectiveness is unreasonably high (at least $124,800/Mg). The third control option, installation of a pressure relief valve with a gauge pressure setting of at least 103 kPa on each storage tank, was designated BDT because it has a low economic impact and no adverse environmental impact.

This BDT, however, is applicable only to new tanks designed for this internal working pressure. Many existing tanks may not be designed for operation at this pressure. The other control options were considered for existing storage tanks. The second control option, installation of conservation vents, could also cause the internal pressure to exeed the design pressure for some existing tanks. Carbon adsorption control (control option four) is technically feasible but is too expensive. Thus, there is no BDT for existing storage tanks.

D. Selection of Affected Facility

For purposes of this standard, two affected facilities have been selected. One affected facility is each solvent storage tank. The second affected facility is defined as a single coating operation and all coating mix equipment necessary to supply that coating operation. A coating operation begins at the application station and ends at the end of the oven; thus, it includes emissions from the applicator, the drying oven, and any flashoff area between the applicator and the drying oven.

1. General Principles

The choice of the affected facility is based on the Agency's interpretation of Section 111 of the Clean Air Act and on the judicial construction of its meaning [*ASARCO, Inc.*, v. *EPA*, 578 F. 2d 319 (D.C. Cir. 1978)]. Under Section 111, standards of performance must apply to new stationary sources of pollution, i.e.,

sources that begin construction, reconstruction, or modification after EPA proposes the standards. A "source" is defined as "any building, structure, facility, or installation which emits or may emit any air pollutant" [section 111(a)(3)]. Most industrial plants consist of numerous pieces or groups of equipment that emit air pollutants and that may be viewed as "sources." The EPA, therefore, uses the term "affected facility" to designate the equipment, within a particular kind of plant, that is chosen as the "source" covered by a given standard.

In designating the affected facility, EPA determines which piece or group of equipment is the appropriate unit (the source) for emission standards in the particular industrial context involved. The determination is made in light of the terms and purpose of Section 111. One major consideration in this decision is that a narrow designation usually brings replacement equipment under standards of performance sooner.

If, for example, an entire plant is designated as the affected facility, the standard would cover no part of the plant unless the replacement causes the entire plant to be "modified" or "reconstructed". The plant is *modified* only if: (1) Its aggregate emissions are increased by a physical change in it, or by a change in its method of operation and (2) there is a capital expenditure (40 CFR 60.14). Similarly, the plant is *reconstructed* only if: (1) The cost of replacement exceeds 50 percent of the fixed capital costs required to build a comparable new facility and (2) meeting the applicable standards is technologically and economically feasible (40 CFR 60.15).

On the other hand, if each piece of equipment is designated as an affected facility, then as each piece is replaced, the new piece will be subject to the NSPS. Since the purpose of Section 111 is to minimize new emissions by achieving emission limitations reflecting BDT at all new sources, a narrow designation of the affected facility is generally presumed to be the best choice. It would ensure that the standard would cover new emission sources within plants as they are installed. A broader designation of the affected facility may be selected if it would (1) result in greater emission reduction than would a narrow designation or (2) avoid exorbitant costs.

2. Alternative Affected Facility Definitions.

A single coating operation requires more than one mix vessel and usually more than one solvent storage tank. In accordance with the presumption that the narrower definition of affected facility is proper, each emission source (solvent storage tank, mix tank, coater, and oven), was evaluated as a separate affected facility. Two alternatives were considered both for the storage tanks and mix vessles: (1) Individual pieces of equipment would be designated as an affected facility and (2) groups of equipment would be so designated. Two alternatives were considered in selecting the affected facility at the coating operation: (1) Designating the application/flashoff area and oven as a single affected facility and (2) designating the two as two separate affected facilities. The narrower designations (maximum affected facilities) would mean that each new coating applicator, drying oven, storage tank or group of tanks, and individual or groups of mix equipment installed in an existing facility would require control. Alternatively, the designation of the coating operation and associated mix equipment as a single affected facility was also considered. As a result of this broader designation, some existing mix equipment, coating applicators, or drying ovens could be replaced and not become subject to the NSPS because the replacements would not be sufficiently expensive to qualify as reconstruction.

3. Rationale for Selecting Affected Facilities

a. *Solvent Storage Tanks.* The cost for the use of pressure relief valves is reasonable for an individual or group of storage tanks (Table 3 in Section C). In this case, it would appear that designation of each storage tank as an affected facility would be most consistent with the Clean Air Act because identifying a group of tanks as the affected facility does not result in increased emission reduction. Further, the single tank designation may result in greater emission control because each new storage tank would become subject to the NSPS. Therefore, the single tank was designated an affected facility.

b. *Coating Operation and Mix Equipment.* The possibility of treating the coating application/flashoff area and the drying oven as individual affected facilities was considered but deemed impractical because of their proximity and relationship. The oven draft will entrain fugitive emissions from the application/flashoff area. The relative emissions from the application station and oven would fluctuate as a function of variables such as draft from each source, volatility of the solvent, production rate, solvent content of the coating, and thickness of coating. The cost to control the combined emissions from these two sources is reasonable.

The cost for the highest level of control of either single pieces of mix equipment or a group of mix equipment is reasonable only if control is achieved by venting emissions to the carbon adsorber controlling coating operation emissions (common adsorber). Three possible designations of affected facility were considered: (1) A group of mix equipment at a plant with a control device, (2) each individual piece of mix equipment at a plant with a control device, and (3) the combination of the coating operation and all associated mix equipment.

The first affected facility definition considered (a group of mix equipment at a plant with a control device) presented difficulties with respect to defining precisely a "group" of mix equipment. These difficulties include the facts that: (1) The number of pieces of equipment that serve a single coating operation is variable, (2) a group can serve more than one coating operation, and (3) because pieces of mix equipment may be located in different areas (and floors) within a magnetic tape plant, they would be difficult to identify. In addition, defining a group of mix equipment as all of such equipment at the plant would include equipment that is neither new nor associated with an affected coating operation. Therefore, it was decided not to define a group of mix equipment as the affected facility.

The smallest unit of mix equipment that it is technically possible to control is an individual vessel. Thus, the designation of each piece of mix equipment at a plant with a control device as the affected facility would appear to be the most consistent with the Clean Air Act. However, a broader designation of the affected facility may be selected if it would result in greater emission reduction than would a narrow designation. This is the case for the broader affected facility designation of the combination of the coating operation and all associated mix equipment. Under this broader definition, a new coating operation could be installed that would use existing mix equipment, and, thus, the mix equipment would have to be controlled. In addition, an existing coating operation could be modified or reconstructed, and, thus, control of existing mix equipment would be required. The cost to control existing mix equipment under the proposed NSPS is reasonable. The broader definition may exclude some new mix equipment from becoming subject to the NSPS because the cost would not be sufficient to be considered a reconstruction. However, the number of new mix vessels that would be excluded

would be exceeded by the number of existing mix vessels that would become subject to the standard. The number of pieces of mix equipment serving a coating operation at existing plants ranges up to 27 vessels; thus, a large number of existing pieces of equipment could become subject to the recommended standards if they serve an affected coating opertion. In this industry, the addition of a new coating operation without new mix equipment is more likely than the addition of new mix equipment without a new coating operation. Only one or two new mix vessels at a time are usually added to existing coating lines. Therefore, because the broader designation results in increased VOC emission control, the combination of the coating operation and all the mix equipment that serve it was selected as a second affected facility definition.

E. Selection of Emission Points

The emission points to be regulated in a magnetic tape plant are solvent storage tanks, mix preparation equipment, and the coating operation (coating application/flashoff area and drying oven). The coating operation is the largest source of VOC emissions, but some emissions from all those sources can be controlled at a reasonable cost.

F. Selection of Format of Proposed Standard

An equipment standard is proposed for the solvent storage tanks and the mix preparation equipment and a numerical emission limit in terms of required reduction (percent reduction) format is proposed for the coating operation. The installation of specific equipment or use of low VOC coating is an acceptable alternative to demonstrating compliance for the coating operation. These formats assure application of BDT, ease the compliance test requirements, and offer maximum flexibility to the industry.

1. Solvent Storage Tanks and Mix Equipment

The two formats considered for these facilities were mass emission limits and a specification on acceptable equipment. Emissions from these facilities vary with temperature, solvent, vessel size, operating time, and throughput rate. Because of these variations, a mass emission limit cannot require BDT yet be achievable under all circumstances. Because mix equipment is generally operated for relatively short periods, airflow rates are relatively low and intermittent, making representative emission measurements expensive and difficult, if not impossible. For these reasons, an equipment standard is proposed. The major disadvantage of merely specifying equipment is that it does not ensure proper operation or maintenance. The Clean Air Act requires that an equipment standard include procedures for ensuring proper operation and maintenance. The mix equipment covers and ducts to the control device and the storage tank pressure relief valves generally require no maintenance and assure continued compliance.

2. Coating Operation

a. *Formats considered.* The formats considered for allowable emissions from the coating operation were: (1) VOC concentration, (2) mass of VOC per unit of production, (3) mass of VOC per unit weight or volume of coating or coating solids, (4) percent reduction, and (5) an equipment standard. Each format is defined and the major advantages and disadvantages are discussed below.

The first format considered, a restriction on the concentration of VOC in the exhaust from the control device, is the easiest to enforce because direct emission measurements can be made using EPA Reference Method 25A. However, the concentration of solvent emitted from the control device does not reflect total emissions because of the possibility of fugitive emissions from the coating application/flashoff area, nor does it limit total emissions because of the effect of varying the exhaust flow rates. For example, two similar coating operations may produce the same amount of VOC yet have different inlet concentrations to the control device because of variations in capture of emissions from the application/flashoff area and because of varying oven airflow rates. A standard based on outlet concentration would require the line with the higher concentration (lower airflow rate) to control more VOC emissions than the line with the lower inlet concentration. Because management of airflow rates is generally under the control of the operator, this format would not require uniform application of BDT.

The second format considered is mass of VOC emissions per unit of production (i.e., kg of VOC per 1,000 m^2 of tape). Its advantage is that it directly relates emissions to plant productivity. Its major disadvantage is that it would result in different levels of control at different plants because of variations in coating thickness and coating solvent content. Because there is no fixed relationship between solvent use and area of tape coated, there appears to be no way to establish emission limits based on the area of tape coated. A plant applying thinner coatings could achieve the same level of emissions per 1,000 m^2 of product as a plant that applies a thicker coating but could use a less efficient control system than BDT to do so.

The third format considered is mass of VOC emissions per volume of coating, volume of coating solids, or mass of coating solids. Because of the variety of coating formulations used, a single mass emission standard per volume of coating may not be achievable by all sources and would not be sufficiently stringent to reflect BDT at others. This problem is avoided by specifying the limit in terms of mass of emissions per unit volume of solids applied. This format (kg VOC/liter coating solids) might encourage development of low-solvent content coatings. Depending on the exact formulation of such a coating, use of these coatings could reduce VOC emissions beyond the level of the proposed NSPS or could achieve the VOC reduction at less cost because no control system would be needed. Compliance would be based on analysis of the coating, and more expensive emission testing would not be required. Although no low-VOC content coatings are known to be used for commercial production of magnetic tape, the final standard would allow that option should such coatings be commercialized.

The fourth format, percent reduction, could be determined by a liquid material balance or by the efficiency of recovery of the gaseous VOC emissions. The advantage of this format is the consistent requirement for BDT at all plants and the flexibility the plants are allowed in the method selected for achieving the percent reduction.

A liquid material balance can be used when the VOC is recovered by an adsorber or condenser and is advantageous because of the relative ease with which compliance can be determined by a material balance around the selected facility. A liquid material balance is more difficult if the control device serves more than one coating operation. Additional tests would be required to allocate properly the proportion of recovered solvent to the appropriate coating operation.

The measurement of percent reduction based on gaseous emissions requires more expense than percent reduction based on a liquid material balance. Determination of compliance with this format requires capture of all VOC emissions, delivery to a control device, and ventilation through stacks suitable for testing. This capture can be assured only by installation of total enclosures around the emission sources. If such

enclosures are not already in place or part of the permanent design, temporary ones must be constructed.

The percent reduction format does not credit improvements in the coating or process. For example, reduction in the VOC content of a coating or in the amount of coating applied per unit of tape manufactured would not be credited toward compliance. This might discourage development of low-solvent coatings. This distinction can be achieved by separately specifying a coating parameter that is an acceptable alternative to the percent reduction standard.

The last format considered was an equipment standard that would require a total enclosure on the application/flashoff area and ventilation of the enclosure and oven to a 95 percent efficient control device. The requirement for 95 percent efficiency would apply only to the efficiency across the control device, not the emission source. It is an operating parameter that must be specified in order to achieve a total emission reduction from the coating operation that is equivalent to the proposed standard of 93 percent emission reduction. A specific type of equipment such as a fixed-bed carbon adsorber would not be specified because there are at least six control devices that can achieve a control efficiency of 95 percent or better. Determination of compliance with the capture provisions by inspection would eliminate some of the costly and difficult emission testing, although a performance test across the control device would still be required. Because the Clean Air Act requires standards of performance in terms of numerical emission limits unless emissions cannot be measured for technical or economic reasons, this format was not selected for the actual standard. However, this format was selected for use as an alternative means of compliance with the standard, to avoid the expensive emission testing.

b. *Formats selected.* As a result of considering the preceding formats, two were selected for the coating operation. The proposed format for coating operations is percent reduction. By requiring a minimum level of control, this format assures effective capture of the emissions from the coating application/flashoff area and efficient control. Monitoring after the performance test can be easily accomplished through the use of records on solvent use and solvent recovered or by recording operating parameters on the control device such as incineration temperatures, condensation temperature, or outlet VOC concentration from an adsorber. To avoid discouraging the development of low-solvent coatings, a second alternative would allow use of coatings with a specified VOC content.

G. Selection of Actual Standards

Different standards are proposed for control of VOC emissions from the three emission sources in a magnetic tape coating facility: solvent storage tanks, coating mix preparation equipment, and the coating operation.

1. Coating Operation

a. *Percent reduction.* The BDT for the coating operation is the use of a total enclosure on the coating application/flashoff area and the venting of these captured emissions and the oven emissions to a control device. The format for the proposed standard would require control of a fixed portion of the total emissions from the coating operation. The required emission reduction of 93 percent was selected based on information obtained from manufacturers of magnetic tape and emission test data from other similar web-coating operations.

Because the coating operation includes both the application/flashoff area and the oven, a single level of control for the coating operation does not distinguish where the emissions originate within the operation. The overall control efficiency is dependent upon both the capture efficiency of the total enclosure and the efficiency of the control device.

There are nine plants in this industry operating with total enclosures. Maintenance of a negative pressure in the enclosure can theoretically result in 100 percent capture if the resulting face velocities across openings are sufficient. Because face velocities may not be maintained when doors or other forms of access are open, actual capture efficiencies may be somewhat reduced from the theoretical value of 100 percent. There is also a potential for fugitive emissions from the oven if similar openings exist.

Extensive emission test data document the performance of carbon adsorbers as a control device. Numerous tests in web-coating and other industries have demonstrated that carbon adsorbers can consistently achieve 95 percent control. In the magnetic tape industry, data are available on the performance of four carbon adsorbers. In monthly liquid material balances for 1-year period at two magnetic tape plants and during emission test measurements at two other magnetic tape plants, carbon adsorbers achieved efficiencies that ranged from 95 to 99 percent.

As previously discussed, the overall control efficiency is the product of capture and control. Assuming the theoretical capture efficiency of 100 percent, the equipment selected as BDT would be able to reduce VOC emissions from the coating operation by at least 95 percent and possibly as much as 99 percent. These theoretical overall control efficiencies may not be achievable because of fugitive emissions from the enclosure or the oven. Data on which to select an actual control efficiency are available for four magnetic tape plants. Corroborating data from a related industry are also discussed here.

Representatives from two magnetic tape plants that are equipped with total enclosures and carbon adsorbers have stated that efficiencies of 95 percent are achievable. The EPA evaluation of the capture and control system selected as BDT agrees with these statements. Because these are the highest overall control efficiencies reported or measured, EPA determined that the level of the standard should be no higher than 95 percent.

A representative from a plant that was not equipped with a total enclosure and, thus, only controlled emissions from the oven with a carbon adsorber, has stated that this level of control achieves 92 percent reduction in VOC emissions. This reduction is substantiated by emission test data from another magnetic tape plant that also controlled only emissions from the oven but not from the application/flashoff area. This test was conducted on a coating line at which the drying oven emissions were controlled by a condensation system. The test was a 3-hour liquid solvent material balance in which the volume of solvent applied was calculated from the coating width, speed, thickness, and formulation. This test demonstrated a 93 percent recovery for the control system. If these facilities had been equipped with enclosures to also capture and, thus, reduce emissions from the application/flashoff area, higher control efficiencies may have been achieved. On this basis, EPA concluded that the level of the standard should be no lower than 92 percent.

There are no additional data on the performance of BDT controls in this industry. Therefore, the performance of total enclosures and carbon adsorbers in a similar industry was examined. The pressure sensitive tape and label (PSTL) industry is one in which solvent-based coatings are applied to a continuous web of supporting material with coating

and drying processes and VOC capture and control systems very similar to those used in the coating of magnetic tape. Typical coatings used in the PSTL industry contain the same percentage of VOC (by weight) as typical coatings in the magnetic tape industry. The same types of coating applicators and drying ovens are used in both industries. The most common control device in both industries is a fixed-bed carbon adsorber. Of the plants tested in the PSTL industry, the data from one were selected for use here because it has the VOC control system that has been selected as BDT for the magnetic tape industry; the data from other PSTL plants were not considered as part of the magnetic tape data base because those plants did not use the BDT selected for magnetic tape plants. At this plant, the building in which the coaters are located is sealed tight enough to allow a slight negative pressure in the work area relative to the outdoors. The drying ovens operate at a slight negative pressure relative to the room, and the oven makeup air is pulled directly from the coater work area. There are also hoods that are located over the coaters and are vented to the drying ovens. This is a fully enclosed, tight system in which air flows from outdoors into the building, into the oven, then into a fixed-bed carbon adsorber. This PSTL facility has demonstrated a 4-week overall VOC emission reduction of 93 percent based on a liquid material blance. On this basis, the Agency determined that a level of 93 percent is achievable by BDT controls. Because of cleanliness requirements for some magnetic tape products, this room-type total enclosure may not always be applicable. However, other types of total enclosures can and are being used to control emissions on lines producing high quality computer tape.

In weighing the reported efficiency of 95 percent for BDT and the 92 and 93 percent reduction achieved by control of oven emissions in the magnetic tape industry against the measured efficiency of 93 percent achieved by BDT control in the PSTL industry, the Agency decided to place more weight on the PSTL test data. Despite the reports of 95 percent control and the possibility that 95 percent may have been achieved in the other cases if total enclosures had been used, the PSTL test data indicate that a control efficiency of 95 percent may not be achievable with BDT controls under all circumstances. Therefore, 95 percent was rejected as the level of the standard. The data demonstrate that a level of 93 percent control is achievable by BDT. Therefore, because 93 percent control is the highest level of control that would still ensure achievability, the proposed standards would require this level of control for the coating operation.

The cost effectiveness of the proposed standard for coating operations is −$520/Mg for the typical operation (790 m^3 VOC use/yr) and $630/Mg for the small operation (84 m^3 VOC use/yr). This was judged to be reasonable. However, the cost effectiveness for research operations (28 m^3 VOC use/yr) was $2,000/Mg. This was judged to be unreasonable. Section 111(b)(2) of the Clean Air Act gives the Administrator the authority to "distinguish among classes, types, and sizes within categories of new sources for the purposes of establishing . . ." performance standards. Because of the high cost associated with BDT for research operations, a lower level of control was examined for these operations.

The next most stringent level of control (control option 3, partial enclosure and carbon adsorber) would have a cost effectiveness of $1,900/Mg. This was also judged to be unreasonable, and even lower levels of control were examined. The only control option that is less stringent than partial enclosures and a carbon adsorber are the baseline controls (control of oven emissions only).

Because the cost effectiveness of control (total enclosure and oven) is reasonable at a solvent usage of 84 m^3/yr ($630/Mg) but unreasonable at a usage of 28 m^3/yr ($2,000/Mg), a cutoff between these values was sought. The difference in cost effectiveness results not from technological differences but rather from decreasing emission reduction and recovery credits in conjunction with a cost for controls that decreases less rapidly. Therefore, technological differences were not used to determine the cutoff. Also, there is no difference in the ability of plants of different sizes to afford the controls. The economic and price impacts in all cases are reasonable. Therefore, only the cost effectiveness of control was used to determine the size cutoff. It was judged that a cost effectiveness of $1,200/Mg would be reasonable. This corresponds to a solvent usage of 38 m^3/yr. Therefore, affected coating operations with associated mix equipment with a solvent usage of less than 38 m^3 would not be required to control VOC emissions from the coating line. The lower operating costs due to increased solvent recovery credits for larger solvent users provide an economic deterrent to the construction and operation of smaller operating units to avoid the regulation. Once the solvent use at an affected coating operation with associated mix equipment has exceeded 38 m^3/yr (and, thus, a control system has been installed), the facility remains subject to the standard regardless of fluctuations in annual solvent use. Once the control equipment has been purchased, the capital recovery costs will occur whether the equipment is operated or not. Considering only labor and utilities costs and solvent recovery credits, the cost to operate the control device when solvent use decreases to less than 38 m^3/yr is still reasonable.

The cost-effectiveness value used to make cutoff decisions for annual solvent use (see paragraph above) and low-solvent coating formulations (see Section G.1.c) for this industry was $1,200/Mg of VOC removed (first quarter 1983 dollars). This value is in the upper end of the range of cost-effectiveness values that EPA is currently using to make decisions on the appropriate levels of nontoxic VOC emissions. The appropriate cost-effectiveness value is still being considered; therefore, comments are being solicited on the value used to make cutoff decisions.

b. *Equipment alternative.* Documentation of the installation and proper operation of a total enclosure that directs emissions from the application/flashoff area to a control device would be accepted as an alternative means of demonstrating compliance with the requirement for 93 percent control of VOC emissions from the coating operation. The enclosure can be any of the three types previously described. A performance test would demonstrate that 95 percent of the emissions that enter the control device is controlled.

The previously discussed solvent usage cutoff also applies to the equipment alternative for the reason that the cost effectiveness of the controls is a function of the cost of controls and solvent usage and, as such, does not depend upon the format of compliance.

c. *Low-solvent coating formulation alternative*—(1) *Value of alternative.* Use of a coating that contains 0.20 kg of VOC/l of coating solids or less would be allowed as an alternative to the requirement for 93 percent reduction of VOC emissions from the coating operation. (Coatings currently in use contain about 3.6 kg VOC/l of coating solids.) This value was selected because it is the lowest solvent content at which the cost to use and add-on VOC control device is reasonable (i.e., no more than

$1,200/Mg). The following method was used to determine this value. The amount of solvent that is applied per hour (and, thus, annually) is the factor that determines the size and cost of the VOC control device and the annual operating costs. The annual solvent use cutoff of 38 m^3 was determined to be the point where the use of add-on controls is no longer cost effective (see Section G.1.a). Assuming that annual production on a typical model line would be the same for low-solvent coatings as for current solvent-borne coatings, 174 m^3 of coating solids would be applied each year. For the solvents in this industry (average density of 900 kg/m^3), to achieve the annual solvent use cutoff of 38 m^3 and to apply 174 m^3 of coating solids each year would require the use of a coating containing 0.20 kg VOC/l of coating solids. Therefore, this value was selected as the recommended low-solvent coating alternative.

Although no such coatings are now in use, this provision would be incorporated into that proposed standards so that the development and use of such coatings are not penalized. Without this provision, facilities using low-solvent coatings at or below this cutoff would be required to reduce emissions by an additional 93 percent over the 93 percent reduction already obtained by using the low-solvent coating. Therefore, facilities using these coatings would not be required to install additional controls on the coating operation. Not exempting lines using coatings with a solvent content between that of current coatings and the cutoff is reasonable because the cost of use add-in controls on lines applying such coatings is reasonable.

(2) *Request for comments.* An analysis was performed of the cost to use add-on control devices on lines applying coatings with a solvent content between that of the cutoff and typical current coatings. For high-solids coatings, the cost was found to be reasonable. A cost analysis for waterborne coatings could not be performed because of the lack of information on the operating parameters for coating lines applying such coatings. It has been suggested that the ovens of these lines would require large volumes of air to dry the coatings and to maintain a low relative humidity. A large airflow would require a large control device and, thus, unreasonable costs. However, no data supporting these conclusions have been received. Calculations performed by EPA on the volume of air required to evaporate equal volumes of solvent (to 25 percent of the LEL) and water at 82 °C and 25 percent relative humidity indicate that, in fact, less air is needed for the waterborne coatings. In addition, vendors of ovens for use in drying both waterborne and solvent-borne coatings in other industries have stated that, for the hypothetical situation in the magnetic tape industry, waterborne coatings should not require more drying air in the ovens than solvent-borne coatings. Comments are requested on the possible future use of waterborne coatings in the magnetic tape industry, and data are requested on the operating parameters and control costs associated with their use.

2. Coating Mix Preparation Equipment

The proposed standard for mix equipment is an equipment format. At lines that have exceeded an annual solvent use of 38 m^3 one time (the size cutoff for the coating operation), BDT is containment of all VOC emissions with covers and ducting those emissions to a control device that is at least 95 percent efficient. No control of VOC emissions is required at lines that have never exceeded an annual solvent of 38 m^3 because mix equipment control is cost effective only if the control device for the coating operation is used to control mix equipment emissions.

3. Solvent Storage Tanks

The BDT for this source is installation of pressure relief valves with a guage pressure setting of at least 103 kPa. Although tanks operated at these pressures are not currently used in this industry, they are used to store solvents in the chemical industry. A higher pressure setting is desirable because it achieves a greater emission reduction than a typical fixed roof tank or a tank with a lower pressure setting. These higher pressure tanks have a different design than the tanks now in use in the magnetic tape industry. However, based on EPA analysis and on data provided by a tank design specialist, the cost to build such a tank is the same as that for a lower pressure tank. For the solvents used in this industry, there is no increased safety hazard as a result of operating storage tanks at 103 kPa. For the following reasons, the proposed standard for solvent storage tanks is the installation of pressure relief valves with a guage pressure setting of at least 103 kPa: (1) The annual cost of the control option is reasonable (a net credit), (2) there is no increased safety risk, and (3) there is increased emission reduction. The size cutoff discussed for the coating operation and associated mix equipment would not apply to solvent storage tanks because the cost effectiveness of controlling VOC emissions from tanks is independent of line size. The proposed regulation also includes a provision requiring the use of a submerged fill pipe in each tank. Through the use of a submerged fill pipe, solvent is added below the level of the liquid already in the tank, which results in less splashing of solvent and, thus, less volatilization and emission of VOC's.

An equivalent means of emission limitation is to duct all solvent storage tank emissions to a 95 percent efficient control device.

H. Modification and Reconstruction

Under the General Provisions for modification (40 CFR 60.14) and reconstruction (40 CFR 60.15), facilities that are modified or reconstructed after the date of proposal of a standard are subject to the standard. Certain modifications will not cause an affected facility to become subject to the standard, as discussed below.

A modification is any physical or operational change to an existing facility that results in an increased emission rate of any pollutant to which the standard applies. Upon modification of any emission source, an existing facility becomes an affected facility and, therefore, subject to the standard. Certain changes are exempt from consideration as a modification under the General Provisions (40 CFR 60.14). These include: Routine maintenance, repair and replacement; production increases resulting from an increase in the hours of operation; use of an alternative fuel or raw material if the existing facility was originally designed to accommodate it; addition or replacement of equipment for emission control (as long as the replacement does not increase emissions); production increases not requiring a capital expenditure; and relocation or change of ownership of an existing facility. Therefore, if a magnetic tape line undertakes more efficient scheduling or increases hours of operation to increase production, such changes by themselves would not cause an existing facility to become subject to the standards. Changes in solvents and raw materials would also be exempted if the equipment were orignally designed to handle the new materials.

In the case of solvent storage tanks at magnetic tape coating facilities, an increase in the VOC emission rate from the existing facility could result from a change in the type of solvent stored in the tanks. However, this change is not considered a modification if the storage tanks were designed to accommodate storage of the new solvent before

proposal of the standard. Because only a few solvents are used in this industry and most storage tanks are designed to handle a variety of solvents, it is unlikely that any change in the solvent stored would cause the facility to become subject to the standard. Thus, there are no modifications expected that could cause an existing tank to become subject to the standard.

An increase in the VOC emissions or emission rate from existing mix equipment would most likely result from an increase in the length of time required to prepare coating mixtures, a change in raw materials, or construction of new mix equipment. However, an increase in the length of time, for example by increasing the number of shifts, would not constitute a modification because there would only be an increase in the hours of operation. A change in raw materials processed would be considered a modification only if the mix equipment were not originally designed to accommodate the new raw materials. The addition of new pieces of mix equipment could result in a small emission source bringing the coating operation under the standard. However, the addition of a single new piece of coating mix preparation equipment is seldom expected to constitute a modification to the existing coating operation with associated coating mix preparation equipment. The General Provisions (§ 60.14) would exempt specifically as a modification the addition of a piece of coating mix preparation equipment such that the production rate increases if that increase can be accomplished without a capital expenditure on that facility. A capital expenditure is defined in § 60.2 of the General Provisions. Because individual pieces of coating mix preparation equipment are low-cost items relative to the capital cost of the coating operation, it is expected that the addition of a new piece would not be considered a capital expenditure. In the event the addition of a piece of equipment were to trigger modification provisions, it might be possible for the owner or operator to install covers equipped with conservation vents on a sufficient number of existing pieces of equipment such that there would not be an increase in emissions. In any event, if the addition of new coating mix preparation equipment to an existing coating operation were to constitute a modification, the cost effectiveness of controlling emissions from the entire modified affected facility is reasonable (see discussion in next paragraph).

In the case of coating operations, an increase in the VOC emissions or emission rate would most likely be related to increased production. Production increases contributing to emissions or emission rate increases can result from changes in web width, line speed, or hours of operation. However, an increase in hours of operation and changes in line speed and web width that can be accommodated within existing equipment capacity and that do not require capital expenditures are specifically excluded from modification considerations. The maximum web width for any given coating line cannot be increased significantly without installing essentially all new coating equipment. The maximum line speed for a given facility could be increased, although this would require a significant cost for larger fans, larger/faster motors that drive the web, larger over, and higher capacity boilers for the oven. If an increase in the line speed or web width resulted in an increase in the emission rate and if the cost were enough to be considered a capital expenditure, the facility would be considered modified and therefore subject to the standard. It is expected that the BDT level of control can be applied at a reasonable cost to modified magnetic tape coating facilities. The incremental annualized cost of the recommended standards on new typical-size model lines is −$72,800. An additional $231,000 per year could be spent before the incremental cost effectiveness of the recommended level of control is unreasonable (i.e., exceeds $1,200/Mg). This annualized cost is equivalent to about $1.14 million in capital costs, which is about 11 times the capital cost to increase from baseline control to the level of the recommended standards on a new typical-size model line and about 70 percent more than the capital cost to add BDT to an uncontrolled new line. Most existing lines have at least the baseline level of control. The capital cost to add BDT control to these lines is not expected to exceed 11 times the cost to control a new line. Therefore, the cost of the proposed standard is expected to be reasonable for modified facilities.

Reconstruction is defined as the replacement of components of an existing facility to the extent that the fixed capital cost of the new components is greater than 50 percent of the fixed capital cost of a comparable entirely new facility and that compliance with the standard is technically and economically feasible. An increase in emission rate need not occur. There appear to be few, if any, circumstances that would cause the relatively small storage tanks (less that 75 m^3) used by magnetic tape coaters to fall under the reconstruction provisions. Because associated support structures (e.g., frames, housing) are not part of the tank, replacement of such structures would not constitute reconstruction.

Replacement of a single piece of mix preparation equipment or the oven is unlikely to constitute 50 percent of the total installed cost of a comparable entire new magnetic tape coating operation with associated mix equipment. However, if several of the above units are replaced at the same time, the facility may become subject to the reconstruction provisions. Replacement of the coater could, in some cases, be considered a reconstruction. Although these changes are not expected, the costs for implementation of the proposed standards for reconstructed coating operations with associated mix equipment are reasonable.

I. Monitoring Requirements

Section 114(a) authorizes EPA to require sources to maintain, test, keep records, and make reports. Monitoring requirements are included in the proposed standard to ensure good operation and maintenance of the control device and to ensure that emission control requirements are met. Monitoring procedures for the proposed standard were chosen based on three factors: Reasonable cost, ease of execution, and utility of the resulting data to both the owners or operators and EPA for assuring continued proper operation. During the performance test, continuous control system monitoring readings would be taken. After the performance test, records of all continuous monitoring data must be maintained in accordance with the General Provisions (40 CFR 60.13).

1. Solvent Use

For affected facilities using less than 38 75 m^3 of solvent/yr, the plant would monitor and maintain records of the amount of solvent delivered to the mix preparation equipment of an affected coating line for the manufacture of magnetic tape. The plant would also make biannual estimates of projected annual solvent use. These estimates are required to ensure installation of proper controls by the time line solvent use exceeds the cutoff, so that the line in not operating out of compliance at any time.

2. Storage Tanks and Mix Preparation Equipment

There would be no monitoring requirements for any affected storage tank or mix vessel.

3. Coating Operation

a. *Liquid material balance.* For plants with only one coating line and only the coating operation is vented to a carbon adsorber, control would be determined by calculating the percent reduction based on the amount of VOC contained in each coating and the amount of VOC recovered by the device. These data would be used to calculate the recovery efficiency. There are no monitoring requirements for the situation because continuous compliance is demonstrated by a liquid material balance each and every month (see Section J.1).

b. *Carbon adsorption control.* Plants that install carbon adsorbers and do not monitor the monthly liquid material balance would be required to record continuously the VOC concentration from the carbon adsorber or the concentration in both the inlet and outlet gas streams. If the second monitoring option is selected, the concentration measurements would be used to determine carbon adsorber control efficiency. The purpose of the monitoring is to indicate the status of operation and maintenance practices for the carbon adsorber, not to determine the exact outlet emissions. Monitors for these types of continuous VOC concentration measurement typically cost about $5,000 and $20,000, respectively. A recording device would also be installed so that a record of the measurements is produced.

c. *Incineration control systems.* All plants controlled by an incinerator would be required to monitor continuously the temperature of the combustion gases to ensure that the incinerator continues to operate under the same conditions as it did during the performance test. A temperature drop below a given value would be an indication of improper incinerator operation. For thermal incinerators, the combustion gas temperature would be monitored and recorded. If the combustion device is a catalytic incinerator, the gas temperature upstream and downstream of the catalyst bed would be monitored and recorded. Temperature monitoring equipment is usually a standard feature on most incinerators. For this reason, the requirement to monitor temperature should not be an additional cost burden on the industry. However, if the measurement equipment has to be acquired separately, the cost to purchase and install an accurate temperature measurement device and recorder is estimated at $1,200.

d. *Condensation systems.* If VOC emissions from an affected coating operation are recovered by a condenser, the temperature of the exhaust stream would be continuously monitored to ensure that it continues to operate under the same conditions as it did during the performance test. A monitor for continuous temperature measurements typically costs about $1,200.

e. *Total enclosure.* Any affected coating operation that uses a total enclosure to capture the VOC emissions from the application/flashoff area would operate a monitoring device that continuously indicates that the ventilation system of the total enclosure is operating properly. Examples of such devices include fan amperage meters, concentration trend indicators, pressure sensors to measure absolute pressure in the enclosure, and airflow meters. The capital cost of such monitors is less than $1,500.

f. *Equipment alternative.* Any affected coating operation that is complying with the standard by ducting the oven emissions and the coating operation emissions captured by a total enclosure to a 95 percent efficient control device (rather than complying with the percent reduction format) would operate continuous total enclosure and control device monitors as described above.

g. *Low-solvent coating alternative.* If an affected facility complies with the standard by using a low-solvent coating, the average VOC content of the coating would be determined each month by use of Reference Method 24.

J. Compliance Test Methods

Compliance test methods are being specified that will verify that a facility complies with the standard. Because compliance can be achieved in a variety of ways, several compliance tests are required.

1. Recovery Device for Single Coating Operation

The compliance of a facility using a recovery device (adsorber or condenser) to control a single coating operation would be demonstrated by comparing the VOC content of the coating used to the volume of VOC recovered. The owner or operator would be required to monitor continuously the amount of coating applied over each and every 1-month period. The volume of coating applied would be measured directly with a flow meter or indirectly with a wet or dry coating thickness meter. Reference Method 24, "Determination of Volatile Matter Content, Water Content, Density, Volume Solids, and Weight Solids of Surface Coatings," would be used to determine the VOC content in each of the applied coatings. The mass of solvent recovered by the control device for the 1-month test period would be determined by weight or volume-density measurements. The overall average emission reduction could then be determined by comparing the mass of VOC in the coatings to the mass of VOC recovered over the 1-month period.

The cost of the compliance evaluation is reasonable. A coating analysis by Reference Method 24 is estimated at $100 to $300 per coating sample. Because the requisite analytical equipment is standard laboratory apparatus, no additional purchasing costs are expected. The cost of measuring the amount of coating applied and VOC recovered should be minimal. Collection of part of these data is already part of normal operating practice in this industry. If existing plant procedures are not adequate to monitor accurately the volume of recovered organic solvent, suitable equipment would be installed; the cost of a liquid weight device is about $700.

2. Multiple Emission Sources Ducted to a Single Control Device

If the VOC emissions from an affected coating operation and emissions from other sources such as existing lines or mix preparation equipment are ducted to the same control device, then the amount of VOC in the coating applied and the amount of VOC recovered (or the amount of VOC emitted to the atmosphere) would be proportioned among all emission sources. There are two methods by which the percent reduction that is achieved could be demonstrated: (1) Gaseous VOC material balance and (2) liquid VOC material balance.

a. *Gaseous material balance.* To determine the total amount of VOC in the coating applied by gaseous material balance, the mass of all gaseous VOC, as carbon, would be measured from all emission sources at the coating operation, including those vented directly to the atmosphere and those ducted to the control device. To do so, a total enclosure would be constructed around the coating application/flashoff area for the purpose of containing for measurement all VOC emissions that occur in that area during the compliance test. If a permanent total enclosure exists prior to the compliance test and the enforcing agency is satisfied that the enclosure is capturing all fugitive emissions, the construction of a temporary enclosure would not be necessary. Otherwise, prior to the compliance test, the owner or operator would construct a temporary enclosure with a suitable testing stack around the coating applicator/flashoff area.

Reference Methods 1, 1A, 2, 2A, 2C, 2D, 3, 4, and 25A would then be used (as appropriate) to determine the sampling location, volumetric flow rate, molecular weight, moisture content, and mass of VOC (as carbon) from the total enclosure, from any other capture system within the enclosure, from the drying oven, and across the control device. Gaseous emission measurements should be continuous and simultaneous. Reference Methods 2 to 4 should be performed at least twice during the test period. Test runs should last 0.5 to 3 hours, depending on operations at the plant. The total time required for one complete compliance test is estimated at 24 hours at an estimated cost of $6,000 to $10,000 for each vent measured.

To determine if the control system complies with the standard, the gaseous VOC emissions exiting the control device attributable to the coating operation would be calculated using the ratio of gaseous emissions measurements of feed to the recovery device from the coating operation to the total emissions entering the device from all sources. The product of this ratio and the total VOC discharged by the control device yields the gaseous emissions attributable to the coating operation alone. The efficiency of the control system would be determined by subtracting the VOC emissions due to the coating operation that are exiting the control device from the VOC emissions due to the coating operation that are entering the incinerator. The result of this calculation would be divided by the total VOC emissions from the affected coating operations to yield the control system efficiency.

During the compliance test, the control device monitors would be operated continuously to establish (a) baseline value(s) that would be subsequently monitored to ensure proper operation and maintenance.

b. *Liquid material balance requiring apportionment by gaseous emission testing.* For control systems that recover organics, it would be possible to determine the recovery efficiency with a liquid material balance. The amount of the VOC in the applied coating at the affected coating operation during a month is determined by Reference Method 24, as discussed in Section J.1. The total amount of VOC recovered during a month is determined as described in Section J.1. The amount of VOC recovered from the affected coating operation would be proportional to the gaseous emissions entering the adsorber from the affected coating operation. The ratio of gaseous emissions from the coating operation to the total gaseous emissions entering the control device would be determined from the gaseous emissions tests described above. This ratio would be multiplied by the total amount of VOC recovered to yield the amount attributable to the affected coating operation. The average efficiency of recovery from the coating operation would then be calculated.

c. *Solicitation of comments.* It is recognized that at most magnetic tape coating facilities VOC emissions from an affected coating operation would be controlled along with VOC emissions from other sources such as the mix room and nonaffected operations. Carbon adsorbers are the most common control device used in this industry. Thus, the compliance test described in Section J.2.b. could be the test usually conducted as a result of the proposed NSPS. The rate of VOC emissions from an affected coating operation relative to the total entering the control device is determined from a short-term gaseous stack test. This ratio is then applied to the total mass of liquid solvent recovered during 1 month. Based on current available information, the Agency believes that this ratio varies from day to day or from coating run to coating run. Because its magnitude is needed to compute the amount of solvent recovered from the affected facility, the precision of the computation of the overall VOC emission reduction on a 1-month basis may be suspect. Commenters input on how the ratio fluctuates over time and on a possible way to determine the amount of recovered solvent without the use of the ratio is solicited. A cost-effective solution to this dilemma may result in a more flexible standard without sacrificing environmental benefits.

d. *Multiple affected facilities.* The situation may occur in which the VOC emissions from more than one affected coating operation are vented through the same duct to a control device that is also controlling emissions from nonaffected sources. In this case, the combined affected coating operations could be considered as a single emission source, and the test methods described in Sections J.2.a. and J.2.b. could be used to demonstrate that the combination of these sources is in compliance with the requirement for 93 percent control of the VOC emissions.

3. Alternative Means of Compliance for Coating Operations

An alternative means of compliance would be the installation and proper use of a total enclosure on the coating application/flashoff area. Emissions from the total enclosure and oven would be ducted to a control device that is at least 95 percent efficient. The compliance test would require that the efficiency of the control device be determined. The use of adsorbers and incinerators would require that the concentration of VOC (as carbon) in the control device inlet and outlet be measured by Reference Method 25A. The results of this test combined with those of Reference Methods 1 through 4 yield the mass of VOC (as carbon) entering and exiting the control device. The efficiency of the device can be calculated from these data. For condensation systems, a liquid material balance would be performed as described in Section J.1. and J.2.b.

Another alternative means of compliance for the coating operation would be the use of low-solvent coatings. The average solvent content of the coatings in each and every 1-month period must not exceed 0.20 kg per liter of coating solids applied. Reference Method 24 would be used to determine the average solvent content in the coating, as discussed in Section J.1.

4. Control of Mix Preparation Equipment

The efficiency of the device controlling emissions from the mix equipment must be at least 95 percent. The compliance test for the control device would be the same as discussed in Section J.3.

K. Reporting and Recordkeeping Requirements

Section 114(a) authorizes EPA to require sources to monitor, test, keep records, and make reports. The proposed standard would require the preparation of three types of reports. First, the General Provisions (Subpart A of 40 CFR Part 60) would require notification reports, which inform the Agency of facilities subject to the NSPS. These reports include notification of construction, anticipated and actual startup dates, and physical or operational changes. Second, reports of performance test results of the emission control systems would be required. These reports show whether a facility is initially meeting the level of the standard. Third, semiannual reports would be required showing that the facility continues to meet the standard.

Because each solvent storage tank has been defined as a separate affected facility, the situation could occur in which a storage tank (or several tanks) is the only affected facility being constructed at one time at a plant. In this situation, all of the reporting requirements of the General Provisions would be too burdensome relative to the

small emission reduction. Therefore, in this situation, the owner or operator of the affected storage tank(s) would be exempt from all of the General Provisions reporting requirements except the notification of actual startup. Included in this report would be the documentation of the installation of pressure relief valves certified by the manufacturer to have a gauge pressure setting at least 103 kPa. This single requirement would ensure that EPA is aware of all affected storage tanks and that they are in compliance with the proposed standard. If affected storage tanks are constructed at the same time as an affected coating operation with associated mix equipment, then the tanks would be included in all of the notification requirements of the other affected facility.

If the owner or operator of a plant claims that an affected coating operation with associated mix equipment is below the size cutoff and, thus, would not be subject to the control requirements, a copy of a material flow chart indicating projected solvent use would be submitted with the notification reports. At the end of the initial year, the actual solvent use records would be reviewed for verification of this projected solvent use. If the initial annual solvent use is less than 38 m^3, biannual estimates of projected solvent use would be made in subsequent years, and actual solvent use records woule be kept. When a projected or actual solvent use exceeds 38 m^3/yr, this fact would be included in the semiannual report. A control system must be installed and operating by the time the size cutoff is exceeded.

The only recordkeeping requirements for the installation of pressure relief valves on the solvent storage tanks would be the retention of the manufacturer's documentation of the specified pressure setting.

Semiannual reports would contain information on only those periods of operation during which the monitoring parameter boundaries established during the most recent performance test are exceeded. The following paragraphs describe these boundaries.

For affected coating operations and associated mix equipment controlled by adsorbers, reports would be submitted for all 3-hour periods during which: (1) The average concentration of VOC in the carbon adsorber exhaust gases indicated by the continuous monitoring system of exhaust gas concentration is 20 percent greater than the baseline concentration (the average concentration monitored during the most recent performance test demonstrating compliance) or (2) the bed efficiency as determined by continuous inlet and outlet gas monitoring is less than 95 percent. For affected coating operations and associated mix equipment controlled by a condenser, a report would be submitted for all 3-hour periods during which the average process exhaust gas temperature from the condenser is 5°C more than the baseline temperature. For coating operations and associated mix equipment controlled by thermal incenerators, a report would be submitted for all 3-hour periods of operation during which average combustion gas temperature is more than 28°C less than the average during the most recent performance test. For coating operations and associated mix equipment controlled by catalytic incinerators, a report would be submitted for any 3-hour period during which the average temperature immediately before the catalyst bed is more than 28°C (50°F) less than the average during the most recent performance test or when the average temperature gradient across the catalyst bed is less than 80 percent of that measured during the most recent performance test.

For plants that have only one coating line and only the coating operation is ducted to a solvent recovery device, records of the monthly average VOC content of the coating applied, VOC recovered, and percent emission reduction would be maintained. The semiannual report would cite only those months for which an average percent reduction of 93 percent was not achieved.

Affected coating operations with associated mix equipment complying with the standard by using a low-solvent coating would maintain records of the average VOC content of the coatings over a 1-month period. The semiannual report would contain only data for average VOC contents greater than 0.20 kg VOC/l coating solids.

The respondent group subject to the reporting requirements of the proposed standards would be owners or operators of plants which manufacture magnetic tape. It is estimated that through the fifth year after proposal of the standard approximately 21 new sources will be built.

V. Administrative Requirements

A. Public Hearing

A public hearing will be held, if requested, to discuss the proposed standards in accordance with section 307(d)(5) of the Clean Air Act. Persons wishing to make oral presentations should contact EPA at the address given in the **"ADDRESSES"** section of this preamble. Oral presentations will be limited to 15 minutes each. Any member of the public may file a written statement with EPA before, during, or within 30 days after the hearing. Written statements should be addressed to the Central Docket Section address given in the **"ADDRESS"** section of this preamble.

A verbatim transcript of the hearing and written statements will be available for public inspection and copying during normal working hours at EPA's Central Docket Section in Washington, DC (see **"ADDRESSES"** section of this preamble).

B. Docket

The docket is an organized and complete file of all the information submitted to or otherwise considered by EPA in the development of this proposed rulemaking. The principal purposes of the docket are: (1) To allow interested parties to identify and locate documents so that they can effectively participate in the rulemaking process and (2) to serve as the record in case of judicial review (except for interagency review materials [section 307(d)(7)(A)]).

C. Clean Air Act Procedural Requirements

1. Administrator Listing—Section 111

As prescribed by Section 111 of the Clean Air Act, as amended, establishment of standards of performance for the magnetic tape manufacturing industry was preceded by the Administrator's determination (40 CFR 60.16 44 FR 49222, dated August 21, 1979) that industrial paper coating sources contribute significantly to air pollution which may reasonably be anticipated to endanger public health or welfare.

2. Periodic Review—Section 111

This regulation will be reviewed 4 years from the date of promulgation as required by the Clean Air Act. This review will include an assessment of such factors as the need for integration with other programs, the existence of alternative methods, enforceability, improvements in emission control technology, and reporting requirements.

3. External Participation—Section 117

In accordance with section 117 of the Act, publication of this proposal was preceded by consultation with appropriate advisory committees, independent experts, and Federal departments and agencies. In addition, numerous meetings were held with industry representatives during development of the proposed standards. the Administrator will welcome

comments on all aspects of the proposed regulation, including economic and technological issues.

4. Economic Impact Assessment—Section 317

Section 317 of the Clean Air Act requires the Administrator to prepare an economic impact assessment for any new source standard of performance promulgated under section 111(b) of the Act. An economic impact assessment was prepared for the proposed regulations and for other regulatory alternatives. All aspects of the assessment were considered in the formulation of the proposed standards to ensure that the proposed standards would represent the best system of emission reduction considering costs. The economic impact assessment is included in the BID.

D. Office of Management and Budget Reviews

1. Paperwork Reduction Act

The information collection requirements in this proposed rule have been submitted for approval to the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* Comments on these requirements should be submitted to the Office of Information and Regulatory Affairs of OMB, marked "Attention: Desk Officer for EPA," as well as to EPA. The final rule will respond to any OMB or public comments on the information collection requirements.

There are no reporting requirements by other governmental agencies for the information required by these proposed standards which would result in overlapping requirements. In particular, there is no overlap with the reporting requirements of the Superfund program. The Superfund program was established in 1980 by the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, Pub. L. 96–510) and authorizes the Federal government to respond directly to releases (or threatened releases) of hazardous substances and pollutants or contaminants to any media that may endanger public health or welfare. Under the notification and liability provisions of section 103 (see 48 FR 23552, May 25, 1983), CERCLA requires that persons in charge of vessels or facilities from which hazardous substances have been released in quantities that are equal to or greater than the reportable quantities immediately notify the National Response Center of the release (800–424–8802; in Washington, DC, metropolitan area 202–426–2675). However, air releases which qualify as Federally permitted releases, such as VOC emissions that are regulated under Section 111 of the Clean Air Act, are not subject to the notification or liability provisions of CERCLA unless the air releases are in excess of the allowable NSPS emissions by an amount equal to or greater than the reportable quantity; in this case, persons in charge must report the excess air releases to the National Response Center. (Reporting under CERCLA does not excuse the persons in charge from any responsibility, including reporting, or liability under the NSPS program.)

2. Executive Order 12291 Review

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This proposed regulation is not major because it would result in none of the adverse economic effects set forth in Section 1 of the Order as grounds for finding a regulation to be major. Assuming the most costly control device is installed on all new lines, the industrywide annualized costs in the fifth year after the standards would go into effect would be $3.3 million, less than the $100 million established as the first criterion for a major regulation in the Order. No increase in retail price is expected as a result of the proposed standards; therefore, it would not be considered a "major increase in costs or prices" as specified in the second criterion in the Order. The economic analysis of the proposed standards' effect on the industry did not indicate any significant adverse effects on competition, investment, productivity, employment, innovation, or the ability of U.S. firms to compete with foreign firms (the third criterion in the Order.)

This regulation was submitted to the OMB for review as required by Executive Order 12291. Any written comments from OMB to EPA and any EPA responses to those comments will be included in Docket No. A–82–45. This docket is available for public inspection at EPA's Central Docket Section, which is listed under the ADDRESSES section of this notice.

E. Regulatory Flexibility Act Compliance

The Regulatory Flexibility Act (Pub. L. 96–354, September 1980) requires that the economic impact assessment determine whether the regulation is likely to have a significant impact on small businesses and whether a substantial number of small businesses will experience significant impacts. Although 5 of the 23 firms (20 percent) in the magnetic tape manufacturing industry probably have 500 or fewer employees and are therefore considered small businesses as defined by the Small Business Administration, the economic impact of the NSPS with respect to firm size tends to be neutral and very small and/or insignificant. In all cases, the capital costs of new firms, whether large or small, will increase because of the NSPS requirements; however, the capital cost of the pollution control equipment will be a small fraction (less than 20 percent) of the total capital expenditure. Furthermore, the greatest increase in the annualized cost attributable to the NSPS is less than 1 percent of the estimated gross revenue for either small or large firms. Whereas the annualized control costs of small coating lines tend to be greater than those for the larger lines, plant or firm size is more likely to be related to the number and not the size of the lines. Therefore, many of the small plants or firms with a few large coating lines may actually have lower annualized control costs than some of the larger plants or firms.

In summary, the economic impact of the NSPS will tend to be neutral with respect to the size of the firm. Overall, the NSPS will have an insignificant impact on production costs or product prices. Rather than increasing production costs, the NSPS may actually result in lower production costs and product prices because of increased solvent recovery.

Therefore, pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this rule, if promulgated, will not have a significant economic impact on a substantial number of small business entities because the economic impact of the proposed rule is not significant and the differential economic impact on small and large firms is neutral and insignificant.

List of Subjects in 40 CFR Part 60

Air pollution control, incorporation by reference, Intergovernmental relations, Magnetic tape manufacturing (SIC codes 3679, 3573), Reporting and recordkeeping requirements.

Dated: January 12, 1986.

Lee M. Thomas,

Administrator.

PART 60—[AMENDED]

40 CFR Part 60 is amended as follows:

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

Authority: Secs. 101, 111, 114, 116, 301, Clean Air Act as amended (42 U.S.C. 7401, 7411, 7414, 7416, 7601).

2. By adding a new Subpart SSS as follows:

Subpart SSS—Standards of Performance for Magnetic Tape Coating Facilities

Sec.

60.710 Applicability and designation of affected facility.
60.711 Definitions and symbols.
60.712 Standards for volatile organic compounds.
60.713 Compliance provisions.
60.714 Installation of monitoring devices and recordkeeping.
60.715 Test methods and procedures.
60.716 Permission to use alternative means of emission limitation.
60.717 Reporting and monitoring requirements.

Subpart SSS—Standards of Performance for Magnetic Tape Coating Facilities

§ 60.710 Applicability and designation of affected facility.

(a) The affected facilities to which the provisions of this subpart apply are:

(1) Each coating operation and associated coating mix preparation equipment; and

(2) Each solvent storage tank less than 75 m^3 in capacity for which construction commences on or after (the date of publication of the final rule in the **Federal Register** and that supplies solvent to the coating mix preparation equipment.

(b) Any affected coating operation with associated coating mix preparation equipment that utilizes less than 38 m^3 of solvent for the manufacture of magnetic tape per 12-month period is subject only to the requirements of § 60.714(a), § 60.717(b), and § 60.717(c)(3). If the amount of solvent utilized for the manufacture of magnetic tape is 38 m^3 or greater per 12-month period, the facility is subject to § 60.712 and all other sections of this subpart. Once a facility has become subject to § 60.712 and all other sections of this subpart, it will remain subject to those requirements regardless of changes in annual solvent utilization.

(c) This subpart applies to any affected facility for which construction, modification, or reconstruction begins after (date of publication of the final rule in the **Federal Register**).

§ 60.711 Definitions and symbols.

(a) All terms used in this subpart not defined below have the meaning given to them in the Act and in Subpart A of this part.

(1) "Associated coating mix preparation equipment" means all coating mix preparation equipment that supplies coating to an affected coating operation.

(2) "Base film" means the substrate that is coated to produce magnetic tape.

(3) "Coating applicator" means any apparatus used to apply a coating to a continuous base film.

(4) "Coating mix preparation equipment" means all mills, mixers, holding tanks, polishing tanks, and other equipment used in the preparation of the magnetic coating formulation but does not include those mills that generate no VOC emissions because they are closed, permanently sealed, and operated under pressure.

(5) "Coating operation" means any coating applicator, flashoff area, and drying oven located between a base film unwind station and a base film rewind station that coats a continuous base film to produce magnetic tape.

(6) "Common emission control device" means a control device controlling emissions from the coating operation as well as from another emission source within the facility.

(7) "Drying oven" means a chamber which uses heat to bake, cure, polymerize, or dry a surface coating.

(8) "Flashoff area" means the portion of a coating operation between the coating applicator and the drying oven where solvent begins to evaporate from the coated base film.

(9) "Magnetic tape" means any flexible substrate that is covered on one or both sides with a coating containing magnetic particles and that is used for audio or video recording or computer information storage.

(10) "Nominal 1-month period" means either a calendar month, 30-day month, accounting month, or similar monthly time period that is established prior to the performance test (i.e., in a statement submitted with notification of anticipated actual startup pursuant to 40 CFR 60.7(2)).

(11) "Pressure relief valve" means a valve that is designed to maintain a specific internal tank pressure and to relieve excess pressure above the specified setting to protect a tank.

(12) "Solvent storage tank" means any tank, vessel, or container used for the storage of liquid VOC's used in the manufacture of magnetic tape.

(13) "Total enclosure" means a structure or building around the coater applicator/flashoff area or the entire coating operation for the purpose of confining and totally capturing VOC emissions for delivery to a control device.

(14) "Utilized" means the amount of solvent delivered from the solvent storage tanks to the coating mix preparation equipment of the affected facility.

(15) "VOC in the applied coating" means the product of Reference Method 24 VOC analyses or formulation data and the total volume of coating fed to the coater.

(16) "Volatile organic compound (VOC)" means any organic compound measured by Methods 24 and 25A.

(b) The nomenclature used in this subpart has the following meaning:

(1) "a" means the gas stream exiting the emission control device.

(2) "b" means the gas stream entering the emission control device.

(3) "C_{aj}" means the concentration of VOC (carbon equivalent) in each gas stream (j) exiting the emission control device, in parts per million by volume.

(4) "C_{bi}" means the concentration of VOC (carbon equivalent) in the gas stream in each inlet (i) to the emission control device, in parts per million by volume.

(5) "C_{di}" means the concentration of VOC (carbon equivalent) in each gas stream (i) entering the emission control device from the affected coating operation, in parts per million by volume.

(6) "C_{fk}" means the concentration of VOC (carbon equivalent) in each uncontrolled gas stream (k) emitted directly to the atmosphere from the affected coating operation, in parts per million by volume.

(7) "E" means the control device efficiency achieved for the duration of the emission test [expressed as a fraction].

(8) "F" means the VOC emission capture efficiency of the vapor capture system achieved for the duration of the emission test [expressed as a fraction].

(9) "G" means the calculated weighted average mass in kilograms (kg) of VOC per volume in liters (l) of coating solids applied each nominal 1-month period.

(10) "L_{si}" means the volume fraction of solids in each coating (i) applied during a nominal 1-month period as determined from the facility's formulation records.

(11) "M_{ci}" means the total mass (kg) of each coating (i) applied at an affected coating operation during a nominal 1-month period as determined from facility records.

(12) "M_r" means the total mass (kg) of VOC recovered for a nominal 1-month period.

(13) "P" means the mass fraction of VOC recovered or destroyed during the emission test performed with Method 25A described in § 60.715(a)(2) that is attributable to the coating operation of an affected facility.

(14) "Q_{aj}" means the volumetric flow rate of each gas stream (j) exiting the emission control device, in dry standard cubic meters per hour.

(15) "Q_{bi}" means the volumetric flow rate of the gas stream in each inlet (i) to the emission control device, in dry standard cubic meters per hour.

(16) "Q_{di}" means the volumetric flow rate of each gas stream (i) entering the emission control device from the affected coating operation, in dry standard cubic meters per hour.

(17) "Q_{fk}" means the volumetric flow rate of each uncontrolled gas stream (k) emitted directly to the atmosphere from the affected coating operation, in dry standard cubic meters per hour.

(18) "R" means the overall VOC emission reduction achieved for the duration of the emission test [in percent].

(19) "V_{ci}" means the total volume in liters (l) of each coating (i) applied during the nominal 1-month period as determined from facility records.

(20) "W_{oi}" means the weight fraction of VOC in each coating (i) applied at an affected coating operation during a nominal 1-month period as determined by Reference Method 24.

§ 60.712 Standards for volatile organic compounds.

Each owner or operator of any affected facility which is subject to the requirements of this subpart shall comply with the emissions limitations set forth in this section on and after the date on which the initial performance test, required by § 60.8, is completed, but not later than 60 days after achieving the maximum production rate at which the affected facility will be operated, or 180 days after initial startup, whichever date comes first. Each owner or operator shall:

(a) Control emissions from the coating operation by recovering or destroying at least 93 percent of the VOC content of the coating applied at the coating applicator;

(b) Control emissions from the coating mix preparation equipment by capturing and venting all VOC emissions to a 95 percent efficient control device;

(c) Control emissions from each solvent storage tank that is less than 75 m^3 in capacity and that commences construction on or after (date of publication of the final rule in the **Federal Register**) by the following means:

(1) Each tank shall be equipped with and filled from a submerged fill pipe; and

(2) Install pressure relief valves with a gauge pressure setting of at least 103 kPa; or

(3) Capture and vent all emissions to a 95 percent efficient control device.

(d) Use a coating that contains a maximum of 0.20 kg VOC per liter of coating solids as calculated on a weighted average basis for a nominal 1-month period instead of complying with § 60.712 (a) and (b).

§ 60.713 Compliance provisions.

(a) To determine compliance with § 60.712(a) when emissions from only the affected coating operation are controlled by a solvent recovery device, each owner or operator of the affected coating operation shall perform a liquid-liquid VOC material balance over each and every nominal 1-month period using the following methods:

(1) Measure the amount of coating applied at the coating applicator;

(2) Determine the VOC content of all coatings applied using the reference test method specified in § 60.715(a);

(3) Install, calibrate, maintain, and operate a device that indicates the cumulative amount of VOC recovered by the device over each nominal 1-month period. The device shall be certified by the manufacturer to be accurate within 2.0 percent;

(4) Measure the amount of VOC recovered; and

(5) Calculate the overall VOC emission reduction using the following equation:

$$R = \frac{M_r}{\sum_{i=1}^{n} W_{oi} M_{ci}} \times 100 \qquad \text{(Equation 1)}$$

If the R value is equal to or greater than 93 percent, then compliance with § 60.712(a) is demonstrated.

(b) To determine compliance with § 60.712(a) when the emissions from only the affected coating operation are controlled by an incinerator, each owner or operator of the affected coating operation shall perform a gaseous emissions test using the following procedures:

(1) Construct the overall VOC emission reduction system so that all volumetric flow rates and total VOC emissions can be accurately determined by the applicable test methods and procedures specified in § 60.715 (b) through (g);

(2) Determine capture efficiency from a coating operation by capturing and venting all VOC emissions from the operation through stacks suitable for measurement. During a performance test, the owner or operator of an affected coating operation located in an area with other sources of VOC shall isolate the coating operation emissions from all other sources of VOC. If a permanent total enclosure exists in the affected facility prior to the test and the Administrator is satisfied that the enclosure is totally capturing VOC emissions from the coating operation, then no additional total enclosure will be required. If a permanent enclosure does not already exist, then one of the following methods must be used:

(i) Build a permanent enclosure around the affected coating operation; or

(ii) Build a temporary enclosure around the affected coating operation and approximate the ventilation conditions expected to be in effect when the affected facility is not enclosed. (The number of air changes per hour in the vicinity of the coating operation shall be duplicated in the enclosure); or

(iii) Shut down all other sources of VOC and continue to exhaust fugitive emissions from the affected coating operation through any building ventilation system and other room exhausts such as drying ovens. All ventilation air must be vented through stacks suitable for testing.

(3) Determine the efficiency of the control device by the following equation:

$$E = \frac{\sum_{i=1}^{n} Q_{bi}C_{bi} - \sum_{j=1}^{n} Q_{aj}C_{aj}}{\sum_{i=1}^{n} Q_{bi}C_{bi}} \qquad \text{(Equation 2)}$$

(4) Determine the efficiency of the vapor capture system by the following equation:

$$F = \frac{\sum_{i=1}^{n} Q_{di}C_{di}}{\sum_{i=1}^{n} Q_{di}C_{di} + \sum_{k=1}^{p} Q_{fk}C_{fk}} \qquad \text{(Equation 3)}$$

For each affected coating operation, compliance with § 60.712(a) is demonstrated if the product of (E) x (F) is equal to or greater than 0.93.

(c) To determine compliance with § 60.712(a) when a common emission control device is used to control emissions from an affected coating operation as well as from other sources of VOC, the owner or operator shall determine the VOC emission reduction for the affected coating operation by one of the following procedures:

(1) Owners or operators of a solvent recovery device may perform a liquid material balance using the following procedures to determine the percent reduction:

(i) Determine the amount of VOC in the coating applied and the amount of VOC recovered as discussed under § 60.714(b) (1) through (5);

(ii) Construct the overall VOC emission reduction system so that all volumetric flow rates and total VOC emissions can be accurately determined by the applicable test methods and procedures specified in § 60.715;

(iii) Operate the solvent recovery device with all emission sources connected;

(iv) Determine the gaseous emissions by measuring the concentration of VOC (in parts per million by volume) and the volumetric flow rate from each emission source vented to the common control device. The proportion of the recovered VOC attributable to the affected coating operation alone is determined by the following equation:

$$P = \frac{\sum_{i=1}^{n} Q_{di}C_{di}}{\sum_{i=1}^{n} Q_{bi}C_{bi}} \qquad \text{(Equation 4)}$$

(v) Determine compliance for the affected coating operation for a nominal 1-month period by the following equation, where P is determined by Equation 4 from the results of the short-term emission test:

$$R = \frac{(P)(M_r)}{\sum_{i=1}^{n} W_{oi}M_{ci}} \times 100 \qquad \text{(Equation 5)}$$

If the R value is equal to or greater than 93 percent, then compliance with § 60.712(a) is demonstrated; or

(2) The owners or operators of solvent recovery or solvent destruction devices may perform a gaseous emissions material balance using the following procedures:

(i) Construct the overall VOC emission reduction system so that each volumetric flow rate and the total VOC emissions can be accurately determined by the applicable test methods and procedures specified in § 60.715 (b) through (g);

(ii) Assure that all VOC emissions from the coating operation are segregated from other VOC sources and that the emissions can be captured for measurement, as described in § 60.713(b)(2) (i) through (iii);

(iii) Operate the emission control device with all emission sources connected;

(iv) Determine the efficiency of the control device by Equation (2);

(v) Determine the efficiency of the vapor capture system by Equation (3);

(vi) For the affected coating operation, compliance with § 60.712(a) is demonstrated if the product of (E) x (F) is equal to or greater than 0.93.

(d) To determine compliance with § 60.712(a) when the VOC emissions from more than one affected coating operation are vented through the same duct to a control device also controlling emissions from nonaffected sources and the emissions from the nonaffected sources are vented separately from the affected coating operations, the owner or operator may:

(1) Consider the combined affected coating operations as a single emission source, and

(2) Conduct a compliance test on this single source by the methods described in paragraph (c) of this section.

(e) Startups and shutdowns are normal operation for this source category. Emissions from these operations are to be included when determining if the standard specified in § 60.712(a) is being attained.

(f) An alternative method of demonstrating compliance with § 60.712(a) is the installation of a total enclosure approved by the Administrator on the applicator/flashoff area and the ventilation of all VOC emissions from the total enclosure and the drying oven to a control device that is at least 95 percent efficient. If this alternative is selected, the compliance test methods described in § 60.713 (a), (b), and (c) are not required. Instead, each owner or operator of an affected coating operation shall determine the

control device efficiency using Equation (2) and the test methods and procedures specified in § 60.715. If the value of E is equal to or greater than 0.95, compliance is demonstrated.

(g) To determine compliance with § 60.712(b), each owner or operator of affected coating mix preparation equipment shall demonstrate to the satisfaction of the Administrator that all VOC emissions are vented to the control device. The control device efficiency is determined using Equation (2) and the test methods and procedures specified in § 60.715. If the value of E is equal to or greater than 0.95, then compliance is demonstrated.

(h) To determine compliance with § 60.712(c), each owner or operator of affected solvent storage tanks shall demonstrate that the pressure relief valves have been installed and are certified by the manufacturer to have a gauge pressure setting of at least 103 kPa. This documentation may be supplied as part of the notification requirement specified in § 60.717(e).

(i) To determine compliance with § 60.712(d), each owner or operator of an affected facility shall determine the weighted average mass of VOC contained in the coating per volume of coating solids applied for each nominal 1-month period according to the following procedures:

(1) Determine the weight fraction of organics in each coating applied using Reference Method 24 as specified in § 60.715(a);

(2) Determine the volume of coating solids in each coating applied from the facility records;

(3) Compute the weighted average by the following equation:

$$G = \frac{\sum_{i=1}^{n} W_{oi} M_{ci}}{\sum_{i=1}^{n} L_{si} V_{ci}} \qquad \text{(Equation 6)}$$

(4) For each affected facility where the value of G is less than or equal to 0.20 kg VOC per liter of coating solids applied, the facility is in compliance.

(j) If a control device other than a carbon adsorber, condenser, or incinerator is used to control emissions from an affected facility, then the necessary operating specifications for that device must be obtained from the Administrator. An example of such a device is a flare.

§ 60.714 Installation of monitoring devices and recordkeeping.

(a) Each owner or operator of an affected coating operation with associated mix equipment utilizing less than 38 m^3 of solvent per year and not operating a control device shall:

(1) Make biannual estimates of the projected annual amount of solvent to be utilized for the manufacture of magnetic tape at the affected facility in that year and maintain records of these estimates; and

(2) Maintain records of actual solvent use.

(b) Each owner or operator demonstrating compliance by the test method described in § 60.713(a) shall maintain records of the following for each nominal 1-month period:

(1) Amount of coating applied at the applicator;

(2) Results of the reference test method specified in § 60.715(a) for determining the VOC content of all coatings applied;

(3) Amount of VOC recovered; and

(4) Calculation of the percent VOC recovered.

(c) Each owner or operator of an affected coating operation with associated mix equipment controlled by a carbon adsorber and demonstrating compliance by the test methods described in § 60.713(c) (1) and (2) shall install, calibrate, maintain, and operate a monitoring device that continuously indicates and records the VOC concentration of either the control device outlet gas stream or of the control device inlet and outlet gas streams. The outlet gas stream would be monitored if the percent increase in VOC emissions is used as the basis for reporting, as described in § 60.717(d)(3). The inlet and outlet gas streams would be monitored if the percent bed efficiency is used as the basis for reporting, as described in § 60.717(d)(4). The monitoring devices shall comply with the following requirements:

(1) The continuous monitoring device shall be installed in locations that are representative of the VOC concentration in the inlet and/or exhaust vents, at least two equivalent stack diameters from the inlet and/or exhaust point, and protected from any interferences due to wind, weather, or other processes; and

(2) The VOC concentration in parts per million by volume in the inlet and/or outlet vents shall be continuously measured and recorded during the performance tests.

(d) Each owner or operator of an affected coating operation with associated mix equipment controlled by a condensation system and demonstrating compliance by the test methods described in § 60.713(c) (1) and (2) shall install, calibrate, maintain, and operate a monitoring device that continuously indicates and records the temperature of the condenser exhaust stream.

(e) Each owner or operator of an affected coating operation with associated mix equipment controlled by a thermal incinerator shall install, calibrate, maintain, and operate a monitoring device which continuously indicates and records the combustion temperature of the incinerator. The monitoring device shall have an accuracy within ±2.5 °C.

(f) Each owner or operator of an affected coating operation with associated mix equipment controlled by a catalytic incinerator shall install, calibrate, maintain, and operate a monitoring device that continuously indicates and records the gas temperature both upstream and downstream of the catalyst bed. The monitoring device shall have an accuracy within ±2.5 °C.

(g) Each owner or operator of an affected coating operation that uses a permanent total enclosure shall install, calibrate, maintain, and operate a monitoring device that continuously indicates that the total enclosure is operating properly and that has been approved by the Administrator. Examples of such devices include fan amperage meters, and pressure sensors to measure absolute pressure in the enclosure, and flow meters in ducts.

(h) Each owner or operator of an affected coating operation with associated mix equipment complying with § 60.712(c) (1) and (2) shall maintain records of the manufacturer's documentation of the required pressure setting of the pressure relief valve.

(i) The owner or operator of an affected coating operation with associated mix equipment shall record time periods of coating operations when an emission control device is not in use.

(j) The owner or operator of an affected coating operation with associated mix equipment complying with § 60.712(d) shall maintain records of the monthly weighted average mass

of VOC contained in the coating per volume of coating solids applied for each coating, as described in § 60.713(i) (1) through (4).

(k) Records of the measurements required in § 60.713 and § 60.714 must be retained for at least 2 years following the date of the measurements.

§ 60.715 Test methods and procedures.

Reference Methods in Appendix A of this part, except as provided under § 60.8(b), shall be used to determine compliance as follows:

(a) Reference Method 24 is used to determine the VOC content in coatings. If it is demonstrated to the satisfaction of the Administrator that plant coating formulation data are equivalent to Reference Method 24 results, then formulation data may be used. In the event of any inconsistency between a Method 24 test and a facility's formulation data, the Method 24 test will govern. For Reference Method 24, the coating sample must be a 1-liter sample taken into a 1-liter container at a point where the sample will be representative of the coating applied to the base film;

(b) Method 25A is used to determine VOC concentration (the calibration gas shall be propane). This method shall consist of three test runs, each lasting a minimum of 30 minutes;

(c) Method 1 or 1A is used for sample and velocity traverses;

(d) Method 2, 2A, 2C, or 2D is used for velocity and volumetric flow rates;

(e) Method 3 is used for gas analysis;

(f) Method 4 is used for stack gas moisture;

(g) Methods 2, 2A, 2C, 2D, 3, and 4 shall be performed, as applicable, at least twice during each test period.

§ 60.716 Permission to use alternative means of emission limitation.

(a) If, in the Administrator's judgment, an alternative means of emission limitation will achieve a reduction in emissions of VOC from any emission point subject to § 60.712 (b) or (c) at least equivalent to that required by § 60.712 (b) or (c), respectively, the Administrator will publish in the **Federal Register** a notice permitting the use of the alternative means. The notice may condition permission on requirements related to the operation and maintenance of the alternative means.

(b) Any notice under paragraph (a) of this section shall be published only after public notice and an opportunity for a public hearing.

(c) Any person seeking permission under this section shall submit either an emission test that accurately collects and measures all VOC emissions from a given control device or an engineering evaluation that accurately determines such emissions.

§ 60.717 Reporting and monitoring requirements.

(a) For all affected coating operations with associated mix equipment subject to compliance with § 60.712 (a) and (b), the compliance test data and results shall be submitted to the Administrator as specified in § 60.8(a) of the General Provisions (40 CFR Part 60, Subpart A).

(b) Each owner or operator of an affected coating operation with associated mix equipment claiming to use less than 38 m^3 of solvent in the first year of operation shall submit to the Administrator, with the notification of projected startup, a material flow chart indicating projected solvent use. The owner or operator shall also submit actual solvent use records at the end of the initial year.

(c) Each owner or operator of an affected coating operation with associated mix equipment initially using less than 38 m^3 of solvent per year shall:

(1) report the first year in which actual annual solvent use exceeds 38 m^3; and

(2) report the first semiannual estimate in which annual solvent use exceeds 38 m^3.

(d) Each owner or operator of an affected coating operation with associated mix equipment shall submit semiannual reports to the Administrator documenting the following:

(1) The 1-month amount of VOC contained in the coating, the VOC recovered, and the percent emission reduction for months of noncompliance for any affected coating operation demonstrating compliance by the performance test method described in § 60.713(a);

(2) The VOC contained in the coatings for the manufacture of magnetic tape for any 1-month period during which the average solvent content of any coating exceeded 0.20 kg/l of coating solids for those affected facilities complying with § 60.712(d);

(3) All 3-hour periods (during actual coating operations) during which the average value of the exhaust vent VOC concentration is more than 20 percent greater than the average value measured during the most recent performance test for those affected facilities monitoring carbon absorber outlet VOC concentration;

(4) All 3-hour periods (during actual coating operations) during which the average carbon bed efficiency is less than 95 percent for those affected facilities monitoring both carbon adsorber inlet and outlet VOC concentration;

(5) All 3-hour periods (during actual coating operations) during which the average exhaust temperature is 5 °C above the average temperature of the device during which recent performance test for those affected facilities monitoring condenser exhaust gas temperature;

(6) All 3-hour periods (during actual coating operations) during which the average gas temperature of the device is more than 28 °C below the average temperature of the device during the most recent performance test for those affected facilities monitoring thermal incinerator combustion gas temperature;

(7) All 3-hour periods (during actual coating operations) during which the average gas temperature of the device immediately before the catalyst bed is more than 28 °C below the average gas temperature of the device during the most recent performance test and all 3-hour periods (during actual coating operations) during which the average gas temperature difference across the catalyst bed is less than 80 percent of the average gas temperature difference of the device during the most recent performance test for those affected facilities monitoring catalystic incinerator catalyst bed temperature; or

(8) All 3-hour periods during which the monitor readings vary by more than the amount approved by the Administrator for any affected facility operating a total enclosure. This amount would be based on the baseline value established during the most recent performance test complying with the standard;

(e) Each owner or operator of affected solvent storage tanks that are constructed at a time when no affected coating operation with associated mix equipment is being constructed shall:

(1) Be exempt from the reporting requirements specified in § 60.7(a) (1), (2), and (4); and

(2) Submit the notification of actual startup specified in § 60.7(a)(3).

(f) The owner or operator of affected solvent storage tanks that are constructed at the same time as an affected coating operation with associated mix equipment shall include the affected solvent storage tanks in all the reporting requirements for the affected coating operation specified in § 60.7(a) (1) through (4).

(g) The reports required under paragraphs (b) through (f) of this section shall be postmarked within 30 days of the end of the reporting period.

(h) The requirements of this subsection remain in force until and unless EPA, in delegating enforcement authority to a State under Section 111(c) of the Act, approves reporting requirements or an alternative means of compliance surveillance adopted by such States. In this event, affected sources within the State will be relieved of the obligation to comply with this subsection, provided that they comply with the requirements established by the State.

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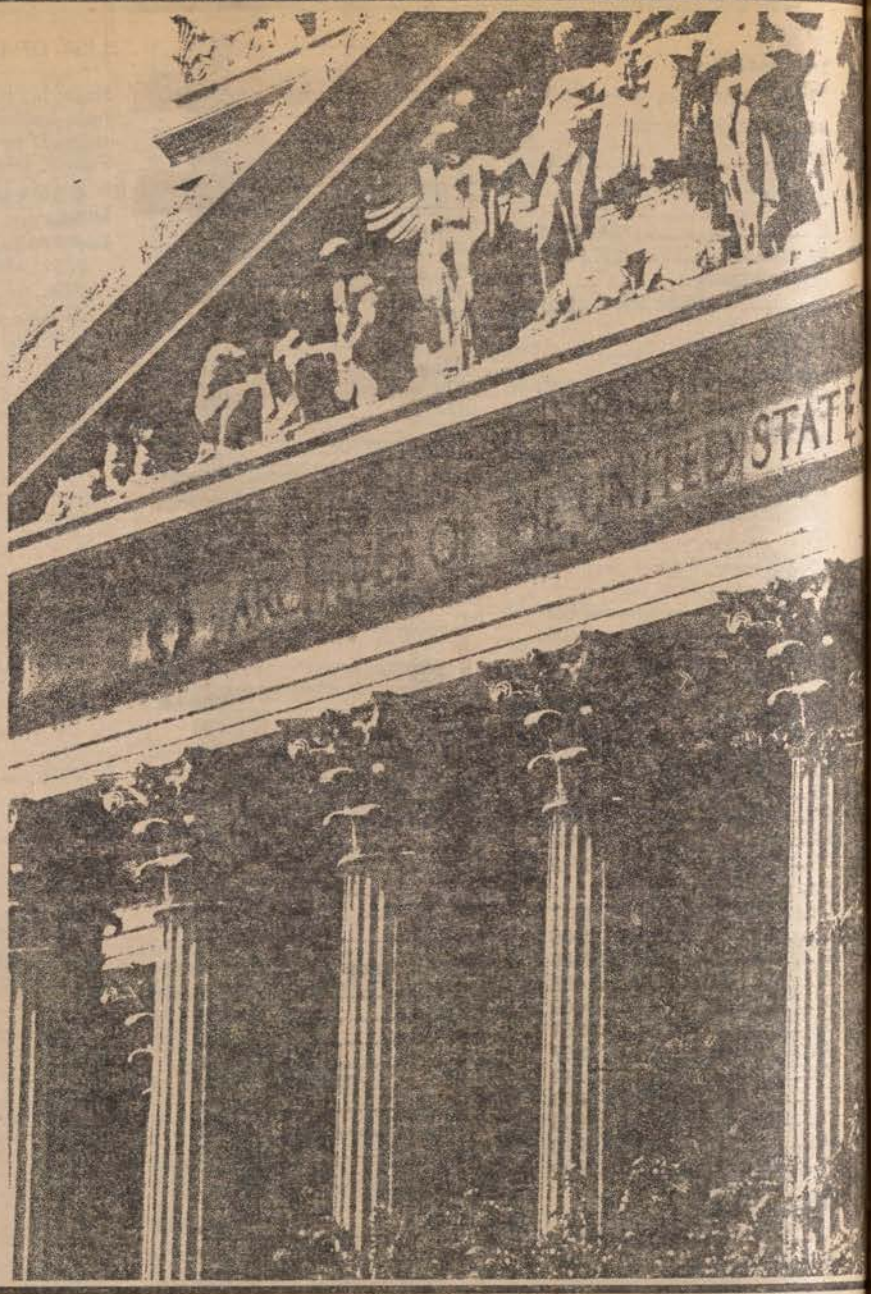

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