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Federal Register

Wednesday
April 9, 1986

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

Selected Subjects

CONTINUED INSIDE

Selected Subjects

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

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

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

WHO: The Office of the Federal Register.

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

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

DALLAS, TX

WHEN: April 23; at 1:30 pm.

WHERE: Room 7A23,
Earl Cabell Federal Building,
1100 Commerce Street, Dallas, TX

RESERVATIONS: local number
Dallas 214-767-8585
Ft. Worth 817-334-3624
Austin 512-472-5494
Houston 713-229-2552
San Antonio 512-224-4471,
for reservations

Contents

Federal Register
Vol. 51, No. 68
Wednesday, April 9, 1986

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

CFR PARTS AFFECTED IN THIS ISSUE

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

Federal Register
Vol. 51, No. 68
Wednesday, April 9, 1986

Presidential Documents

Title 3—

The President

Presidential Determination No. 86–8 of March 25, 1986

Determination To Authorize the Furnishing of Immediate Military Assistance to Honduras

Memorandum for the Honorable George P. Shultz, the Secretary of State

Pursuant to the authority vested in me by Section 506(a) of the Foreign Assistance Act, as amended ("the Act"), I hereby determine that:

1) an unforeseen emergency exists which requires immediate military assistance to Honduras; and

2) the aforementioned emergency requirement cannot be met under the authority of the Arms Export Control Act or any other law except Section 506(a) of the Act.

Therefore, I hereby authorize the furnishing of up to $20,000,000 in defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training to Honduras under the provisions of Chapters 2 and 5 of Part II of the Act.

This determination shall be reported to Congress immediately and published in the **Federal Register.**

Ronald Reagan

THE WHITE HOUSE,
Washington, March 25, 1986.

[FR Doc. 86–7973
Filed 4–7–86; 12:04 pm]
Billing code 3195–01–M

Presidential Documents

Proclamation 5454 of April 7, 1986

World Health Week and World Health Day, 1986

By the President of the United States of America

A Proclamation

World Health Day, which marks the founding of the World Health Organization, serves to remind us that good health is a priceless treasure and that recent advances in the sciences of medicine, nutrition, hygiene, public health, and immunology make the possession of that treasure possible for more people than ever before.

The theme for World Health Day 1986, "Healthy Living: Everyone a Winner," emphasizes the positive steps that individuals and communities can take to protect and promote health. In furtherance of the global goal of Health for All by the Year 2000, the World Health Organization and its member governments are stressing the benefits that come from healthful patterns of living, with particular attention to exercise, nutrition, and the avoidance of such destructive habits as smoking and the abuse of alcohol and drugs.

In recent years, health leaders and private physicians in the United States have emphasized how much each person can do to maintain good health by a regimen of good diet, proper exercise, and the avoidance of substance abuse. This campaign is beginning to bear fruit, and the United States is experiencing encouraging reductions in the incidence of heart disease and stroke.

It is appropriate that as all member governments commemorate World Health Day, we should join other members of the World Health Organization in promoting healthful living and physical fitness and in pledging our continued support to improving the health of all the people who inhabit this planet.

The Congress, by Senate Joint Resolution 226, has designated the week of April 6 through April 12, 1986, as "World Health Week," and April 7, 1986, as "World Health Day," and has authorized and requested the President to issue a proclamation in observance of these events.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week of April 6 through April 12, 1986, as World Health Week, and April 7, 1986, as World Health Day. I call upon the people of the United States to observe this week with appropriate programs and activities and by resolving to attend to personal health through good nutrition, appropriate physical exercise, and the avoidance of such unhealthful practices as smoking and abuse of alcohol and drugs.

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of April, 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. 86-8101
Filed 4-8-86; 10:58 am]
Billing code 3195-01-M

Rules and Regulations

Federal Register
Vol. 51, No. 68
Wednesday, April 9, 1986

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 91

[Docket No. 86-030]

Ports Designated for Exportation of Animals

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule.

SUMMARY: This document amends the "Inspection and Handling of Livestock for Exportation" regulations by adding Wilmington, Ohio, to the list of ports designated as ports of embarkation and by adding the Airborne Express Animal Export Facility as the export inspection facility for that port. The effect of this action is to add an additional port through which animals may be exported. This action is necessary because it has been determined that the export inspection facility of the Airborne Express Animal Export Facility for the port at Wilmington meets the requirements of the regulations for inclusion in the list of export inspection facilities.

DATES: Effective date is April 9, 1986. Written comments must be received on or before June 9, 1986.

ADDRESSES: Written comments should be submitted to Thomas O. Gessel, Director, Regulatory Coordination Staff, APHIS, USDA, Room 728, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Comments should state that they are in response to Docket Number 86-030. Written comments may be inspected at Room 728 of the Federal Building between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Dr. George Winegar, Import-Export Animals and Products Staff VS, APHIS, USDA, Room 845, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8383.

SUPPLEMENTARY INFORMATION:

Background

This document amends the "Inspection and Handling of Livestock for Exportation" regulations in 9 CFR Part 91 (referred to below as the regulations) which regulate the exportation of animals from the United States. Pursuant to a request from the Airborne Express Animal Export Facility, this document amends § 91.14 by adding Wilmington, Ohio, to the list of ports designated as ports of embarkation and by adding the Airborne Express Animal Export Facility as the export inspection facility for that port. With certain exceptions, all animals exported are required to be exported through ports designated as ports of embarkation.

To receive approval as a port of embarkation, a port must have export inspection facilities available for inspecting, holding, feeding, and watering animals prior to exportation in order to ensure that the animals meet certain requirements specified in the regulations. The regulations provide that approval of each export inspection facility shall be based on compliance with specified standards in § 91.14(c) concerning materials, size, inspection implements, cleaning and disinfection, feed and water, access, testing and treatment, location, disposal of animal wastes, lighting, and office and rest room facilities.

It has been determined that the Airborne Express Animal Export Facility meets the requirements of § 91.14(c). This facility is located at 145 Hunter Drive, Wilmington, Ohio 96701. Therefore, it is necessary to add Wilmington, Ohio, to the list of ports designated as ports of embarkation and the Airborne Express Animal Export Facility as the export inspection facility for the airport of Wilmington.

Executive Order 12291 and Regulatory Flexibility Act

This rule is issued in conformance with Executive Order 12291 and has been determined to be not a "major rule." Based on information compiled by the Department, it has been determined that this rule will not have a significant effect on the economy; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will have no significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

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

It is anticipated that, compared with the total number of animals exported annually from the United States, less than one percent of the total number of animals will be exported annually through the port of Wilmington, Ohio.

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

Executive Order 12372

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

Emergency Action

Dr. John K. Atwell, Deputy Administrator for Veterinary Services, has determined that an emergency situation exists which warrants publication of this interim rule without prior opportunity for a public comment. The export inspection facility at the port being added to the list of designated ports of embarkation has met the standards for export inspection facilities set forth in § 91.14(c) of the regulations. The addition of this port and export inspection facility must be made promptly in order to inform exporters so that they can make appropriate plans to export their animals and avoid unnecessary restrictions on the exportation of animals.

Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 533, it is found upon good cause that prior notice and other public

procedures with respect to this interim rule are unnecessary, and good cause is found for making this interim rule effective upon publication. Comments are being solicited for 60 days after publication of this document. A final document discussing comments received and any amendments required will be published in the **Federal Register**.

List of Subjects in 9 CFR Part 91

Animal diseases, Animal welfare, Exports, Humane animal handling, Livestock and livestock products, Transportation.

PART 91—INSPECTION AND HANDLING OF LIVESTOCK FOR EXPORTATION

Accordingly, 9 CFR Part 91 is amended as follows:

1. The authority citation for Part 91 continues to read as set forth below:

Authority: 21 U.S.C. 105, 112, 113, 114a, 120, 121, 134b, 134f, 612, 613, 614, 618; 46 U.S.C. 466a, 466b; 49 U.S.C. 1509(d); 7 CFR 2.17, 2.51, and 371.2(d).

2. In § 91.14, paragraphs (a) (10) through (15) are redesignated as paragraphs (a) (11) through (16), respectively, and a new paragraph (a)(10) is added to read as follows:

§ 91.14 Ports of embarkation and export inspection facilities.

(a) * * *

(10) *Ohio.*

(i) Wilmington—airport only.

(A) Airborne Express Animal Export Facility, 145 Hunter Drive, Wilmington, Ohio 96701, (513) 382–5591.

* * * * *

Done at Washington, DC, this 4th day of April 1986.

Gerald J. Fichtner,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 86–7908 Filed 4–8–86; 8:45 am]

BILLING CODE 3410-34-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 564

[No. 86–352]

Recordkeeping Requirements

Date: April 4, 1986.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: The Federal Home Loan Bank Board ("Board"), as operating head of the Federal Savings and Loan Insurance Corporation ("FSLIC" or "Corporation"), is amending its regulations concerning the recordkeeping requirements applicable to trust accounts. The amendment, which deletes the requirement that the account records of an institution must disclose the names of the settlor (grantor) and trustee of the trust and include an account signature card executed by the trustee, will decrease the recordkeeping requirements associated with obtaining trust account insurance coverage and expedite settlement of insurance on such accounts.

EFFECTIVE DATE: April 9, 1986.

FOR FURTHER INFORMATION CONTACT: Kathy L. Kresch, Attorney, Regulations and Legislation Division, Office of General Counsel, (202) 377–6417, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, DC 20552.

SUPPLEMENTARY INFORMATION: Pursuant to section 405(b) of the National Housing Act, the Corporation is authorized, in the event of default by an institution the accounts of which are insured by the Corporation ("insured institution"), to make payments of insurance on accounts and to require the filing of proofs of claims prior to paying insurance. 12 U.S.C. 1728(b) (1982).

Section 564.2 of the Insurance Regulations provides that, in the event of default of an insured institution, the Corporation is authorized to make a determination concerning the insured members of an institution and the amounts of their insured accounts. 12 CFR 564.2(a) (1985). Section 564.2(b) further provides that these determinations shall be made with reference to the account records of the insured institution, which are conclusive as to the existence of a relationship, such as a trust, agency, or custodianship, pursuant to which the funds in the account are invested and upon which a claim for insurance is based. 12 CFR 564.2(b)(1) (1985).

Section 564.2(b)(3) imposes additional recordkeeping and disclosure requirements on trust accounts. This section mandates that, in connection with a trust account, the account records of an institution must disclose the name of both the settlor (grantor) and trustee of the trust and contain an account signature card executed by the trustee. 12 CFR 564.2(b)(3) (1985). These additional recordkeeping requirements applicable to trust accounts were promulgated by the Board in 1967, in order to prevent post-default creation of trust relationships which would increase applicable insurance coverage. 50 FR 19188 (May 7, 1985).

On April 17, 1985, the Board proposed comprehensive amendments to the regulations governing settlement of insurance on accounts held at FSLIC-insured institutions ("proposed rule"). 50 FR 19185 (May 7, 1985). The Board questioned the continued usefulness of the additional recordkeeping requirements applicable to trust accounts summarized above and set forth at 12 CFR 564.2(b)(3), and proposed eliminating these requirements altogether. 50 FR 19191 (May 7, 1985). The proposed elimination of these requirements was predicated upon recognition that the pension and retirement industry has changed markedly since 1967, when the requirement was initially promulgated, and that, in view of present Internal Revenue Code and ERISA requirements, the signature card may no longer be necessary to guard against post-default creation of relationships. Comment filed in response to this part of the proposal supported deletion of these recordkeeping requirements.

After fully considering comment filed with regard to this issue and the relative merits of retaining or deleting the requirements of 12 CFR 564.2(b)(3), the Board has concluded that the requirements set forth in this subsection with regard to trust accounts, namely, that the account records of an institution must disclose the names of the settlor (grantor) and trustee of the trust and contain an account signature card executed by the trustee, are no longer necessary to achieve the regulatory purpose for which they were originally promulgated. The Board has, therefore, decided to adopt, in final, only that portion of the proposed rule which deleted the additional recordkeeping requirements applicable to trust accounts set forth at 12 CFR 564.2(b)(3). Finalization of other portions of the proposed rule is postponed pending further consideration.

After the effective date of this amendment, it will no longer be necessary for insurance purposes that the account records of an insured institution with regard to a trust account contain a signature card executed by the trustee or information disclosing the names of both the settlor and trustee of the trust. Even after the effective date of this amendment, however, trust account insurance pursuant to 12 CFR 564.10 will only be applicable to accounts which meet the recordkeeping requirements of 12 CFR 564.2(b)(2), i.e., which disclose the existence of the trust relationship pursuant to which the funds are invested in the account records of the insured institution.

The Board has determined that because this amendment relieves a restriction by deleting § 564.2(b)(3) of

the Insurance Regulations, it will become effective immediately upon publication. 12 CFR 508.14(a) (1985). In order to facilitate implementation of this amendment and to decrease confusion on the part of accountholders, the Board has decided that this rule will be applicable to: (1) All trust accounts regarding which initial insurance determinations have not yet been issued as of the date of publication; and (2) all trust accounts regarding which a request for reconsideration is, or has previously been, seasonably filed with the Director of the FSLIC pursuant to § 564.1(d) of the Insurance Regulations, but regarding which a final agency determination has not been issued. 50 FR 49524, 49527 (Dec. 3, 1985), (to be codified at 12 CFR 564.1(d) (1986)).

Pursuant to 12 CFR 508.11 and 508.14, the Board finds that, because of the minor, technical, and liberalizing nature of this amendment, notice and public procedure are unnecessary, as is the 30-day delay of the effective date.

List of Subjects in 12 CFR Part 564

Bank deposit insurance, Reporting and recordkeeping requirements, Savings and loan associations.

Accordingly, the Federal Home Loan Bank Board hereby amends Part 564, Subchapter D, Chapter V, Title 12, *Code of Federal Regulations*, as set forth below.

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 564—SETTLEMENT OF INSURANCE

1. The authority citation for Part 564 is revised to read as follows:

Authority: Sec. 4, 82 Stat. 856, sec. 4, 80 Stat. 824, and sec. 17, 47 Stat. 736, as amended (12 U.S.C. 1425a, 1425b, and 1437); sec. 2, 91 Stat. 1227, sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464); sec. 308, 94 Stat. 147, sec. 2, 91 Stat. 1227, and secs. 401–405, 407, 48 Stat. 1255–1260, as amended (12 U.S.C. 1724–1728, 1730); Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR 1943–48 Comp., p. 1071.

§ 564.2 [Amended]

2. Amend § 564.2 by removing paragraph (b)(3) and redesignating paragraph (b)(4) as paragraph (b)(3); and by redesignating paragraph (b)(5) as paragraph (b)(4).

§ 564.8 [Amended]

3. Amend § 564.8 by removing the authority citation located at the end of the section.

By the Federal Home Loan Bank Board.

Nadine Y. Penn,

Acting Secretary.

[FR Doc. 86–7956 Filed 4–8–86; 8:45 am]

BILLING CODE 6720–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 86–NM–32–AD; Amdt. 39–5286]

Airworthiness Directives; Short Brothers, Ltd., Model SD3–30 and SD3–60 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new airworthiness directive (AD), applicable to certain Short Brothers SD3–30 and SD3–60 series airplanes, which requires initial and repetitive inspections of the fuel pipe shrouds until a corrective modification is accomplished. This action is prompted by two reports of fuel leaks into the passenger cabin.

DATES: Effective April 28, 1986.

ADDRESSES: The service bulletin specified in this AD may be obtained upon request to Short Brothers, 2011 Crystal Drive, Suite 713, Arlington, Virginia 22202. It may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Ms. Judy Golder, Standardization Branch, ANM–113; telephone (206) 431–2909. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: The United Kingdom Civil Aviation Authority (CAA) has, in accordance with existing provisons of a bilateral airworthiness agreement, notified the FAA of an unsafe condition which exists on certain Short Brothers Model SD3–30 and SD3–60 airplanes. Operational experience has revealed that certain existing fumeproof shrouds can deteriorate and become porous. As a result, at least two incidents of fuel leaking into the cabin have occurred. In order to prevent this from occurring, Short Brothers Service Bulletin SD330–28–29, dated August 1985 (SD3–30 airplanes), and Service Bulletin SD360–28–12, dated July 1985 (SD3–60 airplanes), which describe inspections and replacement of the shrouds and seals, have been declared mandatory by the CAA.

Since this condition may exist on airplanes of the same type design on the U.S. Register, this AD requires repetitive inspections and replacement, if necessary, of the shrouds and seals in accordance with the service bulletins previously mentioned. This AD also provides that the inspections may be terminated upon replacement of the shrouds and seals.

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

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

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

PART 39—[AMENDED]

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

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

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

2. By adding the following new airworthiness directive:

SHORT BROTHERS, LTD: Applies to Model SD3–30 and SD3–60 series airplanes; serial numbers SH3002 through SH3099, SH3102, and SH3105 (SD3–30 airplanes); SH3601 through SH3661 and SH3663 through SH3665 (SD3–60 airplanes); certificated in any category. Compliance is required as indicated below, unless previously accomplished:

1. Within seven days after the effective date of this AD, inspect the collector tank housing in accordance with Short Brothers

Service Bulletin SD330-28-29, dated August 1985 (for SD3-30 series airplanes), and SD360-28-12, Revision 1, dated August 1985 (for SD3-60 series airplanes). If leaks are found, prior to further flight, replace the shrouds and seals in accordance with the applicable service bulletin instructions. If no leaks are found, repeat the inspection at intervals not to exceed 120 hours time in service.

2. Replacement of the existing shrouds and seals in accordance with the applicable service bulletin, referred to in paragraph 1. of this AD, constitutes terminating action for the requirement for the repetitive inspections set forth in paragraph 1., above.

3. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Standardization Branch, ANM-113, FAA, Northwest Mountain Region.

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

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to Short Brothers, 2011 Crystal Drive, Suite 713, Arlington, Virginia 22202. These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective April 28, 1986.

Issued in Seattle, Washington, on April 2, 1986.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 86-7823 Filed 4-8-86; 8:45 am]

BILLING CODE 4910-13-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34-23084; File No. S7-15-85]

Adoption of Revised Transfer Agent Forms and Related Rules

AGENCY: Securities and Exchange Commission.

ACTION: Adoption of forms and related rules.

SUMMARY: The Securities and Exchange Commission is adopting previously proposed amendments to the forms and rules for the registration and monitoring of transfer agents. Revised Form TA-1 will remain essentially the same as the present Form TA-1, except several questions that are viewed as no longer necessary have been deleted, and others have been shifted to Form TA-2. The SEC Supplement to Form TA-1, which is to be completed only by independent, non-issuer transfer agents who register with the Commission, will provide information about persons associated with transfer agents. Rule 17Ac2-2 will require transfer agents, regardless of their appropriate regulatory agency ("ARA"), to file with the Commission an annual report of their business activities on Form TA-2. However, transfer agents who engage a service company to perform all of their transfer agent functions will not be required to complete Form TA-2. In addition, exempt transfer agents would only be required to provide identifying information and responses to two basic questions. Finally, the modification to Rule 17Ac2-1(c) extends the time period for a registrant to file corrections to Form TA-1 or to the SEC Supplement.

EFFECTIVE DATE: The revisions to Form TA-1 (including the SEC Supplement) and to Rule 17Ac2-1(c), as well as Rule 17Ac2-2 and Form TA-2 will become effective May 9, 1986.

FOR FURTHER INFORMATION CONTACT: Randy G. Goldberg, Esq., at (202) 272-2365, Division of Market Regulation, Securities and Exchange Commission, Washington, DC 20549.

Introduction

In April 1985, the Commission proposed modifications to Form TA-1, including a new SEC Supplement and to Rule 17Ac2-1, as well as new Rule 17Ac2-2 and new Form TA-2.[1] Form TA-1 is currently used by transfer agents required to register with their appropriate regulatory agency ("ARA"), which would be either the Commission, the Comptroller of the Currency, the Board of Governors of the Federal Reserve System or the Federal Deposit Insurance Corporation.[2] The SEC Supplement, which would only be completed by independent, non-issuer transfer agents whose ARA is the Commission, requests background information about control persons at these transfer agencies. Rule 17Ac2-2 would require all registered transfer agents, regardless of their ARA, to file Form TA-2 with the Commission on an annual basis. Form TA-2 requests summary data about transfer agent business activities. Rule 17Ac2-1(c) requires transfer agents to correct information reported on Form TA-1 which becomes inaccurate thereafter within twenty-one days. The revision extends that time period to sixty days.

The Commission received twenty letters of comment in response to the proposals. Commentators included banks, industry associations, as well as transfer agents, both issuer and independent. Generally, the commentators supported the entire package of proposals, although specific, technical comments were proferred with respect to the SEC Supplement and to Form TA-2. The revisions to Form TA-1 and to Rule 17Ac2-1(c) were either supported or unaddressed by the commentators. In response to the suggestions offered during the comment period, the Commission has included certain changes to the SEC Supplement, to Form TA-2 and to Rule 17Ac2-2.

Form TA-1

The revised Form TA-1 requires transfer agents to provide basic information, including the name and address of the proposed entity and where transfer agent activities are to be performed. The difference between the revised form and the form utilized to date is that existing questions which have been determined to be unnecessary have been eliminated, and other questions contained in Form TA-1 have been shifted to Form TA-2. The Form TA-1 as modified has been adopted by the federal bank regulatory agencies, and is currently in use by bank transfer agents.

None of the commentators objected to the modifications to Form TA-1. In fact, commentators either expressed support for the amendments or failed to address the proposal. The Commission is adopting Form TA-1 as proposed, except Item 3(b), which would have inquired whether the registrant is a successor to a registered transfer agent, has been eliminated and certain technical modifications to the Instructions for Use of Form TA-1 have been included.[3]

Rule 17Ac2-1(c)

The amendment to Rule 17Ac2-1(c) extends the time period from twenty-one to sixty days for a registrant to file an amendment to Form TA-1 or to the SEC Supplement correcting information which had been previously reported and

[1] *See* Securities Exchange Act Release No. 21950 (April 17, 1985), 50 FR 15912 (April 23, 1985).

[2] *See* section 3(a)(34)(B) of the Securities Exchange Act of 1934 ("the Act").

[3] The following additions have been made: a definition of "independent, non-issuer transfer agent" in Instructions for Use of Form TA-1, General Instruction (A); the word "independent" in Instructions for Use of Form TA-1, Special Instruction (A); a definition of "control" in Instructions for Use of Form TA-1, Special Instruction (C).

which thereafter becomes inaccurate, misleading or incomplete. No comments were received opposing this extension, and the amendment has been adopted by the Commission as proposed. Adoption of this amendment brings the Commission into conformity with the bank regulators.

SEC Supplement to Form TA–1

The SEC Supplement to Form TA–1 solicits background information for the owners and other control persons at independent, non-issuer transfer agencies, with particular emphasis on whether offenses have been committed by these persons, and therefore, whether the transfer agent's association with a particular individual would have an impact on the transfer agent's ability to perform its functions properly.[4] Five commentators addressed the SEC Supplement, and each supported the new form. Four of these commentators offered suggestions with respect to the Supplement, several of which have been included in the version adopted by the Commission.

The proposed definition of "control affiliate" has been narrowed,[5] and Item 3(G), which proposed to inquire whether a control affiliate of a transfer agent is the subject of "any complaint, investigation or proceeding . . ." has been modified.[6] One commentator had criticized the proposed definition of control affiliate as overly broad, and another commentator found the present proceeding question to be inappropriately broad. Form BD, recently adopted by the Commission,[7] has been modified in these two areas. To the extent that the SEC Supplement is substantially based on questions contained in Form BD, these modifications have been included in the SEC Supplement as well.[8] The words "complaint" and "investigation" have been deleted from Item 3(G), and certain additional types of employees have been deleted from the definition of "control affiliate." In addition, at the request of a commentator, a definition of "independent, non-issuer transfer agent" has been added to the Instructions for Use of Form TA–1. Finally, the word "independent" has been added at Special Instruction (A) to clarify that only independent, non-issuer transfer agents are required to complete the SEC Supplement.[9]

Rule 17Ac2–2

Rule 17Ac2–2 requires transfer agents, regardless of their appropriate regulatory agency, to file Form TA–2 with the Commission on an annual basis. Transfer agents that receive fewer than five hundred items for transfer and fewer than five hundred items for processing in the six months ending June 30 of each year, and do not maintain more than one thousand individual security holder accounts as of June 30 are only required to complete items one through four and the execution on Form TA–2. The Commission believes that the information required to be collected by the Rule will permit it to more effectively target its transfer agent inspection program and generally, to more effectively monitor transfer agent activity.[10] Eight commentators addressed Rule 17Ac2–2.

Two changes suggested by the commentators have been included in the final version of Rule 17Ac2–2.[11] Four commentators urged that transfer agents be given sixty days after June 30, the date as of which most data must be calculated for the form ("as of date"), to file Form TA–2 rather than thirty days as proposed. The Commission views this request as reasonable and projects that such an increase in time would substantially eliminate the need to grant extensions. The second modification, requested by two commentators, exempts named transfer agents from filing Form TA–2 if they retain a service company to perform all of their transfer agent functions. The named transfer agent is already required to amend the Form if the service company is replaced.[12] Since no additional useful information would be provided to the Commission by these agents on Form TA–2, this modification has been included in the final rule.[13]

Finally, one of the commentators has requested that the information reported on Form TA–2 be accorded confidentiality. However, substantially all of the data requested by the Form presently is publicly available. For example, information such as the transfer agent and registrar for all public issuers, as well as the number of shareholders, the dividends and interest paid in an issue and the existence of dividend reinvestment plans is commercially published and readily available. Thus, the availability of this information demonstrates that granting confidentiality to the Form would, as a

[4] Completion of the SEC Supplement would not be required by issuers that act as transfer agent for their own securities or securities of an affiliate, or by transfer agents registered with the federal bank regulators. Transfer agents already registered with the Commission are requested to complete a new Form TA–1 and the SEC Supplement, if applicable by June 1, 1986. This refiling will ensure accuracy in the Commission's transfer agent data base.

[5] *See* SEC Supplement, Item 3.

[6] *See* SEC Supplement, Item 3(G).

[7] *See* Securities Exchange Act Release No. 22468 (September 26, 1985).

[8] A technical modification to Schedules A and B of the Form has been made as well. Schedules A and B now contain a column for "control person," and the directions for use of the Schedules have been revised accordingly.

[9] One of the commentators suggested that a *de minimis* standard for the word "partially," which appears at Item 2(b), be provided, and that the Commission expand upon the basis for its authority to require the information in Item 2(b), as well as the intended uses of the information. The Commission has not included a standard for the word "partially" in Item 6B of Form BD, which is the analogous question to Item 2(b), and does not believe that a *de minimis* standard is appropriate in the SEC Supplement. This item would only be completed by independent, non-issuer transfer agents, and it is unlikely that these entities would find the item burdensome. The Commission believes that disclosure of all entities that provide financing to an independent, non-issuer transfer agent, would enable a more effective registration review. With respect to the Commission's authority, sections 17A(c) (1) and (2) of the Securities Exchange Act of 1934 grant the Commission (and the bank regulatory authorities) broad authority, as noted in the Release proposing the SEC Supplement, to develop an appropriate registration application. The information will enable a more thorough review of independent, non-issuer transfer agents registering with the Commission. Finally, it was suggested by one of the commentators that the Commission establish suitability standards for ownership of registered transfer agencies, and that the item on prior Form TA–1 regarding insurance be included in the SEC Supplement. The Commission does not believe that information regarding insurance held by transfer agents is necessary at this time, and views the issue of suitability standards as a separate regulatory endeavor, entirely independent of this initiative.

[10] The Commission has recently proposed to amend Rule 17Ad–1(a), which defines the term "item" for purposes of the Commission's turnaround rules. This modification, if adopted, might reduce the number of transfer agents exempt from completing the remainder of Form TA–2. Comments regarding this consequence may be submitted as directed by that Release. *See* Securities Exchange Act Release No. 22883 (February 10, 1986.)

[11] In addition to these changes urged by the commentators and supported by the staff, an issue was raised which the Commission does not endorse. Two commentators requested that language be added to the Rule obligating the Commission to publish a report of transfer agent activities by December 31 of each year. The Commission does intend to publish the aggregate data reported on Form TA–2 on an annual basis, and is exploring the appropriate forum for dissemination of this information. Possibilities include publishing the data in the Commission's Annual Report, the Statistical Bulletin, or as a separate release. However, the time of distribution of the report would be dependent to a critical extent on the transfer agent community filing the reports on time, as well as the priority of the Division's projects each year at the time all of the data is received and processed. Thus, while the Commission will endeavor to publish the aggregate information by year-end, the Commission views it inappropriate to publicly commit to distribution of a report by a specified date.

[12] *See* Form TA–1 and Rule 17Ac2–1(c).

[13] The service company must, of course, be a registered transfer agent and file Form TA–2. Transfer agents that engage a service company to perform some, but not, all transfer and processing functions have been directed to enter "zero" for those items which relate to functions performed by the service company. *See* Instructions to Form TA–2, General Instruction (B).

practical matter, serve no useful purpose.

The Commission recognizes that the information requested in Item 6 of Form TA–2, which requires transfer agents to provide the aggregate value of securities record differences existing for more than thirty days, is not publicly available. However, the Commission believes that this information, which could indicate the transfer agent's unsatisfactory performance, should not be uniformly protected from disclosure. Because a transfer agent is afforded the opportunity both to rectify these deficiencies by June 30 of each year, and to exculpate itself from responsibility for those aged record differences which it did not cause,[14] the Commission believes that the public interest would not be served by protecting this information from disclosure.

Form TA–2

Form TA–2 contains basic questions regarding the volume and nature of the transfer agent's business activities. Transfer agents will be required to provide to the Commission on an annual basis the information regarding the volume of certain activities it performs, the number of issues it services, as well as the capacity in which the transfer agent acts. The vast majority of the commentators either supported the Form or simply offered specific suggestions for particular items on the Form. Three commentators opposed the requirement, arguing that on-site examinations by the federal bank regulators obviate the need for the Form.

Essentially, commentators sought explanations of various terms, clarification or modification of "as of dates" used in the Form, and the proper category for various types of securities. In response to specific concerns raised by the commentators, the Commission has made several modifications both to Form TA–2 and to the Instructions for Use of Form TA–2.[15]

Three items of the Form were specifically identified as burdensome: Items 4, 5 and 7cii. Item 4 as proposed listed five types of securities and requested the number of security holder accounts maintained in each; Item 5 provided various capacities, i.e., maintenance of master security holder files and receipt of items for transfer, and requested the number of issues for which the transfer agent acts in each capacity. Two commentators requested that the transfer agents be permitted to consolidate the data into one aggregate total. This is necessary, these commentators asserted, because some banks do not segregate security holder accounts by category, and therefore, responding to the items as proposed would be burdensome and costly. In response to these comments, the Commission has determined to permit transfer agents to approximate the number of security holder accounts maintained in each category, and to provide the exact figure only for the aggregate number of accounts. The Commission believes that this modification will eliminate the objections raised regarding this item, while retaining the regulatory benefits of the item.

The Commission has adopted Item 5 as proposed. The information required in this item should be relatively easy for transfer agents to collect, in view of the fact that transfer agents are already required to maintain this information pursuant to Rule 17Ad–6. The Commission believes that the utility of Item 5 would be diminished by consolidating the categories into one aggregate total. Item 5 as proposed is essential to determining the nature of the business conducted by a particular transfer agent. This determination is important to the staff both in more accurately monitoring the transfer agent industry and in selecting transfer agents for examination. The ability to identify transfer agents whose business activities consist of processing particular types of issues should enable the staff to evaluate the precise burden that would be placed on the industry in any future rulemaking endeavors, and would assist in assuring that rules are properly focused and refined. The information reported in Item 5 also would be useful in assisting an examiner in selecting, preparing for and focusing transfer agent examinations.

Finally, Item 7cii, which requests the total dollar value of dividends disbursed and interest paid by the transfer agent during the preceding twelve months, was viewed as burdensome by three commentators. These commentators urged the Commission to eliminate the item, arguing that this question would necessitate extensive manual calculations. However, one of the commentators noted that transfer agents are already required to calculate this date for the Internal Revenue Service as of December 31, and that providing the information on Form TA–2 as of December 31 rather than June 30 would eliminate the burden posed by the item. The Commission agrees that this alternative would be feasible and less burdensome, and has modified the "as of date" to December 31. To assure that the data is comparable, however, the form requires all transfer agents to use the period ending December 31.

The annual report would be an important asset to the Division's transfer agent examination and regulatory programs. The information reported on Form TA–2 would enable the staff to more effectively monitor the transfer agent industry, while imposing a nominal burden on the respondents. All of the information required by the Form is available in the internal files of the transfer agents, and a significant portion of the data is already required to be calculated or maintained by Commission or Internal Revenue Service regulations. In addition, transfer agents would not need to retain an outside accountant or attorney in order to complete the Form. The staff believes that completion of the Form would require a minimal dedication of resources

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[14] Item 6 requires transfer agents to distinguish between those aged record differences caused by a prior transfer agent and those attributable to the reporting transfer agent.

[15] In response to concerns raised by the commentators, the following technical amendments have been made in the final version of Form TA–2:

a. A second paragraph to General Instruction B was added to indicate that registered transfer agents that engage a service company to perform all of their transfer and processing functions are not required to file Form TA–2. The instruction further notes that transfer agents engaging a service company to perform some, but not all transfer and processing functions should enter "zero" for those questions which relate to functions performed by the service company on behalf of the transfer agent

b. Special Instruction C was added, directing respondents to include American Depositary Receipts ("ADRs") in the corporate debt or equity category in Item 4, as appropriate, and to exclude Dividend Reinvestment Plan ("DRIP") accounts from Item 4.

c. Special Instruction D was added, directing respondents to count each series of debt securities issued under a single indenture separately in Item 5.

d. Special Instruction E was added, instructing transfer agents to exclude open-end investment company securities from Item 7a, and to exclude coupon payments and transfers of record ownership as a result of corporate actions in answering Question 7c.

e. Special Instruction F was added, directing transfer agents to exclude nonvalue transctions (such as address changes) in answering Item 8.

f. Category e, "other securities," was added in Item 4. The item also permits transfer agents to approximate the number of security holder accounts maintained rather than provide the exact number.

g. The term "exempt issues" was replaced with the word "securities" in Item 5.

h. The words "debits and credits" were replaced with the word "value" in Item 6.

i. The "as of" dates for Items 5, 7a and 7b were indicated as June 30.

j. Item 7a(iii), principal amount of debt securities, was added.

k. The words "annual" and "interest" were added in Item 7.

l. The "as of date" in Items 7c and 8 was clarified as the preceding calendar year (period ending December 31)

Certain Findings, Effective Date and Statutory Basis

Section 23(a)(2) of the Act [16] requires the Commission, in adopting rules under the Act, to consider the anti-competitive effects of such rules, if any, and to balance any impact against the regulatory benefits gained in terms of furthering the purposes of the Act. The Commission has considered the revisions and amendments in light of the standard cited in section 23(a)(2) and believes that adoption of these changes will not impose any burden on competition not necessary or appropriate in furtherance of the Act.

Pursuant to the Administrative Procedure Act, 5 U.S.C. 553(b), interested persons were given an opportunity to submit written views on the revisions to Form TA-1 (including the SEC Supplement), Rule 17Ac2-1(c), as well as Rule 17Ac2-2 and Form TA-2. After consideration of the relevant matters presented, the Rules and Forms are adopted substantially as proposed with some technical changes and clarifications.

Pursuant to the Administrative Procedure Act, 5 U.S.C. 553(d), the revisions to Form TA-1 (including the SEC Supplement) and Rule 17Ac2-1(c), as well as Rule 17Ac2-2 and Form TA-2 will become effective May 9, 1986.

Regulatory Flexibility Act Certification and Summary of Final Regulatory Flexibility Analysis

Pursuant to 5 U.S.C. 605(b), the Chairman certified when the revisions to Form TA-1, Rule 17Ac2-1(c), and new Rule 17Ac2-2 and Form TA-2 were proposed, that these revisions and amendments, if adopted, would not have a significant economic impact on a substantial number of small entities. No comments were received on the certification. The Commission has prepared a Final Regulatory Flexibility Analysis in accordance with 5 U.S.C. section 603 regarding the SEC Supplement to Form TA-1. The Analysis notes the objective is to enable a more thorough review of transfer agents who are required to register with the Commission. The Analysis states that no commentators referred to the Initial Regulatory Flexibility Analysis in discussing the SEC Supplement.

A copy of the Final Regulatory Flexibility Analysis may be obtained by contacting Randy G. Goldberg, Esq., Division of Market Regulation, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549, (202) 272-2365.

List of Subjects in 17 CFR Parts 240 and 249b

Reporting and Recordkeeping requirements, Securities.

Statutory Basis

Pursuant to the Securities Exchange Act of 1934 and particularly sections 17, 17A and 23(a) thereof, 15 U.S.C. 78q, 78q-1 and 78w(a), the Commission hereby amends § 240.17Ac2-1(c) and Form TA-1 (17 CFR § 249b.100) and adopts § 240.17Ac2-2 and Form TA-2 for inclusion in Chapter II of Title 17 of the Code of Federal Regulations in the manner set forth below.

Text of Amendments and Forms

17 CFR Parts 240 and 249b are amended as follows:

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

1. The authority citation for Part 240 is amended by adding the following citation:

Authority: Sec. 23, 48 Stat. 901, as amended; 15 U.S.C. 78w, unless otherwise noted. * * * § 240.17Ac2-1(c) and § 240.17Ac2-2 also issued under Secs. 17, 17A and 23(a); 48 Stat. 897, as amended, 89 Stat. 137, 141 and 48 Stat. 901 (15 U.S.C. 78q, 78q-1, 78w(a)).

2. By revising paragraph (c) to § 240.17Ac2-1 to read as follows:

§ 240.17Ac2-1 Application for registration of transfer agents.

* * * * *

(c) If any of the information reported on Form TA-1 or on the SEC Supplement becomes inaccurate, misleading, or incomplete, the registrant shall correct the information by filing an amendment within sixty days following the date on which the information became inaccurate, misleading, or incomplete.

* * * * *

3. By adding § 240.17Ac2-2 to read as follows:

§ 240.17Ac2-2 Annual reporting requirement for registered transfer agents.

Every registered transfer agent shall file and annual report on Form TA-2 in accordance with the instructions contained therein by August 31 of each calendar year. A registered transfer agent that received fewer than 500 items for transfer and fewer than 500 items for processing in the six months ending June 30 of the calendar year for which the form is being filed, and did not maintain master security holder files for more than 1000 individual security holder accounts as of June 30 of the calendar year for which the form is being filed, is only required to complete Items one through four and the execution section of Form TA-2. A registered transfer agent is not required to file Form TA-2 if it engages a service company to perform all of its transfer and processing functions.

PART 249b—FURTHER FORMS, SECURITIES EXCHANGE ACT OF 1934

4. The authority citation for Part 249 is amended by adding the following citations:

Authority: 15 U.S.C. 78a *et seq.*, unless otherwise noted. * * * § 249b.100 and § 249b.102 also issued under Secs. 17, 17A and 23(a); 48 Stat. 897, as amended, 89 Stat. 137, 141 and 48 Stat. 901 (15 U.S.C. 78q, 78q-1, 78w(a)).

§ 249b.100 [Amended]

5. Section 249b.100 is amended by revising Form TA-1 to read as set forth below, and by removing "500 North Capitol Street" in footnote 1 and replacing it with "450 Fifth Street, NW."

Note.—Form TA-1 published with this document does not appear in the Code of Federal Regulations.

BILLING CODE 8010-01-M

[16] 15 U.S.C. 78w(a)(2)

U.S. Securities and Exchange Commission
Washington, D.C. 20549

Instructions for Use of Form TA-1

Uniform Form For Registration and Amendment to Registration as a Transfer Agent pursuant to section 17A of the Securities Exchange Act of 1934.

ATTENTION: Certain Sections of the Securities Exchange Act of 1934 applicable to transfer agents are referenced or summarized below. Transfer agents are urged to review all applicable provisions of the Securities Exchange Act of 1934, the Securities Act of 1933 and the Investment Company Act of 1940, as well as the applicable rules promulgated by the SEC under those Acts.

I. General Instructions for Filing and Amending Form TA-1.

A. Terms and Abbreviations. The following terms and abbreviations are used throughout these instructions:

1. "Act" refers to the Securities Exchange Act of 1934.
2. "ARA" refers to the appropriate regulatory agency, as defined in Section 3(a)(34)(B) of the Act. See General Instruction D, below.
3. "Federal Bank Regulators" or "FBRs" refers to the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, and the Federal Deposit Insurance Corporation.
4. "Form TA-1" includes the Form and any attachments to that Form, whether filed as a registration or an amendment to registration.
5. "Registrant" refers to the entity on whose behalf Form TA-1 is filed.
6. "SEC" refers to the U.S. Securities and Exchange Commission.
7. "Transfer agent" is defined in Section 3(a)(25) of the Act as any person who engages on behalf of an issuer of securities or on behalf of itself as an issuer in at least one of the functions enumerated therein.
8. "Independent, Non-Issuer Transfer Agent" refers to an entity which acts as a transfer agent for other than its own securities or securities of an affiliate.

B. Who Must File. Pursuant to Section 17A(c)(1) of the Act, it is unlawful for a transfer agent to perform any transfer agent function with respect to any qualifying security unless that transfer agent is registered with its ARA.

A "qualifying security" is any security registered under Section 12 of the Act. Thus, qualifying securities including securities registered on a national securities exchange pursuant to Section 12(b) of the Act as well as equity securities registered pursuant to Section 12(g)(1) of the Act for issuers that have total assets exceeding $3,000,000 and a class of equity securities (other than exempted securities) held of record by 500 or more persons.

In addition, qualifying securities include equity securities of registered investment companies and certain insurance companies that would be required to be registered under Section 12(g) except for the exemptions provided by subsections (g)(2)(B) and (g)(2)(G), respectively, of Section 12, *i.e.*, when the asset and shareholder criteria of Section 12(g)(1)(B) are met.

C. When to File. Before a transfer agent may perform any transfer agent function for a qualifying security, it must apply for registration on Form TA-1 with its ARA and its registration must become effective. Instructions for amending Form TA-1 appear at General Instruction F.

D. How and Where to File; Number of Copies. Each registrant must file Form TA-1 with its ARA. SEC registrants must also file the SEC Supplement. If a registrant's ARA is a FBR, a copy of the registration or any amendment also must be filed with the SEC. However, the FBRs will send the submitted filings to the SEC on behalf of their registrants to satisfy that requirement. A registrant may determine the name and address of its ARA from the following:

1. A national bank or a bank operating under the Code of Law for the District of Columbia, or a subsidiary of any such bank registers with the Comptroller of the Currency, at:

   Office of the Comptroller of the Currency
   Administrator of National Banks
   Trust Examinations Division
   Washington, D.C. 20219

2. A state member bank of the Federal Reserve System, a subsidiary thereof, a bank holding company, or a subsidiary of a bank holding company which is a bank other than a bank specified in clause (1) or (3) of this section registers with the Board of Governors of the Federal Reserve System, at:

   Board of Governors of the Federal Reserve System
   Trust Activities Program
   Washington, D.C. 20551

3. A bank insured by the Federal Deposit Insurance Corporation (other than a bank which is a member of the Federal Reserve System) or a subsidiary thereof registers with the Federal Deposit Insurance Corporation, at:

   Federal Deposit Insurance Corporation
   Trust Section
   Washington, D.C. 20429

4. All other transfer agents register with U.S. Securities and Exchange Commission, at:

   U.S. Securities and Exchange Commission
   Office of Applications and Reports Services
   Stop 2-8
   Washington, D.C. 20549

If the registrant's ARA is a FBR, the registrant must file the original and four copies of any registration of amendment with the appropriate FBR and need not file directly with the SEC. If the registrant's ARA is the SEC, the registrant must file with the SEC the original and three copies of any registration or amendment. The original copy of Form TA-1 must be manually signed and any additional copies may be photocopies of the signed original copy. All copies must be legible, on good quality 8½ × 11 inch white paper. The registrant must keep an exact copy of any filing for its records.

E. Effective Date. Registration of a transfer agent becomes effective thirty days after receipt by the ARA of the application for registration, unless the filing does not comply with applicable requirements or the ARA takes affirmative action to accelerate, deny or postpone registration in accordance with the provisions of Section 17A(c) of the Act.

F. Amending Registration. Each registrant must amend Form TA-1 within sixty calendar days following the date on which information reported therein becomes inaccurate, incomplete or misleading.

II. Special Instructions for Filing and Amending Form TA-1

A. Registration. Respond in full to all Questions. If the appropriate response to a Question is "none," or if any Question is "not applicable," respond with "none" or "N/A," respectively.

1. In answering Questions 3.b. and 7 of Form TA-1, the term "Financial Industry Number Standard" ("FINS" number) means a six digit number assigned by The Depository Trust Company ("DTC") to financial institutions engaged in activities involving securities. Registrants that do not have a FINS number may obtain one free of charge by writing to the DTC ID Task Force at 11 Broadway 13th Floor, New York, N.Y., 10004, stating its name, address, and type of business (such as "bank" or "non-bank transfer agent").
2. State in Question 3.c. the full address of the registrant's principal office where transfer agent activities are, or will be, performed; a post office box number is not acceptable. State in response to Question 3.d. the registrant's mailing address if different from the response to Question 3.c. You may provide a post office box number in response to Question 3.d.
3. If additional space is needed to answer Questions 4, 5, and 7, photocopy the appropriate page(s) of a blank Form TA-1, and continue such answers thereon.
4. In answering Question 7 do not check any of the boxes marked "Delete." These boxes are to be used only when amending Form TA-1.
5. For the purpose of answering Question 5, a transfer agent is an "affiliate" of, or "affiliated" with, a person, if the transfer agent directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, that person.
6. In answering Questions 6 and 7, a "named transfer agent" is a transfer agent engaged by the issuer to perform transfer agent functions for an issue of securities. There may be more than one name transfer agent for a given security issue (e.g., principal transfer agent, co-transfer agent or outside registrar).

B. Amending Registration. When amending Form TA-1, the registrant must identify itself and the filing by answering Questions 1 through 3. Thereafter, only answer Questions that require amendment. When adding new information, enter that information into the appropriate spaces. When deleting information from a prior filing, repeat the information exactly as it appeared in the prior filing and check the corresponding box marked "Delete."

C. Execution of Form TA-1 and Amendments Thereto. A duly authorized official or a principal of the registrant must execute Form TA-1 and any amendments thereto on behalf of that registrant. For a corporate registrant, the term "official" includes chairman or vice-chairman of the board of directors, chairman of the executive committee, or any officer of the corporation who is authorized by the corporation to sign Form TA-1 on its behalf. For a non-corporate registrant, duly authorized principal means a principal of the registrant who is authorized to sign Form TA-1 on its behalf.

The name of the individual signing Form TA-1 shall be stated in full (i.e., first name, middle name and last name). Initials are not acceptable, unless they are part of the individual's legal name.

By executing Form TA-1, the registrant agrees and consents that notice of any proceeding under the Act by the FBRs or the SEC involving the registrant may be given by sending such notice by registered or certified mail or confirmed telegram to the registrant, "Attention Officer in Charge of Transfer Agent Activities," at its principal office for transfer agent activities as given in response to Question 3.c. of Form TA-1.

III. Special Instructions for Filing and Amending the SEC Supplement to Form TA-1.

A. Who must file. Only independent, non-issuer registrants whose appropriate regulatory agency is the Securities and Exchange Commission (See General Instruction D) are required to complete the SEC Supplement to Form TA-1.

B. Amendments to the SEC Supplement to Form TA-1. Transfer agents required to complete the SEC Supplement to Form TA-1 are also required to amend the Supplement, within the time period provided by Rule 17Ac2-1(c) (17 C.F.R. §240.17Ac2-1(c)), when information which the transfer agent knows or reasonably should know comes to the attention of such transfer agent. When amending the Supplement to Form TA-1, the transfer agent must identify itself and the filing by answering Questions 1 through 3 of Form TA-1. Thereafter, transfer agents need only answer Questions contained in the Supplement of Form TA-1 that require amendments (including any explanation that may be appropriate pursuant to Question 4 of the Supplement).

IV. Notice.

Under Sections 17, 17A(c) and 23(a) of the Act and the rules and regulations thereunder, the ARAs are authorized to solicit from applicants for registration as a transfer agent and from registered transfer agents the information required to be supplied by Form TA-1. Disclosure to the ARA of the information requested in Form TA-1 is a prerequisite to the processing of Form TA-1. The information will be used for the principal purpose of determining whether the ARA should permit an application for registration to become effective or should deny, accelerate or postpone registration of an applicant. The information supplied herein may also be used for all routine uses of the Commission or the ARAs. Information supplied on this Form will be included routinely in the public files of the ARAs and will be available for inspection by any interested person.

Regulator File No.
08 -

OMB APPROVAL
OMB Number: 3235-0084
Expires: June 30, 1988

Securities & Exchange Commission
Washington, D.C. 20549

Form TA-1

Uniform Form For Registration as a Transfer Agent and for amendment to registration pursuant to Section 17A of the Securities Exchange Act of 1934

GENERAL: Form TA-1 is to be used to register or amend registration as a transfer agent with the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation or the Securities and Exchange Commission pursuant to Section 17A of the Securities Exchange Act of 1934. Read all instructions before completing the form. Please print or type all responses.

1. Appropriate regulatory agency (check one) (See General Instruction D):
☐ Comptroller of the Currency ☐ Federal Deposit Insurance Corporation
☐ Board of Governors of the Federal Reserve System ☐ Securities and Exchange Commission

2. Filing status of this form (check one):
☐ Registration ☐ Amendment to Registration

3. a. Full name of registrant:

Previous name, if being amended:

b. Financial Industry Number Standard (FINS) number (See Special Instruction A1):

c. Address of principal office where transfer agent activities are, or will be, performed (See Special Instruction A2):
(Number and Street) (City) (State) (Zip Code)

e. Telephone Number: (Include Area Code)

d. Mailing address, if different from response to Question 3c:

4. Does registrant conduct, or will it conduct, transfer agent activities at any location other than that given in question 3c above? If "yes," provide address(es): Yes ☐ No ☐

5. Does registrant act, or will it act, as a transfer agent solely for its own securities and/or securities of an affiliate(s)? (See Special Instruction A5) Yes ☐ No ☐

SEC 1528 (3-86)

FORM TA-1
Page 2

Applicant Name: _____

Date: _____

OFFICIAL USE

6. Has registrant, as a named transfer agent, engaged, or will it engage, a service company to perform any transfer agent functions: Yes ☐ No ☐

If "yes," provide the name(s) and address(es) of all service companies engaged, or that will be engaged, by the registrant to perform its transfer agent functions:

Name:

Address: (Number and Street) (City) (State) (Zip Code)

Name:

Address: (Number and Street) (city) (State) (Zip Code)

7. Has registrant been engaged, or will it be engaged, as a service company by a named transfer agent to perform transfer agent functions? Yes ☐ No ☐

If "yes," provide the name(s) and FINS number(s) of the named transfer agent(s) for which the registrant has been engaged, or will be engaged, as a service company to perform transfer agent functions:

Name:	FINS Number:	Delete ☐
Name:	FINS Number:	☐
Name:	FINS Number:	☐
Name:	FINS Number:	☐
Name:	FINS Number:	☐

ATTENTION: INTENTIONAL MISSTATEMENTS OR OMISSIONS OF FACT CONSTITUTE FEDERAL CRIMINAL VIOLATIONS. See 18 U.S.C. 1001 and 15 U.S.C. 78ff(a)

EXECUTION: The registrant submitting this form, and as required, the SEC Supplement and Schedules A-D, and the executing official hereby represent that all the information contained herein is true, correct and complete.

Manual signature of Official responsible for form:	Title:
Name of Official responsible for form: (First name, Middle name, Last name)	Date executed (Month/Day/Year):

SEC 1528 (3-86)

Regulator/File No. 084-

SEC Supplement to Form TA-1

OMB APPROVAL
OMB Number: 3235-0084
Expires: June 30, 1988

Completion of the SEC Supplement to Form TA-1 is required of all independent, non-issuer registrants whose appropriate regulatory agency is the Securities and Exchange Commission.

Full name of registrant:

1. If registrant is a:
☐ Corporation — Complete Schedule A
☐ Partnership — Complete Schedule B
☐ Sole Proprietorship — Complete Schedule C
☐ Other (specify): _____ — Complete Section C

2. Does any person or entity not named in Schedules A, B or C:

(a) directly or indirectly, through agreement or otherwise exercise or have the power to exercise control over the management or policies of applicant; or ..... Yes ☐ No ☐
(If yes, state on Schedule D the exact name of each person or entity and describe the agreement or other basis through which such person or entity exercises or has the power to exercise control.)

(b) wholly or partially finance the business of applicant, directly or indirectly, in any manner other than by a public offering of securities made pursuant to the Securities Act of 1933 or by credit extended in the ordinary course of business by suppliers, banks and others? ..... Yes ☐ No ☐
(If yes, state on Schedule D the exact name of each person or entity and describe the agreement or arrangement through which such financing is made available, including the amount thereof.)

3. Definitions:

Control affiliate - An individual or firm that directly or indirectly controls, is under common control with, or is controlled by applicant. Included are any employees identified in Schedules A, B, C or D of this form as exercising control. Excluded are any employees who perform solely clerical, administrative support or similar functions, or who, regardless of title, perform no executive duties or have no senior policy making authority.

Investment or investment related - Pertaining to securities, commodities, banking, insurance, or real estate (including, but not limited to, acting as or being associated with a broker-dealer, investment company, investment adviser, futures sponsor, bank, or savings and loan association).

Involved - Doing an act of aiding, abbeting, counseling, commanding, inducing, conspiring with or failing reasonably to supervise another in doing an act.

A. In the past ten years has the applicant or a control affiliate been convicted of or plead guilty or nolo contendere ("no contest") to:

(1) a felony or misdemeanor involving: investments or an investment-related business, fraud, false statements or omissions, wrongful taking of property, or bribery, forgery, counterfeiting or extortion? . Yes ☐ No ☐

(2) any other felony? ..... Yes ☐ No ☐

B. Has any court in the past ten years:

(1) enjoined the applicant or a control affiliate in connection with any investment-related activity? .... Yes ☐ No ☐

(2) found that the applicant or a control affiliate was involved in a violation of investment-related statutes or regulations? ..... Yes ☐ No ☐

C. Has the U.S. Securities and Exchange Commission or the Commodity Futures Trading Commission ever:

(1) found the applicant or a control affiliate to have made a false statement or omission? ..... Yes ☐ No ☐

(2) found the applicant or a control affiliate to have been involved in a violation of its regulations or statutes? ..... Yes ☐ No ☐

(3) found the applicant or a control affiliate to have been a cause of an investment-related business having its authorization to do business denied, suspended, revoked or restricted? ..... Yes ☐ No ☐

(4) entered an order denying, suspending or revoking the applicant's or a control affiliate's registration or otherwise disciplined it by restricting its activities? ..... Yes ☐ No ☐

SEC 2153 (3-86)

Regulator/File No. 084-	SEC Supplement to Form TA-1 Page 2	OMB APPROVAL OMB Number: 3235-0084 Expires: June 30, 1988

	Yes	No
D. Has any other Federal regulatory agency or any state regulatory agency:		
(1) ever found the applicant or a control affiliate to have made a false statement or omission or to have been dishonest, unfair, or unethical?	☐	☐
(2) ever found the applicant or a control affiliate to have been involved in a violation of investment-related regulations or statutes?	☐	☐
(3) ever found the applicant or a control affiliate to have been a cause of an investment-related business having its authorization to do business denied, suspended, revoked, or restricted?	☐	☐
(4) in the past ten years entered an order against the applicant or a control affiliate in connection with investment-related activity?	☐	☐
(5) ever denied, suspended, or revoked the applicant's or a control affiliate's registration or license, or prevented it from associating with an investment-related business, or otherwise disciplined it by restricting its activities?	☐	☐
(6) ever revoked or suspended the applicant's or a control affiliate's license as an attorney or accountant?	☐	☐
E. Has any self-regulatory organization or commodities exchange ever:		
(1) found the applicant or a control affiliate to have made a false statement or omission?	☐	☐
(2) found the applicant or a control affiliate to have been involved in a violation of its rules?	☐	☐
(3) found the applicant or a control affiliate to have been the cause of an investment-related business losing its authorization to do business?	☐	☐
(4) disciplined the applicant or a control affiliate by expelling or suspending it from membership, by barring or suspending its association with other members, or by otherwise restricting its activities?	☐	☐
F. Has any foreign government, court, regulatory agency, or exchange ever entered an order against the applicant or a control affiliate related to investments or fraud?	☐	☐
G. Is the applicant or a control affiliate now the subject of any proceeding that could result in a yes answer to parts A-F of this item?	☐	☐
H. Has a bonding company denied, paid out on, or revoked a bond for the applicant or a control affiliate?	☐	☐
I. Does the applicant or a control affiliate have any unsatisfied judgments or liens against it?	☐	☐

4. For each yes to Item 3, provide on Schedule D the following details of any court or regulatory action:

- the individuals named in the action
- the title and date of the action
- the court or body taking the action and its location
- a description of the action
- the disposition of the proceeding

File Number: 084- DATE: Mo/Day/Yr	Schedule A of SEC Supplement to Form TA-1 For Corporate Registrants	OMB APPROVAL OMB Number: 3235-0084 Expires: June 30, 1988

This form requests information on corporate registrants.

1. Please complete appropriate columns for:
   - A. each Chief Executive Officer, Chief Financial Officer, Chief Operations Officer, Chief Legal Officer, Chief Compliance Officer, Director, and persons with similar status or functions, and
   - B. each other person who is, directly or indirectly the beneficial owner of 5% or more of any class of equity security of registrant.
2. Check "Control Person" column if person has "control." Control is defined as:

   Control - The power to direct or cause the direction of the management or policies of a company, whether through ownership of securities, by contract, or otherwise. Any individual or firm that is a director, partner or officer exercising executive responsibility (or having similar status or functions) or that directly or indirectly has the right to vote 25 percent or more of the voting securities or is entitled to 25 percent or more of the profits is presumed to control that company.
3. Ownership codes are:

   NA — 0 to 5% B — 10% up to 25% D — 50% up to 75%
   A — 5% up to 10% C — 25% up to 50% E — 75% up to 100%

ADD — Section for initial registration and for amendments reporting additional persons.

FULL NAME Last	First	Middle	Social Security Number	Date of Relationship (Beginning) Month	Year	Title or Status	Ownership Code	Control Person
			- -					
			- -					
			- -					
			- -					
			- -					
			- -					
			- -					
			- -					
			- -					

AMEND — Section for amendments reporting changes in the title, status or ownership code of previously reported persons.

- -						
- -						
- -						
- -						
- -						
- -						
- -						
- -						

DELETE — Section for amendments to report deletion of previously reported persons.

	(Ending) Month	Year
- -		
- -		
- -		
- -		
- -		

File Number: 084-	**Schedule B of SEC Supplement to Form TA-1 For Partnership Registrants**	OMB APPROVAL OMB Number: 3235-0084 Expires: June 30, 1988
DATE: Mo/Day/Yr	Full Name of Registrant:	

This form requests information on partnership registrants.

1. Please complete for all general partners and list all limited and special partners who have contributed 5% or more of the partnership's capital.
2. For each partner, complete appropriate columns below.
3. Check "Control Person" column if person has "control." Control is defined as:

   Control - The power to direct or cause the direction of the management or policies of a company, whether through ownership of securities, by contract, or otherwise. Any individual or firm that is a director, partner or officer exercising executive responsibility (or having similar status or functions) or that directly or indirectly has the right to vote 25 percent or more of the voting securities or is entitled to 25 percent or more of the profits is presumed to control that company.

4. Ownership codes are:
   NA — 0 to 5% B — 10% up to 25% D — 50% up to 75%
   A — 5% up to 10% C — 25% up to 50% E — 75% up to 100%

ADD — Section for initial registration and for amendments reporting additional persons.

FULL NAME Last	First	Middle	Social Security Number	Date of Relationship (Beginning) Month	Year	Title or Status	Control Person	Ownership Code
			- -					
			- -					
			- -					
			- -					
			- -					
			- -					
			- -					
			- -					
			- -					

AMEND — Section for amendments reporting changes in the title, status or ownership code of previously reported persons.

- -						
- -						
- -						
- -						
- -						
- -						
- -						
- -						

DELETE — Section for amendments to report deletion of previously reported persons.

	(Ending) Month	Year
- -		
- -		
- -		
- -		
- -		

File Number: 084-	**Schedule C of SEC Supplement to Form TA-1 For Applicants Other Than Partnerships and Corporations**	OMB APPROVAL OMB Number: 3235-0084 Expires: June 30, 1988
DATE: Mo/Day/Yr	Full Name of Registrant:	

This form requests information on applicants other than partnerships and corporations.

1. Please complete for any person, including a trustee, who directs, manages, or participates in directing or managing the affairs of registrant.
2. Give each listed person's title or status and describe the nature of his authority and his beneficial interest in applicant.

ADD — Section for initial registration and for amendments reporting additional persons.

FULL NAME Last	First	Middle	Social Security Number	Date of Relationship (Beginning) Month	Year	Title or Status	Description of Authority and Beneficial Interest
			- -				
			- -				
			- -				
			- -				
			- -				
			- -				
			- -				
			- -				
			- -				

AMEND — Section for amendments reporting changes in the title, status or nature of authority or beneficial interest.

- -					
- -					
- -					
- -					
- -					
- -					
- -					
- -					

DELETE — Section for amendments to report deletion of previously reported persons.

	(Ending) Month	Year
- -		
- -		
- -		
- -		
- -		

BILLING CODE 8010-01-C

File Number: 084-	Schedule D of SEC Supplement to Form TA-1	OMB APPROVAL OMB Number: 3235-0084 Expires: June 30, 1988
DATE: Mo/Day/Yr	Full Name of Registrant:	

Use this Schedule to report details of affirmative responses to questions contained in the SEC Supplement.

Item on Form (Identify)	Answer

§ 249b.200 [Amended]

6. Section 249b.200 is amended by removing the reference to footnote 2, by adding a reference to footnote 1 in place thereof, and by removing footnote 2.

§ 249b.102 [Added]

7. By adding § 249b.102 as follows:

§ 249b.102 FORM TA–2,[1] form to be used by transfer agents registered pursuant to Section 17A of the Securities Exchange Act of 1934 for the annual report of transfer agent activities.

Note.—Form TA–2 is published with this document and does not appear in the Code of Federal Regulations.

This form shall be used on an annual basis for registered transfer agents for reporting their business activities.

BILLING CODE 8010-01-M

[1] Copies of the form may be obtained from the Publication Section, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549 and from each of the Commission's regional offices.

Securities and Exchange Commission
Washington, D.C. 20549

INSTRUCTIONS

Form TA-2 is to be used by Transfer Agents registered pursuant to section 17A of the Securities Exchange Act of 1934 for filing the annual report of transfer agent activities

ATTENTION: Certain sections of the Securities Exchange Act of 1934 applicable to transfer agents are referenced below. Transfer agents are urged to review all applicable provisions of the Securities Exchange Act of 1934, the Securities Act of 1933 and the Investment Company Act of 1940, as well as the applicable rules promulgated by the SEC under those Acts.

I. General Instructions for Filing and Amending Form TA-2.

A. Terms and Abbreviations. The following terms and abbreviations are used throughout these instructions:

1. "Act" refers to the Securities Exchange Act of 1934.
2. "ARA" refers to the appropriate regulatory agency, as defined in Section 3(a)(34)(B) of the Act.
3. "Form TA-2" includes the Form and any attachments thereto.
4. "Registrant" refers to the entity on whose behalf Form TA-2 is filed.
5. "Rule" or "Rules" are found in Volume 17, Section 240 of the Code of Federal Regulations ("C.F.R.") e.g., Rule 17Ad-1(a) may be found in 17 C.F.R. §240.17Ad-1(a).
6. "SEC" refers to the Securities and Exchange Commission.
7. "Transfer agent" is defined in Section 3(a)(25) of the Act as any person who engages on behalf of an issuer of securities or on behalf of itself as an issuer in at least one of the functions enumerated therein.

B. Who Must file; When to File. Rule 17c2-2 requires that every registered transfer agent file Form TA-2 by August 31 of each year, except that a registered transfer agent is only required to complete Questions 1 through 4 and the execution section if it received fewer than 500 items for transfer and fewer than 500 items for processing in the six months ending June 30 of the year for which the form is being filed and does not maintain master securityholder files for more than 1000 individual security holder accounts as of June 30 of the year for which the form is being filed.

A registered transfer agent that engages a service company to perform all of its transfer and processing functions is not required to file Form TA-2. A transfer agent that engages a service company to perform some, but not all of its transfer and processing functions should enter zero ("0") for those questions which relate to functions performed by the service company on behalf of the transfer agent.

The date on which any filing is actually received by the SEC is its filing date, provided that the filing complies with all applicable requirements. A filing that does not comply with applicable requirements may be rejected by the SEC. Acceptance of a filing, however, shall not constitute a finding that it has been filed as required or that the information therein is true, current or complete.

C. Number of Copies; How and Where to File. The registrant must file the original and two copies of Form TA-2 with the SEC. The original copy of Form TA-2 must be manually signed and any additional copies may be photocopies of the signed original copy. All copies must be legible, on good quality 8½ x 11 inch white paper. The registrant must keep an exact copy of any filing for its records.

Registrants must file Form TA-2 directly with the Securities and Exchange Commission at:

Securities and Exchange Commission
Office of Applications and Reports Services
Washington, DC 20549

SEC 2113 (3-86)

II. Special Instructions for Filing Form TA-2

A. Indicate at the top of the page the calendar year for which Form TA-2 is filed.

B. In answering Question 3, indicate the number of items received for transfer and the number of items received for processing for the period January 1 to June 30 of the year for which Form TA-2 is being filed. (The underlined terms are defined in Rule 17Ad-1.) Omit transactions involving the purchase, sale and redemption of investment company shares. Report those items in response to Question 8.

C. In answering Question 4, include American Depositary Receipts (ADRs) in the corporate debt or equity category, as appropriate. Further, exclude Dividend Reinvestment (DRIP) accounts.

D. In answering Question 5, each series of debt securities issued under a single indenture is to be counted separately. Likewise, each series of an investment company is to be counted separately.

E. In answering Question 7, a "Transfer Agent Custodian Arrangement" (TAC) exists when certain institutional securityholders of record, such as broker-dealers, banks, and securities depositories, leave securities with a transfer agent. These securities are registered in the name of the institution or its nominee and are evidenced by a balance certificate. That balance certificate is retained by the transfer agent and is adjusted daily for the institution's deposit and withdrawal activity. Open-end investment company securities should be excluded from Question 7a. In answering Question 7c, exclude coupon payments and transfers of record ownership as a result of corporate actions.

F. In answering Question 8, exclude non-value transactions, such as address changes.

III. Notice.

Under Sections 17, 17A(c) and 23(a) of the Act and the rules and regulations thereunder, the SEC is authorized to solicit from registered transfer agents the information required to be supplied on Form TA-2. Disclosure to the SEC of the information requested in Form TA-2 is required of all registered transfer agents. The information will be used for the principal purpose of regulating registered transfer agents but may be used for all routine uses of the Commission or of the ARAs. Information supplied on this Form will be included routinely in the public files of the ARAs and will be available for inspection by any interested person.

BILLING CODE 8010-01-C

File Number:
08
Date: Mo/Day/Yr

OMB APPROVAL	
OMB Number:	3235-0337
Expires:	June 30, 1988

Securities and Exchange Commission
Washington, D.C 20549

Form TA-2

Form for Reporting Activities of Transfer Agents
registered pursuant to Section 17A of the Securities Exchange Act of 1934

GENERAL: Form TA-2 is to be used by transfer agents registered pursuant to Section 17A of the Securities Exchange Act of 1934 for filing the annual report of transfer agent activities with the Securities and Exchange Commission. Read all instructions before completing this Form. Please print or type all responses.

A Transfer Agent that received fewer than 500 items for transfer and fewer than 500 items for processing in the six months ending June 30 of the year for which this form is being filed and does not maintain master securityholder files for more than 1000 individual securityholder accounts as of June 30 of the year for which this form is being filed is only required to complete Questions 1 through 4 and the Execution Section.

1. Appropriate regulatory agency (check one box only)

☐ Comptroller of the Currency ☐ Federal Deposit Insurance Corporation
☐ Board of Governors of the Federal Reserve System ☐ Securities and Exchange Commission

2. Full name of Registrant as stated in Question 3a of Form TA-1:

If the response to any question is none or zero, enter "0"

3. Number of items (000s omitted) received during the six months ended June 30 for:
   a. transfer .....
   b. processing (outside registrar function) .....

4. a. Number of individual securityholder accounts maintained as of June 30: _____
   b Approximate percentage of individual securityholder accounts maintained in the following categories as of June 30:

Corporate Equity Securities	Corporate Debt Securities	Investment Company Securities	Limited Partnership Securities	Municipal Debt Securities	Other Securities

5. Number of securities issues for which registrant acts in the following capacities, as of June 30:

	Corporate Debt & Equity	Investment Company	Limited Partnership	Municipal Debt	Other Securities
a. receives items for transfer and maintains the master securityholder files					
b. receives items for transfer but does not maintain the master securityholder files					
c. does not receive items for transfer but maintains the master securityholder files					

6. Aggregate value of securities record differences, existing for more than 30 days, as of June 30:

	Transfer Agent Prior	Transfer Agent Current
a. number of issues		
b. market value (in dollars — 000s omitted)		

SEC 2113 (3-86)

FORM TA-2
Page 2

Applicant Name _____
Date: _____

OFFICIAL USE

7. Scope of certain additional types of activities performed:
   a. transfer agent custodian arrangements (TACs), as of June 30:
      i. number of issues .....
      ii. number of shares (000s omitted) .....
      iii. principal amount of debt securities (in millions — 000,000s omitted) .....
      iv. number of institutions for which this activity is performed .....
   b. number of issues for which dividend reinvestment plan services are provided, as of June 30 .....
   c. annual dividend disbursement and interest paying agent activities conducted during the preceding calendar year (period ending December 31):
      i. number of issues .....
      ii. amount (in millions of dollars — 000,000s omitted) .....

8. Number of open-end investment company (mutual fund) transactions (excluding dividend and distribution postings) processed during the preceding calendar year (period ending December 31):
   a. total number (000s omitted) .....
   b. number processed on a date other than date of receipt of order .....
   c. number of transactions processed on other than on date of receipt of order, expressed as a percentage of total transactions processed ..... %

ATTENTION: INTENTIONAL MISSTATEMENTS OR OMISSIONS OF FACT CONSTITUTE FEDERAL CRIMINAL VIOLATIONS. See 18 U.S.C. 1001 and 15 U.S.C. 78ff(a)

EXECUTION: The registrant submitting this Form, and the person executing the Form, hereby represent that all the information contained in the Form is true, correct and complete.

Manual signature of Official responsible for form:	Title:
Name of Official responsible for form: (First name, Middle name, Last name)	Date executed (Month/Day/Year):

SEC 2113 (3-86)

Dated: March 27, 1986.

By the Commission.

John Wheeler,

Secretary.

[FR Doc. 86-7755 Filed 4-8-86; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 3

[Docket No. RM82-35-000]

Fees Applicable to General Activities

April 4, 1986.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Commission has delegated to the Executive Director authority to update annually the fees charged under the Freedom of Information Act according to procedures set forth in the Commission's regulations. This rule revises the fees for FOIA search time as follows: (a) $8.00 per quarter hour for search services performed by a professional employee and (b) $3.81 per quarter hour for search services performed by a clerical employee. The fee per page for duplication remains the same at 10 cents.

EFFECTIVE DATE: May 9, 1986.

FOR FURTHER INFORMATION CONTACT: Kenneth F. Plumb, Secretary (202) 357-8400.

SUPPLEMENTARY INFORMATION: In consideration of the foregoing, the Commission amends Chapter I, Title 18 of the Code of Federal Regulations, as set forth below.

List of Subjects in 18 CFR Part 3

Information and requests.

William G. McDonald,

Executive Director.

PART 3—[AMENDED]

1. The authority citation for Part 3 continues to read as follows:

Authority: Department of Energy Organization Act, 42 U.S.C. 7101-7352 (1982); E.O. 12009, 3 CFR 142 (1978); Administrative Procedure Act, 5 U.S.C. 552 and 553 (1982), unless otherwise noted.

§ 3.8 [Amended]

2. Section 3.8(k)(2)(i) is amended by removing the number "$5.60" and inserting, in its place, the number "$8.00."

3. Section 3.8(k)(2)(ii) is amended by removing the number "$2.40" and inserting, in its place, the number "$3.61".

[FR Doc. 86-7893 Filed 4-8-86; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Lincomycin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by the Upjohn Co., providing for safe and effective use of lincomycin Type A medicated articles to make Type C medicated feeds for growing-finishing swine for increased rate of weight gain.

EFFECTIVE DATE: April 9, 1986.

FOR FURTHER INFORMATION CONTACT: Lonnie W. Luther, Center for Veterinary Medicine (HFV-128), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4317.

SUPPLEMENTARY INFORMATION: The Upjohn Co., Kalamazoo, MI 49001, filed supplemental NADA 97-505 providing for safe and effective use of 20-or 50-gram-per pound lincomycin Type A medicated articles to make 20-gram-per-ton lincomycin Type C medicated feeds used for increased rate of weight gain in growing-finishing swine. Based on the data and information submitted, the supplemental NADA is approved and the regulations are amended to reflect the approval. In addition, the regulations in 21 CFR 558.325(b) concerning specific lincomycin Type A medicated article and Type B medicated feed approvals are not consistent in describing the approved medicated feed uses. The regulations are amended at this time to establish a consistency in defining the approvals.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday. FDA's regulations implementing the National Environmental Policy Act (21 CFR Part 25) have been replaced by a rule published in the **Federal Register** of April 26, 1985 (50 FR 16636, effective July 25, 1985). Under the new rule, an action of this type would require an environmental assessment under 21 CFR 25.31a(a).

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, Part 558 is amended as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

1. The authority citation for 21 CFR Part 558 continues to read as follows:

Authority: Sec. 512, 82 Stat. 343-351 (21 U.S.C. 360b); 21 CFR 5.10 and 5.83.

2. In § 558.325 by revising paragraph (b) and by adding new paragraph (f)(2)(v) to read as follows:

§ 558.325 Lincomycin.

* * * * *

(b) *Approvals.* Type A articles and Type B feeds approved for sponsors in § 510.600(c) of this chapter for specific uses as in paragraph (f) of this chapter for specific uses as in paragraph (f) of this section as follows:

(1) No. 000009: (i) 4 grams per pound as in (f) (1) and (3).

(ii) 20 grams per pound as in (f) (1) through (3).

(iii) 50 grams per pound as in (f) (1) and (2).

(2) No. 034139 for 4 grams per pound as in (f)(2) (i) through (iv).

(3) [Reserved]

(4) No. 011490 for 8, 10, and 20 grams per pound as in (f)(2) (i) through (iii).

(5) Nos. 043733, 050639, and 051359 for 8 and 20 grams per pound as in (f)(2) (i) through (iii).

(6) No. 018083 for 4, 8, 10, and 20 grams per pound as in (f)(2) (i) through (iii).

(7) [Reserved]

(8) No. 016968 for 4, 5, 8, 10, and 20 grams per pound as in (f)(2) (i) through (iii).

(9) No. 047427 for 4 and 20 grams per pound as in (f)(2) (i) through (iv).

(10) No. 017274 for 4, 8, and 20 grams per pound as in (f)(2) (i) through (iii).

(11) No. 012286 for 5 and 10 grams per pound as in (f)(2) (i) through (iii).

(12) No. 020275 for 20 grams per pound as in (f)(2) (i) through (iii).

(13) No. 017800 for 2.5 and 8 grams per pound as in (f)(2) (i) through (iv).

(14) No. 024174 for 4 and 20 grams per pound as in (f)(2) (i) through (iii).

(15) No. 017790 for 8 and 20 grams per pound as in (f)(2) (i) through (iv).

* * * * *

(f) * * *

(2) * * *

(v) *Amount per ton.* 20 grams.

(*a*) *Indications for use.* For increased rate of weight gain in growing-finishing swine.

(*b*) *Limitations.* Feed as sole ration; not for use in swine weighing over 250 pounds; withdraw 6 days before slaughter.

* * * * *

Dated: April 3, 1986.

Marvin A. Norcross,

Acting Associate Director for New Animal Drug Evaluation.

[FR Doc. 86-7825 Filed 4-8-86; 8:45 am]

BILLING CODE 4160-01-M

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Part 561

[FAP 3H5412/R813; FRL-2984-9]

Pesticide Tolerance for 3,6-Bis(2-Chlorophenyl)-1,2,4,5-Tetrazine

Correction

In FR 86-5750, beginning on page 9439, in the issue of Wednesday, March 19, 1986, make the following correction.

On page 9440, first column, second line, "March 15, 1986, should read "March 15, 1987".

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 917

Approval of Permanent Program Amendments From the Commonwealth of Kentucky Under the Surface Mining Control and Reclamation Act of 1977

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

ACTION: Final rule.

SUMMARY: OSMRE is announcing the approval of program amendments submitted by Kentucky as modifications to the State's permanent regulatory program (hereinafter referred to as the Kentucky program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendments were submitted on December 3, 1985, and pertain to coal processing plants.

After providing for public comment and conducting a thorough review of the program amendments, the Director has determined that the amendments meet the requirements of SMCRA and the Federal regulations and is approving these amendments. The Federal rules at 30 CFR Part 917 codifying decisions concerning the Kentucky program are being amended to implement this action.

This final rule is being made effective immediately to expedite the State program amendment process and encourage States to conform their programs with the Federal standards without undue delay. Consistency of State and Federal standards is required by SMCRA.

EFFECTIVE DATE: April 9, 1986.

FOR FURTHER INFORMATION CONTACT: W. Hord Tipton, Director, Lexington Field Office, Office of Surface Mining Reclamation and Enforcement, 340 Legion Drive, Suite 28, Lexington, Kentucky 40504. Telephone: (606) 233-7327.

SUPPLEMENTARY INFORMATION:

I. Background

On December 30, 1981, Kentucky resubmitted its proposed regulatory program to OSMRE. The Kentucky program was conditionally approved by the Secretary of the Interior subject to the correction of 12 minor deficiencies. The approval was effective upon publication of the notice of conditional approval in the May 18, 1982 **Federal Register** (47 FR 21404-21435). Information pertinent to the general background, revisions, modifications, and amendments to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval of the Kentucky program can be found in the May 18, 1982 **Federal Register.** Subsequent actions concerning the conditions of approval and program amendments are identified at 30 CFR 917.11, 30 CFR 917.15, 30 CFR 917.16 and 30 CFR 917.17.

II. Submission of Program Amendments

On December 3, 1985, Kentucky submitted emergency amendments to its regulations pertaining to requirements for coal processing plants (Administrative Record No. KY 680). On January 14, 1986, OSMRE published a notice in the **Federal Register** (51 FR 1517) announcing receipt of the amendments and inviting public comment on their adequacy. The public hearing scheduled for February 10, 1986, was not held because no one requested an opportunity to testify. The public comment period closed on February 13, 1986.

The regulations, which became applicable on December 1, 1985, were promulgated in response to court litigation and recent Federal rulemakings (July 10, 1985, 50 FR 28186). The amendments establish requirements for coal processing plants which do or do not separate coal from impurities, and revise requirements for coal processing plants not located within the permit area of a specified mine.

III. Director's Findings

The Director finds, in accordance with SMCRA and 30 CFR 732.15 and 732.17, that the program amendments submitted on December 3, 1985, meet the requirements of SMCRA and 30 CFR Chapter VII. Only those provisions of particular interest are discussed below. Any provisions not specifically discussed are found to be no less stringent than SMCRA and no less effective than the Federal rules.

405 KAR 7:020E

1. Kentucky has amended its definition of "coal processing plant" to mean "a facility where coal is subjected to chemical or physical processing or cleaning, concentrating, crushing, sizing, or other processing or preparation including all associated support facilities including but not limited to: loading facilities, storage and stockpile facilities; sheds, shops, and other buildings; water treatment and water storage facilities; settling basins and impoundments; and coal processing and

other waste disposal areas." The Kentucky definition of "coal processing plant" closely resembles the Federal definition of "coal preparation plant" published in the July 10, 1985 Federal Register as part of the Federal interim final rules for coal preparation plants (50 FR 28186). Although the Kentucky definition differs slightly from the Federal rule, it makes clear that coal processing plants includes facilities which do not separate coal from its impurities as well as those that do separate coal from impurities. It also includes all examples of coal processing plants and associated facilities included in the Federal definition. The Director therefore finds the Kentucky definition no less effective than the Federal definition.

405 KAR 8:050E

2. Kentucky has amended Section 8 of its permit requirements for special categories of mining, 405 KAR 8:050E. Section 8 establishes requirements for coal processing plants not located within the permit area of a specified mine.

Subsections (1) and (2) of 405 KAR 8:050E Section 8 correspond to 30 CFR 785.21(a) and contain the requirements found in the Federal rule. The Kentucky rule also renders "null and void" the provisions of Reclamation Advisory Memorandum (RAM) #33, entitled "Coal Processing Operations and Crushing and Loading Facilities." RAM #33 has previously been disapproved by the Director (September 17, 1985, 50 FR 37656). Therefore, the Director finds the Kentucky provisions consistent with and no less effective than the Federal provisions.

Subsection (3) of 405 KAR 8:050E Section 8 applies only to coal processing plants in existence on December 1, 1985 which were previously exempted but became subject to regulation on December 1, 1985. Paragraph (3)(a) requires that persons who intend to operate a coal processing plant after August 1, 1986, must file an initially complete permit application on or before February 1, 1986. Operating a coal processing plant after August 1, 1986, without a permit, is only allowed if an initially complete permit application has been "timely filed" (as defined in the rule), the Natural Resources and Environmental Protection Cabinet (NREPC) has not yet issued or denied the permit, and the person complies with the performance standards of 405 KAR 20:070. The Kentucky rule is in compliance with, and no less effective than, the interim final Federal rules at 30 CFR 785.21(d)(2) and 785.21(e) which require States to establish a permitting schedule for coal preparation plants and require operators to apply for a permit in accordance with the schedule as approved by OSMRE.

Paragraph (3)(b) of 405 KAR 8:050E section 8 requires the applicant to file a performance bond within sixty days of being notified of the NREPC's decision to issue a permit. If the bond is not filed within that time, the permit will be denied. This is in keeping with Federal bonding requirements which require permitted areas to be bonded (30 CFR Part 800).

Paragraph (3)(c) exempts the NREPC from time limits for taking action on permits provided that the NREPC makes "every effort to timely review and issue or deny" permits prior to August 1, 1986. The Director finds that, since the interim final rule 30 CFR 785.21(e)(2) recognizes that States may not be able to meet the Schedule for issuance or denial of permits, the Kentucky rule is consistent with Federal requirements.

Subsection (4) of 405 KAR 8:050E Section 8 amends requirements for permit applications. Paragraph (4)(a) requires the application to be in accordance with 405 KAR 8:030 and 405 KAR 8:050, permitting requirements for surface mines and special categories of mining. Paragraph (4)(b) exempts operations subject to section (3) (those previously exempted operations that became subject to regulation on December 1, 1985) from the requirements of 405 KAR 8:030 section 21 and 405 KAR 8:050 section 3, for lands disturbed by coal processing plants prior to December 1, 1985. These sections, 405 KAR 8:030 section 21 and 405 KAR 8:050 section 3 refer to prime farmland investigations and applicability. Paragraph (4)(c) exempts operations subject to subsection (3) and whose applications are "timely filed", from the information requirements of 405 KAR 8:030 sections 12, 13, 14(3) and 15(4). The referenced sections cover baseline hydrologic and geologic information collection and seasonal quantity and quality data for ground water and surface water information. The Director finds these provisions to be no less effective than the existing Federal regulations.

Subsection 5 remains the same except that the title "criteria for approval" is added. The subsection requires a written finding by the NREPC that operations will be conducted in compliance with 405 KAR 20:070, performance standards. Subsection 6 establishes an applicability date for the rule, of December 1, 1985, which the Director finds to be no less effective than that required in the Federal interim final rule at 30 CFR 785.21(d).

3. Kentucky has added Section 9 to 405 KAR 8:050E to provide a statement of emergency of this rulemaking and to note that the emergency regulation will be replaced by an ordinary administrative regulation. The Director finds no conflict with the Federal rules.

405 KAR 20:070E

Kentucky has amended 405 KAR 20:070 to delete the previous requirements and replace them with new requirements.

4. Section 1 of 405 KAR 20:070E establishes applicability of the rule to coal processing plants that are not located within the permit area for a specific mine. The applicability does not apply to coal processing plants located at the site of ultimate coal use. This section contains the applicability requirements in 30 CFR 827.1 and the Director therefore finds it no less effective than the Federal rule.

5. Section 2 of 405 KAR 20:070E provides that coal processing plant activities shall comply with the provisions of Title 405, Chapter 16 (performance standards for surface mines) and 405 KAR 20:040 (prime farmland performance standards) except as provided in the section and in section 5 of 405 KAR 20:070E. Subsections (1) through (9) of Section 2 then list non-applicable sections of the Kentucky regulations. The Federal rule at 30 CFR 827.12 instead lists the sections of the Federal rules which will apply to such operations. The non-applicable standards listed in the Kentucky rule are: (1) Provisions of 405 KAR 16:060, related to stream buffer zones except that the findings required for a variance shall apply to a proposal to divert an intermittent or perennial stream; (2) 405 KAR 16:010 Section 2, coal recovery; (3) 405 KAR 16:010, Section 4, slide and erosion barriers and Section 5, slides; (4) 405 KAR 18:020, contemporaneous reclamation in underground mines, shall apply in lieu of 405 KAR 16:020, contemporaneous reclamation for surface mines; (5) 405 KAR 16:040, casing and sealing of drilled holes, (6) 405 KAR 16:120, use of explosives; (7) 405 KAR 16:190, section 5, thick overburden; (8) 405 KAR 16:250, Section 2(2), minimizing damage, destruction or disruption of utility services; (9) 405 KAR 20:060, steep slopes. Since the non-applicability sections listed in the Kentucky rule do not contain any of the Kentucky counterparts to the applicable provisions listed in Federal rule 30 CFR 827.12, the Director finds that the

Kentucky rules require compliance with 405 KAR Chapter 16 performance standards and 405 KAR 20:040 prime farmland requirements that is no less effective than the Federal requirements.

6. Section 3 of 405 KAR 20:070E requires that adverse effects upon, or resulting from, nearby underground mining activities shall be minimized including but not limited to compliance with 405 KAR 16:010, section 3 which pertains to protection of underground mining. This section is similar to 30 CFR 827.12(k) and therefore the Director finds it no less effective than the Federal rule.

7. Section 4 of 405 KAR 20:070E requires that any permittee shall replace the water supply of an owner of interest in real property who obtains water for domestic, agricultural, industrial or other legitimate use from an underground or surface supply when the supply has been adversely impacted by contamination, diminution or interruption proximately resulting from coal processing plant activities. This is consistent with and no less effective than the requirement in 30 CFR 827.12(c) that the requirements of 30 CFR 816.41 be met, since 30 CFR 816.41 contains a comparable requirement in paragraph (h).

8. Section 5 of 405 KAR 20:070E provides additional exemptions for certain operations that were previously exempt from regulation but become subject to regulation on December 1, 1985. Subsection (1) exempts, for these operations, areas disturbed before December 1, 1985, from the requirements of 405 KAR 16:010 section 3, protection of underground mining. This exemption is found to be consistent with Federal requirements, since the requirement at 30 CFR 816.79 not to conduct surface mining activities within 500 feet of an underground mine does not apply to coal preparation plants subject to 30 CFR Part 827. These coal preparation plants do not fall under the definition of "surface mining activities" in 30 CFR 701.5.

Subsection (2) provides that for areas without suitable topsoil, 405 KAR 16:050 section 1(3) would apply, so that suitable alternative materials could be used. This is consistent with and no less effective than the Federal requirements for topsoil in 30 CFR 816.22 which are included in the Federal requirements for coal preparation plants in 30 CFR 827.12.

Subsection (3) of 405 KAR 20:070E Section 5 provides that the requirement for a sedimentation pond or ponds in 405 KAR 16:070 section 1(1)(a) shall not apply until final action on the permit application is taken by the NREPC, and the sedimentation pond or treatment facility design has been approved or an exemption has been granted. Although the Federal interim final rule at 30 CFR 827.13(a) would require interim standards (which include a requirement for sedimenation ponds) to be applied to these coal processing plants while the permanent program permit is acted upon, the Director finds that this exemption is acceptable since it would not be reasonable to require installation of an "interim" sedimentation pond for the short period of time until plans for a sedimentation pond could be approved in the permanent program permit.

Subsection (4) allows coal processing plants in existence on May 3, 1978 to comply with the backfilling and grading requirements for remining in 405 KAR 16:190 section 7. The Director finds that this exemption is consistent with the Federal requirements for remining.

Subsection (5) of 405 KAR 20:070E exempts operations under section 5 from the requirements of 405 KAR 20:040, prime farmland, for any prime farmland (on the coal processing plant sites) disturbed before December 1, 1985. Since the requirements of 405 KAR 20:040 require removal and storage of topsoil for later replacement before mining activities, and since the plants in question were already in place as of the December 1, 1985 effective date of Kentucky's rules on coal processing plants, the Director finds this to be a reasonable exemption.

Subsection (6) exempts section 5 operations from ground water monitoring requirements of 405 KAR 16:110 until the ground water monitoring plan is approved in the permit approval action. The Director finds this acceptable since it is reasonable not to require a ground water monitoring system to be implemented until it is approved.

The Director therefore finds this Section no less effective than the Federal rules for coal preparation plants.

9. Section 6 of 405 KAR 20:070E establishes applicability of the rule as of December 1, 1985. The interim final Federal rule at 30 CFR 785.21(d)(2)(i) requires submission of a schedule for actions necessary to allow permitting of coal preparation plants by December 9, 1985. The Director finds the submission date and the schedule for implementation to comply with the Federal rule requirement.

10. Section 7 of 405 KAR 20:070E establishes the rule as an emergency rule to be replaced by an ordinary administrative regulation, which the Director finds acceptable.

IV. Public Comment

In response to OSMRE's request for public comments, Thomas FitzGerald submitted the following comments on behalf of the Kentucky Resources Council.

Mr. FitzGerald said that Kentucky's revised definition of "coal processing plant" is assumed to consider coal crushing, screening and sizing operations as "surface coal mining activities." The commenter was concerned by Kentucky's use of "coal processing plants" rather than "coal preparation plants" as the Federal definition uses, but said the difference is not substantive as long as the extent of jurisdiction is comparable. The commenter also questioned whether "screening" of coal is included in the regulated activities. The commenter supported the lack of a distance factor concerning coal loading facilities which "leaves open the possibility that coal loading not at or near the minesite may be considered a covered section 701(28)(B) activity." The commenter suggested that Kentucky also include a definition of "coal processing" as well.

OSMRE has reviewed Kentucky's definition for "coal processing plant" and has found it no less effective than the Federal definition of "coal preparation plant." The Kentucky definition is similar to, and includes all facilities included in, the Federal definition. Both the Federal definition and the Kentucky definition include facilities where coal is subject to any type of processing or preparation. Screening of coal is therefore included in the regulated activities. The Director is not requiring Kentucky to adopt a definition of "coal processing" since the definition of "coal processing plant" clearly includes all facilities which would be engaged in "coal preparation" activities as described in the Federal definition at 30 CFR 701.5.

Mr. FitzGerald supported Kentucky's revisions to its performance standards for coal processing facilities, saying that they appear to be in accordance with decisions in *In Re: Permanent Surface Mining Reclamation Litigation II* and *Sierra Club* v. *Watt*. The commenter said that the inclusion of the water rights replacement section is required and supported.

The Director has found the Kentucky performance standards to be no less effective than the Federal standards for coal preparation plants.

V. Director's Decision

The Director, based on the above findings, is approving the Kentucky

program amendments as submitted on December 3, 1985. The Federal rules at 30 CFR Part 917 are being amended to implement the Director's decision.

VI. Additional Determinations

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

2. *Executive Order No. 12291 and the Regulatory Flexibility Act:* On August 28, 1981, the Office of Management and Budget (OMB) granted OSMRE an exemption from sections 3, 4, 7 and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, for this action OSMRE is exempt from the requirement to prepare a Regulatory Impact Analysis and this action does not require regulatory review by OMB.

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

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

List of Subjects in 30 CFR Part 917

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

Date: April 2, 1986.

James W. Workman,

Deputy Director, Operations and Technical Services.

PART 917—KENTUCKY

30 CFR Part 917 is amended as follows:

1. The authority citation for part 917 continues to read as follows:

Authority: Pub. L. 95–87, Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq.*).

2. 30 CFR 915.15 is amended by adding a new paragraph (r) as follows:

§ 917.15 Approval of regulatory program amendments.

* * * * *

(r) The following amendments submitted to OSMRE on December 3, 1985, as emergency regulations are approved effective April 9, 1986; revisions to the Kentucky Administrative Regulations in 405 KAR 7:020E, 405 KAR 8:050E, and 405 KAR 20:070E.

[FR Doc. 7869 Filed 4–8–86; 8:45 am]

BILLING CODE 4310-05-M

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30 CFR Part 935

Approval of Permanent Program Amendments for the State of Ohio Under the Surface Mining Control and Reclamation Act of 1977

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

ACTION: Final rule.

SUMMARY: OSMRE is announcing the approval of certain amendments to the Ohio permanent regulatory program (hereinafter referred to as the Ohio program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

By letter dated November 15, 1985, the Ohio Department of Natural Resources (ODNR) submitted amendments consisting of proposed changes to the Ohio statute concerning collection of a fee by the county recorder for filing a permit application and procedures for removing permit applications from the county recorder's files after public notice, and procedures for recording and discharging liens. OSMRE published a notice in the **Federal Register** on February 13, 1986, inviting public comment on the adequacy of the proposed amendments (51 FR 5373).

After providing an opportunity for public comment and conducting a thorough review of the program amendments, the Director of OSMRE has determined that the amendments meet the requirements of SMCRA and the Federal regulations. Accordingly, the Director is approving the program amendments. The Federal rules at 30 CFR Part 935 which codify decisions on the Ohio program are being amended to implement these rules.

This final rule is being made effective immediately to expedite the State program amendment process and encourage States to bring their programs into conformity with the Federal standards without delay. Consistency of State and Federal standards is required by SMCRA.

EFFECTIVE DATE: April 9, 1986.

FOR FURTHER INFORMATION CONTACT: Ms. Nina Rose Hatfield, Director, Columbus Field Office, Office of Surface Mining Reclamation and Enforcement, Room 202, 2242 South Hamilton Road, Columbus, Ohio 43232; Telephone: (614) 866–0578.

SUPPLEMENTARY INFORMATION:

I. Background

The Ohio program was approved effective August 16, 1982, by a notice published in the August 10, 1982 **Federal Register.** The approval was conditioned on the correction of 28 minor deficiencies contained in 11 conditions. Information pertinent to the general background, revisions, modifications, and amendments to the Ohio program submission, as well as the Secretary's findings, the disposition of comments, and a detailed explanation of the conditions of approval of the Ohio program can be found in the August 10, 1982 **Federal Register** (47 FR 34688). Subsequent actions concerning the conditions of approval and program amendments are identified at 30 CFR 935.11 and 935.15.

II. Discussion of Amendments

By letter dated November 15, 1985, the Ohio Department of Natural Resources submitted proposed amendments to Ohio statute sections 1513.07, 1513.33 and 1513.37 consisting of:

(1) A revision to 1513.07(B)(6) requiring the county recorder to charge a fee of ten dollars for his services in filing the application;

(2) Revisions to 1513.33 concerning the treatment of recording and discharging liens at county recorder's offices, and

(3) Revisions to 1513.37(F) (3) and (4) which record and index property liens and set forth procedures for the discharge of the liens.

On February 13, 1986, OSMRE published an announcement of the receipt of the amendments, inviting public comment on the adequacy of the proposal (51 FR 5373). The notice stated that a public hearing would be held only if requested. Since there were no requests for a hearing, a hearing was not held. The comment period closed on March 17, 1986, and no comments were received.

III. Director's Findings

The Director finds, in accordance with SMCRA and 30 CFR 732.17 and 732.15, that the program amendments submitted by Ohio on November 15, 1985, meet the requirements of SMCRA and 30 CFR Chapter VII, as discussed in the findings below. However, the Ohio statutory revisions have not yet been enacted by the legislature. The Director of OSMRE is approving the amendments provided that they are enacted in identical form

to the amendments submitted to and reviewed by OSMRE.

Ohio Revised Code Sections 1513.07, 1513.33 and 1513.37

These amendments are relative to procedures to be followed in the filing of applications for permits to conduct coal mining operations and the recording of documents establishing a lien for reclamation expenses.

Specifically, to 1513.07(B)(6) is revised to require the county recorder to charge a fee of ten dollars for his services in filing the application. The application shall remain on file in the recorder's office until the recorder's office is notified by the Bureau of Reclamation that the application may be removed. Thirty days after receipt of notification, the application will be destroyed if not claimed. The notice will remain on file with the county recorder. The amendments to 1513.33 and 1513.37(F) (3) and (4) provide for establishing a lien for reclamation expenses. Revisions to 1513.33 concern the treatment of recording and discharging of lines. Revision to 1513.37(f) (3) and (4) record and index property liens and set forth procedures for the discharge of the liens.

Although the Federal program does not contain any similar provisions, the proposed amendments do not conflict with SMCRA or 30 CFR Chapter VII. Therefore, the Director finds that the amendments are in accordance with SMCRA and are no less effective than the Federal regulations.

IV. Public Comments

Acknowledgments were received from the following Federal agencies: Soil Conservation Service, Farmers Home Administration and the Environmental Protection Agency. These comments were not substantive. The disclosure of Federal agency comments is made pursuant to section 503(b)(1) of SMCRA and 30 CFR 732.17(h)(10)(i). No public comments were received.

V. Director's Decision

The Director, based on the above findings, is approving the November 15, 1985 amendments. The Director is amending Part 935 of 30 CFR Chapter VII to reflect approval of the State program amendments. However, as noted above, because the Ohio statute has not been fully promulgated, the amendment will not take effect for purposes of the Ohio program until the revised statute has been promulgated as final in Ohio.

VI. Procedural Matters

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

2. *Executive Order No. 12291 and the Regulatory Flexibility Act:* On August 28, 1981, the Office of Management and Budget (OMB) granted OSMRE an exemption from Sections 3, 4, 7 and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, for this action OSMRE is exempt from the requirement to prepare a Regulatory Impact Analysis and this action does not require regulatory review by OMB.

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

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

List of Subjects in 30 CFR Part 935

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

Date: April 2, 1986.

James W. Workman,

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

PART 935—OHIO

30 CFR Part 935 is amended as follows:

1. The authority citation for Part 935 continues to read as follows:

Authority: Pub. L. 95–87, Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq.*).

2. In Part 935, § 935.15 is amended by adding a new paragraph (s) as follows:

§ 935.15 Approval of regulatory program amendments.

* * * * *

(s) The following amendments submitted to OSMRE on November 15, 1985, are approved effective upon enactment of the statutory revisions by the State, provided the amendments as enacted are identical to those submitted to OSMRE: Ohio Revised Code, §§ 1513.07, 1513.33, and 1513.37.

[FR Doc. 86–7868 Filed 4–8–86; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 706

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

AGENCY: Department of the Navy, DoD.

ACTION: Final Rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Secretary of the Navy has determined that USS JOSEPHUS DANIELS (CG 27) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS without interfering with its special function as a naval cruiser. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: April 9, 1986.

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

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Secretary of the Navy has certified that USS JOSEPHUS DANIELS (CG 27) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS: Annex I, section 3(a), pertaining to the location of the forward masthead light in the forward quarter of the ship, and Annex I, section 3(a), pertaining to the horizontal distance between the forward and aft masthead lights. Full compliance with the above-mentioned 72 COLREGS provisions would interfere with the special functions and purposes of the vessel. The Secretary of the Navy has also certified that the above-mentioned lights are located in closest possible compliance with the applicable 72 COLREGS requirements.

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

List of Subjects in 32 CFR Part 706

Marine safety, Navigation (Water), Vessels.

PART 706—[AMENDED]

Accordingly, 32 CFR Part 706 is amended as follows:

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

Authority: 33 U.S.C. 1605.

§ 706.2 [Amended]

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

Vessel	Number	Forward masthead light less than the required height above hull. Annex I, sec. 2(a)(i)	Aft masthead light less than 4.5 meters above forward masthead light. Annex I, sec. 2(a)(ii)	Masthead lights not over all other lights and obstructions. Annex I, sec. 2(f)	Vertical separation of masthead lights used when towing less than required by Annex I, sec. 2(a)(i)	Aft masthead lights not visible over forward light 1,000 meters ahead of ship in all normal degrees of trim. Annex I, sec. 2(b)	Forward masthead light not in forward quarter of ship. Annex I, sec. 3(a)	After masthead light less than ½ ship's length aft of forward masthead light. Annex I, sec. (3)(a)	Percentage horizontal separation attained.
USS JOSEPHUS DANIELS	CG 27	—	—	—	—	—	X	X	30

Dated: March 27, 1986.

Approved:

John Lehman,

Secretary of the Navy.

[FR Doc. 86-7818 Filed 4-8-86; 8:45 am]

BILLING CODE 3810-AE-M

32 CFR Part 706

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

AGENCY: Department of the Navy, DoD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Secretary of the Navy has determined that USS WAINWRIGHT (CG 28) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS without interfering with its special function as a naval cruiser. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: April 9, 1986.

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

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Secretary of the Navy has certified that USS WAINWRIGHT (CG 28) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS: Annex I, section 3(a), pertaining to the location of the forward masthead light in the forward quarter of the ship, and Annex I, section 3(a), pertaining to the horizontal distance between the forward and aft masthead lights. Full compliance with the above-mentioned 72 COLREGS provisions would interfere with the special functions and purposes of the vessel. The Secretary of the Navy has also certified that the above-mentioned lights are located in closest possible compliance with the applicable 72 COLREGS requirements.

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

List of Subjects in 32 CFR Part 706

Marine safety, Navigation (Water), Vessels.

PART 706—[AMENDED]

Accordingly, 32 CFR Part 706 is amended as follows:

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

Authority: 33 U.S.C. 1605.

§ 706.2 [Amended]

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

Vessel	Number	Forward masthead light less than the required height above hull. Annex I, sec. 2(a)(i)	Aft masthead light less than 4.5 meters above forward masthead light. Annex I, sec. 2(a)(ii)	Masthead lights not over all other lights and obstructions. Annex I, sec. 2(f)	Vertical separation of masthead lights used when towing less than required by Annex I, sec. 2(a)(i)	Aft masthead lights not visible over forward light 1,000 meters ahead of ship in all normal degrees of trim. Annex I, sec. 2(b)	Forward masthead light not in forward quarter of ship. Annex I, sec. 3(a)	After masthead light less than ½ ship's length aft of forward masthead light. Annex I, sec. (3)(a)	Percentage horizontal separation attained
USS WAINWRIGHT	CG 28						X	X	31

Dated: March 27, 1986.
Approved:
John Lehman,
Secretary of the Navy.
[FR Doc. 7819 Filed 4-8-86; 8:45 a.m.]
BILLING CODE 3810-AE-M

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972; Amendment; USS WILLIAM H. STANDLEY

AGENCY: Department of the Navy, DoD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Secretary of the Navy has determined that USS WILLIAM H. STANDLEY (CG 32) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS without interfering with its special function as a naval cruiser. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: April 9, 1986.

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

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

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

List of Subjects in 32 CFR Part 706

Marine safety, Navigation (Water), Vessels.

PART 706—[AMENDED]

Accordingly, 32 CFR Part 706 is amended as follows:

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

Authority: 33 U.S.C. 1605.

§ 706.2 [Amended]

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

Vessel	Number	Forward masthead light less than the required height above hull. Annex I, sec. 2(a)(i)	Aft masthead light less than 4.5 meters above forward masthead light. Annex I, sec. 2(a)(ii)	Masthead lights not over all other lights and obstructions. Annex I, sec. 2(f)	Vertical separation of masthead lights used when towing less than required by Annex I, sec. 2(a)(i)	Aft masthead lights not visible over forward light 1,000 meters ahead of ship in all normal degrees of trim. Annex I, sec. 2(b)	Forward masthead light not in forward quarter of ship. Annex I, sec. 3(a)	After masthead light less than ½ ship's length aft of forward masthead light. Annex I, sec. (3)(a)	Percentage horizontal separation attained
USS WILLIAM H STANDLEY	CC 32	—	—	—	—	—	X	X	31

Dated: March 27, 1986.

Approved:
John Lehman,
Secretary of the Navy.
[FR Doc. 86-7820 Filed 4-8-86; 8:45 am]
BILLING CODE 3810-AE-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 60 and 61

[A-3-FRL 2997-4; Docket No. AM703DE]

New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants Delegation of Authority to the State of Delaware Department of Natural Resources and Environmental Control

AGENCY: Environmental Protection Agency

ACTION: Delegation of Authority.

SUMMARY: Sections 111(c) and 112(d) of the Clean Air Act permit EPA to delegate to the States the authority to implement and enforce the standards set out in 40 CFR Part 60, Standards of Performance for New Stationary Sources (NSPS) and 40 CFR Part 61, National Emission Standards for Hazardous Air Pollutants (NESHAP).

On December 12, 1985, the State of Delaware Department of Natural Resources and Environmental Control (DNREC) requested delegation of authority for additional NSPS and NESHAP source categories. EPA granted the request on January 8, 1986. The State now has the authority to implement and enforce NSPS regulations for Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels constructed after 8/7/83, Surface Coating of Metal Furniture, Equipment Leaks of VOC at Petroleum Refineries, Flexible Vinyl and Urethane Coating and Printing, Secondary Brass and Bronze Production Plants, and Petroleum Dry Cleaners and revisions to the NSPS Regulations for Equipment Leaks of VOC at Synthetic Organic Chemical Manufacturing Industry and Steel Plants: Electric Arc Furnaces constructed between October 21, 1974 and August 17, 1983. They also are delegated the authority to implement and enforce the NESHAP Regulation for Asbestos.

EFFECTIVE DATE: April 9, 1986.

ADDRESSES: Applications and reports required for all NSPS and NESHAP source categories listed above should be addressed to the State of Delaware, Department of Natural Resources and Environmental Control, 89 Kings Highway, P.O. Box 1401, Dover, Delaware 19901, in addition to EPA, Region III.

Copies of the delegation and accompanying documents are available for inspection during normal business

hours at the Delaware DNREC address given above or at the following office:

U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107, ATTN: Patricia Gaughan (3AM11), Telephone: (215) 597–8239.

FOR FURTHER INFORMATION CONTACT: Michael Giuranna of EPA, Region III, Air Programs Branch, at (215) 597–9189.

SUPPLEMENTARY INFORMATION: The Delaware Department of Natural Resources and Environmental Control (DNREC) was delegated the authority to enforce the New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP) promulgated by EPA in a **Federal Register** dated February 15, 1978 (43 FR 6771). They also requested and were delegated authority for several other NSPS and HESHAP source categories which EPA published notification at (44 FR 70465, 1979), (46 FR 28402, 1981), (47 FR 17989, 1982), and (50 FR 8323, 1985).

Delegation of the additional standards was made by the following letter on January 8, 1986:

Mr. Robert R. French,
Manager, Air Resources Section, Delaware Department of Natural Resources and Environmental Control, P.O. Box 1401, Dover, Delaware 19901

Dear Mr. French: This is in response to your letter of December 12, 1985, requesting delegation of authority for the Delaware Department of Natural Resources and Environmental Control (Department) to enforce New Source Performance Standards (NSPS) for six additional source categories, revisions to the NSPS for two other source categories, and one additional National Emission Standards for Hazardous Air Pollutants (NESHAP) category. This supersedes my letter of January 8, 1986.

We have reviewed the pertinent laws, rules and regulations of the State of Delaware and have determined that they continue to provide an adequate and effective procedure for implementing and enforcing the NSPS and NESHAP. Therefore, we hereby delegate the authority for the implementation and enforcement of the NSPS and NESHAP regulations to the Department as follows:

Authority for all sources located or to be located in the State of Delaware subject to the Standards of Performance for New Stationary Sources for Electric Arc Furnaces and Argon Oxygen Decarburization Vessels constructed after August 7, 1983 (AAa), Surface Coating of Metal Furniture (EE), Equipment Leaks of VOC at Petroleum Refineries (GGG), Flexible Vinyl and Urethane Coating and Printing (FFF), Secondary Brass and Bronze Production Plants (M) and Petroleum Dry Cleaners (JJJ), for revisions to the NSPS for Equipment Leaks of VOC in the Synthetic Organic Chemical Manufacturing Industry (VV) and Steel Plants, Electric Arc Furnaces constructed between October 21, 1974 and August 17, 1983 (AA), and for NESHAP for Asbestos (M).

This delegation is based upon the conditions given in our April 15, 1982 letter to you which delegated two additional NSPS and NESHAP source categories to the Department. Also, the non-delegable provisions of the NSPS and NESHAP regulations mentioned in my July 2, 1985 letter, apply to this and all future delegations.

If you need any further information feel free to contact Michael Giuranna, NSPS/NESHAP Delegation Coordinator, at (215) 597–9189.

Sincerely,

W. Ray Cunningham,
Director Air Management Division.

Effective immediately, all applications, reports, and other correspondence required under the NSPS for Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels in Steel Plants constructed after August 7, 1983 (AAa), Surface Coating of Metal Furniture (EE), Equipment Leaks of VOC at Petroleum Refineries (GGG), Flexible Vinyl and Urethane Coating and Printing (FFF), Secondary Brass and Bronze Production Plants (M), and Petroleum Dry Cleaners (JJJ) and under NESHAP for Asbestos (M) should be sent to the Delaware Department of Natural Resources and Environmental Control (address above) in addition to EPA, Region III in Philadelphia (attention: Air Management Division (3AM00)).

The Office of Management and Budget has exempted this delegation of authority from the requirements of Section 3 of Executive Order 12291.

Authority: Section 111(c) and 112(d), Clean Air Act (42 U.S.C.) 7411(c) and 7412(d).

Dated: February 24, 1986.

Stanley L. Laskowski,
Acting Regional Administrator.

[FR Doc. 86–7474 Filed 4–8–86; 8:45 am]
BILLING CODE 6560-50-M

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40 CFR Part 180

[PP 2F2709/R829; FRL–2998–8]

Pesticide Tolerances for Fluridone

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for the combined residues of the herbicide fluridone and its metabolite in edible fish and various raw agricultural commodities. This regulation to establish maximum permissible levels for residues of fluridone in these commodities was requested by the Elanco Products Co.

EFFECTIVE DATE: Effective on April 9, 1986.

ADDRESS: Written objections, identified by the document control number [PP 2F2709/R829], may be submitted to the: Hearing Clerk (A–110), Environmental Protection Agency, 401 M Street., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT:

Richard F. Mountfort, Product Manager (PM–23), Registration Division (TS–767C), Environmental Protection Agency, 401 M Street., SW., Washington, DC 20460.

Office location and telephone number: Room 237, CM #2, 1921 Jefferson Davis Highway, Arlington, VA, (703) 557–1830.

SUPPLEMENTARY INFORMATION: EPA issued a proposed rule, published in the **Federal Register** of February 20, 1986 (51 FR 6136), that Elanco Products Co., Division of Eli Lilly and Co., 740 South Alabama St., Indianapolis, IN 46285, had filed pesticide petition 2F2709 to EPA. This petition proposed to amend 40 CFR Part 180 by establishing a tolerance for the combined residues of the herbicide fluridone [1-methyl-3-phenyl-5-[3-(trifluoromethyl)phenyl]-4(1*H*)-pyridinone] and its metabolite [1-methyl-3-(4-hydroxphenyl)-5-[3-(trifluoromethyl)phenyl]-4(1*H*)-pyridinoe] in the commodities fish at 0.5 part per million (ppm); eggs, fat, meat, and meat byproducts (except liver and kidney) of cattle, goats, hogs, horses, poultry, sheep, and milk at 0.05 ppm; liver and kidney of cattle, goats, hogs, horses, poultry, and sheep at 0.1 ppm; and the irrigated commodities avocados, citrus, cottonseed, cucurbits, fruiting vegetables, grain crops, hops, leafy vegetables, nuts, pome fruit, root crop vegetables, seed and pod vegetables, small fruit, and stone fruit at 0.1 ppm and forage grasses and legumes at 0.15 ppm.

There were 36 comments received in response to the proposal. All supported the proposal. Responding to EPA's invitation to comment on the intent to issue registrations, 24 comments supported that decision, but objected to the Agency's stated intent that private applications be limited to use of fluridone only in small bodies of water with little or no outlflow and totally under control of the user and that use of fluridone in other aquatic sites would be through programs of Federal, State, or local public agencies or contractors or licensees under their direct control (see page 6138 of the proposal (51 FR 6138)).

One comment objected to the Agency's stated intent that labeling must specify that users consult their State fish and game agency or the U.S. Fish and Wildlife Service before making

applications in order to avoid impact on threatened or endangered aquatic plant or animal species (see page 6138 of the proposal).

All comments objected that the proposed labeling defining permitted uses by private applicators and public officials was confusing, unnecessary, and would prevent weed control programs in sites not covered for either user category. Among examples cited would be a lake not under control of any one user and where pesticide application to that lake is not subject to permitting requirements by any public authority. Another objection stated that the use of fluridone in aquatic weed control poses no threat to nontarget organisms.

On February 13, 1986, representatives of Elanco Products Co., together with university and water management officials from the State of Florida, met with EPA personnel to discuss the labeling proposals for fluridone. During this meeting, similar objections to the proposed limitations of aquatic uses by private and public officials were presented.

The Agency has considered all of the comments received on the proposed rule. Based on the comments described above, the Agency agrees that distinguishing use sites for private applicators and public officials is unnecessary and will not impose the proposed limitation on fluridone use.

The original intent in distinguishing uses by private and public officials was to prevent fluridone use that might further jeopardize threatened or endangered plants or animals. It was not an issue in protection of human health, which the Agency considers adequately served by the tolerance regulations, designated level for drinking water, and the remaining requirements of the fluridone labeling to be approved under the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act

The Agency will retain the requirement that users consult their State's fish and game agency or the U.S. Fish and Wildlife Service to avoid impact on threatened or endangered species until generic labeling for this purpose is developed for aquatic herbicides.

The date submitted and other relevant information have been evaluated and discussed in the proposed rulemaking. Based on the data and information considered, the Agency concludes that the tolerances would protect the public health. Therefore, the tolerances are established as set forth below

Any person adversely affected by this regulation may, within 30 days after publication of this document in the **Federal Register**, file written objections with the Hearing Clerk at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: March 28, 1986.

Steven Schatzow,

Director, Office of Pesticide Programs.

Therefore, 40 CFR Part 180 is amended as follows:

PART 180—[AMENDED]

1. The authority citation for Part 180 continues to read as follows:

Authority: 21 U.S.C. 346a.

2. Section 180.420 is added to read as follows:

§ 180.420 Fluridone; tolerances for residues.

(a) A tolerance is established for the combined residues of the herbicide fluridone (1-methyl-3-phenyl-5-[3-trifluoro-methyl)phenyl]-4(1*H*)-pyridinone) and its metabolite (1-methyl-3-(4-hydroxyphenyl)-5-[3-(trifluoromethyl)phenyl]-4(1*H*)-pyridinone) in fish at 0.5 ppm.

(b) Tolerances are established for residues of the herbicide fluridone in the following raw agricultural commodities:

Commodities	Parts per million
Cattle, fat	0.05
Cattle, kidney	1
Cattle, liver	1
Cattle, meat (except liver and kidney)	05
Cattle, mbyp	05
Eggs	05
Goats, fat	05
Goats, kidney	1
Goats, liver	1
Goats, meat (except liver and kidney)	05
Goats, mbyp	05
Hogs, fat	05
Hogs, kidney	1
Hogs, liver	1
Hogs, meat (except liver and kidney)	05
Hogs, mbyp	05
Horses, fat	05
Horses, kidney	1
Horses, liver	1
Horses, meat (except liver and kidney	05)
Horses, mbyp	05
Milk	05
Poultry, fat	05
Poultry, kidney	01
Poultry liver	01
Poultry, meat (except liver and kidney)	05
Poultry, mbyp	05
Sheep, fat	05
Sheep, kidney	1
Sheep, liver	1
Sheep, meat (except liver and kidney	05)
Sheep, mbyp	05

(c) Tolerances are established in the following irrigated crops and crop groupings for residues of the herbicide fluridone resulting from use of irrigation water containing residues of 0.15 ppm following applications on or around aquatic sites. Where tolerances are established at higher levels from other uses of fluridone on the following crops, the higher tolerance also applies to residues in the irrigated commodity. The tolerances follow:

Commodities	Parts per million
Avocados	0.1
Citrus	1
Cottonseed	1
Cucurbits	1
Forage grasses	15
Forage legumes	15
Fruiting vegetables	1
Grain crop	1
Hops	1
Leafy vegetables	1
Nuts	1
Pome fruit	1
Root crops, vegetables	1
Seed and pod vegetables	1
Small fruit	1
Stone fruit	1

[FR Doc. 86-7814 Filed 4-8-86; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[PP4F3127/R830; (FRL-2999-2)]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Metsulfuron Methyl

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for residues of metsulfuron methyl and its metabolite in or on various raw agricultural commodities. The regulation was requested by E.I. du Pont de Nemours and Co. This rule establishes the maximum permissible level for residues of the herbicide in or on these raw agricultural commodities

EFFECTIVE DATE: Effective on April 9, 1986.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A–110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT:
By Mail: Robert J. Taylor, Product Manager (PM) 25, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.
Office location and telephone number: Rm. 243, CM #2, 1921 Jefferson Davis Highway, Arlington, VA, (703) 557–1800.

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the **Federal Register** of December 5, 1984 (49 FR 47556), which announced that E.I. du Pont de Nemours and Co. had submitted pesticide petition 4F3127 to EPA proposing to amend 40 CFR Part 180 by establishing tolerances for residues of the herbicide metsulfuron methyl (methyl-2-[[[[(4-methoxy-6-methyl-1,3,5-triazin-2-yl)amino]carbonyl]amino] sulfonyl]benzoate) in or on the raw agricultural commodities barley and wheat grain and milk at 0.05 part per million (ppm), green forage of barley and wheat at 5.0 ppm, straw or barley and wheat, and meat, fat, and meat byproducts (mybp) (except liver and kidney) of cattle, goats, hogs, horses, and sheep, and kidney and liver of cattle, goats, hogs, horses, and sheep at 0.1 ppm. EPA issued a notice published in the **Federal Register** of September 4, 1985 (50 FR 35858), amending the petition by proposing tolerances for metsulfuron methyl on the commodities barley hay and wheat hay at 20.0 ppm.

There were no comments received in response to the notices of filing.

The petitioner subsequently amended the petition by submitting a revised section F proposing the establishment of tolerances for residues of metsulfuron methyl and its metabolite methyl 2-[[[[(4-methoxy-6-methyl-1,3,5-triazin-2-yl)amino]carbonyl]amino]sulfonyl]-4-hydroxybenzoate on barley and wheat grain at 0.05 ppm, green forage of barley and wheat at 5.0 ppm, and hay of barley and wheat at 20.0 ppm. Tolerances were also proposed for metsulfuron methyl on milk at 0.05 ppm and meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep at 0.1 ppm. Because this revision does not increase exposure to humans, a period of public comment is not necessary.

The data submitted in the petition and other relevant material have been evaluated. The data considered in the petition include several acute studies, a 2-year feeding/oncogenic study in rats fed dosages of 0, 0.25, 1.25, 25, 125, and 250 milligram(s)/kilogram/day (mg/kg/day) with no oncogenic effects observed under the conditions of the study at dose levels up to and including 250 mg/kg/day (HDT) and a systemic no-observable-effect level (NOEL) of 25 mg/kg/day; an 18 month feeding/oncogenic study with mice fed dosages of 0, 0.75, 3.75, 75, 375, 750 mg/kg/day with no oncogenic effects observed under the conditions of the study at dose levels up to and including 750 mg/kg/day (HDT) and a systemic NOEL of 750 mg/kg/day (HDT); a 1-year feeding study in dogs fed dosage levels of 0 1.25, 12.5, 125 mg/kg/day with a NOEL of 1.25 mg/kg/day; a teratology study in rats fed dosage levels of 0, 40, 250, 1,000 mg/kg/day with no teratogenic effects at 1,000 mg/kg/day (HDT), a maternal NOEL of 40 mg/kg/day and a fetotoxic NOEL greater than 1,000 mg/kg/day (HDT); a teratology study in rabbits fed dosage levels of 0, 100, 300, 700 mg/kg/day with no teratogenic effects at 700 mg/kg/day (HDT); a maternal NOEL of 25 mg/kg/day and a fetotoxic NOEL greater than 700 mg/kg/day (HDT); a 2-generation reproduction study in rats fed 0, 1.25, 25, and 250 mg/kg/day with no reproductive effects at 250 mg/kg/day (HDT), a maternal NOEL of 25 mg/kg/day and a fetotoxic NOEL of 250 mg/kg/day (HDT); a mutagenic test with *Salmonella typhimurium* (negative); a mutagenic test—chromosomal aberration *in vitro* (aberrations in Chinese hamster were caused with and without S–9 activation); and an unscheduled DNA synthesis study with the rat (negative).

The acceptable daily intake (ADI) based on the 1-year dog feeding study (NOEL of 1.25 mg/kg/day) and using a hundred-fold safety factor is calculated to be 0.0125 mg/kg/day. The maximum permissible intake (MPI) for a 60-kg human is calculated to be 0.75 mg/kg/day. The theoretical maximum residue contribution (TMRC) for these tolerances for a 1.5-kg diet is calcuated to be 0.0455 mg/day (1.5 kg). The current action will use 6.06 percent of the ADI. There are no published tolerances for this chemical.

No desirable data are lacking.

The pesticide is useful for the purposes of this tolerance rule. The nature of the residue is adequately understood, and adequate analytical methods (high-pressure liquid chromatography (HPLC) with a photoconductivity detector for milk and meat, fat, and mbyp of cattle; and HPLC using an ultraviolet detector for all other commodities) are available for enforcement purposes. There are currently no actions pending against the registration of this chemical. No secondary residues are expected to occur in poultry or eggs from this use. Any secondary residues occurring in meat and milk from these uses will be covered by the tolerances.

Because of the long lead time from establishing this tolerance to publication of the enforcement methodology in the Pesticide Analytical Manual II, an interim analytical methods package is being made available to the State pesticides enforcement chemists when requested from:

By mail: Information Services Section (TS–757C), Program Management Support Division, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 236, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703–557–3262).

Based on the above information considered by the Agency, it is concluded that the tolerances established by amending 40 CFR Part 180 will protect the public health, and the tolerances are therefore established as set forth below.

Any person adversely affected by this regulation may, within 30 days after the date of publication in the **Federal Register**, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. M–3708 (A–110), 401 M St., SW., Washington, DC 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are legally sufficient to justify the relief sought.

The Office of Management and Budget (OMB) has exempted this regulation from OMB requirements of Executive Order 12291 pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–354, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(d)(2), 68 Stat 512 (21 U.S.C. 346a(d)(2)))

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: March 28, 1986.

Steven Schatzow,

Director, Office of Pesticide Programs.

Therefore, 40 CFR Part 180 is amended as follows:

PART 180—[AMENDED]

1. The authority citation for 40 CFR Part 180 continues to read as follows:

Authority: Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2).

2. By adding a new § 180.428, to read as follows:

§ 180.428 Metsulfuron methyl; tolerances for residues.

(a) Tolerances are established for the combined residues of the herbicide metsulfuron methyl (methyl 2-[[[[(4-methoxy-6-methyl-1,3,5-triazin-2-yl)amino]carbonyl]amino] sulfonyl]benzoate) and its metabolite methyl 2-[[[[(4-methoxy-6-methyl-1-,3,5-triazin-2-yl)amino]carbonyl]amino] sulfonyl]-4-hydroxybenzoate in or on the following raw material agricultural commodities:

Commodities	Parts per million
Barley, grain	0.05
Barley, green forage	5.0
Barley, hay	20.0
Barley, straw	0.1
Wheat, grain	0.05
Wheat, green forage	5.0
Wheat, hay	20.0
Wheat, straw	0.1

(b) Tolerances are established for residues of metsulfuron methyl (methyl-2[[[[(4-methoxy-6-methyl-1,3,5-triazin-2-yl) amino]carbonyl]amino] sulfonyl]benzoate) in or on the following raw agricultural commodities:

Commodities	Parts per million
Cattle, fat	0.1
Cattle, meat	0.1
Cattle, mbyp	0.1
Goats, fat	0.1
Goats, meat	0.1
Goats, mbyp	0.1
Hogs, fat	0.1
Hogs, meat	0.1
Hogs, mbyp	0.1
Horses, fat	0.1
Horses, meat	0.1
Horses, mbyp	0.1
Milk	0.05
Sheep, fat	0.1
Sheep, meat	0.1
Sheep, mbyp	0.1

[FR Doc. 86-7821 Filed 4-8-86; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 261

[SW-FRL-2998-4]

Hazardous Waste Management System, Identification and Listing of Hazardous Waste

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) today is announcing its decision to deny the petitions submitted by 46 petitioners to exclude their wastes from the hazardous waste lists. This action responds to delisting petitions submitted under 40 CFR 260.20, which allows any person to petition the Administrator to modify or revoke any provision of Parts 260 through 265, 124, 270, and 271 of Title 40 of the Code of Federal Regulations, and 40 CFR 260.22, which specifically provides generators the opportunity to petition the Administrator to exclude a waste on a "generator-specific" basis from the hazardous waste lists. Our basis for denying these petitions is that all of these petitions are incomplete (*i.e.*, the Agency does not have sufficient information to determine the hazardous or non-hazardous nature of the waste). The effect of this action is that all of this waste must continue to be handled as hazardous waste in accordance with 40 CFR Parts 262–266, and Parts 270, 271, and 124.

EFFECTIVE DATE: April 9, 1986.

ADDRESS: The public docket for these final petition denials is located in Room S–212, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, and is available for public viewing from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

FOR FURTHER INFORMATION CONTACT: RCRA Hotline, toll free at (800) 424–9346, or at (202) 382–3000. For technical information, contact Ms. Lori DeRose, Office of Solid Waste (WH–562B), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (202) 382–5096.

SUPPLEMENTARY INFORMATION:

I. Background

On November 20, 1985, EPA proposed to deny 67 petitions to exclude certain wastes from the hazardous waste lists (see 50 FR 47763–47765). These petitions were submitted by the companies pursuant to 40 CFR 260.20 and 260.22.

Throughout the course of the Agency's review of a petition, additional or supplemental information, other than that included in the initial submission, is normally required to enable the Agency to conduct a complete and informed evaluation of the petition. The acquisition and analysis of this additional information is necessary before a tentative determination (*i.e.*, a proposal to exclude or deny a petition) can be made for the petitioned wastes. Most of this information was requested because of the Hazardous and Solid Waste Amendments of 1984 (HSWA) (*i.e.*, the Agency now must consider all factors, including additional constituents, if there is a reasonable basis to believe that these factors could cause the waste to be hazardous).

In all of these cases, the Agency has made a number of requests for information from these facilities. The Agency made at least two written requests for information indicating the specific information the petitioner was to supply in order for the Agency to consider the petition complete. In addition, the Agency published a notice in the **Federal Register** of its intent to collect this information (see 49 FR 4802–4803, February 8, 1984). The proposed denial notice, published on November 20, 1985, provided yet another notification of the information required. The 30-day comment period for that notice provided another opportunity for additional information to be submitted to the Agency.

In most cases, the Agency has not heard from these petitioners in over a year; in many cases, it has been almost two years. In a few instances, the Agency has held discussions with petitioners, again reviewing the information that must be submitted. In a few cases, some information has been received from petitioners. This information, however, was insufficient for the Agency to make a tentative decision. Waiting for this information has resulted in delays that have disrupted the continuity of the petition review process, and has created a backlog of petitions awaiting review. The Agency believes that we have given these petitioners an adequate period of time to provide this information. The Agency, therefore, is making final the denials of 46 petitions, as incomplete, since the additional information requested has not been provided within a reasonable period of time.

II. Petition Denials

A. Proposed Denials

EPA proposed to deny 67 petitions requesting an exclusion for certain wastes. The additional information needed had not been provided within a reasonable period of time (*i.e.*, one year

or more). The petitions were not complete and, consequently, the Agency could not determine whether the wastes are hazardous. (See 50 FR 47763–47765, November 20, 1985, for a more detailed explanation of why EPA proposed to deny these petitions.)

Neither comments nor additional information were provided for 45 of the petitions. We, therefore, are making final our decision to deny these 45 petitions.

Petition No.	Petitioner's name
0142	General Electric Company, East Columbia, MD.
0198	Amoco Oil Company, Whiting, OH.
0227	Plateau, Incorporated, Roosevelt, UT.
0234	Randal Textron, Cincinnati, OH.
0260	Heekin Can/Diamond International Corporation, Cincinnati, OH.
0268	Tri-City Platers, Inc., Walton, IN.
0295	Platt Saco Lowell Corporation, Easley, SC.
0301	AC Spark Plug, Flint, MI.
0317	Lindau Chemical, Inc., Columbia, SC.
0318	Sperry Univac, Bristol, TN.
0329	Mobay Chemical Corporation, New Martinsville, WV.
0342	Arco Petroleum Products Co., Houston, TX.
0349	Hess Oil Virgin Island Corporation, St. Croix, VI.
0350	General Motors Corporation, McCook, IL.
0355	Exxon Company USA, Billings, MT.
0363	Raybestos Manhattan, North Charleston, SC.
0370	General Motors Corporation, Warren, OH.
0382	Sun Refining and Marketing Company, Toledo, OH.
0383	Koch Refining Company, Corpus Christi, TX.
0385	Ashland Petroleum Company, Canton, OH.
0388	Chevrolet Flint Manufacturing Complex, Flint, MI.
0397	Beech Aircraft Corporation, Boulder, CO.
0403	General Electric Protective Devices, Inc., Humacao, PR.
0407	Navajo Refining Company, Artesia, NM.
0412	Chem-Clear, Incorporated, Chicago, IL.
0417	Dresser Industries, Incorporated, Defiance, OH.[1]
0418	Franklin Electric, Jacksonville, AR.
0433	Cleaners Hanger Company, Jacksonville, FL.
0436	La Valley Industrial Plastics, Inc., Vancouver, WA.
0441	Murphy Oil Corporation, Superior, WI.
0447	Conoco Incorporated, Commerce City, CO.
0448	Universal Nolin, Conway, AR.
0452	Martin Electronics, Incorporated, Perry, FL.
0466	Brunswick Corporation, Stillwater, OK.
0480	Eaton Corporation, Athens, AL.
0481	Husky Oil Company, Cheyenne, WY.
0483	Perfection Plating Company, Elk Grove Village, IL.
0484	General Motors Corporation, Detroit, MI.
0487	Husky Oil Company, Cody, WY.
0493	American Petrofina Company of Texas, Port Arthur, TX.
0525	Teletype Corporation, Little Rock, AR.
0530	La Gloria Oil and Gas Company, Tyler TX.
0533	Stanley Tools, Fowlerville, MI.
0546	Kawneer Company Inc., Springdale, AR.
0551	Texas Instruments Incorporated, Houston, TX.

[1] In the November 20, 1985 proposal, petition # 0417 was referred to as SK Hand Tool Corporation. During the comment period, in a letter dated December 16, 1985, the Agency was notified that the waste subject to petition # 0417 was filed by Dresser Industries on behalf of their SK Hand Tool Division. The SK Division has since been sold; however, the subject waste remains with Dresser Industries. Petition # 0417 is, therefore, now Dresser Industries, Incorporated.

For 21 other petitions, either additional information was provided, comments on the proposal were received, or the petition was withdrawn during the comment period. In one case, the Agency is giving the petitioner additional time to submit the information required to ensure that adequate notice was provided to the petitioner.

The remainder of this section will discuss the comments (both general and specific) received, and the Agency's response to these comments.

B. Agency's Response to Public Comments

1. Comments on Specific Petitions

One petitioner stated that it had recently hired a contractor to do sampling and analyses, and needed more time for this information to be prepared by the contractor. The Agency, although appreciating the efforts being taken to obtain the additional information, believes that sufficient time has been provided for this petitioner to have obtained and submitted the needed additional information prior to the close of the comment period on December 20, 1985. In particular, this petitioner was first notified in January 1984 of the additional information that was needed in order for their petition to be considered complete. Subsequent requests were also made. The Agency, therefore, is denying today the petition submitted by the following facility:

Petition No.	Petitioner's name
0426	Diamond Shamrock Refining and Marketing Co., Three Rivers Refinery, Three Rivers, TX.

The Agency, however, invites this facility to submit a new petition, at some future date, that would include the additional information. When the additional information is received, the Agency will review the petition and make a tentative decision to grant or deny the petition.

Two commenters, representing 4 petitions, also asked for more time as well as raising several other issues that the Agency is still evaluating. These petitions are not among those being denied today, but rather will be addressed in a later **Federal Register** notice. These four petitions are:

Petition No.	Petitioner's name
0261	Texaco Co. USA, Port Neches, TX.
0453	Texaco USA, El Paso, TX.
0456	Standard Oil Company, Lima, OH.
0469	Standard Oil Company, Oregon, OH.

Three commenters, representing four petitions, provided the additional information needed to complete their petitions. The Agency is now reviewing these petitions. The Agency, therefore, is not denying the following petitions:

Petition No.	Petitioner's name
0339	Olin Corporation, Niagara Falls, NY.
0373	Merck & Co., Inc., Elkton, VA.
0377	Merck & Co., Inc. Elkton, VA.
0486	Union Oil Company of California, Nederland, TX.

Four commenters provided additional information, which the Agency is still evaluating. The following 4 petitions are, therefore, not among those being denied today:

Petition No.	Petitioner's name
0315	Digital Equipment Corporation de Puerto Rico, San German, PR.
0353	Dow Chemical Company, Indianapolis, IN.
0503	Yabucoa Sun Oil Company, Yabucoa, PR.
0552	Chevron U.S.A. Inc., Kenai, AK.

Six of the petitioners sent the Agency letters requesting that their petitions be

withdrawn. The following petitions, therefore, do not appear among those petitions for which a final denial is being announced today.

Petition No.	Petitioner's name
0207	Amoco Oil Company, Sugar Creek, MO.
0238	Amoco Oil Company, Casper, WY.
0303	Robertson Incorporated, Springfield, OH.
0354	General Motors Corporation, Ypsilanti, MI.
0398	U.S. Brass, Plano, TX.
0421	Exxon Company USA, Billings, MT.

For two of the petitions, the Agency learned that final exclusions had been granted by the State of Georgia. The petitioners, because of this, had not submitted the additional information requested. These petitioners, noted below, are being given additional time to either submit the required information or withdraw their petitions. It should be noted that if these two petitioners decide to withdraw their petitions, their waste would still be considered non-hazardous provided it was managed within the State and was not transported via interstate carrier.

Petition No.	Petitioner's name
0241	Monroe Auto Equipment, Hartwell, GA.
0345	Combustion Engineering, Incorporated, Norcross, GA.

For one petition, the Agency, although providing the petitioner with notice that the Hazardous and Solid Waste Amendments were enacted, did not specifically indicate the type of information that was needed in order for the petition to be considered complete. We are now providing this petitioner with this information for their consideration. We, therefore, are giving the petitioner, noted below, additional time to submit the required information.

Petition No.	Petitioner's name
0372	General Motors Corporation, Atlanta, GA.

2. General Comments

Several commenters took issue with the Agency's characterization in the November 20, 1985 proposal that petitioners have been indifferent to the Agency's request for additional information. These commenters (all representing petroleum refineries) argue that it was impossible for them to assess what data were necessary for the petition to be considered complete. More important, they argue, no guidance was provided on the evaluation criteria or procedures which would be applied to those compounds. Without such guidance, the effectiveness of collecting and submitting the additional information could not be assessed. These commenters believe it unfair for the Agency to deny these petitions, especially now that the evaluation criteria have been set out.

The Agency would like to distinguish between information requests and guidance on the evaluation of that information. As discussed in the proposal, the petitioners were informed several times of the additional data needed to complete their petitions. More specifically, we first informed many of the petitioners (including the petroleum refineries) of these additional data requirements in late 1983 or early 1984 in anticipation of passage of HSWA and the pending changes to the delisting program. (One commenter correctly notes that the additional information was not legally required at that time.) We again wrote to these petitioners after HSWA was enacted indicating that the information previously requested was needed from each petitioner. Finally, in the Guidance Manual on Delisting (EPA/530–SW–85–003), made final in April 1985, we again noted the information that was needed in order for a petition (including a petition submitted by petroleum refineries) to be considered complete. There were some changes in the information requested over time. The initial version (late 1983) asked for analysis for 95 chemicals thought likely to be present in refinery wastes. This list was reduced to 67 in the delisting Guidance Manual (April 1985). These changes had little or no effect on the processing of petitions, since most of the petitioners still have not provided the additional information. We, therefore, believe that the Agency has been very fair and reasonable in providing petitioners with enough guidance on the data necessary.

With respect to their other point (*i.e.*, the evaluation criteria used to evaluate petitions), we agree with the commenters that the criteria to be used to evaluate petroleum refinery wastes was only recently proposed (see 50 *FR* 48943, November 27, 1985). These criteria would have been useful to petitioners to determine whether it was worthwhile to do the additional analyses. This is particularly true since members of the delisting program had advised a number of refineries, as well as their major contractor (ERM-Southwest) that most of the refinery petitions probably would be denied, based on the preliminary information provided in the ERM-Southwest report, entitled "Multi-Participant Study for Establishing Threshold Concentrations for Delisting Oily Refinery Wastes."

Some information on our evaluation of petroleum refinery wastes has been available. In particular, the Agency proposed our general approach for evaluating wastes that are landfilled on February 26, 1985 (50 FR 7882); the final version of this approach was published on November 27, 1985 (50 FR 48896). In addition, we have had several meetings with petroleum refineries and their contractor to keep them advised of what the Agency was considering in the evaluation of petroleum refinery delisting petitions.

The requested information could have been provided without knowing the criteria in advance. The Agency has decided that the delay in explaining how the information was to be used does not justify the failure to provide that information. We will therefore proceed to deny the petitions for those petitioners who did not submit the additional information during the comment period. The Agency invites those refineries to submit a new petition when they are ready to provide all the required data. (This should not delay the evaluation of their petitions, as a complete petition is needed; and it does not matter whether that complete petition is nominally new or old.)

One commenter was very concerned that the Agency's proposal failed to consider that the processing of these petitions were delayed for a considerable time before HSWA required the agency to consider constituents other than those which caused the waste to be listed. The commenter suggested that this is the real reason for the lag time, not industry's failure to submit the additional information.

We agree with the commenter that there was some delay in processing petroleum refinery petitions prior to the enactment of HSWA due to concerns about using the extraction procedure to determine the leaching potential of metals from oily wastes. The Agency subsequently modified the leaching test to be used; petitioners were informed that a different leaching test would be used in the Fall of 1983. At the same time, the information necessary to meet the new requirements of HSWA (if it were to be enacted) was also requested. Most petroleum refineries did not submit the new leach test data needed to evaluate their petition based on the old (pre-HSWA) criteria or the additional information on the other factors or constituents.[2]

The fact that there was some delay in processing delisting petitions before the enactment of HSWA does not explain why these petitioners have not provided the additional information requested. The Agency has indicated to these petitioners what information is to be submitted; these petitioners have chosen not to respond or have not provided *all* the information considered necessary. We will therefore deny those petitions which are not complete.

C. Final Agency Decision

The Agency believes that it has given more than sufficient time and notification to the following petitioners to provide the needed additional information to complete their petitions and, subsequently, enable them to be reviewed. The Agency, therefore, is announcing today the final denial of the following 46 petitions as incomplete.

Petition No.	Petitioner's name
0142	General Electric Company, Columbia, MD.
0198	Amoco Oil Company, Whiting, OH.
0227	Plateau, Incorporated, Roosevelt, UT.
0234	Randal Textron, Cincinnati, OH.
0260	Heekin Can/Diamond International Corporation, Cincinnati, OH.
0268	Tri-City Platers, Inc., Walton, IN.
0295	Platt Saco Lowell Corporation, Easley, SC.
0301	AC Spark Plug, Flint, MI.
0317	Lindau Chemical, Inc., Columbia, SC.
0318	Sperry Univac, Bristol, TN.[3]
0329	Mobay Chemical Corporation, New Martinsville, WV.
0342	Arco Petroleum Products Co., Houston, TX.
0349	Hess Oil Virgin Island Corporation, St. Croix, VI.
0350	General Motors Corporation, McCook, IL.
0355	Exxon Company USA, Billings, MT.
0363	Raybestos Manhattan, North Charleston, SC.
0370	General Motors Corporation, Warren, OH.
0382	Sun Refining and Marketing Company, Toledo, OH.
0383	Koch Refining Company, Corpus Christi, TX.
0385	Ashland Petroleum Company, Canton, OH.
0388	Chevrolet Flint Manufacturing Complex, Flint, MI.
0397	Beech Aircraft Corporation, Boulder, CO.
0403	General Electric Protective Devices, Inc., Humacao, PR.
0407	Navajo Refining Company, Artesia, NM.
0412	Chem-Clear, Incorporated, Chicago, IL.
0417	Dresser Industries, Incorporated, Defiance, OH.[4]
0418	Franklin Electric, Jacksonville, AR.
0426	Diamond Shamrock Refining and Marketing Co.,[5] Three Rivers Refinery, Three Rivers, TX.
0433	Cleaners Hanger Company, Jacksonville, FL.
0436	La Valley Industrial Plastics, Inc., Vancouver, WA.
0441	Murphy Oil Corporation, Superior, WI.
0447	Conoco Incorporated, Commerce City, CO.
0448	Universal Nolin, Conway, AR.
0452	Martin Electronics, Incorporated, Perry, FL.
0466	Brunswick Corporation, Stillwater, OK.
0480	Eaton Corporation, Athens, AL.
0481	Husky Oil Company, Cheyenne, WY.
0483	Perfection Plating Company, Elk Grove Village, IL.
0484	General Motors Corporation, Detroit, MI.
0487	Husky Oil Company, Cody, WY.
0493	American Petrofina Company of Texas, Port Arthur, TX.
0525	Teletype Corporation, Little Rock, AR.
0530	La Gloria Oil and Gas Company, Tyler, TX.
0533	Stanley Tools, Fowlerville, MI.
0546	Kawneer Company Inc., Springdale, AR.
0551	Texas Instruments Incorporated, Houston, TX.

[2] The Agency requested the information which would be required under HSWA prior to enactment in order to provide petitioners with enough lead time to gather and collect the information, and to give them the opportunity to collect all the data at one time rather than having to go back and collect additional information.

[3] Sperry Univac sent a letter dated January 9, 1986, stating that they had not submitted the additional information because: (1) Process changes have eliminated the generation of the waste; (2) the waste has been removed from the site and sent to a secure hazardous waste landfill; and (3) the waste will not be generated in the future.

[4] See footnote 1.

[5] In the November 20, 1985, proposal, petition #0426 was referred to as Sigmor Refining Company. During the comment period, in a letter dated December 19, 1985, the Agency was notified that Sigmor Refining Company has become part of Diamond Shamrock and, thus, petition #0426 is now Diamond Shamrock Refining and Marketing, Three Rivers Refinery.

III. Effective Date

This rule is effective immediately. The Hazardous and Solid Waste Amendments of 1984 amended section 3010 or RCRA to allow rules to become effective in less than six months when the regulated community does not need the six-month period to come into compliance. That is the case here since this rule does not change the existing requirements for these petitioners. The petitioners have been obligated to treat their waste as hazardous. The denial of these petitions does not change this. Since petitioners do not need any time to come into compliance, the Agency believes that this rule should be effective immediately. These reasons also provide a basis for making this rule effective immediately under the Administrative Procedure Act, pursuant to 5 U.S.C. 553(d).

IV. Regulatory Impact

Under Executive Order 12291, EPA must judge whether a regulation is "major" and, therefore, subject to the requirement of a Regulatory Impact Analysis. This final denial of exclusions is not major since it has no effect on how the facilities must manage their wastes. Prior to submitting, and during the review of their petitions to exclude certain of the wastes generated from their facility, petitioners should have handled their wastes as hazardous. This denial of their exclusion petitions means that they are to continue managing their wastes as hazardous. There is no additional economic impact on the facilities due to today's rule. This final denial is not a major regulation; therefore, no Regulatory Impact Analysis is required.

V. Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601–612, whenever an Agency is required to publish a general notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis which describes the impact of the rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions). The Administrator may certify, however, that the rule will not have a significant economic impact on a substantial number of small entities.

This decision will not have an adverse economic impact on small entities since its effect will not change the overall costs of EPA's hazardous waste regulations. Accordingly, I hereby certify that this final decision will not have a significant impact on a substantial number of small entities.

This decision, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 261

Hazardous waste, Recycling.

Dated: April 1, 1986.

J. W. McGraw,

Acting Assistant Administrator, Office of Solid Waste and Emergency Response.

[FR Doc. 86-7627 Filed 4-8-86; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6705]

List of Communities Eligible for the Sale of Flood Insurance; Alabama et al.

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain floodplain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The dates listed in the fourth column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 457, Lanham, Maryland 20706, Phone: (800) 638-7418.

FOR FURTHER INFORMATION CONTACT: Frank H. Thomas, Assistant Administrator, Office of Loss Reduction, Federal Insurance Administration, (202) 646-2717, Federal Center Plaza, 500 C Street, Southwest, Room 416, Washington, DC 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Director of the Federal Emergency Management Agency has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the fifth column of the table. In the communities listed where a flood map has been published, section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

The Director finds that the delayed effective dates would be contrary to the public interest. The Director also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance."

Pursuant the the provisions of 5 U.S.C. 605(b), the Administrator, Federal Insurance Administration, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice stating the community's status in the NFIP and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

The authority citation for Part 64 continues to read as follows:

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

PART 64—[AMENDED]

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

§ 64.6 List of Eligible Communities.

State and County	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard areas identified
Alabama: Autauga	Autaugaville, town of	010001B	Feb. 3, 1986, Emerg.; Feb. 3, 1986 Reg	Dec. 18, 1985.
New York: Jefferson	Adams, town of [1]	360324C	Sept. 1, 1978, Emerg.; June 5, 1985 Reg.; June 5, 1985, Susp.; Feb. 10, 1986 Rein.	May 31, 1974, May 5, 1976, Oct. 15, 1976.
Livingston	West Sparta, town of	360391B	Apr. 19, 1976, Emerg.; July 18, 1985, Reg.; July 18, 1985, Susp.; Feb. 11, 1986, Rein.	Oct. 29, 1976 and July 18, 1985.
South Carolina: Charleston	Hollywood, town of	450037A	Feb. 18, 1986, Emerg	Sept. 6, 1974 and Apr. 23, 1976.
New York: Steuben	North Hornell, village of	361477A	Oct. 3, 1974, Emerg.; Jan. 17, 1986, Reg.; Jan. 17, 1986, Susp.; Feb. 18, 1986, Rein.	Jan. 3, 1975 and Jan. 17, 1986.
Cayuga	Genoa, town of	360111B	Feb. 1, 1977, Emerg., Nov. 4, 1983, Reg.; Sept. 19, 1984, Susp., Feb. 18, 1986, Rein.	June 18, 1976 and Nov. 4, 1983.
Colorado: Logan	Crook, town of [1]	080111	May 6, 1977, Emerg.; Feb. 5, 1986, Reg.; Feb. 5, 1986, Susp.; Feb. 18, 1986, Rein.	Nov. 8, 1974 and Feb. 5, 1986.
North Carolina: Brunswick	Bald Head Island, village of	370442-New	Feb. 26, 1986, Emerg	
Vermont: Orange	Braintree, town of [1]	500235B	Nov. 24, 1975, Emerg.; Sept. 27, 1985, Reg.; Nov. 1, 1985, Susp., Feb. 20, 1986, Rein.	Dec. 13, 1974, May 8, 1979 and Sept. 27, 1985.
Kentucky: Breathitt	Jackson, city of	210024B	July 21, 1975, Emerg.; Sept. 27, 1985 Reg.; Nov. 1, 1985, Susp.; Feb. 27, 1986, Rein.	May 17, 1974, Jan. 2, 1976, and Sept. 27, 1985.

Code for reading 4th column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension.

[1] Minimal conversions.

State and location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard areas identified
Region I			
Rhode Island: Westerly, town of, Washington County	445410C	Feb. 5, 1986, suspension withdrawn	July 28, 1972, July 1, 1974, Dec. 26, 1975, Oct. 1, 1983 and Feb. 5, 1986.

State and location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard areas identified
Region II			
New York:			
Fenner, town of, Madison County	360399B	do	Sept. 13, 1974, May 28, 1976 and Feb. 5, 1986.
St. Armand, town of, Essex County	361157B	do	Oct. 25, 1974, July 2, 1976 and Feb. 5, 1986.
Region V			
Ohio:			
Killbuck, village of, Holmes County	390279B	do	May 3, 1974, May 21, 1976 and Feb. 5, 1986.
Mount Blanchard, village of, Hancock County	390248B	do	Aug. 9, 1974, May 21, 1976 and Feb. 5, 1986.
Wisconsin: LaCrosse, city of, LaCrosse County	555562B	Feb. 15, 1986, suspension withdrawn	Jan. 15, 1971, July 1, 1974, May 14, 1976 and May 15, 1985.
Region VII			
Kansas:			
Hoisington, city of, Barton County	200020C	Feb. 5, 1986, suspension withdrawn	Feb. 22, 1974, Oct. 24, 1975, May 24, 1977 and Feb. 5, 1986.
Salina, city of, Saline County	200319B	Feb. 5, 1986, suspension withdrawn	May 24, 1974, Jan. 2, 1976 and Feb. 5, 1986.
Saline County, unincorporated areas	200316B	do	June 28, 1977 and Feb. 5, 1986.
Region VIII			
Colorado:			
Carbondale, town of, Garfield County	080234A	do	Aug. 29, 1975 and Feb. 5, 1986.
Palisade, town of, Mesa County	080198A	do	Feb. 5, 1986.
Region X			
Oregon: Hubbard, city of, Marion County	410161B	do	May 10, 1974, July 11, 1975 and Feb. 5, 1986.
Washington: Chewelah, city of, Stevens County	530186B	do	June 7, 1974, Jan. 2, 1976 and Feb. 5, 1986.
Minimals Conversion Region VIII			
Utah: Marysvale, town of, Piute County	490098A	do	Feb. 11, 1977 and Feb. 5, 1986.
Region I			
Connecticut: Westbrook, town of, Middlesex County	090070D	Feb. 19, 1986, suspension withdrawn	Nov. 23, 1973, Oct. 15, 1976, and Feb. 19, 1986.
Rhode Island: Jamestown, town of, Newport County	445399B	do	Apr. 20, 1974, July 1, 1974, Feb. 27, 1976, and Feb. 19, 1986.
Region II			
New Jersey: Englewood, city of, Bergen County	340031C	do	Oct. 29, 1976 and Feb. 19, 1986.
Region IV			
Alabama:			
Elmore County, unincorporated areas	010406B	do	Dec. 15, 1978 and Feb. 19, 1986.
Citronelle, city of, Mobile County	010277B	do	Jan. 31, 1975 and Feb. 19, 1986.
Florida: Marineland, town of, Flagler County	120570B	do	June 10, 1977 and Feb. 19, 1986.
Kentucky: Martin County, unincorporated areas	210166C	do	Dec. 13, 1974, June 10, 1977, Feb. 2, 1977, and Feb. 19, 1986.
Georgia: Brunswick, city of	170656B	Feb. 28, 1986, suspension withdrawn	May 24, 1974, Jan. 9, 1976, and June 19, 1985.
Region V			
Michigan: Hamburg, township of, Livingston County	260118C	Feb. 19, 1986, suspension withdrawn	July 19, 1974, Jan. 21, 1977, Aug. 29, 1980, and Feb. 19, 1986.
Wisconsin: Lincoln County, unincorporated areas	550585B	do	Sept. 22, 1978 and Feb. 19, 1986.
Region X			
Washington: Mukilteo, city of, Snohomish County	530235A	do	July 11, 1975 and Feb. 19, 1986.
Minimal Conversions Region II			
New York:			
Altmar, village of, Oswego County	360646B	Feb. 19, 1986, suspension withdrawn	June 25, 1976, Nov. 15, 1974, and Feb. 5, 1986.
St. Johnsville, village of, Montgomery County	360457B	do	Feb. 15, 1974, June 18, 1976, and Feb. 19, 1986.

Jeffrey S. Bragg,

Administrator, Federal Insurance Administration.

[FR Doc. 86-7846 Filed 4-8-86; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 65

[Docket No. FEMA-6707]

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Interim rule.

SUMMARY: This rule lists those communities where modification of the base (100-year) flood elevations is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified base (100-year) elevations for new buildings and their contents and for second layer insurance on existing buildings and their contents.

DATES: These modified elevations are currently in effect and amend the Flood Insurance Rate Map (FIRM) in effect prior to this determination.

From the date of the second publication of notice of these changes in a prominent local newspaper, any person has ninety (90) days in which he can request through the community that the Administrator, reconsider the changes. These modified elevations may be changed during the 90-day period.

ADDRESSES: The modified base (100-year) flood elevation determinations are available for inspection at the office of the Chief Executive Officer of the community, listed in the fifth column of the table.

Send comments to that address also.

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

SUPPLEMENTARY INFORMATION: The numerous changes made in the base (100-year) flood elevations on the FIRM(s) make it administratively infeasible to publish in this notice all of the modified base (100-year) flood

elevations contained on the map. However, this rule includes the address of the Chief Executive Officer of the community where the modified base (100-year) flood elevation determinations are available for inspection.

Any request for reconsideration must be based on knowledge of changed conditions, or new scientific or technical data.

These modifications are made pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234) and are in accordance with the National Flood Insurance Act of 1968, as amended (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 65.4.

For rating purposes, the revised community number is listed and must be used for all new policies and renewals.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program.

These elevations, together with the flood plain management measures required by 60.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time, enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities.

The changes in the base (100-year) flood elevations listed below are in accordance with 44 CFR 65.4.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communitites.

List of Subjects in 44 CFR Part 65

Flood insurance, Flood plains.

The authority citation for Part 65 continues to read as follows:

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

State and county	Location	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
California: Alameda (unincorporated areas).		Mar. 12, 1986, Mar. 19, 1986, *Oakland Post.*	The Honorable John George, Mayor of Alameda County, 1221 Oak Street, Oakland, CA 94612.	Feb. 24, 1986 Letter of Map Revision.	060001B
Connecticut: Hartford	Town of West Hartford	Apr. 1, 1986, Apr. 8, 1986, *The Hartford Courant.*	The Honorable Barry M. Feldman, West Hartlord Town Manager, 28 South Main Street, West Hartford, CT 06107.	Mar. 21, 1986	095082
Georgia: Fulton	City of Roswell	Feb. 11, 1986, Feb. 18, 1986, Roswell Neighbor.	The Honorable W.L. Mabry, Mayor, City of Roswell, 105 Dobbs Drive, Roswell, GA 30075.	Feb. 5, 1986	130088
North Carolina: Forsyth	Unincorporated areas	Mar. 14, 1986, Mar. 21, 1986, *Winston-Salem Journal.*	The Honorable H.L. Pete Jenkins, County Manager, Forsyth County, Hall of Justice, Room 700, Winston-Salem, NC 27101.	Mar. 3, 1986	375349
Texas: Bexar	Unincorporated areas	Jan. 24, 1986, Jan. 31, 1986, *San Antonio Light.*	The Honorable Tom Vickers, Bexar County Judge, Bexar County Courthouse, Commissioners Court, Suite 101, San Antonio, TX 78205.	Jan. 22, 1986	480035
Texas: Dallas, Denton, Collin, Rockwall & Kaufman.	City of Dallas	Feb. 12, 1986, Feb. 19, 1986, *The Dallas Morning News.*	The Honorable A. Starke Taylor, Jr., Mayor of the City of Dallas, Mayor's Office, Room 5E North, 1500 Marilla, Dallas, TX 75201.	Jan. 23, 1986, Leter of Map Revision.	480171C
Texas: Tarrant	City of North Richland Hills	Apr. 10, 1986, Apr. 17, 1986, *Fort Worth Star Telegram.*	The Honorable Dan Echols, Mayor of the City of North Richland Hills, Tarrant County, P.O. Box 18609, North Richland Hills, TX 76118.	Mar. 18, 1986	480607
Texas: Tarrant	City of Watauga	Feb. 26, 1986, Mar. 5, 1986, *Mid-Cities Daily News.*	The Honorable Virgil Anthony, Sr., Mayor of the City of Watauga, 7101 Whitley Road, Watauga, TX 76148.	Feb. 18, 1986	480613

Issued: March 26, 1986.

Jeffrey S. Bragg,

Administrator, Federal Insurance Administration.

[FR Doc. 86–7847 Filed 4–8–86; 8:45 am]

BILLING CODE 6718–03–M

44 CFR Part 65

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: Modified base (100-year) flood elevations are finalized for the communities listed below.

These modified elevations will be used in calculating flood insurance premium rates for new buildings and their contents and for second layer coverage on existing buildings and their contents.

DATES: The effective dates for these modified base flood elevations are indicated on the following table and amend the Flood Insurance Rate Map(s) (FIRM) in effect for each listed community prior to this date.

ADDRESSES: The modified base flood elevations for each community are available for inspection at the Office of the Chief Executive Officer of each community. The respective addresses are listed on the following table.

FOR FURTHER INFORMATION CONTACT: Mr. 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 final determinations of modified flood elevations for each community listed. These modified elevations have been published in newspaper(s) of local circulation and ninety (90) days have elapsed since that publication. The Administrator, has resolved any appeals resulting from this notification.

Numerous changes made in the base (100-year) flood elevations on the FIRMs for each community make it administratively infeasible to publish in this notice all of the changes contained on the maps. However, this rule includes the address of the Chief Executive Officer of the community, where the modified base flood elevation

determinations are available for inspection.

The modifications are made pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234) and are in accordance with the National Flood Insurance Act of 1968, as amended (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 65.

For rating purposes, the revised community number is shown and must be used for all new policies and renewals.

The modified base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to quality or to remain qualified for participation in the National Flood Insurance Program.

These modified elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their flood plant management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State or regional entities.

These modifed base flood elevations shall be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for second layer coverage on existing buildings and their contents.

The changes in the base flood elevations are in accordance with 44 CFR 65.4

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 65

Flood insurance, Flood plains.

The authority citation for Part 65 continues to read as follows:

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

State and county	Location	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Indiana: Allen (Docket No. FEMA-6691).	City of Fort Wayne	Nov. 1, 1985, Nov. 8, 1985, *The News Sentinel.*	The Honorable Winfield Moses, Mayor, City of Ft. Wayne, City/County Building, 1 Main Street, Ft. Wayne, IN 46802.	Oct. 21, 1985	180003
Michigan: Kent (Docket No. FEMA-6691).	City of Grandville	Nov. 12, 1985, Nov. 19, 1985, *Advance.*	The Honorable James Buck, Mayor, City of Grandville, City Hall, 3195 Wilson Avenue, Grandville, MI 49418.	Nov. 4, 1985	260271
Texas: Harris, Fort Bend, and Montgomery Counties (FEMA Docket No. 6684).	City of Houston	Oct. 11, 1985, Oct. 18, 1985, *Houston Chronicle.*	The Honorable Kathryn Whitmire, Mayor of the City of Houston, P.O. Box 1562, Houston, TX 77251.	Sept. 30, 1985	480296
Texas: Bexar (FEMA Docket No. 6684).	City of San Antonio	Sept. 18, 1985, Sep. 25, 1985, *San Antonio Light.*	The Honorable Henry Cisneros, Mayor of the City of San Antonio, P.O. Box 9066, San Antonio, TX 78285.	Sept. 11, 1985, Letter of Map Revision.	480045B

Issued: March 26, 1986.

Jeffrey S. Bragg,

Administrator, Federal Insurance Administration.

[FR Doc. 86–7848 Filed 4–8–86; 8:45 am]

BILLING CODE 6718–03–M

44 CFR Part 67

Final Flood Elevation Determinations; California et al.

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: Modified base (100-year) flood elevations are finalized for the communities listed below.

These modified elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program.

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM) showing modified base flood elevations, for the community. This date may be obtained by contacting the office where the maps are available for inspection indicated on the table below:

ADDRESSES: See table below:

FOR FURTHER INFORMATION CONTACT: Mr. 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 final determinations of flood elevations for each community listed. Proposed base flood elevations or proposed modified base flood elevations have been published in the **Federal Register** for each community listed.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection 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. An opportunity for the community or individuals to appeal the proposed determination to or through the community for a period of ninety (90) days has been provided.

The Agency has developed criteria for flood plain management in floodprone areas in accordance with 44 CFR Part 60.

Pursuant to the provisions of 5 USC 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies for reasons set out in the proposed rule that the final flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. Also, this rule is not a major rule under terms of Executive Order 12291, so no regulatory analyses have been proposed. It does not involve any collection of information for purposes of The Paperwork Reduction Act.

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.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and FIRM available at the address cited below for each community.

The modified base flood elevations are finalized in the communities listed below. Elevations at selected locations in each community are shown. Any appeals of the proposed base flood elevations which were received have been resolved by the Agency.

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD). Modified
CALIFORNIA	
Solano County (Unincorporated Areas) (FEMA Docket No. 6685)	
Ledgewood Creek: 100 feet downstream from center of Rockville Road	*29
Maps available for inspection at the Public Works Department, 550 Union Avenue, Fairfield, California.	
COLORADO	
Montrose County (Unincorporated Areas) (FEMA Docket No. 6692)	
Cedar Creek: 50 feet downstream of center of U.S. Highway 50	*5,670
Montrose Arroyo: 450 feet upstream of confluence with Cedar Creek	*5,741
Maps available for inspection at the Planning Department, 320 S. 1st Street, Montrose, Colorado.	
FLORIDA	
Wakulla County (Unincorporated Areas) (FEMA Docket No. 6692)	
Gulf of Mexico/Oyster Bay:	
Inland of Oyster Bay	*21
Just inland from shoreline around Grass Inlet	*22
Gulf of Mexico/Apalachee Bay:	
Just inland from shoreline along the southern end of State Road 367	*21
Just inland of the eastern shoreline along Goose Creek Bay	*21
At shoreline along the southern end of State Road 367	*23
Maps available for inspection at the Wakulla County Courthouse, County Clerk Office, Courthouse Square, P.O. Box 337, Crawfordville, Florida.	
IDAHO	
Middleton (City), Canyon County (FEMA Docket No. 6685)	
Mill Creek (Mill Slough): At Boise Street	*2,392
Intersection of 2nd Street and Bnce Avenue	*2,398
Maps available for inspection at City Hall, 15 North Dewey, Middleton, Idaho.	
ILLINOIS	
Fox Lake (Village), Lake and McHenry Counties (FEMA Docket No. 6692)	
Pistakee Lake: Shoreline	*741
Nippersink Creek:	
At mouth	*741
About 0.75 mile upstream of mouth at Pistakee Lake	*743
Maps available for inspection at the Village Hall, 301 South Route 59, Fox Lake, Illinois.	

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD). Modified
LOUISIANA	
Tallulah (City), Madison Parish (FEMA Docket No. 6692)	
Ditch L-7CC-1:	
Approximately 1,725' downstream of corporate limits	*75
Upstream side of Louisiana Street	*78
Downstream side of State Route 601	*83
Maps available for inspection at 204 North Cedar Street, Tallulah, Louisiana.	
MINNESOTA	
St. Louis Park (City), Hennepin County (FEMA Docket No. 6692)	
Minnehaha Creek:	
Just upstream of Meadowbrook Road	*895
About 350 feet downstream of West 37th Street	*905
Just upstream of Jordan Avenue	*908
Maps available for inspection at the Planning Department, 5005, Minnetonka Boulevard, St. Louis Park, Minnesota.	
MISSISSIPPI	
Brandon (City), Rankin County (FEMA Docket No. 6692)	
Terrapin Skin Creek:	
About 100 feet downstream of the east-bound span of Interstate 20	*340
About 150 feet upstream of the west-bound span of Interstate 20	*344
About 0.6 mile downstream of State Highway 471	*354
Terrapin Skin Creek Tributary 2:	
At confluence with Terrapin Skin Creek	*345
About 500 feet upstream of Thorngate Drive	*353
About 1.0 mile upstream of Thorngate Drive	*370
Maps available for inspection at the City Hall, 205 West Government Street, Brandon, Mississippi.	
MISSISSIPPI	
Jackson (City), Hinds and Rankin Counties (FEMA Docket No. 6692)	
Old Pearl River: Southeast of the East Jackson Levee	*263
Maps available for inspection at the Planning and Development Department, P.O. Box 17, Jackson, Mississippi.	
MISSOURI	
Jackson County (Unincorporated Areas), (FEMA Docket No. 6692)	
West Fork Sni-A-Bar Creek:	
About 0.5 mile downstream of Buckner Tarsney Road	*813
Just downstream of Buckner Tarsney Road	*815
Maps available for inspection at the Jackson County Courthouse, 415 East Twelfth, Kansas City, Missouri.	
PENNSYLVANIA	
Mount Pleasant (Township), Westmoreland County (FEMA Docket No. 6692)	
Sewickley Creek:	
Approximately 1,000 feet downstream of corporate limits	*966
Confluence of Brinkers Run	*972
Upstream side of Township Route 780	*981
Upstream side of Township Route 565	*992
Upstream side of Township Route 824	*1,013
Upstream corporate limits	*1,022
Township Line Run:	
Downstream corporate limits	*966
Upstream corporate limits	*974
Brinkers Run:	
Confluence with Sewickley Creek	*972

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD). Modified
Approximately 750 feet downstream of Township Route 780	*983
Maps available for inspection at the Municipal Building, Mammoth, Pennsylvania.	
PENNSYLVANIA	
Trainer (Borough), Delaware County (FEMA Docket No. 6692)	
Delaware River: British Petroleum Dock	*10
Maps available for inspection at the Borough Building, Trainer, Pennsylvania.	
TEXAS	
Benbrook (City), Tarrant County (FEMA Docket No. 6692)	
Mary's Creek:	
Approximately 1,600' downstream of corporate limits	*614
At upstream side of Texas & Pacific Railroad bridge	*630
At most upstream corporate limits	*672
Clear Fork Trinity River:	
Approximately 800' upstream of Interstate 820	*600
At most upstream corporate limits	*621
Maps available for inspection at 911 Winscott Road, Benbrook, Texas.	
TEXAS	
Grand Prairie (City), Dallas, Tarrant, and Ellis Counties (FEMA Docket No. 6692)	
Kirby Creek:	
Downstream side of Waterwood Trail	*539
Downstream side of Kirbywood Trail	*550
Approximately 0.4 mile upstream of Kirbywood Trail	*558
Maps available for inspection at the Grand Prairie City Hall, 317 College Street, Grand Prairie, Texas.	
VERMONT	
New Haven (Town), Addison County (FEMA Docket No. 6692)	
Otter Creek:	
Downstream corporate limits	*148
Upstream corporate limits	*149
Map available for inspection at the Town Clerk's Office, Town Hall, New Haven, Vermont.	
WISCONSIN	
Belleville (Village) Dane and Green Counties (FEMA Docket No. 6692)	
Sugar River:	
Just upstream of Remy Road	*856
Just upstream of Illinois Central Gulf Railroad	*859
Just downstream of Belleville Dam	*859
Maps available for inspection at the Village Hall, P.O. Box 70, Belleville, Wisconsin.	

Issued: March 26, 1986.

Jeffrey S. Bragg,

Administrator, Federal Insurance Administration.

[FR Doc. 86-7849 Filed 4-8-86; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 0

Reporting and Recordkeeping Requirements

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action amends the Commission's list of OMB approved information collection requirements contained in the Commission's Rules.

This action is necessary to comply with the Paperwork Reduction Act, which requires that agencies display a current control number assigned by the Director of the Office of Management and Budget for each agency information collection requirement.

This action will provide the public with a current list of information collection requirements in the Commission's Rules which have OMB approval.

EFFECTIVE DATE: April 9, 1986.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Jerry Cowden, Office of Managing Director, (202) 632–7513.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 0

Reporting and recordkeeping requirements.

Order

In the matter of editorial amendment of § 0.408 of the Commission's Rules.

Adopted: April 1, 1986.
Released: April 3, 1986.

1. Section 3507(f) of the Paperwork Reduction Act of 1980 (44 U.S.C. 3507(f)) requires agencies to display a current control number assigned by the Director of the Office of Management and Budget ("OMB") for each agency information collection requirement.

2. Section 0.408 of the Commission's Rules displays the OMB control numbers assigned to the Commission's information collection requirements. OMB control numbers assigned to Commission forms are not listed in this section since those numbers appear on the forms.

3. This Order amends § 0.408 to remove listings of information collections which the Commission has eliminated or to add listings of new information collections which OMB has approved.

4. Authority for this action is contained in section 4(i) of the Communications Act of 1934 (47 U.S.C. 154(i)), as amended, and § 0.231(d) of the Commission's Rules. Since this amendment is editorial in nature, the public notice, procedure, and effective date provisions of 5 U.S.C. 553 do not apply.

5. Accordingly, it is ordered, that § 0.408 of the rules is amended in accordance with the attached appendix, effective on the date of publication in the **Federal Register.**

6. Persons having questions on this matter should contact Jerry Cowden at (202) 632–7513.

Federal Communications Commission.

Edward J. Minkel,

Managing Director.

Appendix

Part 0 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 0—COMMISSION ORGANIZATION

1. The authority citation for Part 0 continues to read:

Authority: Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, unless otherwise noted.

§ 0.408 [Amended]

2. In 47 CFR 0.408, paragraph (b) is amended by removing the following rule sections and their corresponding OMB control numbers:

76.311	3060–0271
83.340	3060–0255
94.17(d)	3060–0282
94.17(e)	3060–0283

3. In 47 CFR 0.408, paragraph (b) is amended by adding the following rule sections and their corresponding OMB control numbers:

1.1305	3060–0004
1.1705	3060–0344
1.1709	3060–0345
15.236	3060–0324
25.391(a)–(e)	3060–0343
Part 62	3060–0330
73.51	3060–0340
73.1680	3060–0341
74.1284	3060–0342
76.73	3060–0349
76.75	3060–0349
76.79	3060–0348
76.614	3060–0332
76.615	3060–0331
78.11	3060–0339
78.27	3060–0346
83.334	3060–0255
94.17	3060–0282
97.71	3060–0347

[FR Doc. 86–7863 Filed 4–8–86; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Parts 1 and 43

[CC Docket No. 85–308; RM–4878; FCC 86–97]

Annual Report Form M and FCC Report 901

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: The Commission has eliminated certain schedules, and has raised the reporting limit on other schedules, in the Annual Report Form M filed by certain common carriers. The Commission also has increased the threshold operating revenue level for filing Annual Report Form M and FCC Report 901. This action is taken by the Commission in its efforts to eliminate the collection of data no longer needed for its regulatory purposes and will result in a reduction of annual paperwork burden of communication common carriers.

EFFECTIVE DATES: FCC Form M and FCC Report 901 are amended as set forth in this Order effective with the calendar years 1985 and 1986, respectively. Sections 43.21 and 43.31 of Part 43 of our Rules and Regulations are amended effective 30 days after notice in the **Federal Register** to reflect the minimum operating revenue reporting requirement of gross operating revenues in excess of $100 million for telephone carriers filing Form M and FCC Report 901.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Robin Holmes, Accounting and Audits Division, Common Carrier Bureau, (202) 634–1861.

SUPPLEMENTARY INFORMATION:

List of Subjects

47 CFR Part 1

Administrative practice and procedure, Communications common carriers, Complaints, Environmental impact statements, Investigations, Radio, Reporting requirements, Telecommunications, Television.

47 CFR Part 43

Communications common carriers, Ocean-Cable, Radiotelegraph, Reporting requirements, Telephone, Wire-Telegraph.

This is a summary of the Commission's Report and Order, CC Docket 85-308 (RM-4878), adopted February 26, 1986, and released March 20, 1986.

The full text of commission decisions are available for inspection and copying during normal business hours in the FCC dockets branch (Room 230), 1919 M Street, Northwest, Washington, DC. The complete text of this decision may also be purchased from the Commission's Copy Contractor, International Transcription Service, (202) 857-3800, 2100 M Street, Northwest, Suite 140, Washington, DC 20037.

Summary of Report and Order

1. On October 23, 1985, the Commission released a Notice of Proposed Rulemaking (NPRM) 50 FR 43730; Oct. 29, 1985, to modify the reporting requirements of its Annual Report, FCC Form M and FCC Report 901, "Monthly Report of Revenue, Expenses and Other Items—Telephone Companies" (FCC Report 901). The Commission proposed to eliminate ten schedules and increase the monetary limits of items to be individually reported on 12 other schedules in Form M. The Commission also proposed to raise the annual revenue threshold for carriers required to file Form M and FCC Report 901.

2. Comments were filed on or before November 29, 1985 and reply comments on or before December 16, 1985. Thirteen comments and five reply comments were received from telephone companies, state commissions and trade and consumer organizations. The respondents generally favored the Commission's effort to revise Form M and FCC Report 901.

3. The Commission proposed to eliminate ten schedules. Two state commissions and a trade organization opposed the elimination of some of these schedules. Their primary concern is that information contained on these schedules is necessary for federal and state regulatory oversight. After analyzing the arguments presented, the Commission has decided that the respondents did not present convincing arguments to retain these schedules. It is the Commission's belief that carriers should not be required to maintain schedules that no longer contain information necessary for this Commission to meet its regulatory responsibilities. Moreover, the Commission notes that state regulatory bodies have the authority to request information contained on these schedules from carriers within their own jurisdiction. However, as suggested by a carrier, the Commission is requiring, for statistical purposes, that total employee compensation for the year and the amount of compensation charged to operating expense formerly reported on Schedule 70A, "Total Compensation to Employees By Months", now be included as a footnote to Schedule 35, "Operating Expenses". Therefore, we will eliminate the following ten schedules:

Schedule 16, "Miscellaneous Physical Property" (Accounts 103 and 315)
Schedule 18, "Sinking and Other Funds" (Accounts 104 and 137)
Schedule 19, "Special Cash Deposits" (Account 114)
Schedule 28, "Notes Payable (Accounts 158.1 and 158.2)
Schedule 44, "Nondistortive Delayed Items"
Schedule 54, "Telephone Stations, Data Sets and Data Access Arrangements"
Schedule 58A, "Stations Left in Place"
Schedule 58B, "Station Apparatus in Stock"
Schedule 70A, "Total Compensation of Employees by Months"
Schedule 71, "Accidents to Employees".

4. In the NPRM the Commission proposed to increase the reporting threshold to $100,000 on eight schedules. Four respondents opposed our proposal for some of these schedules. Some respondents argue that the current thresholds should be retained because increasing the threshold would eliminate items needed for regulatory oversight and they maintain that preparation of these schedules is not burdensome. Other respondents believe that some of these schedules should be eliminated because the information reported on them is duplicative. The purpose of this Order, however, is to reduce the reporting burdens of the carriers and at the same time to allow this Commission to continue carrying out its regulatory responsibilities. The Commission has determined that increasing the threshold will decrease items reported without significantly affecting the dollars reported, and still provide this Commission with the information it needs. In addition, we do not agree with those respondents who believe that certain schedules are duplicative. We have determined that those schedules are not duplicative and are useful in monitoring information contained elsewhere in Form M. Therefore, we will raise the reporting limit on the following eight schedules to $100,000:

Schedule 12C, "Analysis of Entries in Property Held for Future Telephone Use" (Account 100.3)
Schedule 17, "Investments" (Accounts 101.1, 101.2, 102, and 116)
Schedule 20, "Notes Receivable" (Accounts 117.1 and 117.2)
Schedule 22, "Deferred Charges" (Accounts 138 and 139)
Schedule 33, "Analysis of Entries in Other Capital and Retained Earnings Accounts"
Schedule 37, "Analysis of Dividend and Interest Income"
Schedule 41, "General Services and Licenses" (Accounts 525 and 674)
Schedule 45, "Analysis of Extraordinary Items and Distortive Delayed Items" (Accounts 360, 365, 370, 375 and 380).

5. In the NPRM, the Commission proposed to increase the reporting threshold on four schedules to one million dollars (although we called for comments on whether the threshold should be $100,000). Four parties argue that the information contained on some of these schedules is duplicative, serves no regulatory purpose, and that these schedules should be eliminated. Three parties argue that increasing the reporting threshold to one million dollars would eliminate too many items of regulatory significance and would restrict their ability to monitor these items. We have evaluated our regulatory needs and have determined that these schedules serve a useful regulatory purpose. Moreover, we have determined that increasing the reporting limit to one million dollars will reduce the number of items reported without significantly affecting the dollars reported. Therefore, we will raise the reporting limit on the following four schedules to one million dollars.

Schedule 13A, "Analysis of Telephone Plant Acquired" (Account 276)
Schedule 21, "Accounts Receivable" (Accounts 120.1 and 120.2) Schedule, 29, "Accounts Payable" (Accounts 159.1 and 159.2)
Schedule 30A, "Other Deferred Credits" (Account 174).

6. Certain carriers earlier had asked that we eliminate 14 schedules. In the NPRM, we did not propose any changes in these schedules. The NPRM probably should not have been construed as inviting comments with respect to possible changes that we did not propose. However, comments were filed regarding these schedules, and several respondents disagreed with our decision. We have considered their arguments and have decided to modify two schedules. We will modify Schedule 50, "Outside Plant Statistics" to provide a column for fiber optical cable since it is a new technology which is widely used by the telephone industry. In addition, we will increase the reporting limit on Schedule 38, "Miscellaneous

Income Charges" to $100,000. This action will reduce the number of items reported but will not reduce the value of the schedule since the carriers would still report approximately 96% of the dollars involved.

7. The Commission proposed to increase the minimum operating revenue requirement for carriers to file Form M and FCC Report 901 from one million dollars to $100,000,000 to ease reporting burden. No respondents objected to the Commission's proposal. However, several respondents sought clarification of the term "commonly controlled companies" because they believe carriers not previously required to file might now be required to do so. We agree with the respondents that this language could require many small companies to prepare Form M and FCC Report 901, thus increasing their burden. We conclude that the benefits of obtaining Form M and FCC Report 901 data from the companies that would be affected by aggregating commonly controlled companies do not outweigh the costs of preparing and submitting these reports. Therefore, we will not include this term in our rules. As suggested by several carriers, the Commission will add the term "gross operating revenue" because this term is more specific and will also incorporate these changes to § 43.21(a) and § 43.31(a). We will adopt our proposal, with the above modification.

8. In compliance with the provisions of section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), we certify that these reporting changes can be readily implemented by all carriers filing Form M and and FCC Report 901 without significant economic impact, and, in fact, will ease the reporting requirements of these carriers, both large and small. The rationale for changes is outlined in the preceding discussion.

Ordering Clauses

9. Accordingly, it is ordered, that pursuant to the provisions of Sections 4(i), 219 and 220, of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 219 and 220, FCC Form M and FCC Report 901 are amended as set forth below effective with the calendar years 1985 and 1986, respectively.

10. It is further ordered, that §§ 43.21 and 43.31 of Part 43 of our Rules and Regulations are amended effective May 5, 1986, to reflect the minimum operating revenue reporting requirment of gross operating revenues in excess of $100 million for telephone carriers filing Form M and FCC Report 901.

11. It is further ordered, that CC Docket No. 85-308 is hereby terminated.

12. It is further ordered, that the Secretary shall cause a copy of this Report and Order to be served on each State commission.

Rule Changes

PART 43—[AMENDED]

Part 43, Reports of Communication Common Carriers and Certain Affiliates, is amended as follows:

1. The authority citation for Part 43 continues to read as follows:

Authority: Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154, unless otherwise noted. Interpret or apply secs. 211, 219, 48 Stat. 1073, 1077, as amended; 47 U.S.C. 211, 219, 220, unless otherwise noted.

2. Section 43.21(a), "Annual reports of carriers and certain affiliates," is revised to read as follows:

§ 43.21 Annual reports of carriers and certain affiliates.

(a) Communication common carriers having annual gross operating revenues in excess of $100 million, communication common carriers operating to overseas points or in the Maritime radio services and having annual operating revenues in excess of $50,000, and certain companies (as indicated in paragraph (c) of this section) directly or indirectly controlling such carriers shall file with the Commission annual reports as provided in this section. Except as provided in paragraph (c) of this section, each annual report required by this section shall be filed not later than March 31 of each year covering the preceding calendar year. It shall be filed on the appropriate report form prescribed by the Commission (see § 1.785 of this chapter) and shall contain full and specific answers to all questions propounded and information requested in the currently effective report forms. The number of copies to be filed shall be as specified in the applicable report form. At least one copy of the report shall be signed on the signature page by the responsible accounting officer. A copy of each annual report shall be retained in the principal office of the respondent and shall be filed in such manner as to be readily available for reference and inspection.

* * * * *

3. Section 43.31(a), "Monthly reports of communication common carriers," is revised to read as follows:

§ 43.31 Monthly reports of communication common carriers.

(a) Each telephone common carrier which had gross operating revenues for the preceding year in excess of $100 million, and each ocean cable, radiotelegraph, and wire-telegraph common carrier which had operating revenues for the preceding year in excess of $250,000 shall file with the Commission, within forty (40) days after the end of each calendar month, a certified report on computer media as prescribed by the Commission.

* * * * *

Federal Communications Commission.

William Tricarico,

Secretary.

[FR Doc. 86-7862 Filed 4-8-86; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 85-239; RM-5026]

FM Broadcast Station in Reno, NV

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein substitutes Channel 269A for Channel 272A at Reno, Nevada, at the request of Emerald Broadcasting Company. The substitution of channels at Reno could permit Station KZFR, South Lake Tahoe, California, to move its transmitter site and operate with Class B facilities. A construction permit for Channel 272A at Reno will be issued to Reno Broadcasters, Inc.

EFFECTIVE DATE: May 12, 1986.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

The authority citation for Part 73 continues to read:

Authority: Secs. 4 and 303, 48 Stat. 1066, as amended, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, as amended, 1083, as amended, 47 U.S.C. 301, 303, 307. Other statutory and executive order provisions authorizing or interpreted or applied by specific sections are cited to text.

Report and order (Proceeding Terminated)

In the matter of amendment of § 73.202(b), Table of Allotments, FM Broadcast Stations (Reno, Nevada); MM Docket No. 85-239, RM-5026.

Adopted: March 28, 1986.

Released: April 3, 1986.

By the Chief, Policy and Rules Division.

1. The Commission has before it for consideration the *Notice of Proposed*

Rule Making, 50 FR 33605, published August 20, 1985, proposing the substitution of Channel 269A for Channel 272A at Reno, Nevada, at the request of Emerald Broadcasting Company ("petitioner"). Comments in support were filed by the petitioner and reply comments in opposition were filed by Carillo Broadcasting Company ("Carillo").[1]

2. Petitioner is the licensee of Station KZFR(FM), Channel 275, South Lake Tahoe, California. It received a license modification in 1982 from a Class A channel to a Class B channel. However, petitioner has been operating at its original site with reduced power pursuant to special temporary authority to avoid multipath distortion problems. Until now, it has been unable to locate an available suitable site at which to upgrade. A transmitter site on Genoa Peak has been located which would permit it to upgrade its facilities so as to provide South Lake Tahoe with a signal free of multipath distortion. This site will also be accessible during the winter months. Use of the Genoa Peak site, however, would result in a short spacing to Channel 272A at Reno, for which there were seven applications pending. The *Notice* thus proposed the substitution of Channel 269A at Reno since it could permit petitioner to move its transmitter site in compliance with the Commission's mileage separation requirements and would also be available for use at each of the Reno applicants' sites.

3. Emerald states that it has on file an application (BPMH–841214IF) to move its transmitter site and upgrade its facilities and that it will do so as soon as possible after the application is granted. We have restudied the use of Channel 269A at the site specified by Reno Broadcasters, Inc., the permittee of Channel 272A at Reno, and find that the new channel can be used in compliance with the Commission's minimum distance separation requirements. Therefore, we believe the public interest will be served by substituting Channel 272A for Channel 269A at Reno and permitting petitioner to pursue its application to relocate its transmitter and upgrade its facilities.

4. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is ordered, That effective May 12, 1986, the FM Table of Allotments, § 73.202(b) of the Rules, is amended with respect to the community listed below, to read as follows:

City	Channel No.
Reno, Nevada	225, 238, 269A, 283, 289, and 295.

5. It is further ordered, That the Secretary shall send a copy of this *Order* by certified mail, return receipt requested, to: Reno Broadcasters, Inc., 1360 Manzanita, Reno, Nevada 89509.

6. It is further ordered, That this proceeding is terminated.

7. For further information concerning this proceeding, contact Leslie K. Shapiro, Mass Media Bureau, (202) 634–6530.

Federal Communications Commission.

Ralph A. Haller,

Acting Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 86–7860 Filed 4–8–86; 8:45 am]

BILLING CODE 6712-01-M

[1] Carillo, one of the applicants for Channel 272A at Reno, filed reply comments objecting to the substitution. It states that use of Channel 269A at its amended transmitter site would result in a short-spacing to Station KNXN, Quincy, California. However, these comments are now moot since Carillo's application has been dismissed and that of Reno Broadcasters, Inc. granted. See *Memorandum Opinion and Order*, FCC 86M–451, released February 4, 1986. Therefore, neither Carillo's reply comments nor petitioner's supplemental comments responding thereto will be discussed.

47 CFR Part 73

Oversight of the Radio and TV Broadcast Rules

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction to order.

SUMMARY: In the Order, Oversight of the Radio and TV Broadcast Rules published in the **Federal Register** on March 24, 1986 at 51 FR 9963, there is an error in paragraph 10 of the rules Appendix pertaining to § 73.3613 Filing of Contracts. It is corrected herein.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Steve Crane, Mass Media Bureau, (202) 632–5414.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio and television broadcasting.

In the matter of oversight of the Radio and TV Broadcast Rules; Erratum.

Released: April 2, 1986.

In the above captioned *Order*, released March 7, 1986 and published in the **Federal Register** on March 24, 1986 at 51 FR 9963 there is an error in paragraph 10 of the rules Appendix pertaining to revision of § 73.3613.

It is corrected to read:

10. 47 CFR 73.3613 is amended by removing paragraphs (a)(2) [Reserved], (a)(5) [Reserved] and (a)(6) [Reserved] and redesignating paragraphs (a)(3) and (a)(4) as (a)(2) and (a)(3) respectively; and by revising paragraph (d) to read as follows:

§ 73.3613 Filing of Contracts.

* * * * *

(d) The following contracts, agreements, or understandings need not be filed but shall be kept at the station and made available for inspection upon request by the FCC: Contracts relating to the sale of broadcast time to "time brokers" for resale; subchannel leasing agreements for Subsidiary Communications Authorization operation; franchise/leasing agreements for operation of telecommunications services on the TV vertical blanking interval; time sales contracts with the same sponsor for 4 or more hours per day, except where the length of the events (such as athletic contests, musical programs, and special events) broadcast pursuant to the contract is not under control of the station.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 86–7861 Filed 4–8–86; 8:45 am]

BILLING CODE 6712-01-M

Proposed Rules

Federal Register
Vol. 51, No. 68
Wednesday, April 9, 1986

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

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Part 381

[Docket No. 86-001P]

Addition of Great Britain to the List of Countries Eligible for Importation of Poultry Products Into the United States

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Food Safety and Inspection Service is proposing to amend the poultry products inspection regulations to add Great Britain to the list of countries from which poultry products of chickens, turkeys, ducks, geese and guineas are eligible to be imported into the United States. Reviews of Great Britain's laws, regulations and other materials, and on-site reviews of its inspection system indicate that the system is acceptable pursuant to the Poultry Products Inspection Act and regulations thereunder. This action will enable poultry products from certified establishments in Great Britain to be imported into the United States.

DATE: Comments must be received on or before: June 9, 1986.

ADDRESS: Written comments to: Policy Office, Attn: Annie Johnson, FSIS Hearing Clerk, Room 3803, South Agriculture Building, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250. Oral comments, as provided by the Poultry Products Inspection Act, should be directed to Dr. William Havlik, (202) 447-2644. (See "Comments" under Supplementary Information.)

FOR FURTHER INFORMATION CONTACT: Dr. William Havlik, Director, Foreign Programs Division, International Programs, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-2644.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

The Administrator has determined in accordance with Executive Order 12291 that this proposed rule is not a "major rule." It will not result in an annual effect on the economy of $100 million or more. There will be no major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions, and it will not have a significant effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. The proposal would add Great Britain as a country from which poultry products are eligible to be imported into the United States. However, it has been established that only approximately 500,000 pounds of poultry products will be imported annually. This amount represents only .011 percent of domestic production, based on fiscal year 1984 data.

Effect on Small Entities

The Administrator has determined that this proposed rule would not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act, Pub. L. 96-354 because the amount of product estimated to be imported represents only .011 percent of domestic production, based on fiscal year 1984 data.

Comments

Interested persons are invited to submit written comments concerning this proposal. Written comments should be sent in duplicate to the Policy Office. Please include the docket number which appears in the heading of this document. Any person desiring an opportunity for an oral presentation of views should make such request to Dr. Havlik so that arangements can be made for such views to be presented. A transcript will be made of all views orally presented. All comments submitted in response to the proposal will be available for public inspection in the Policy Office between 9 a.m. and 4 p.m., Monday through Friday.

Background

Section 17 of the Poultry Products Inspection Act (PPIA) (21 U.S.C. 466) prohibits the importation into the United States of slaughtered poultry, or parts of products thereof, unless they are healthful, wholesome, fit for human food, not adulterated, and contain no dye, chemical, preservative, or ingredient which renders them unhealthful, unwholesome, adulterated, or unfit for human food. The regulations addressing imported poultry products are contained in 9 CFR Part 381, Subpart T. In these regulations, the Administrator has established procedures by which foreign countries desiring to export poultry or poultry products to the United States may become eligible to do so.

Section 381.196 of the poultry products inspection regulations (9 CFR 381.196) provides that a poultry inspection system maintained by a foreign country, with respect to establishments preparing products in that country for export to the United States, must ensure compliance of such establishments and their poultry products with requirements at least equal to all the provisions of the PPIA and the regulations that are applied to official establishments in the United States and their poultry products. In addition, for approval to export poultry and poultry products to the United States, the requirement that reliance can be placed on certificates required under the regulations from authorities in the country must also be met.

Before eligibility is granted, a complete evaluation of the country's inspection system is made by FSIS personnel. This evaluation consists of two processes—a document review and on-site reviews of system operations. The document review process involves a review of the laws, regulations, directives and other written materials used by the country to operate the inspection program. The process of comparing and evaluating each required point of the country's laws, regulations, directives and other materials is documented on compendiums. This process is a joint effort by foreign inspection officials and FSIS personnel. In many cases, the country seeking recognition must revise its regulations or publish special directives to acheive equivalency with United States requirements.

If the document review proves to be satisfactory, on-site reviews are scheduled using a multi-disciplinary team to evaluate all aspects of the country's program. When all requirements of the Poultry Products Inpsection Act are satisfied, the country is considered eligible to import poultry products into the United States.

Document Review

As part of the document review process, a country's laws are evaluated to assure, among other things, that they provide for inspection and certification of the wholesomeness of product intended for export to the United States; that there are adequate controls over ineligible product ot prevent its export; and that the country had adequate controls to prevent person convicted of wrongdoing from being connected with a firm exporting product to the United States.

A country's regulations must impose requirements at least equal to those of the United States with respect to the following areas: (1) Ante-mortem inspection of birds/animals and post-mortem inspection of bird/animal carcasses; (2) official controls by the national government over plant construction, facilities and equipment; (3) direct and continuous supervision of a slaughter activities and product preparation by competent, qualified inspection personnel employed, supervised and paid by the country's central government; (4) separation of operations in certified plants from those not certified; (5) maintenance of a single standard of inspection and sanitation throughout certified plants; (6) official controls over condemned product; (7) reinspection of boneless meat; and (8) control over chemical and drug residues in meat and/or poultry products prepared for export to the United States.

Another part of the document review process involves an evaluation of a country's responses to questionnaires designed to cover major system functions to determine the risks to products wholesomeness. The information obtained through the questionnaires is grouped by seven product risk areas used to evaluate all inspection systems. These seven areas are: gross contamination, micorscopic contamination, disease contamination, additive, contamination, residue contamination, economic fraud (adulteration of product with inferior ingredients), and compliance (substitution of species, use of indedible product). Questionnaire information is used to highlight those particular areas that require detailed evaluation during the on-site review.

On-site Reviews

The second process in assessing a country's equal to status, performed after the document review has proved to be satisfactory, is on-site reviews of aspects of the system including laboratories and individual plants within the country. On-site reviews are designed to further explore areas determined to require more detailed evaluation and are also undertaken to allow the FSIS review team to observe the system in its daily operation.

Great Britain-Review Results

After reviewing all of the documents submitted by Great Britain and evaluating the findings of the on-site reviews and the subsequent written assurances of government officials, the poultry inspection system of Great Britain has been judged by FSIS to be adequate to assure, with respect to establishments within Great Britain preparing product for export to the United States, compliance with requirements at least equal to those applicable to official establishments within the United States which prepare poultry products, and that reliance can be placed upon certificates required under the PPIA from authorities of Great Britain.

Accordingly, FSIS is proposing to amend § 381.196 of the poultry products inspection regulations (9 CFR 381.196) to add Great Britain to the list of countries from which poultry products may be eligible for import into the United States.

Although a foreign country may be listed as approved for importation of poultry products, the poultry products of such foreign country must also comply with other Federal laws including restrictions under Title 9, Part 94 of the Animal and Plant Health Inspection Service's regulations (9 CFR Part 94) relating to the importation of poultry and poultry products from foreign countries into the United States.

The Proposal

List of Subjects in 9 CFR Part 381

Imported products, Poultry.

PART 381—[AMENDED]

1. The authority citation for Part 381 continues to read as follows:

Authority: 71 Stat. 441, 82 Stat. 791, as amended, 21 U.S.C. 451 *et seq.*; 76 Stat. 663 (7 U.S.C. 450 *et seq.*), unless otherwise noted.

§ 381.196 [Amended]

2. Paragraph (b) of § 381.196 (9 CFR 381.196(b)) would be amended by adding alphabetically the following country to the list of countries from which poultry products from chickens, turkeys, ducks, geese, and guineas are eligible to be imported into the United States.

Great Britain

Done at Washington, DC on: March 31, 1986.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

[FR Doc. 86-7855, Filed 4-8-86; 8:45 am]

BILLING CODE 3410-DM-M

NUCLEAR REGULATORY COMMISSION

10 CFR Ch. I

Issuance of Quarterly Report on the Regulatory Agenda

AGENCY: Nuclear Regulatory Commission.

ACTION: Issuance of Regulatory Agenda.

SUMMARY: The Nuclear Regulatory Commission has issued the December 1985 Regulatory Agenda. The Agenda, which is a quarterly compilation of all rules on which the NRC has proposed, or is considering action as well as those on which it has recently completed action, and all petitions for rulemaking which have been received and are pending disposition by the Commission, is issued to provide the public with information regarding NRC's rulemaking activities.

ADDRESS: A copy of this report, designated NRC Regulatory Agenda (NUREG-0936) Vol. 4, No. 4 is available for inspection and copying at a cost of five cents per page at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW., Washington, DC 20555.

Single copies of the report may be purchased from the U.S. Government Printing Office (GPO). Customers may call (202) 275-2060 or (202) 275-2171 or write to the Superintendent of Documents, U.S. Government Printing Office, Post Office Box 37082, Washington, DC 20013-7082.

FOR FURTHER INFORMATION CONTACT: John Philips, Chief, Rules and Procedures Branch, Division of Rules and Records, Office of Administration, Telephone (301) 492-7086, Toll free number (800) 368-5642.

Dated at Bethesda, Maryland this 3rd day of April 1986.

For the Nuclear Regulatory Commission.

Donnie H. Grimsley,

Director, Division of Rules and Records, Office of Administration.

[FR Doc. 86-7898 Filed 4-8-86; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Ch. I

[Summary Notice No. PR-86-3]

Petitions for Rulemaking; Summary and Dispositions

Correction

In the document appearing on page 9458 in the issue of Wednesday, March 19, 1986, make the following correction:

On page 9458, the file line was omitted and should have appeared as follows:

[FR Doc. 86-5935 Filed 3-18-86; 8:45 am]

BILLING CODE 1505-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 172, 175, 176, 177, 179, and 181

[Docket No. 84N-0334]

Proposed Uses of Vinyl Chloride Polymers; Extension of Comment Period

AGENCY: Food and Drug Administration.

ACTION: Proposed rule; extension of comment period.

SUMMARY: The Food and Drug Administration (FDA) is extending for 60 days the period for submitting comments on the agency's proposal to amend its regulations on the uses of vinyl chloride polymers in food-contact applications.

DATE: Comments by June 5, 1986.

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

FOR FURTHER INFORMATION CONTACT: Vir Anand, Center for Food Safety and Applied Nutrition (HFF-300), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: In the Federal Register of February 3, 1986 (51 FR 4177), FDA proposed to amend its regulations to provide for the safe use of vinly chloride polymers in contact with food. Vinyl chloride polymer contains vinyl chloride monomer, which is used in the production of the polymer. Vinyl chloride monomer has been shown to be a carcinogen, and residues of this monomer have been shown to migrate to food from all types of vinyl chloride polymer food-contact articles. The February 3, 1986 **Federal Register** proposal references, in 21 CFR 177.1975(c), a gas chromatographic method for use in monitoring the level of residual vinyl chloride monomer in vinyl chloride polymer.

FDA received two requests for an extension of the comment period on the vinyl chloride proposal. These requests sought additional time to study the method that FDA had proposed for monitoring the monomer. One request sought an opportunity to compare the referenced method to the method that the company is presently using. The other sought additional time to test whether this method could be used to enforce the proposed limits on residual monomer. These comments claimed that because of the backlog in their laboratories and the difficulty of the work involved, it was necessary to request this extension.

The agency believes that good cause has been shown and is extending until June 5, 1986, the period for all interested parties to submit comments on the February 3, 1986 proposal. The extension of this comment period does not affect the withdrawal of the notice of proposed rulemaking that would have restricted the uses of vinyl chloride polymers in contact with food (51 FR 4173; February 3, 1986).

Interested persons may, on or before June 5, 1986, submit to the Dockets Management Branch (address above) written comments regarding the safe use of vinly chloride polymers. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: April 2, 1986.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 86-7824 Filed 4-4-86; 12:12 pm]

BILLING CODE 4160-01-M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Ch. II

Postlease Operations for Minerals Other Than Oil, Gas, and Sulphur in the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Department of the Interior (Department) is considering the desirability of issuing new regulations to govern postlease operations in the Outer Continental Shelf (OSC) for minerals other than oil, gas, and sulphur under the authority of the OCS Lands Act (OCSLA). Comments and recommendations are requested from interested parties. The Minerals Management Service will consider relevant comments in determining the conditions, benefits, costs, and probable consequences of such regulations.

DATE: Comments in response to this request should be postmarked or hand-delivered no later than August 7, 1986.

ADDRESS: Comments may be mailed or hand-delivered to Reid T. Stone; Program Director for Strategic and International Minerals; Minerals Management Service; Department of the Interior; 11 Golden Shore, Suite 260; Long Beach, California 90802; Telephone (213) 514-6140.

FOR FURTHER INFORMATION CONTACT: Merlin Carter; Minerals Management Service; Office of Strategic and International Minerals; 11 Golden Shore, Suite 260; Long Beach, California 90802; Telephone (213) 514-6140.

SUPPLEMENTARY INFORMATION:

Background

Pursuant to section 8(k) of the OCSLA, the Secretary of the Interior is authorized to grant to qualified persons offering the highest cash bonuses on a basis of competitive bidding leases of any mineral other than oil, gas, and sulphur in any area of the OCS and to prescribe rules necessary to carry out the program.

The OCS includes areas that may be favorable for a variety of strategic and critical materials including phosphates and minerals containing copper, lead, zinc, cobalt, nickel, silver, cadmium, titanium, and manganese (Table 1). Recognizing the potential for the development of these domestic resources, the President declared in his State of the Union Address on January

28, 1984, that the Department will encourage careful, selective exploration and production of the vital resources in the Exclusive Economic Zone within the 200-mile limit off the coasts of the United States but with strict adherence to environmental laws and with full State and public participation.

TABLE 1.—CLASSIFICATION OF MARINE MINERALS RESOURCES

Fluid		Unconsolidated		Consolidated	
Surficial	In situ	Surficial	In situ	Surficial	In situ
Seawater: Magnesium, Sodium, Uranium, Bromine and salts of 26 other elements.	Hydrothermal fluids: Clathrates.	Construction materials: Sand and gravel, Shells, Aragonite. Heavy mineral placers: Magnetite, Ilmenite, Rutile. Nodules: Mn/Co/Ni/Cu, Phosphorite..... Muds: Metalliferous Carbonaceous, Carbonaceous, Baritic. Oozes: Calcareous, Siliceous.....	Heavy mineral placers: Gold, Pt, Cassiterite. Bedded deposits: Phosphoritic.	Crusts: Phosphorite, Co/Mn. Mounds and Stacks: Metallic sulfides.	Disseminated stratified veins of massive deposits: Coal, Phosphates, Carbonates, Potash, Ironstone, Limestone, Metallic sulfides, Metallic salts.

The Department published an advance notice of proposed rulemaking in the **Federal Register** on December 7, 1984 (49 FR 27871), requesting comments on the desirability of developing regulations to govern prelease exploration for minerals other than oil, gas, and sulphur (minerals). On April 19, 1985, the Department published an advance notice of proposed rulemaking for leasing of minerals in the OSC in the **Federal Register** (50 FR 15590).

To aid in the evaluation of the environmental and management aspects of postlease activities related to the recovery of minerals in the OSC, the Department is considering promulgating new regulations to govern postlease exploration and mining operations. The current regulations in 30 CFR Part 250 govern oil, gas, and sulphur operations in the OSC but are not appropriate for minerals recovery operations. Separate regulations are being considered to enable the Department, industry, and the public to evaluate the environmental, economic, and management implications to lessees' exploration, development, and production of minerals in the OCS. Recommendations on the preparation of such regulations were made in the public hearings on the Gorda Ridge Draft Environmental Impact Statement by individuals, environmental organizations, and State and Federal Agencies.

Mining Methods

From the perspective of mining, the OSC mineral deposits can be categorized either as unconsolidated, which lend themselves to mechanical collection or removal by dredging, or consolidated, which require additional energy to fragment the deposits prior to collection (Table 2). Either type may occur at the seafloor or beneath the seafloor.

TABLE 2.—MINING METHODS APPLICABLE TO OCS MINERAL DEPOSITS

Mining methods	Mineral deposit types									
	Unconsolidated deposits					Consolidated deposits				
Mining approaches and mining systems	Construction aggregates	Heavy mineral placers	Metalliferous muds	Nodules and slabs	Oozes	Bedded	Crusts	Massive	Hounds and stacks	Veins
Scraping:										
Drag line dredge		A		A						
Trailing suction dredge	P	A	A	P	F					
Crust-miner							F			
Continuous line bucket				A			F			
Excavating:										
Clam shell bucket	A	A								
Bucket ladder dredge		P								
Bucket wheel dredge		A								
Anchored suction dredge	A	A	A		F					
Cutterhead suction dredge		A					A			
Drilling and blasting								P		F
Tunneling beneath seafloor:										
Shore entry						P		A		
Artificial island entry						A		A		
Fluidizing (subseafloor):										
Slurrying	A	A	P			F				
Leaching								F		F

P=Primary method applicable; A=Also applicable; F=Future use possible.

There are four basic methods of mining solid minerals: scraping the surface, excavating a pit or trench, tunneling into the deposit, and removal through a borehole in the form of a slurry or fluid. All deposits on land are mined by one or more adaptations of these, and it is expected that OCS mining will be amenable to the same basic approaches. The relationship between mining approach (and method) and deposit type is complex because each deposit type can be mined by more than one method, and any one method may be applicable to more than one deposit type. Further, each mining method has variations that may be tailored to a specific situation.

Deposits which are on or near the surface of the seabed are amenable to a gathering process which involves scraping the seabed by some form of mechanical device to gather the ore into a position for lifting to the surface or for other forms of treatment. In its simplest form, the action may be likened to ranking or shoveling, or in some cases vacuum cleaning. Where a thin layer of hard material is present, the scraping action may be preceded by ripping or cutting.

Mineral deposits lying essentially beneath the seafloor, whether or not they "outcrop" at the seafloor, may be removed by some form of excavation. The applicable mining methods range from those designed to recover free flowing materials to those used for excavating solid rock.

Deposits buried too deeply to mine from the seafloor may be mined by conventional underground mining methods. Regardless of the method, the interface with the marine environment will involve shafts and adits (tunnels that lead into mines), for access and ventilation, either from shore or from natural or artifical islands. Certain types of deposits of solid rock are amenable to mining by borehole methods, whereby the valuable constituent is transformed *in situ* to a fluid or slurry and removed by pumping. In some cases, a mineral is selectively leached and recovered in solution. In other cases, the ore body is fragmented in such a manner that a slurry of ore is recovered from beneath the seafloor.

Environmental Perturbations

Despite the existence of many types of OCS mineral deposits and the applicability of many types of mining methods, the ways in which day-to-day mining operations will perturb the environment are few.

One can expect a disturbance from the act of ore collection as the seafloor in the path of the collection mechanism is raked, sliced, and/or compacted during the course of gathering the ore. Should fragmentation be required, noise and suspension of sediments would intensify.

Each of the types of perturbations is shown on Table 3 in relation to the appropriate OCS mining method.

TABLE 3.—NORMAL OPERATING ENVIRONMENTAL PERTURBATIONS

Mining Methods	Seabed					Water column	
Mining approaches and mining systems	Fragmentation/collection	Excavation	Turbidity plume	Resedimentation	Subsidence	Suspended Particulates	Dissolved Substances
Scraping:							
Drag line dredge	X		X	X		X	X
Trailing suction dredge	X		XXX	XXX		XXX	X
Crust-miner	X		X	X		X	X
Continuous line bucket	X		X	X		X	X
Excavating:							
Clam shell bucket		X	X	X		X	X
Bucket ladder dredge		X	X	X		X	X
Bucket wheel dredge		X	XXX	XXX		XXX	X
Anchored suction dredge		X	XXX	XXX		XXX	X
Cutterhead suction dredge		X	X	X		X	X
Drilling and blasting		XXX					
Tunneling Beneath Seafloor:							
Shore entry					X		
Artificial island entry					X		
Fluidizing (Sub-seafloor):							
Slurrying					X		
Leaching							

X = Applicable or potentially applicable; XXX = Relative major perturbation.

Comments are requested on the content of the regulations to govern postlease exploration, development, and mining of minerals in the OSC. Suggestions and recommendations are requested with respect to the inclusion and treatment in such regulations of the following:

Production
Diligence
Conservation of minerals
Environmental protection
Health and safety
Multiple use of lease area
Appropriate role for States
Role of other Federal Agencies
Processing of plans
Abandonment of operations
Compliance

Other considerations.

Dated: March 27, 1986.

Wm. D. Bettenberg,

Director, Minerals Management Service.

[FR Doc. 86-7877 Filed 4-8-86 8:45 am]

BILLING CODE 4310-MR-M

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 944

Public Comment and Opportunity for Public Hearing on Proposed Modifications of the Utah Permanent Regulatory Program

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

ACTION: Proposed rule.

SUMMARY: OSMRE is announcing procedures for the public comment period and for a public hearing on the substantive adequacy of a program amendment submitted by the State of Utah as a modification to the Utah Permanent Regulatory Program (hereinafter referred to as the Utah program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment pertains to the State's blaster certification provisions.

This notice sets forth the times and locations that the Utah program and the proposed amendment are available for public inspection, the comment period during which interested persons may submit written comments on the proposed program elements, and the procedures that will be followed regarding the public hearings.

DATES: Written comments not received on or before 4:00 p.m., May 9, 1986, will not necessarily be considered.

If requested, a public hearing on the proposed modifications will be held on May 5, 1986, beginning at 10:00 a.m. at the location shown below under **ADDRESSES.**

ADDRESSES: Written comments should be mailed or hand delivered to: Mr. Robert Hagen, Field Office Director, Office of Surface Mining Reclamation and Enforement; Albuquerque Field Office, 219 Central Avenue NW., Albuquerque, New Mexico 87102.

If a public hearing is held its location will be at: 355 West North Temple, 3 Triad Center, Suite 350, Salt Lake City, Utah.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Hagen, Field Office Director, Office of Surface Mining Reclamation and Enforcement, Albuquerque Field Office, 219 Central Avenue NW., Albuquerque, New Mexico 87102, Telephone: (505) 766–1792.

SUPPLEMENTARY INFORMATION:

I. Public Comment Procedures

Availability of Copies

Copies of the Utah program, the proposed modification to the program, a listing of any scheduled public meeting and all written comments received in response to this notice will be available for review at the OSMRE offices and the office of the State regulatory listed below, Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays. Each requestor may receive, free of charge, one single copy of the proposed amendment by contacting the OSMRE Albuquerque Field Office listed under **"ADDRESSES."**

Albuquerque Field Office, Office of Surface Mining Reclamation and Enforcement, 219 Central Avenue NW., Albuquerque, New Mexico 87102

Office of Surface Mining Reclamation and Enforcement, Room 5315 A, 1100 L Street NW., Washington, DC 20240

Utah Division of Oil, Gas and Mining, 355 West North Temple, 3 Triad Center, Suite 350, Salt Lake City, Utah 84180–1203, Telephone: (810) 538–5340.

Written Comments

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under DATES or at locations other than the OSMRE Albuquerque, New Mexico Field Office will not necessarily be considered and included in the Administrative Record for this proposed rulemaking.

Public Hearing

Persons wishing to comment at the public hearing should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by the close of business April 29, 1986. If no one requests to comment a public hearing will not be held.

If only one person requests to comment, a public meeting, rather than a public hearing, may be held and the results of the meeting included in the Administrative Record.

Filing of a written statement at the time of the hearing is requested and will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSMRE officials to prepare appropriate questions.

The public hearing will continue on the specified date until all persons scheduled to comment have been heard. Persons in the audience who have not been scheduled to comment and wish to do so will be heard following those scheduled. The hearing will end after all persons scheduled to comment and persons present in the audience who wish to comment have been heard.

Public Meeting

Persons wishing to meet with OSMRE representatives to discuss the proposed amendments may request a meeting at the OSMRE office listed in **ADDRESSES** by contacting the person listed under **FOR FURTHER INFORMATION CONTACT.**

All such meetings are open to the public and, if possible notices of meetings will be posted in advance in the Administrative Record. A written summary of each public meeting will be made a part of the Administrative Record.

II. Background on the Utah State Program

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

Information pertinent to the general background, revisions, modifications, and amendments to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval of the Utah program can be found in the January 21, 1981 **Federal Register** (46 FR 5899–5915). Subsequent actions concerning the conditions of approval and program amendments are identified at 30 CFR 944.11, 30 CFR 944.12, 30 CFR 944.15 and 30 CFR 944.16.

III. Supplementary Information

On March 4, 1983, OSMRE issued final rules effective April 14, 1983, establishing the Federal standards for the training and certification of blasters at 30 CFR Part 850 (48 FR 9486). Section 850.12 of these regulations stipulates that the regulatory authority in each State with an approved program under SMCRA shall develop and adopt a program to examine and certify all persons who are directly responsible for the use of explosives in a surface coal mining operation within 12 months after approval of a State program or within 12 months after publication date of OSMRE's rule at 30 CFR Part 856, whichever is later. In the case of Utah's program, the applicable date is 12 months after the publication date of OSMRE's rule, or March 4, 1984.

IV. Submission of Program Amendment

By a letter dated March 3, 1986, the Utah Division of Oil, Gas and Mining (DOGM) submitted proposed regulatory amendments pursuant to 30 CFR 732.17.

The amendments would establish a State blaster training and certification program. The rule changes submitted for approval were adopted by the Utah Board of Oil, Gas and Mining on March 18, 1986, but the revised rules will not be implemented until approved by OSMRE.

In the amendment, Utah proposes to amend its approved program by supplementing its regulations SMC 816.61, UMC 817.61 and SMC/UMC 850.5 *et seq.* with the following additional documents and material (1) "Summary of the Blaster Certification Program", (2) Memorandum of Agreement between the Board and Division of Oil, Gas and Mining and Utah Industrial Commission, (3) Utah Code Annotated Title 40.

Chapter 2, Coal Mines, Utah Industrial Commission Sections 40–2–14 through 40–2–16. (4) General Safety Orders, Utah Industrial Commission, Coal Mines, Section 51 through 53.

Therefore, the Director is seeking public comment on the adequacy of the proposed program amendment. If OSMRE finds the amendment in accordance with SMCRA and no less effective than the Federal regulations, it will be approved and become part of the Utah program.

V. Additional Determinations

1. *Compliance with National Environmental Policy Act:* The Secretary has determined that, pursuant to section 702(d) of SMCRA, 30 U.S.C. 1291(d), no environmental impact statement need be prepared on this rulemaking.

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

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

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

List of Subjects in 30 CFR Part 944

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

Dated: April 3, 1986.

James W. Workman,

Deputy Director, Operations and Technical Services.

[FR Doc. 86–7866 Filed 4–8–86; 8:45 am]

BILLING CODE 4310–05–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–300140 FRL–2984–8]

Polypropylene; Tolerance Exemption

Correction

In FR Doc. 86–5751, beginning on page 9468, in the issue of Wednesday, March 19, 1986, make the following correction.

On page 9469, first column, § 180.1001(e), in the table, the text under the heading "Limits" should appear under the heading "Uses".

BILLING CODE 1505–01–M

DEPARTMENT OF THE INTERIOR

Office of Hearings and Appeals

43 CFR Part 4

Special Rules Applicable to Surface Coal Mining Hearings and Appeals

AGENCY: Office of Hearings and Appeals, Interior.

ACTION: Proposed rules.

SUMMARY: The Office of Hearings and Appeals proposes procedures for adjudicative proceedings for the permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977. The proposed rules set forth the contents, time and place for filing, and other matters concerning legal documents and proceedings involved in administrative review of decisions by the Office of Surface Mining Reclamation and Enforcement under the permanent regulatory program. The rules supplement existing rules in this subpart governing hearings and appeals under the Surface Mining Act.

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

FOR FURTHER INFORMATION CONTACT: Will A. Irwin, Interior Board of Land Appeals, Office of Hearings and Appeals, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203, phone 703–235–3750.

ADDRESS: Comments may be hand delivered or mailed to: Director, Office of Hearings and Appeals, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203.

SUPPLEMENTARY INFORMATION:

Introduction

Section 504(a) of the Surface Mining Control and Reclamation Act of 1977 (Act), 30 U.S.C. 1254, (1982), provides for the implementation of Federal programs in States which fail of submit State programs covering surface coal mining and reclamation operations; in States which fail to resubmit an acceptable State program after initial disapproval of a proposed State program; and in States which fail to implement, enforce, or maintain approved State programs as provided in the Act. The Secretary is required by section 523 of the Act, 30 U.S.C. 1273 (1982), to implement a Federal lands program applicable to all surface coal mining and reclamation operations taking place pursuant to any Federal law on any Federal lands, except Indian lands, which are governed by section 710, 30 U.S.C. 1300.

The Secretary has promulgated regulations for Federal programs, the Federal lands program, and the Federal program for Indian lands. These regulations are found, respectively, in 30 CFR Parts 733 and 736; 740 and 745 (Chapter VII, Subchapter D); and 750 and 755 (Chapter VII, Subchapter E). The Act contains various references to the necessity for hearings to review actions taken pursuant to statutory mandates. In addition, the regulations make numerous references to proceedings which shall be conducted in the Office of Hearings and Appeals pursuant to procedures set forth in 43 CFR Part 4. The following proposed regulations were developed to provide procedures for the administrative review proceedings required by the Act and the permanent program regulations.

Review of a Preliminary Finding Concerning a Demonstrated Pattern of Willful Violations

Section 510(c) of the Act, 30 U.S.C. 1260(c), provides that "no permit shall be issued to an applicant after a finding by the regulatory authority, after opportunity for hearing, that the applicant, or the operator specified in the application, controls or has controlled mining operations with a demonstrated pattern or willful violations of this Act of such nature and duration with such resulting irreparable damage to the environment as to indicate an intent not to comply with the provisions of this Act." 30 CFR 773.15(b)(3) and 740.13(c)(7) provide for an adjudicatory hearing before a final determination or finding that there is such a demonstrated pattern of willful violations. Section 4.1351 of the proposed regulations provides that during the permit application review process the Office of Surface Mining Reclamation and Enforcement (OSM) must make a preliminary finding concerning the demonstrated pattern question. If OSM finds no pattern, it

continues its permit application review process. On the other hand, if OSM finds that there is a pattern, it must issue a notice of such preliminary finding and the opportunity for an adjudicatory hearing must be provided.

Section 4.1352(b) allows the applicant or operator specified in the application to file with the Hearings Division, Office of Hearings and Appeals, a request for hearing on OSM's preliminary finding. Failure to make a timely filing will constitute a waiver of the opportunity for a hearing prior to a final finding by OSM on the pattern question. Section 4.1354 provides that the administrative law judge shall act quickly to schedule a hearing and shall issue a decision within 60 days of the request for hearing so that review of the application will not be unduly delayed. The hearing shall be of record and governed by 5 U.S.C. 554. Section 4.1355 provides that OSM has the burden of going forward to establish a prima facie case for the existence of a pattern. The ultimate burden of persuasion that no pattern exists shall rest with the person requesting the hearing. See 30 U.S.C. 1260(a) (1982). Any party aggrieved by the decision of the administrative law judge may appeal to the Interior Board of Land Appeals (Board) pursuant to the established procedures in 43 CFR 4.1271. Expedited review of appeals to the Board is provided in order not to unduly delay review of the application by OSM.

Review of Permit Application Approval or Disapproval

The scope § 4.1360, indicates that these rules apply to all applications for new permits, including permits for special categories of mining under 30 CFR Part 785. See also 30 CFR 774.13(d). These rules also apply to review of permit terms and conditions imposed or not imposed by OSM, *i.e.*, items and conditions included to which the applicant or a person with an interest which is or may be adversely affected objects to on the grounds they are not required or terms and conditions omitted that the applicant or person believes are required.

Section 4.1361 provides that the applicant or any person with an interest which is or may be adversely affected by OMS's decision on a permit application may file a request for review with the Hearings Division.

Section 4.1362(a) allows 30 days from receipt of the decision for any person served with a copy of the decision to file a request for review. While section 514(c) of the Act, 30 U.S.C. 1264(c), provides that the request should be made "[w]ithin thirty days after the applicant is notified of the final decision of the regulatory authority on the permit application," it also allows the applicant or any person having an interest which is or may be adversely affected to make the request. In addition 30 CFR 773.19(b) requires OSM to provide written notification of such decisions to each person who filed comments or objections to the application, to each party to an informal conference under 30 CFR 773.13(c), to local governmental officials and to the local OSM office if a state agency is the regulatory authority. Thus, the applicant or any person served with a copy of the decision may file a request for review within 30 days from receipt.

Any person with an interest which is or may be adversely affected who was not served a copy of the decision may file a request for review, in accordance with 4.1362(b), within 30 days of the date of publication of notice of the issuance of the decision in a newspaper of general circulation in the area where the mining that is the subject of the application would take place. If there is no such publication, any person not served with a copy of the decision may file a request for review within 40 days of the date it was issued.

Section 4.1363 sets forth the contents of a request for review. It also provides for amendment of a request for review and for responses from interested parties so that an administrative law judge may clarify the issues involved. *See* 43 CFR 4.1121.

Section 4.1364 implements the statutory mandate of section 514(c), 30 U.S.C. 1264(c), that the hearing be held within 30 days of the date of the filing of the request and that interested parties receive notice of the hearing. Extensions may be granted only upon a showing of good cause.

Section 514(c), 30 U.S.C. 1264(c), provides that if the permit application is approved the permit shall be issued. It also provides that any person with an interst which is or may be adversely affected may request a hearing on the reasons for the final determination on the application and that, after the hearing, the regulatory authority shall issue a written decision granting or denying the permit in whole or in part. Proposed § 4.1365 provides that the filing of a request for review of a decision to approve an application suspends the permit during the limited period provided for administrative review. The permit applicant may request temporary relief from the suspension of the permit in accordance with § 4.1367.

If the permit applicant is seeking review of a disapproval, § 4.1366(a) provides that OSM shall have the burden of going forward to establish a prima facie case of a failure to comply with the applicable requirements of the Act or regulations. Pursuant to section 510 of the Act, 30 U.S.C. 1260, the permit applicant would have the ultimate burden of persuasion to show entitlement to the permit. Under § 4.1366(b), any other person seeking review of an approval must bear both the burden of going forward with evidence and the ultimate burden of persuasion that the permit application fails to demonstrate compliance with all the requirements of the Act or regulations.

Whenever review has been requested pursuant to section 4.1362, any party may request temporary relief at any time prior to decision by an administrative law judge. If the decision sought to be reviewed disapproved the permit application, the relief sought cannot be issuance of the permit in whole or in part. Section 4.1376(e) sets forth the statutory criteria of section 514(d) of the Act, 30 U.S.C. 1264(d), for granting temporary relief. For relief lifting the suspension of the permit, in whole or in part, during the period of administrative review, the applicant must show that the public interest will be served. *Cf.* 43 CFR 4.21(a). Section 4.1367(f) allows appeals from temporary relief decisions to be appealed to the Board or it allows an aggrieved party to go directly to Federal court.

Sections 4.1368 and 4.1369 implement the statutory requirement of section 514(c), 30 U.S.C. 1264(c), that a decision on a permit application be issued within 30 days after the hearing on the reasons for the final determination. Where the Secretary is the regulatory authority this means a written decision by the Board within 30 days after the hearing. Therefore, § 4.1368 allows the administrative law judge 10 days from the date the hearing record is closed to issue a written decision and § 4.1369 grants the parties 5 days from receipt of the decision in which to file an appeal together with a statement of reasons with the Board. The remainder of the 30 days is available to the Board in arriving at the final decision granting or denying the permit.

Review of OSM Decisions on Permit Revisions, Permit Renewals, and the Transfer, Assignment or Sale of Rights Granted Under a Permit

Sections 506(d), 510, and 511 of the Act, 30 U.S.C. 1256(d), 1260, and 1261, respectively, and 30 CFR 774.11(c), 774.15(f), and 775.11(a) provide for administrative review of OSM decisions on permit revisions, permit renewals,

and the transfer, assignment, or sale of rights granted under a permit. The applicant, permittee, or any person having an interest which is or may be adversely affected by an OSM order or decision issued pursuant to the above-listed sections of the Act or 30 CFR 774.11(b), 774.13, 774.15, 774.17 may file a request for review of that order or decision with the Hearings Division within 30 days of receipt of a copy of the order or decision, under §§ 4.1371 and 4.1372 of these proposed regulations. Any person with an interest which is or may be adversely affected who was not served a copy of the decision may file a request for review, in accordance with § 4.1372(b), within 30 days of the date of publication of notice of the issuance of the decision in a newspaper of general circulation in the area where the mining that is the subject of the application takes place or would take place. If there is no such publication, any person not served with a copy of the decision may file a request for review within 40 days of the date it was issued.

Section 4.1374 does not require scheduling of a hearing within a specified time because neither the Act nor the regulations provide deadlines regarding permit revisions, renewals, or the transfer, assignment, or sale of rights. *See, e.g.*, 30 U.S.C. 511(a)(2), 30 U.S.C. 1261(a)(2).

A request for review of the approval of an application for a permit revision, permit renewal, or the transfer, assignment, or sale of rights granted under a permit shall not stay the effectiveness of the approval under § 4.1375. Nor will a request for review of the revision of a permit ordered by OSM under 30 CFR 774.11(b) stay the effectiveness of the order, since the purpose of the order is to ensure compliance with the Act and regulations. *Cf.* 30 U.S.C. 1275(a)(1).

Under § 4.1376(a), where a permittee has requested review of a permit revision ordered by OSM, OSM has the burden of going forward with evidence to establish a prima facia case that the permit should be revised. The ultimate burden of persuasion in such a proceeding rests with the permittee. Section 4.1376(b) was drafted in response to section 506(d)(1) of the Act, 30 U.S.C. 1256(d)(1), which provides that "on application for renewal the burden shall be on the opponents of renewal." In proceedings involving review of OSM decisions on applications for permit revisions and on applications for the transfer, assignment, or sale of rights, § 4.1376(c) provides that if the applicant is seeking review, OSM has the burden of going forward to establish a prima facie case and the applicant has the ultimate burden of persuasion. If any other person is seeking review, that person has the burden of going forward and the ultimate burden of persuasion.

As in permit approval or disapproval review proceedings, temporary relief is available in these proceedings under § 4.1377. However, where an application has been disapproved in whole or in part, the relief sought may not be issuance of a permit in whole or in part. Appeals of temporary relief decisions may be taken to the Board or, in the alternative, judicial review may be sought.

Review of Approval or Disapproval of a Coal Exploration Application

In accordance with 30 CFR 772.12(e), under proposed §§ 4.1381 and 4.1382 the applicant or any other person having an interest which is or may be adversely affected by a decision of OSM to approve or disapprove a coal exploration application may seek review of that decision by filing a request for review with the Hearings Division.

If the OSM decision is to approve the application and a request for review is filed, § 4.1385 provides that issuance of the permit is stayed pending the outcome of any administrative proceeding resulting from the OSM decision. *Cf.* 43 CFR 4.21(a).

The burdens of proof in this review proceeding are the same as in a proceeding reviewing permit approval or disapproval, described above.

Review of OSM Determination of Issues Under 30 CFR Part 761

Pursuant to section 522(e) of the Act, 30 U.S.C. 1272(e), and 30 CFR Part 761, § 4.1391 provides that the permit applicant or any person with an interest which is or may be adversely affected by a determination of OSM that a person holds or does not hold a valid existing right, that surface coal mining operations did or did not exist on the date of enactment of the Act, or that surface coal mining operations may be permitted within the boundaries of a national forest in accordance with section 522(e)(2), may file a request for review of that determination.

The request shall be filed within 30 days of receipt of a copy of OSM's written determination. Any person with an interest which is or may be adversely affected who was not served a copy of the decision may file a request for review, in accordance with § 4.1362(b), within 30 days of the date of publication of notice of the issuance of the decision in a newspaper of general circulation in the area where the mining that is the subject of the application would take place. If there is no such publication, any person not served with a copy of the decision may file a request for review within 40 days of the date it was issued.

Section 4.1394 provides that the filing of a request for review stays a decision that makes a determination under section 522(e).

Section 4.1395(a) provides that if the permit applicant is seeking review, OSM will have the burden of going forward to establish a prima facie case and the ultimate burden of persuasion will rest with the permit applicant. Under § 4.1395(b) if any other person is seeking review, that person shall have the burden of going forward to establish a prima facie case and the ultimate burden of persuasion.

Determination of Effects

Because these rules only set forth the details of procedures for conducting hearings and appeals of decisions of the Office of Surface Mining under the Surface Mining Control and Reclamation Act of 1977, the Department has determined that they are not major, as defined by Executive Order 12291; will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*); and will not significantly affect the quality of the human environment and, therefore, no detailed statement is required under the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

Paperwork Reduction Act

The proposed rules contain no information collection requirements requiring Office of Management and Budget approval under 44 U.S.C. 3501 *et seq.*

The author of these regulations is Will A. Irwin, Administrative Judge, Interior Board of Land Appeals, Office of Hearings and Appeals.

List of Subjects in 43 CFR Part 4

Administrative practice and procedure, mines, public lands-mineral resources, surface mining

For the reasons set forth in the preamble, Subpart L of Part 4 of Title 43 of the Code of Federal Regulations is proposed to be amended by adding §§ 4.1350 through 4.1395 as set forth below.

Dated: March 10, 1986.

Paul T. Baird,

Director, Office of Hearings and Appeals.

PART 4—[AMENDED]

43 CFR Part 4 is amended as follows:

1. The authority citation for Part 4, Supart L, continues to read as follows:

Authority: 30 U.S.C. 1256, 1260, 1261, 1268, 1271, 1272, 1275, 1293; 5 U.S.C. 301.

2. 43 CFR Part 4, Supart M, is amended by redesignating existing §§ 4.1300–4.1310 as 4.1600–4.1610. All references to §§ 4.1300–4.1310 are changed to reference §§ 4.1600–4.1610.

3. 43 CFR Part 4, Subpart L, is amended by adding new center heading and §§ 4.1350 through 4.1395 to read as follows:

Request for Hearing on a Preliminary Finding Concerning a Demonstrated Pattern of Willful Violations Under Section 510(c) of the Act, 30 U.S.C. 1260(c) (Federal Program; Federal Lands Program; Federal Program for Indian Lands)

Sec.

Request for Review of Approval or Disapproval of Applications for Permits (Federal Program; Federal Lands Program; Federal Program for Indian Lands; Special Categories of Mining)

Requests for Review Concerning Permit Revisions, Permit Renewals, and the Transfer, Assignment, or Sale of Rights Granted Under Permits (Federal Program; Federal Lands Program; Federal Program for Indian Lands; Special Categories of Mining)

Request for Review of Approval or Disapproval of a Coal Exploration Application (Federal Program; Federal Lands Program; Federal Program for Indian Lands)

Request for Review of OSM Determination of Issues Under 30 CFR Part 761 (Federal Program; Federal Lands Program; Federal Program for Indian Lands)

Request for Hearing on a Preliminary Finding Concerning a Demonstrated Pattern of Willful Violations under Section 510(c) of the Act, 30 U.S.C. 1260(c) (Federal Program; Federal Lands Program; Federal Program for Indian Lands)

§ 4.1350 Scope.

These rules set forth the procedures for obtaining review of a preliminary finding by OSM, prior to approval or disapproval of a permit application, that the applicant, or operator specified in the application, controls or has controlled mining operations with a demonstrated pattern of willful violations of the Act, other applicable Federal or State laws or regulations or individual permit conditions.

§ 4.1351 Preliminary finding by OSM.

If OSM determines during review of the permit application that the applicant, or operator specified in the application, controls or has controlled mining operations with a demonstrated pattern of willful violations of such nature and duration with such resulting irreparable damage to the environment as to indicate an intent not to comply, OSM shall issue the applicant or operator a notice of such preliminary finding.

§ 4.1352 Who may file; where to file; when to file.

(a) The applicant or operator may file a request for hearing on OSM's preliminary finding of a demonstrated pattern of willful violations.

(b) The request for hearing shall be filed with the Hearings Division, Office of Hearings and Appeals, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203, within 30 days of receipt by the applicant or operator of the notice of the preliminary finding.

(c) Failure to timely file a request shall constitute a waiver of the opportunity for a hearing prior to a final finding by OSM concerning a demonstrated pattern of willful violations, and the request shall be dismissed.

§ 4.1353 Contents of request.

The request for hearing shall include—

(a) A clear statement of the facts entitling the one requesting the hearing to administrative relief;

(b) An explanation of the alleged errors in OSM's preliminary finding; and

(c) Any other relevant information.

§ 4.1354 Determination by the administrative law judge.

The administrative law judge shall promptly set a time and place for and give notice of the hearing to the applicant or operator and shall issue a decision within 60 days of the filing of a request for hearing. The hearing shall be of record and governed by 5 U.S.C. 554.

§ 4.1355 Burden of proof.

(a) OSM shall have the burden of going forward to establish a prima facie case as to the existence of a demonstrated pattern of willful violations of the Act, State or Federal laws or regulations, or individual permit conditions, which are of such nature, duration, and with such resulting irreparable damage to the environment as to indicate an intent not to comply.

(b) The ultimate burden of persuasion shall rest with the person requesting a hearing.

§ 4.1356 Appeals.

Any party aggrieved by the decision of the administrative law judge may appeal to the Board under procedures set forth in § 4.1271 *et seq.* of this subpart, except that the notice of appeal must be filed within 20 days of receipt of the administrative law judge's decision. The Board shall order an expedited briefing schedule and shall issue a decision within 45 days of the filing of the appeal.

Request for Review of Approval or Disapproval of Applications for Permits (Federal Program; Federal Lands Program; Federal Program for Indian Lands; Special Categories of Mining)

§ 4.1360 Scope.

These rules set forth the procedures for obtaining formal review pursuant to section 514 of the Act, 30 U.S.C. 1264, of a decision by OSM under a partial or complete Federal program for a State (30 CFR Parts 733, 736), the Federal lands program (30 CFR Chapter VII,

Subchapter D), or the Federal program for Indian lands (30 CFR Chapter VII, Subchapter E), to approve or disapprove a permit application, in whole or in part. They do not apply to applications on Federal lands where the terms of a cooperative agreement provide for the applicability of alternative administrative procedures. See 30 CFR 775.11(c); 48 FR 44384 (Sept. 28, 1983). Permit applications subject to these rules shall include all applications for new permits, including permits required under 30 CFR Part 785. These rules also apply to review of permit terms and conditions imposed or not imposed by OSM.

§ 4.1361 Who may file.

The applicant or any person having an interest which is or may be adversely affected by a decision of OSM to approve or disapprove a permit application, in whole or in part, may file a request for review of that decision.

§ 4.1362 Where to file; when to file.

(a) The request for review shall be filed with the Hearings Division, Office of Hearings and Appeals, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203, within 30 days of receipt of a copy of OSM's written decision approving or disapproving the permit application, in whole or in part.

(b) Any person not served with a copy of OSM's written decision shall file the request for review within 30 days of publication of notice of issuance of the decision in a newspaper of general circulation in the area where the mining that is the subject of the application would take place, or, if there is no such publication, within 40 days of the date of issuance of the written decision.

(c) Failure to file a request for review within the time specified in paragraphs (a) or (b) of this section shall constitute a waiver of a hearing and the request shall be dismissed.

§ 4.1363 Contents of request; amendment of request; responses.

(a) The request for review shall include—

(1) A clear statement of the facts entitling the one requesting review to administrative relief;

(2) An explanation of the alleged errors in OSM's decision;

(3) A request for specific relief;

(4) A statement whether the person requests or waives the opportunity for an evidentiary hearing; and

(5) Any other relevant information.

(b) All interested parties shall file an answer or motion in response to a request for review, or a statement that no answer or motion will be filed, within 15 days of receipt of the request specifically admitting or denying facts or alleged errors stated in the request and setting forth any other matters to be considered on review.

(c) A request for review may be amended once as a matter of right prior to receipt of an answer or motion or statement filed in accordance with paragraph (b) of this section. Thereafter, a motion for leave to amend the request shall be filed with the administrative law judge.

(d) An interested party shall have 10 days from receipt of a request for review that is amended as a matter of right or the time remaining for response to the original request to file an answer, motion, or statement in accordance with paragraph (b) of this section, whichever is longer. If the administrative law judge grants a motion to amend a request for review, the time for an interested party to file an answer, motion, or statement shall be set forth in the order granting it.

§ 4.1364 Time for hearing; notice of hearing.

(a) The administrative law judge shall commence a hearing within 30 days of the date of the filing of the request for review or amended request for review and shall simultaneously notify the applicant and all interested parties of the time and place of such hearing. The hearing shall be of record and governed by 5 U.S.C. 554.

(b) The administrative law judge may grant an extension of time for the hearing only upon a showing of good cause.

§ 4.1365 Status of permit pending administrative review.

The filing of a request for review of the approval of an application for a permit shall suspend the permit pending completion of administrative review. The applicant may request temporary relief in accordance with 4.1367 and, where the requirements of § 4.1367(e) are met, an administrative law judge may grant relief from the suspension of the permit.

§ 4.1366 Burden of proof.

(a) If the permit applicant is seeking review, OSM shall have the burden of going forward to establish a prima facie case as to failure to comply with the applicable requirements of the Act or the regulations or as to the appropriateness of the permit terms and conditions, and the permit applicant shall have the ultimate burden of persuasion as to entitlement to the permit or as to the inappropriateness of the permit terms and conditions.

(b) If any other person is seeking review, that person shall have the burden of going forward to establish a prima facie case and the ultimate burden of persuasion that the permit application fails in some manner to comply with the applicable requirements of the Act or the regulations, or the appropriateness of terms and conditions that were not imposed by OSM.

§ 4.1367 Request for temporary relief from a decision to approve or disapprove a permit application in whole or in part.

(a) Where review is requested pursuant to § 4.1362, any party may file a request for temporary relief at any time prior to a decision by an administrative law judge, so long as the relief sought is not the issuance of a permit where a permit application has been disapproved, in whole or in part.

(b) The request shall be filed with the administrative law judge to whom the case has been assigned. If no assignment has been made, the application shall be filed in the Hearings Division, Office of Hearings and Appeals, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203.

(c) The application shall include—

(1) A detailed written statement setting forth the reasons why relief should be granted;

(2) A statement of the specific relief requested;

(3) A showing that there is a substantial likelihood that the person seeking relief will prevail on the merits of the final determination of the proceeding;

(4) A showing that the relief sought will not adversely affect the public health or safety or cause significant, imminent environmental harm to land, air, or water resources; and

(5) A showing that the public interest will be served, if relief from the suspension of the permit during administrative review is sought.

(d) The administrative law judge may hold a hearing on any issue raised by the application.

(e) The administrative law judge shall issue expeditiously an order or decision granting or denying such temporary relief. Temporary relief may be granted only if—

(1) All parties to the proceeding have been notified and given an opportunity to be heard on a request for temporary relief;

(2) The person requesting such relief shows a substantial likelihood of prevailing on the merits of the final determination of the proceeding;

(3) Such relief will not adversely affect the public health or safety or cause significant, imminent environmental harm to land, air, or water resources; and

(4) If the relief requested is the lifting in whole or in part of the suspension of the permit during administrative review, the applicant must establish that the public interest will be served.

(f) Appeals of temporary relief decisions.

(1) Any party desiring to appeal the decision of the administrative law judge granting or denying temporary relief may appeal to the Board, or, in the alternative, may seek judicial review pursuant to section 526(a), 30 U.S.C. 1276(a), of the Act.

(2) The Board shall issue an expedited briefing schedule and shall issue a decision on the appeal expeditiously.

§ 4.1368 Determination by the administrative law judge.

The administrative law judge shall issue a written decision within 10 days of the date the hearing record is closed by the administrative law judge.

§ 4.1369 Appeals.

(a) Any party aggrieved by the decision of the administrative law judge shall have 5 days from receipt of the decision within which to file a notice of appeal together with a statement of reasons with the Board. The 5-day period will not be tolled over weekends, holidays, or other nonbusiness days. The administrative law judge must simultaneously be informed of the appeal.

(b) The decision of the Board shall be issued within 30 days of the date the hearing record is closed by the administrative law judge.

Requests for Review Concerning Permit Revisions, Permit Renewals, and the Transfer, Assignment, or Sale of Rights Granted Under Permits (Federal Program; Federal Lands Program; Federal Program for Indian Lands; Special Categories of Mining)

§ 4.1370 Scope.

These rules set forth the procedures for obtaining formal review under a partial or complete Federal program for a state (30 CFR Parts 733, 736), a Federal lands program (30 CFR Chapter VII, Subchapter D), the Federal Program for Indian lands (30 CFR Chapter VII, Subchapter E), or under 30 CFR Part 785 of decisions by OSM concerning permit revisions, permit renewals, and the transfer, assignment or sale of rights granted under permits.

§ 4.1371 Who may file; where to file.

The applicant, permittee, or any person having an interest which is or may be adversely affected by a decision of OSM ordering revision of a permit, or approving or disapproving applications for permit revisions, permit renewals, or the transfer, assignment or sale of rights granted under permits, may file a request for review of that decision with the Hearings Division, Office of Hearings and Appeals, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203.

§ 4.1372 When to file.

(a) The request for review shall be filed within 30 days of receipt by the applicant or permittee or interested person of a copy of OSM's written order or decision.

(b) Any person not served with a copy of OSM's written order or decision shall file the request for review within 30 days of publication of notice of issuance of the decision in a newspaper of general circulation in the area where the mining that is the subject of the application takes place or would take place, or, if there is no such publication, within 40 days of the date of issuance of the written order or decision.

(c) Failure to file a request for review within the time specified in paragraph (a) or (b) of this section shall constitute a waiver of a hearing and the request shall be dismissed.

§ 4.1373 Contents of request; amendment of request; responses.

(a) The request for review shall include—

(1) A clear statement of the facts entitling the one requesting review to administrative relief;

(2) An explanation of the alleged errors on OSM's decision;

(3) A request for specific relief;

(4) A statement whether the person requests or waives the opportunity for an evidentiary hearing; and

(5) Any other relevant information.

(b) All interested parties shall file an answer or motion in response to a request for review or a statement that no answer or motion will be filed, within 15 days of receipt specifically admitting or denying facts or alleged errors stated in the request and setting forth any other matters to be considered on review.

(c) A request for review may be amended once as a matter of right prior to receipt of an answer or motion or statement filed in accordance with paragraph (b) of this section. Thereafter, a motion for leave to amend the request shall be filed with the administrative law judge.

(d) An interested party shall have 10 days from receipt of a request for review that is amended as a matter of right or the time remaining for response to the original request to file an answer, motion, or statement in accordance with paragraph (b) of this section, whichever is longer. If the administrative law judge grants a motion to amend a request for review, the time for an interested party to file an answer, motion, or statement shall be set forth in the order granting the motion.

§ 4.1374 Notice of hearing.

The administrative law judge shall notify the applicant or permittee and all interested parties of the time and place of the hearing. The hearing shall be of record and governed by 5 U.S.C. 554.

§ 4.1375 Status of decision pending administrative review.

The filing of a request for review of the approval or disapproval of an application for a permit revision, permit renewal, or the transfer, assignment, or sale of rights granted under a permit or of an order requiring revision of a permit shall not stay the effectiveness of the decision pending completion of administrative review.

§ 4.1376 Burden of proof.

(a) In a proceeding to review a permit revision ordered by OSM, OSM shall have the burden of going forward to establish a prima facie case that the permit should be revised and the permittee shall have the ultimate burden of persuasion.

(b) In a proceeding to review the approval of an application for a permit renewal, those parties opposing renewal shall have the burden of going forward to establish a prima facie case and the ultimate burden of persuasion that the renewal application should be disapproved.

(c) In a proceeding to review the approval or disapproval of an application for a permit revision or an application for the transfer, assignment, or sale of rights granted under a permit—

(1) If the applicant is seeking review, OSM shall have the burden of going forward to establish a prima facie case as to failure to comply with applicable requirements of the Act or the regulations, and the applicant requesting review shall have the ultimate burden of persuasion as to entitlement to approval of the application; and

(2) If any other person is seeking review, that person shall have the burden of going forward to establish a prima facie case and the ultimate

burden of persuasion that the application fails in some manner to comply with the applicable requirements of the Act and the regulations.

§ 4.1377 Request for temporary relief.

(a) Where review is requested pursuant to § 4.1371, any party may file a request for temporary relief at any time prior to decision by an administrative law judge, so long as the relief sought is not the issuance of a permit where an application has been disapproved, in whole or in part.

(b) The request shall be filed with the administrative law judge to whom the case has been assigned. If no assignment has been made, the request shall be filed in the Hearings Division, Office of Hearings and Appeals, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203.

(c) The request shall include—

(1) A detailed written statement setting forth the reasons why relief should be granted;

(2) A statement of the specific relief requested;

(3) A showing that there is a substantial likelihood that the person seeking relief will prevail on the merits of the final determination of the proceedings; and

(4) A showing that the relief sought will not adversely affect the public health or safety or cause significant, imminent environmental harm to land, air, or water resources.

(d) The administrative law judge may hold a hearing on any issue raised by the request.

(e) The administrative law judge shall issue expeditiously an order or decision granting or denying such temporary relief. Temporary relief may be granted only if—

(1) All parties to the proceedings have been notified and given an opportunity to be heard on a request for temporary relief;

(2) The person requesting such relief shows a substantial likelihood of prevailing on the merits of the final determination of the proceeding; and

(3) Such relief will not adversely affect the public health or safety or cause significant, imminent environmental harm to land, air, or water resources.

(f) Appeals of temporary relief decisions.

(1) Any party desiring to appeal the decision of the administrative law judge granting or denying temporary relief may appeal to the Board or, in the alternative, may seek judicial review pursuant to section 526(a), 30 U.S.C. 1276(a), or the Act.

(2) The Board shall issue an expedited briefing schedule and shall issue a decision on the appeal expeditiously.

§ 4.1378 Appeals.

Any party aggrieved by the decision of an administrative law judge on a request for review of a permit revision, permit renewal, or the transfer, assignment, or sale of rights under a permit may appeal to the Board in accordance with § 4.1271.

Request for Review of Approval or Disapproval of a Coal Exploration Application (Federal Program; Federal Lands Program; Federal Program for Indian Lands)

§ 4.1380 Scope.

These rules set forth the procedures for obtaining formal review, pursuant to 30 CFR 772.12(e)(2), of a decision by OSM under a partial or complete Federal program for a State (30 CFR Parts 733, 736), the Federal lands program (30 CFR Chapter VII, Subchapter D), or the Federal Program for Indian Lands (30 CFR Chapter VII, Subchapter E), to approve or disapprove a coal exploration application, in whole or in part.

§ 4.1381 Who may file.

The applicant or any person having an interest which is or may be adversely affected by a decision of OSM to approve or disapprove a coal exploration application, in whole or in part, may file a request for review of that decision.

§ 4.1382 Where to file; when to file.

(a) The request for review shall be filed with the Hearings Division, Office of Hearings and Appeals, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203, within 30 days of receipt of OSM's written decision approving or disapproving the coal exploration application.

(b) Any person not served with a copy of OSM's written decision shall file a request for review within 30 days of publication of notice of issuance of the decision in a newspaper of general circulation in the area where the mining that is the subject of the application would take place, or, if there is no such publication, within 40 days of the date of issuance of the written decision.

(c) Failure to file a request for review within the time specified in paragraph (a) or (b) of this section shall constitute a waiver of a hearing and the request shall be dismissed.

§ 4.1383 Contents of request; amendment of request; responses.

(a) The request for review shall include—

(1) A clear statement of the facts entitling the one requesting review to administrative relief;

(2) An explanation of the alleged errors in OSM's decision;

(3) A request for specific relief;

(4) A statement whether the person requests or waives the opportunity for an evidentiary hearing; and

(5) Any other relevant information.

(b) All interested parties shall file an answer or motion in response to a request for review or a statement that no answer or motion will be filed within 15 days of receipt specifically admitting or denying facts or alleged errors stated in the request and setting forth any other matters to be considered on review.

(c) A request for review may be amended once as a matter of right prior to receipt of an answer or motion or statement filed in accordance with paragraph (b) of this section. Thereafter, a motion for leave to amend the request shall be filed with the administrative law judge.

(d) An interested party shall have 10 days from receipt of a request for review that is amended as a matter of right or the time remaining for response to the original request to file an answer, motion, or statement in accordance with paragraph (b) of this section, whichever is longer. If the administrative law judge grants a motion to amend a request for review, the time for an interested party to file an answer, motion, or statement shall be set forth in the order granting the motion.

§ 4.1384 Notice of hearing.

The administrative law judge shall notify the applicant and all interested parties of the time and place of the hearing. The hearing shall be of record and governed by 5 U.S.C. 554.

§ 4.1385 Status of permit pending administrative review.

The filing of a request for review of approval of an application for a coal exploration permit shall stay the issuance of the permit pending completion of administrative review.

§ 4.1386 Burden of proof.

(a) If the coal exploration applicant is seeking review, OSM shall have the burden of going forward to establish a prima facie case as to failure to comply with the applicable requirements of the Act or the regulations, and the permit applicant shall have the ultimate burden

of persuasion as to entitlement to the approval.

(b) If any other person is seeking review, that person shall have the burden of going forward to establish a prima facie case and the ultimate burden of persuasion that the application fails in some manner to comply with the applicable requirements of the Act or the regulations.

§ 4.1387 Appeals.

Any party aggrieved by a decision of the administrative law judge on a request for review of a coal exploration permit application may appeal to the Board in accordance with § 4.1271.

Request for Review of OSM Determination of Issues Under 30 CFR Part 761 (Federal Program; Federal Lands Program; Federal Program for Indian Lands)

§ 4.1390 Scope.

These rules set forth procedures for obtaining formal review pursuant to 30 CFR 761.12(h) of a determination by OSM under a partial or complete Federal program for a State (30 CFR Parts 733, 736), the Federal lands program (30 CFR Chapter VII, Subchapter D), or the Federal program for Indian lands (30 CFR Chapter VII, Subchapter E), that a person holds or does not hold a valid existing right, or that surface coal mining operations did or did not exist on the date of enactment of the Act, on lands where operations are prohibited or limited by section 522(e) of the Act, 30 U.S.C. 1272(e), or that surface coal mining operations may be permitted within the boundaries of a national forest in accordance with section 522(e)(2).

§ 4.1391 Who may file; where to file; when to file.

(a) The permit applicant or any person with an interest which is or may be adversely affected by a determination of OSM that a person holds or does not hold a valid existing right, or that surface coal mining operations did or did not exist on the date of enactment of the Act, or that surface coal mining operations may be permitted within the boundaries of a national forest, may file a request for review of that determination with the Hearings Division, Office of Hearings and Appeals, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203.

(b) The request for review shall be filed within 30 days of receipt of a copy of OSM's written determination. Any person not served with a copy of OSM's written determination shall file a request for review within 30 days of publication of notice of issuance of the decision in a newspaper of general circulation in the area where the mining that is the subject of the application would take place, or, if there is no such publication, within 40 days of the date of issuance of the determination.

(c) Failure to file a request for review within the time specified in paragraph (a) or (b) of this section shall constitute a waiver of a hearing and the request shall be dismissed.

§ 4.1392 Contents of request; amendment of request; responses.

(a) The request for review shall include—

(1) A clear statement of the facts entitling the one requesting review to administrative relief;

(2) An explanation of the alleged errors in OSM's decision;

(3) A request for specific relief;

(4) A statement whether the person requests or waives the opportunity for an evidentiary hearing; and

(5) Any other relevant information.

(b) All interested parties shall file an answer or motion in response to a request for review or a statement that no answer or motion will be filed within 15 days or receipt specifically admitting or denying facts or alleged errors stated in the request and setting forth any other matters to be considered on review.

(c) A request for review may be amended once as a matter of right prior to receipt of an answer or motion or statement filed in accordance with paragraph (b) of this section. Thereafter, a motion for leave to amend the request shall be filed with the administrative law judge.

(d) An interested party shall have 10 days from receipt of a request for review that is amended as a matter of right or the time remaining for response to the original request to file an answer, motion, or statement in accordance with paragraph (b) of this section, whichever is longer. If the administrative law judge grants a motion to amend a request for review, the time for an interested party to file an answer, motion, or statement shall be set forth in the order granting the motion.

§ 4.1393 Notice of hearing.

The administrative law judge shall notify the applicant and all interested parties of the time and place for the hearing. The hearing shall be of record and governed by 5 U.S.C. 554.

§ 4.1394 Status of decision pending administrative review.

The filing of a request for review of a determination under section 522(e) shall stay the decision pending administrative review.

§ 4.1395 Burden of proof.

(a) If the permit applicant is seeking review, OSM shall have the burden of going forward to establish a prima facie case and the permit applicant shall have the ultimate burden of persuasion.

(b) If any other person is seeking review, that person shall have the burden of going forward to establish a prima facie case and the ultimate burden of persuasion that a person holds or does not hold a valid existing right, or that surface coal mining operations did or did not exist on the date of enactment of the Act, or that surface coal mining operations may or may not be permitted within the boundaries of a national forest.

§ 4.1396 Appeals.

Any party aggrieved by the decision of an administrative law judge may appeal to the Board in accordance with § 4.1271.

[FR Doc. 86-7884 Filed 4-8-86; 8:45 am]
BILLING CODE 4310-10-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-6696]

Proposed Flood Elevation Determinations; Nebraska; 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 51 FR 2531 on January 17, 1986. This correction notice provides a more accurate representation of the Flood Insurance Study and Flood Insurance Rate Map for the City of Rulo, Richardson County, Nebraska.

FOR FURTHER INFORMATION CONTACT: Mr. 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 City of Rulo previously published at 51 FR 2531 on January 17, 1986, in accordance with section 110 of the Flood Disaster

Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added 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, Floodplains.

PART 67—[AMENDED]

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 2531, in the January 17, 1986 issue of the **Federal Register**, in the third column, the first entry under "Rulo (city), Richardson County", are corrected to read as follows:

Source of flooding and location	Elevation in feet national geodetic vertical datum
Missouri River:	
About 1.2 miles downstream of U.S. Highway 159	*861
About 1.2 miles upstream of Burlington Northern Railroad	*864

Issued: March 24, 1986.

Jeffrey S. Bragg,

Administrator, Federal Insurance Administration.

[FR Doc. 86–7850 Filed 4–8–86; 8:45 am]

BILLING CODE 6718–03–M

DEPARTMENT OF TRANSPORTATION

Maritime Administration

46 CFR Parts 381 and 383

[Docket Nos. 104, 105]

Cargo Preference and Dry Bulk Preference; Extension of Comment Periods

AGENCY: Maritime Administration, Transportation.

ACTION: Proposed rulemakings: extension of comment periods.

SUMMARY: This notice extends the comment period for two notices of proposed rulemaking (NPRM's) that MARAD has issued with respect to its Operating-Differential Subsidy Program (ODS), Determination of Fair and Reasonable Rates for the Carriage of Liner Parcels of Dry Bulk Preference Cargoes on U.S.-flag Liner Vessels, 46 CFR Part 383 (R–104) and Subsidized Vessel Participation (Procedures governing the evaluation of bids for carriage of dry bulk preference cargoes), 46 CFR 381.8 (R–105). The member companies of the Council of American-Flag Ship Operators (CASO) have requested a 45 day extension of the comment periods which are due to end on April 11, 1986. CASO noted in its request the potential significant impact of the NPRM's on U.S.-flag operators, and its desire to provide meaningful analysis and coordinated comment on the rulemakings. While MARAD believes that 45 days is an excessive extension, MARAD hereby grants 32 day extensions of the comment periods, in order to allow affected operators more time to prepare comments.

DATE: NPRM comment period expiration dates are extended to May 12, 1986.

ADDRESS: Send the original and two copies of comments to the Secretary, Maritime Administration, Room 7300, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. To expedite review of the comments, the agency requests, but does not require, submission of an additional ten (10) copies of the comments. All comments will be made available for inspection during normal business hours at this address. Commenters wishing MARAD to acknowledge receipt should enclose a self-addressed and stamped envelope or postcard.

FOR FURTHER INFORMATION CONTACT: Arthur B. Sforza, Director, Office of Ship Operating Costs, Maritime Administration, Washington, DC 20590, Tel. (202) 382–6036.

Dated: April 4, 1986.

By Order of the Maritime Administrator.

Georgia P. Stamas,

Secretary, Maritime Administration.

[FR Doc. 86–7882 Filed 4–8–86; 8:45am]

BILLING CODE 4910–81–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 86–106; RM–4997]

FM Broadcast Station in Blythe, CA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes the allotment of noncommercial educational FM Channel 203A to Blythe, California, in response to a petition filed by the Escuela de la Raza Unida, and requests information regarding interference protection to television Channel 6 at Kingman, Arizona.

DATES: Comments must be filed on or before May 27, 1986, and reply comments on or before June 10, 1986.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Television Broadcasting.

The authority citation for Part 73 continues to read:

Authority: Secs. 4 and 303, 48 Stat. 1066, as amended, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, as amended, 1083, as amended, 47 U.S.C. 301, 303, 307. Other statutory and executive order provisions authorizing or interpreted or applied by specific sections are cited to text.

Notice of Proposed Rule Making

In the matter of Amendment of § 73.504(a), Table of Allotments, Noncommercial Educational FM Boadcast Stations, (Blythe, California); MM Docket No. 86–106, RM–4997.

Adopted: March 25, 1986.

Released: April 3, 1986.

By the Chief, Policy and Rules Division.

1. Before the Commission is a petition for rule making filed by the Escuela de la Raza Unida ("Petitioner"), licensee of Class D noncommercial educational Station KERU–FM (Channel 203), Blythe, California, requesting the allotment of Channel 203A to that community and modification of its license to specify operation on the Class A channel.

2. Petitioner advises that its service is geared mainly to the Hispanic community in Blythe. However, it adds that its signal coverage is severly limited by its current 10-watt operation and that since it is licensed on a secondary basis, it is in jeopardy of being foreclosed by a high power facility in the future. Accordingly, petitioner asserts that after assessing its current position and options, it desires to remain on Channel 203 but requests modification to Class A status.

3. While recognizing that due to its location, Station KERU–FM is exempt from the provisions of § 73.512(a) of our rules, which encourages Class D stations to upgrade their facilities, it notes that subsection (e) thereof requires it to move to the least preclusive channel at renewal in any event. Petitioner advises that although it has been unable to seek improved facilities previously due to financial constraints, it is in a position of commence that process now.

4. A staff engineering study reveals that Channel 203A can be allotted to Blythe, California, consistent with the

domestic minimum distance separation requirements of §§ 73.207 and 73.507 of the Commission's Rules. However, as noted above, due to Blythe's location within 199 miles of the Mexican border, the Commission must obtain approval by that government to the instant proposal.

5. Moreover, due to the proximity of television Channel 6 in Kingman, Arizona, for which a construction permit has been issued to Station KMOH–TV, petitioner is required to provide showings related to television Channel 6 protection, as described in 47 CFR 73.525 (see *Memorandum Opinion and Order*, (Docket No. 20735), 50 FR 27954, published July 9, 1985.) Such showings should describe the extent of predicted interference to Station KMOH–TV, and the proposed remedial measures petitioner will employ to resolve the interference, should it prevail herein.

6. Contrary to petitioner's request, we cannot modify its license since that provision applies to full service stations only. Rather, petitioner will be required to reaffirm its interest in comments herein, and if Channel 203A is allotted to Blythe, it may file an application therefore as soon as the channel is allotted.

7. In light of the above, and the fact that the proposal could provide a first noncommercial educational FM service to Blythe, we consider it appropriate to seek comments on the proposal to amend the FM Table of Allotments, § 73.504(a) of the Commission's Rules, as follows:

City	Channel	
	Present	Proposed
Blythe, CA		203A

8. It is ordered, That the Secretary shall send a copy of this Order to the permittee of Station KMOH–TV, at the address listed below, to provide it an opportunity to respond accordingly: Grand Canyon Television Co., Inc., Television Broadcast Station KMOH, c/o 2201 N. Vickey Drive, Flagstaff, AZ 86001.

9. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note. A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be allotted.

10. Interested parties may file comments on or before May 27, 1986, and reply comments on or before June 10, 1986, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioners, or their counsel or consultant, as follows: Peter Tannenwald, Esq., Arent, Fox, Kintner, Plotkin & Kahn, 1050 Connecticut Avenue NW., Washington, DC 20036–5339 (counsel for petitioner).

11. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

12. For further information concerning this proceeding, contact Nancy V. Joyner, Mass Media Bureau, (202) 634–6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

Federal Communications Commission.

Ralph A. Haller,

Acting Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(c)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be

available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 86-7859 Filed 4-8-86; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 86-107; RM-5007]

FM Broadcast Station in Saint Marys, WV and Marietta, OH

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein, at the request of Seven Ranges Radio Company, proposes the allotment of Channel 230B1 to Saint Marys, West Virginia as a substitute for Channel 269A. In order to accomplish this allotment Channel 240A must be substituted for Channel 232A at Marietta, Ohio. This proposal could provide Saint Marys with its first wide coverage FM station.

DATES: Comments must filed on or before May 27, 1986, and reply comments on or before June 10, 1986.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings, Mass Media Bureau (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting

The authority citation for Part 73 continues to read:

Authority: Secs. 4 and 303, 48 Stat. 1066, as amended, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, as amended, 1083, as amended, 47 U.S.C. 301, 303, 307. Other statutory and executive order provisions authorizing or interpreted or applied by specific sections are cited to text.

Notice of Proposed Rule Making and Order to Show Cause

In the matter of Amendment of § 73.202(b), Table of allotments FM Broadcast Stations (Saint Marys, West Virginia and Marietta, Ohio); MM Docket No. 86-107, RM-5007.

Adopted: March 25, 1986

Released: April 3, 1986.

By the Chief, Policy and Rules Division.

1. A petition for rule making was filed by Seven Ranges Radio Company ("petitioner"), licensee of Station WRRR-FM at Saint Marys, West Virginia, seeking the allotment of Channel 230B1 to Saint Marys as a substitute for Channel 269A and modification of its license for Station WRRR-FM to specify operation on Channel 230B1. In order to accomplish this allotment, Channel 240A must be substituted for Channel 232A at Marietta, Ohio. Channel 232A is presently occupied by Station WEYQ-FM. Petitioner submitted information in support of its proposal and expressed an intention to apply for the channel.

2. The allotment can be made in compliance with the Commission's minimum distance separation requirements, if Channel 240A is substituted for Channel 232A at Marietta, Ohio. Therefore, we are herein issuing a *Show Cause Order* to Employee Owned Broadcasting Corp., licensee of Station WEYQ-FM, seeking comments as to why its license should not be modified to specify operation on Channel 240A in lieu of Channel 232A.

3. Since Saint Marys, West Virginia and Marietta, Ohio are both located within 320 kilometers (200 miles) of the U.S.—Canadian border, the proposal requires concurrence by the Canadian government.

4. Commission policy requires that Station WEYQ be reimbursed for the reasonable costs of changing frequencies. Petitioner has stated its willingness to reimburse WEYQ for the reasonable costs of changing frequencies.

5. We shall propose to modify the license of Station WRRR-FM to specify operation on Channel 230B1. However, if another party should indicate an interest in the B1 allotment the modification may not be implemented unless an additional equivalent channel is allotted. See, *Modification of FM and TV Station Licenses*, 98 F.C.C. 2d 916 (1984).

6. In view of the fact that Saint Marys, West Virginia could receive its first wide coverage FM station, the Commission proposes to amend the FM Table of Allotments, § 73.202(b) of the Rules, with regard to the following communities:

City	Channel No.	
	Present	Proposed
Saint Marys, WV	269A	230B1
Marietta, OH	232A	240A

7. Accordingly, it is ordered, That pursuant to section 316(a) of the Communications Act of 1934, as amended, Employee Owned Broadcasting Corp., shall show cause why its license should not be modified to specify operation on Channel 240A at Marietta, Ohio as proposed herein instead of its present Channel 232A.

8. Pursuant to § 1.87 of the Commission's Rules, Employee Owned Broadcasting Corp., may not later than May 27, 1986, request that a hearing be held on the proposed modification. If the right to request a hearing is waived, it may not be later than June 10, 1986, file a written statement showing with particularity why its license should not be modified as proposed in the *Order to Show Cause*. In this case, the Commission may call on Employee Owned Broadcasting Corp. to furnish additional information, designate the matter for hearing, or issue, without further proceedings, as *Order* modifying the license as provided in the *Order to Show Cause*. If the right to request a hearing is waived and no written statement is filed by the date referred to above, Employee Owned Broadcasting Corp. will be deemed to have consented to the modification as proposed in the *Order to Show Cause* and a final *Order* will be issued by the Commission, if the above-mentioned channel modification is ultimately found to be in the public interest.

9. It is further ordered, That the Secretary of the Commission shall send by Certified Mail, Return Receipt Requested, a copy of this *Order* to the following: Employee Owned Broadcasting, 910 Penn Post Office Box 329, Marietta, Ohio 45750.

10. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be allotted.

11. Interested parties may file comments on or before May 27, 1986, and reply comments on or before June 10, 1986, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioners, or their counsel or consultant, as follows: Richard M. Reihl, Haley, Bader & Potts, 2000 M Street NW., Suite 600. Washington, D.C. 20036 (counsel for the petitioner).

12. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Allotments, § 73.202(b) of the Commission's Rules. See, *Certification that sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend § § 73.202(b),73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

13. For further information concerning this proceeding, contact Patricia A. Rawlings, Mass Media Bureau, (202) 634–6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

Federal Communications Commission.

Ralph A. Haller,

Acting Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Allotments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed allotment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is allotted and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to allot a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, DC.

[FR Doc. 86–7858 Filed 4–8–86; 8:45 am]
BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 86–108; RM–5008]

TV Broadcast Station in Bad Axe, MI

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign UHF Television Channel 41 to Bad Axe, Michigan, in response to a petition filed by Bad Axe Broadcasting. The proposal could provide a first commercial television channel to that community.

DATES: Comments must be filed on or before May 27, 1986, and reply comments on or before June 10, 1986.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Television broadcasting.

The authority citation for Part 73 continues to read:

Authority: Secs. 4 and 303, 48 Stat. 1066, as amended, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, as amended, 1083, as amended, 47 U.S.C. 301, 303, 307. Other statutory and executive order provisions authorizing or interpreted or applied by specific sections are cited to text.

Notice of Proposed Rule Making

In the matter of amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations (Bad Axe, Michigan); MM Docket No. 86–108, RM–5008.

Adopted: March 27, 1986.
Released: April 3, 1986.

By the Chief, Policy and Rules Division.

1. The Commission has under consideration a petition for rule making filed by Bad Axe Broadcasting ("petitioner"), seeking the assignment of UHF Television Channel 41 to Bad Axe, Michigan, as that community's first commercial television service. Petitioner filed information in support of the proposal and indicated its intention to apply for the channel, if assigned.

2. Bad Axe (population 3,184),[1] seat of Huron County (population 36,459), is located in the "thumb" of Michigan, approximately 100 miles north of Detroit.

3. UHF Television Channel 41 can be assigned to Bad Axe, Michigan, in compliance with the minimum distance separation requirements of § 73.610 of the Commission's Rules, provided there is a site restriction 4 miles northeast of the community. The site restriction will prevent a short spacing to Channel 41, Station WUHQ–TV, Battle Creek, Michigan. Since Bad Axe is located within 199 miles of the common U.S.-Canadian border, Canadian concurrence is required.

[1] Population figures are from the 1980 U.S. Census.

4. Comments are invited on the proposal to amend the Television Table of Assignments, § 73.606(b) of the Commission's Rules, with respect to the following community:

City	Channel No.	
	Present	Proposed
Bad Axe, MI	*35, *57-	*35, 41-, and *57-

5. The Commission's authority to institute rule making proceedings, showing required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before May 27, 1986, and reply comments on or before June 10, 1986, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioners, or their counsel or consultant, as follows: Kirk Tollett, National Communications Consultants, Liberty Square, Sparta, Tennessee 38583 (consultant to the petitioner).

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, §73.606(b) of the Commission's Rules. See, *Certification that sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

8. For Further information concerning this proceeding, contact Kathleen Scheuerle, Mass Media Bureau (202) 634–6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contracts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

Federal Communications Commission.

Ralph A. Haller,

Acting Chief, Policy & Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(1), 5(e)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the date set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, DC.

[FR Doc. 86–7857 Filed 4–8–86; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Proposed Endangered Status for Eriastrum densifolium ssp. sanctorum (Santa Ana River Woolly-star) and Centrostegia Leptoceras (Slender-Horned Spineflower)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Service proposes to determine two plants, *Eriastrum densifolium* ssp. *sanctorum* (Santa Ana River woolly-star) and *Centrostegia leptoceras* (slender-horned spineflower), to be endangered species. *Eriastrum densifolium* ssp. *sanctorum* occurs patchily on the higher floodplain terraces of the Santa Ana River from Redlands east to the mouth of the Santa Ana Canyon in San Bernardino County, southern California. A disjunct stand occurs on Lytle Creek in the city of San Bernardino. *Centrostegia leptoceras* is currently known from four small isolated populations. The total area occupied by this species is less than 4

hectares (10 acres). Historic and present threats facing these plants include encroaching developments within the floodplain, grazing by domestic animals, and competition from exotic plants. Determinations that *Eriastrum densifolium* ssp. *sanctorum* and *Centrostegia leptoceras* are endangered species would implement the protection provided by the Endangered Species Act of 1973, as amended. The Service seeks comments and data related to this proposal.

DATE: Comments from all interested parties must be received by June 9, 1986. Public hearing requests must be received by May 27, 1986.

ADDRESSES: Comments and materials concerning this proposal should be sent to Wayne S. White, Chief, Division of Endangered Species, U.S. Fish and Wildlife Service, Lloyd 500 Building, 500 NE. Multnomah Street, Suite 1692, Portland, Oregon 97232. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Mr. Wayne S. White, Chief, Division of Endangered Species, at the above address (503/231–6131 or FTS 429–6131).

SUPPLEMENTARY INFORMATION:

Background

Eriastrum densifolium ssp. *sanctorum* was first collected by Hall. This subspecies was described as *Gilia densifolia* var. *sanctora* by Milliken (1904) and renamed as *Huegelia densifolia* var. *sanctorum* by Jepson (1925). Wooton and Standley (1913) proposed the replacement of *Huegelia* with *Eriastrum;* Mason (1945) accepted the new genus name. *Centrostegia leptoceras* was first collected by Lobb in 1849. It was described by Gray in 1870 (Torrey and Gray 1870); and then placed in the genus *Chorizanthe* by Watson (1877). Goodman (1934) transferred it back to *Centrostegia.*

Eriastrum densifolium ssp. *sanctorum* is a shrub occasionally reaching one meter (3.3 feet) in height. This plant has gray-green stem and leaves. The bright blue flowers are up to 30 millimeters (1.4 inches) long and are contained in heads of about 20 blossoms each.

Centrostegial leptoceras is a small prostrate annual. The diameter of the basal rosette of a mature plant varies between about 3 and 10 centimeters (1.4 and 4.5 inches). The flowering stalks are from 5 to 15 centimeters (2.3 to 6.8 inches) in length, and bear three-lobed bracts at the nodes. The leaves and bracts turn bright red with age. One to three involucres containing several flowers each occur at an axil and are 4 to 6 millimeters (0.2 to 0.3 inches) long (Munz 1974).

Eriastrum densifolium ssp. *sanctorum* is endemic to the Santa Ana River drainage of southern California. Formerly this subspecies occurred on the higher floodplain terraces of the Santa Ana River and its tributaries in Orange, Riverside and San Bernardino Counties. The range of elevations occupied by the subspecies was from about 150 to 600 meters (500 to 2,000 feet) (Craig 1934, Mason 1945). The current range of the plant extends from about 360 to 630 meters (1,200 to 2,000 feet) in elevation along the Santa Ana River in San Bernardino County. A disjunct stand occurs on Lytle Creek (Zembal and Kramer 1984).

Centrostegia leptoceras was formerly more widespread, and occurred on old sandy benches or floodplain terraces containing alluvial fan scrub vegetation in Los Angeles, San Bernardino, and Riverside Counties (Munz 1974). The plant is currently known from only four localities, totaling less than 4 hectares (10 acres) in extent, in San Bernardino and Riverside Counties (Krantz 1984).

Eriastrum densifolium ssp. *sanctorum* was once a conspicuous shrub in the alluvial fan scrub of the higher floodplain terraces of the Santa Ana River and its tributaries. This habitat type receives little natural disturbance. Sheet flood flows probably occur once every one or two hundred years; the scouring of such flows appears to maintain the alluvial fan scrub vegetation. The perennial vegetative cover where these plant species occur is relatively low (seldom over 50%); annual cover is also fairly low (Zembal and Kramer 1984). The plant community is characterized by old *Juniperus californica* (California Juniper), *Cercocarpus betuloides* (mountain mahogany) and *Eriodityon trichocalyx. Eriastrum densifolium* ssp. *sanctorum* is found in disjunct stands within this habitat, and tends to occupy areas showing slight surface disturbance (Zembal and Kramer 1984). Conversely, *Centrostegia leptoceras* exists in small isolated areas lacking any evidence of surface disturbance (Reveal and Krantz 1979; Krantz 1984).

The Secretary of the Smithsonian, Institution, as directed by Section 12 of the Endangered Species Act of of 1973 (Act), prepared a report on those native U.S. plants considered to be endangered, threatened, or extinct in the United States. This report (House Document No. 94–51), which included *Centrostegia leptoceras* but not *Eriastrum densifolium* ssp. *sanctorum*, was presented to Congress on January 9, 1975. On July 1, 1975, the Service published a notice in the **Federal Register** (40 FR 27823) accepting the report as a petition within the context of Section 4(c)(2) of the Act (petition acceptance is now governed by Section 4(b)(3)(A)) and giving notice of its intention to review the status of the plant taxa named therein, including *Centrostegia leptoceras*. On June 16, 1976, the Service published a proposed rule in the **Federal Register** (41 FR 24523) to determine approximately 1,700 vascular plant species, including *Centrostegia leptoceras*, to be endangered species pursuant to Section 4 of the Act. This list was assembled on the basis of comments and data received by the Smithsonian Institution and the Service in response to House Document No. 94–51 and the July 1, 1975, **Federal Register** publication. General comments on the 1976 proposal were summarized in an April 26, 1978, **Federal Register** publication (43 FR 17909).

In 1978, amendments to the Endangered Species Act required that all proposals over two years old be withdrawn. A 1-year grace period was given to those proposals already more than 2 years old. Subsequently, on December 10, 1979, the Service published a notice (44 FR 70796) of the withdrawal of the portion of the June 16, 1976, proposal that had not been made final, along with four other proposals that had expired. This notice of withdrawal included *Centrostegia leptoceras.*

The Service published an updated notice of review for plants on December 15, 1980 (45 FR 82480). This notice included *Centrostegia leptoceras* and *Eriastrum densifolium* ssp. *sanctorum.* This was the first time *E. densifolium* ssp. *sanctorum* was considered by the Service as a candidate for Federal listing. On February 15, 1983, the Service published a notice (48 FR 6752) of its prior finding that the listing of these two species may be warranted in accordance with Section 4(b)(3)(A) of the Act as amended in 1982. On October 13, 1983, October 12, 1984, and again on October 11, 1985, further findings were made that the listing of *Centrostegia leptoceras* and *Eriastrum densifolium* ssp. *sanctorum* was warranted, but precluded by other pending listing actions, in accordance with Section 4(b)(3)(B)(iii) of the Act. Such a finding requires the petition to be recycled, pursuant to Section 4(b)(3)(C)(i) of the Act. The present proposal constitutes a finding that the listing is warranted. The Service proposes to implement the petitioned action, in accordance with Section 4(b)(3)(B)(ii) of the Act.

Summary of Factors Affecting the Species

Section 4(a)(1) of the Endangered Speices Act (16 U.S.C. 1531 *et seq.*) and regulations promulgated to implement the listing provisions of the Act (codified at 50 CFR Part 424) set forth the procedures for adding species to the Federal lists. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in Section 4(a)(1). These factors and their applications to *Eriastrum densifolium*, (Benth.). Mason ssp. *sanctorum* (Milliken) Mason and *Centrostegia leptoceras* Gray are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range: Eriastrum densifolium* ssp. *Sanctorum* once occurred on the higher flooplain terraces along the Santa Ana River and its tributaries in Orange, Riverside, and San Bernardino Counties. It has been extirpated from Orange and Riverside Counties. In Orange County, urban development, citrus groves, horse stables, and urban parks occur to the edge of the Santa, Ana River. In Riverside County, the higher floodplain terraces contain urban neighborhoods, ranches and agriculture, and sand and gravel mines. The terraces that have not been built upon or converted to agriculture have been overgrazed. In San Bernardino County where the Santa Ana River has been channelized (mostly with earthen banks), urban and agricultural developments occur to its edge. *Eriastrum densifolium* ssp. *Sanctorum* now occurs in isolated stands along the Santa Ana River in San Bernardino County between 360 and 630 meters (1,200 and 2,000 feet) in elevation. One disjunct population remains on Lytle Creek at 360 meters (1,200 feet) in elevation.

Centrostegia leptoceras once occurred in alluvial fan scrub of Los Angleles, San Bernardino, and Riverside Counties. Currently it is known from 4 localities totaling less than 4 hectares (10 acres) in extent. Populations occur adjacent to Lytle Creek, the Santa Ana River, Temescal Creek, and the San Jacinto River (Krantz 1984). The alluvial fan scrub of Los Angeles County has been replaced by the ever-expanding cities of the Los Angeles Basin. Most former San Bernardino localities have been overtaken by urbanization or sand and gravel mines.

Extant populations of *Eriastrum densifolium* ssp. *sanctorum* and *Centrostegia leptoceras* in San Bernardino County are futher threatened by proposed sand and gravel mines on private and Bureau of Land Management owned lands. In addition, an indirect effect of flood-control dams proposed by the Army Corps of Engineers in the upper Santa Ana River Canyon and Lytle Creek could be relaxation of zoning restrictions that now apply to flood plain development. Such zoning changes could allow increased urbanization downstream from the dams and lead to the extinction of the *Eriastrum* and to the extirpation of the *Centrostegia* in San Bernardino County. The San Jacinto and Temescal Creek drainages of Riverside County are also sites of urbanization, and agricultural developments. Both Riverside County populations of *Centrostegia leptoceras* are in private ownership. Private developments have been occurring immediately adjacent to the San Jacinto River population.

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* Neither of these species is known to have suffered as a result of collecting or other utilization. However, the *Eriastrum* is extremely attractive when in flower and could be sought by collectors, and the *Centrostegia* is found on easily disturbed sites that could be damaged by curiosity seekers.

C. *Disease or predation.* Historically, cattle grazing affected many of the areas once supporting *Eriastrum densifolium* ssp. *sanctorum* and *Centrostegia leptoceras*. In some areas the plant species composition was undoubtedly altered significantly by grazing animals. Although grazing may have contributed to the extirpation of these species in some places, areas that are now grazed are so altered that they no longer appear to be capable of supporting the *Eriastrum* or the *Centrostegia*, even if grazing were to cease. Grazing does not appear to be a threat in those areas still supporting these species.

D. *The inadequacy of existing regulatory mechanisms.* No regulatory mechanisms exist at the present time except for a general prohibition against destroying or removing vegetation on BLM land without a permit to do so. Federal listing may encourage State listing pursuant to the California Endangered Species Act of 1985.

E. *Other natural or manmade factors affecting its continued existence. Eriastrum densifolium* ssp. *sanctorum* and *Centrostegia leptoceras* do not occur in areas dominated by weedy exotics such as *Bromus rubens* and *Brassica geniculata*. As a prostrate annual, which apparently requires full sun and cannot tolerate any disturbance, *C. leptoceras* is especially sensitive to invasion of taller annual species. All known *C. leptoceras* localities are near areas dominated by such weedy exotics.

The populations of these plant species on land in Federal ownership are within the Bureau of Land Management's Metropolitan Project Area of Southern California. The Bureau is currently transferring its land holdings in this Project Area to other Federal and private agencies. Lands now occupied by *E. densifolium* ssp. *sanctorum* and *C. leptoceras* may face additional threats if they are removed from federal ownership.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by these species in determining to propose this rule. Based on this evaluation, the preferred action is to list *Eriastrum densifolium* ssp. *sanctorum* and *Centrostegia leptoceras* as endangered. This preference reflects the strong likelihood that without the protection of the Endangered Species Act of 1973 as amended, these plant species would become extinct throughout their ranges.

Critical Habitat

Section 4(a)(3) of the Act, as amended, requires that to the maximum extent prudent and determinable, the Secretary designate any habitat of a species which is considered to be critical habitat at the time the species is determined to be endangered or threatened. The Service finds that designation of critical habitat is not prudent for these species at this time. Only one of the four localities for *Centrostegia leptoceras* is in Federal ownership. *Eriastrum densifolium* ssp. *sanctorum* does occur mainly on Federal lands; however, it is a conspicuous and attractive shrub. Designation of critical habitat for these two plant species would likely focus attention upon them and their rare and vulnerable status and might encourage vandalism or taking for collections or commercial ends. As mentioned above, the *Eriastrum* is an attractive shrub when flowering and could easily be subjected to horticultural collecting if its habitat were closely identified through publication of maps and descriptions. The *Centrostegia*, while probably not a likely horticultural subject, is confined to extremely localized sites that could easily be disturbed by foot traffic if they were made known to curiosity-seekers. The potential danger posed to these species by designating critical habitat outweighs the minimal protection that such designation would provide.

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 trade and collecting are discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened and with respect to its critical habitat if any is being designated. Regulations implementing this Interagency Cooperation provision of the Act are codified at 50 CFR Part 402, 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 destruction or adverse modification of proposed 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.

Two Federal agencies have proposed projects that may affect these plant species. The Army Corps of Engineers, Los Angeles District proposes to construct dams on the upper Santa Ana River Canyon and Lytle Creek Canyon. The Bureau of Land Management has proposed to lease some of its lands occupied by *Eriastrum densifolium* ssp. *sanctorum* and *Centrostegia leptoceras* for sand and gravel mining. Additionally, the Bureau of Land Management lands may be removed from Federal ownership as part of an ongoing project to dispose of its smaller parcels. Listing of these plant species under the Act would encourage the transfer of these lands to another Federal agency or a private organization that would provide for their conservation.

The Act and its implementing regulations found at 50 CFR 17.61, 17.62, and 17.63 set forth a series of general trade prohibitions and exceptions that apply to all endangered plant species. With respect to *Eriastrum densifolium* ssp. *sanctorum* and *Centrostegia leptoceras*, all trade prohibitions of section 9(a)(2) of the Act, implemented by 50 CFR 17.61, would apply. These prohibitions, in part, would make it illegal for any person subject to the jurisdiction of the United States to import or export, transport in interstate or foreign commerce in the course of commercial activity, or sell or offer for sale these species in interstate or foreign commerce. Certain exceptions can apply to agents of the Service and State Conservation agencies. The Act and 50 CFR 17.62 and 17.63 also provide for the issuance of permits to carry out otherwise prohibited activities involving endangered species under certain circumstances. It is anticipated that few trade permits would ever be sought or issued since the species are not common in cultivation or in the wild.

Section 9(a)(2)(B) of the Act, as amended in 1982, prohibits the removal and reduction to possession of endangered plant species from areas under Federal jurisdiction. This prohibition would apply to *Eriastrum densifolium* ssp. *sanctorum* and *Centrostegia leptoceras*. Permits for exceptions to this prohibition are available through regulations to be codified at 50 CFR 17.62 (50 FR 39681, September 30, 1985). Both species occur on Federal lands, but the Service anticipates that there will be few such applications with respect to these two species. Requests for copies of the regulations on plants and inquiries regarding them may be addressed to the Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, DC 20240 (703/235–1903).

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 the following:

(1) Biological, commercial trade, or other relevant data concerning any threat (or lack thereof) to *Eriastrum densifolium* ssp. *Sanctorum* or *Centrostegia leptoceras*;

(2) The location of any additional populations of *Eriastrum densifolium* ssp. *Sanctorum* or *Centrostegia leptoceras* 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 these species; and

(4) Current or planned activities in the subject area and their possible impacts on *Eriastrum densifolium* ssp. *Sanctorum* or *Centrostegia leptoceras*.

Final promulgation of regulations on *Eriastrum densifolium* ssp. *Sanctorum* and *Centrostegia leptoceras* will take into consideration the comments and any additional information received by the Service, and such communications may lead to a final regulation that differs from this proposal.

The Endangered Species Act provides for a public hearing on this proposal, if one is 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 (AFA–SE), U.S. Fish and Wildlife Service, 500 N.E. Multnomah Street, Suite 1692, Portland, Oregon 97232.

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

The primary author of this proposed rule is Karla J. Kramer, U.S. Fish and Wildlife Service, 24000 Avila Road, Laguna Niguel, California 92677.

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 § 17.12(h) by adding the following, under family names indicated, to the List of Endangered and Threatened Plants:

§ 17.12 Endangered and threatened plants.

* * * * *

(h) * * *

Species		Historic range	Status	When listed	Critical habitat	Special rules
Scientific name	Common name					
*	*	*	*	*	*	*
Polemoniaceae—Phlox family:						
Eriastrum densifolium ssp. *Sanctorum*	Santa Ana River woolly-star	U.S.A. (CA)	E		NA	NA
*	*	*	*	*	*	*
Polygonaceae—Buckwheat family:						
Centrostegia leptoceras	Slender-horned spineflower	U.S.A. (CA)	E		NA	NA
*	*	*	*	*	*	*

Dated: March 23, 1986.

P. Daniel Smith,

Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 86–7926 File 4–8–86; 8:45 am]

BILLING CODE 4310–55–M

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Proposed Endangered Status for Lesquerella Pallida (White Bladderpod)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Service proposes to determine that a plant, *Lesquerella pallida* (white bladderpod) is an endangered species. This plant occurs on both public and private land in San Augustine County, Texas. The three known populations are currently threatened by herbicide use, county road maintenance or improvement, grazing, and encroachment of shrubby vegetation into the species' habitat. There is no current plan for management of *Lesquerella pallida*, nor is there State of Federal protection. A final determination that *Lesquerella pallida* is endangered would implement 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 June 9, 1986. Public hearing requests must be received by May 27, 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, Albuquerque, New Mexico 87103. Comments and materials received will be available for public inspection, by appointment, during normal business hours, at the Service's Regional Office of Endangered Species, 500 Gold Avenue SW., Room 4000, Albuquerque, New Mexico.

FOR FURTHER INFORMATION CONTACT: Charles McDonald, Botanist, Endangered Species Office, Albuquerque, New Mexico (see ADDRESSES above) (505/766–3972 or FTS 474–3972).

SUPPLEMENTARY INFORMATION:

Background

Lesquerella pallida was discovered in the 1830's by M.C. Leavenworth on small prairies near San Augustine, Texas. It was recognized first as a variety of *Vesicaria grandiflora* (Torrey and Gray 1838) and soon elevated to the rank of species in that genus (Torrey and Gray 1840). Watson (1888) created the genus *Lesquerella* and placed *Lesquerella pallida* within the group. Because no plants had been found since the inital collection in the 1830's and because the flower color of the only specimen was questionable, Rollins and Shaw (1973) considered *Lesquerella pallida* to be a slightly anomalous form of *Lesquerella gracilis*. In 1981, a popoulation of *Lesquerella pallida* was discovered by Nixon and Ward. Upon this discovery and based on new information indicating its distinctness, Nixon *et al.* (1983) proposed the reinstatement of *Lesquerella pallida* as a species. With these new findings, Dr. Reed C. Rollins, and expert on this group of plants, fully agrees that *Lesquerella pallida* is a distinct species in its own right (Rollins, Harvard University, pers. comm., 1984).

Lesquerella pallida is an erect to spreading annual in the mustard family (Brassicaceae). Plants range from 5 to 60 centimeters (2 to 23.6 inches) tall. The leaves are linear to oblanceolate with entire to dentate margins. Basal leaves are up to 10 centimeters (3.9 inches) long and 2 centimeters (0.8 inch) wide with petioles up to 4 centimeters (1.6 inches) long; stem leaves are gradually reduced upward, becoming sessile and extending into the inflorescence. The flowers are arranged in racemes up to 16 centimeters (6.3 inches) long and containing up to 24 flowers; the pedicels are up to 18 millimeters (0.7 inch) long and slightly recurved at maturity. The flowers have four white petals, each with a yellow base. The petals are up to 12 millimeters (0.5 inch) long and 8.5 millimeters (0.3 inch) wide. The fruits are globose to ellipsoid, up to 5.5 millimeters (0.2 inch) long and 6 millimeters (0.2 inch) wide.

Lesquerella pallida occurs in the oak-hickory pine vegetation type (Kuchler 1964) of the gently rolling Coastal Plain (Hunt 1967) of eastern Texas. Specifically, it occurs in open areas associated with rock outcrops of the Weches geologic formation. This formation usually consists of calcareous marine sediments underlain by a grayish-green layer of glauconite. Because of the impermeability of the glauconite layer, Weches outcrops are seepy and wet much of the year. Soils around Weches outcrops are basic in pH due to the high levels of calcium and magnesium in the rocks. This is in sharp contrast to the acid, sandy, leached soils usually encountered in eastern Texas.

Presently, three populations of *Lesquerella pallida* are known. The largest, discovered in 1981, is located approximately 8 miles west of San Augustine, Texas, on private land used for pasture. The population covers approximately 2 hectares (5 acres). It contained about 3,300 individuals in 1982, but had far fewer in the dry spring of 1984 (Nixon 1984). In 1985, which was again a wet year, the number of individuals probably equaled or exceeded that of 1982 (Mahler 1985). The other two populations were discovered in 1985 (Mahler 1985). Another population is located approximately 10 miles west of San Augustine, Texas, on private land. It is confined to a single opening about 4 x 15 meters (13 x 49 feet) and contains about 50 plants. The area nearby is used to some extent as a garbage dump. The site is also being invaded by Macartney rose (*Rosa bracteata*) and other shrubs and trees. The third population is located approximately 6 miles southeast of San Augustine, Texas, on a county road right-of-way and in adjacent private pasture. The population occupies an area approximately 30 x 75 meters (98 x 246 feet) and contains about 160 plants. The right-of-way is quite brushy and the remaining open habitat is being invaded by shrubs and trees.

Federal action involving this species began when *Lesquerella pallida* was included as a category 2 species in a November 28, 1983, supplement (48 FR 53640) to the 1980 notice (45 FR 82480) of plants which were under review for threatened or endangered classification. Category 2 includes taxa for which the Service has insufficient biological information to determine the appropriateness of proposing the species as endangered or threatened. Status reports on *Lesquerella pallida* were completed in 1984 and 1985. These reports provided sufficient biological information to support the appropriateness of proposing *Lesquerella pallida* for listing as endangered. *Lesquerella pallida* was included in category 1 (those species for which the Service has substantial information indicating that they should be proposed for endangered or threatened status) in the September 27, 1985, revision (50 FR 39526) of the 1980 notice and 1983 update.

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 (50 CFR Part 424) set forth the procedures for adding species to the Federal lists. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in section 4(a)(1). These factors and their application to *Lesquerella pallida* (Torrey and Gray) S. Watson (white bladderpod) are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* Herbicide spraying for pasture brush control is a common practice in the region. Inadvertent application of herbicide to *Lesquerella pallida* could destroy the two smaller populations and seriously reduce the larger one. Although spraying might open new habitat and therefore be beneficial in the long term, the short-term effect on any population being sprayed would be detrimental. Plants in pastures could be seriously damaged by trampling and overgrazing. Although the pastures where plants occur are presently only moderately grazed, the land is privately owned, and thus there is no control on how intensively the land might be used. The population on county road right-of-way would be damaged by road improvements or right-of-way grading or mowing. The population occurs in a wide portion of right-of-way where the road jogs to go up a small hill. If this road is ever widened or improved, the jog will likely be straightened, running the road directly through the population. This portion of right-of-way is also large enough to be used to stockpile roadbuilding material or as a dumpsite for excess soil taken from elsewhere. Either of these activities would destroy a major portion of the population.

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* Commercial trade in this plant is not known to exist; however, because of its restricted range, collecting and vandalism pose a threat to survival of this species. The populations on private land would not be protected from collecting by the Act, and all three populations are easily accessible.

C. *Disease or predation.* No threats are known.

D. *The inadequacy of existing regulatory mechanisms.* Currently, *Lesquerella pallida* is not protected by either Federal or State laws.

E. *Other natural or manmade factors affecting its continued existence.* *Lesquerella pallida* grows in openings associated with rock outcrops. Soils in these areas are often too thin for trees to become established, but shrubby species can invade these outcrops, eliminating *Lesquerella pallida* habitat. Common invaders are Macartney rose (*Rosa bracteata*), blackberry (*Rubus* spp.), and sumac (*Rhus* spp.). Since there has been little study of the biology or ecology of *Lesquerella pallida*, the most appropriate method of maintaining suitable open habitat for the species is not known.

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 *Lesquerella pallida* as endangered without critical habitat. Endangered species seems appropriate because there are only three know populations of this species, and they could be eliminated by herbicide spraying, overgrazing, road maintenance or construction, or the loss of open habitat due to the invasion of shrubby species. The reasons for not designating critical habitat are discussed below.

Critical Habitat

Section 4(a)(3) of the Act, as amended, requires that to the maximum extent prudent and determinable, the Secretary designate critical habitat at the time a species is determined to be endangered or threatened. The Service finds that designation of critical habitat is not prudent for *Lesquerella pallida* at this time due to its restricted distribution and each accessibility. The Act does not protect endangered plants from taking or vandalism on lands that are not under Federal jurisdiction. This would result in an especially severe problem for *Lesquerella pallida*, which occurs on both private and public land, and whose habitat is easily accessible. Listing of a species, with attendant publicity, highlights its rarity and attractiveness to collectors. Publication of critical habitat descriptions would make this species more vulnerable to taking by collectors or to vandalism. Therefore, it would not be prudent to determine critical habitat for *Lesquerella pallida* at this time.

Available Conservation Measures

Conservation measurs provied 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 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 any 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 destruction of 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 consulatation with the Service. However, *Lesquerella pallida* is not known to occur on Federal lands, and no Federal involvement with this species is currently known or expected.

The Act and its implementing regulations found at 50 CFR 17.61, 17.62, and 17.63 set forth a series of general trade prohibitions and exceptions that apply to all endangered plant species. With respect to *Lesquerella pallida*, all trade prohibitions of Section 9(a)(2) of the Act, implemented by 50 CFR 17.61, would apply. These prohibitions, in part, would make it illegal for any person subject to the jurisdiction of the United States to import or export, transport in interstate or foreign commerce in the course of a commercial activity, or sell or offer for sale this species in interstate or foreign commerce. Certain exceptions can apply to agents of the Service and State conservation agencies. The Act and 50 CFR 17.62 and 17.63 also provide for the issuance of permits to carry out otherwise prohibited activities involving endangered species under certain circumstances. It is anticipated that few trade permits would ever be sought or issued since the species is not common in cultivation or in the wild.

Section 9(a)(2)(B) of the Act, as amended in 1982, prohibits the removal and reduction to possession of endangered plant species from areas under Federal jurisdiction. The prohibition would apply to *Lesquerella pallida*. Permits for exceptions to this prohibition are available. At present, no populations of *Lesquerella pallida* are known to exist on Federal land. It is expected that few collecting permits for this species would ever be requested. Requests for copies of the regulations on plants and inquiries regarding them may be addressed to the Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235–1903).

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 this proposed rule are hereby solicited. Comments particularly are sought concerning:

(1) Biological, commercial trade, or other relevant data concerning any threat (or lack thereof) to *Lesquerella pallida*;

(2) The location of any additional populations of *Lesquerella pallida* 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 species; and

(4) Current or planned activities in the subject area and their possible impacts on *Lesquerella pallida*.

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

The Endangered Species Act provides for a public hearing on this proposal, if requested. Requests must be filed within 45 days of the date of the proposal. Such requests must be made in writing and addressed to the Regional Director (see ADDRESSES section).

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).

Literature Cited

Hunt, C.B. 1967. Physiography of the United States. W.H. Freeman and Company, San Francisco, California.

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Nixon, E.S., J.R. Ward, and B.L. Lipscomb. 1983. Rediscovery of *Lesquerella pallida* (Cruciferae). Sida 10:167–175.

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Rollins, R.C. and E.A. Shaw. 1973. The genus *Lesquerella* (Cruciferae) in North America. Harvard University Press, Cambridge, Massachusetts.

Torrey, J. and A. Gray. 1838. A flora of North America. Wiley and Putnam, New York.

Torrey, J. and A. Gray. 1840. A flora of North America supplement, additions and emendations. Wiley and Putnam, New York.

Watson, S. 1888. Contributions to American botany, XV. Proceedings of the American Academy of Arts 23:253.

Author

The author of this proposed rule is Charles McDonald, Endangered Species Office, U.S. Fish and Wildlife Service, Department of the Interior, P.O. Box 1306, Albuquerque, New Mexico 87103 (505/766–3972 or FTS 474–3972). The Editor is E. LaVerne Smith, Office of Endangered Species, Washington, D.C. 20240. Status information was provided by Dr. E.S. Nixon, Stephen F. Austin State University, Nacogdoches, Texas 75962, and Dr. W.F. Mahler, Southern Methodist University, Dallas Texas 75275.

List of Subjects in 50 CFR Part 17

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

Proposed Regulation 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 § 17.12(h) by adding the following, in alphabetical order under the family Brassicaceae, to the List of Endangered and Threatened Plants:

§ 17.12 Endangered and threatened plants.

* * * * *

(h) * * *

Species		Historic range	Status	When listed	Critical habitat	Special rules
Scientific name	Common name					
Brassicaceae—Mustard family:						
Lesquerella pallida	White bladderpod	U.S.A. (TX)	E		NA	NA

Dated: February 28, 1986.

P. Daniel Smith,

Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 86–7927 Filed 4–8–86; 8:45 am]

BILLING CODE 4310–55–M

Notices

Federal Register
Vol. 51, No. 68
Wednesday, April 9, 1986

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

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Forms Under Review by Office of Management and Budget

April 4, 1986.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) An indication of whether section 3504(h) of Pub. L. 96–511 applies; (9) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Department Clearance Officer, USDA, OIRM, Room 404–W Admin. Bldg., Washington, DC 20250, (202) 447–2118.

Comments on any of the items listed should be submitted directly to: Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, Attn: Desk Officer for USDA.

If you anticipate commenting on a submission but find that preparation time will prevent you from doing so promptly, you should advise the OMB Desk Officer of your intent as early as possible.

New

- Office of Governmental and Public Affairs.
- Hispanic Information Service.
- Unnumbered survey form.
- One time survey.
- Businesses or other for-profit; Small businesses or organizations; 400 responses; 76 hours; not applicable under 3504(h).
- Phil Villa-Lobos (202) 447–4026.
- Economic Research Service.
- Oakwood/Poinsett Lakes Recreation Benefits Survey.
- One time.
- Individuals or households; 400 responses; 67 hours; not applicable under 3504(h).
- C. Edwin Young (202) 786–1444.

Donald E. Hulcher,

Acting Departmental Clearance Officer.

[FR Doc. 86–7907 Filed 4–8–86; 8:45 am]

BILLING CODE 3410–01–M

Federal Grain Inspection Service

Request for Designation Applicants To Provide Official Services in the Geographic Area Currently Assigned to Fostoria Grain Inspection (OH), Louisiana Department of Agriculture (LA), and North Carolina Department of Agriculture (NC)

Correction

In FR Doc. 86–6903, beginning on page 11084, in the issue of Tuesday, April 1, 1986, make the following correction: In the second column, under Date, "May 13, 1986" should read "May 1, 1986".

BILLING CODE 1505–01–M

Advisory Committee Meeting

Pursuant to the provisions of section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), a notice is hereby given of the following committee meeting:

Name: Federal Grain Inspection Service Advisory Committee.

Date: April 30, 1986.

Place: U.S. Department of Agriculture, 1400 Independence Avenue, SW., Room 3501 South Building, Washington, DC 20250.

Time: 8:30 a.m.

Purpose: To provide advice to the Administrator of the Federal Grain Inspection Service on the efficient and economical implementation of the U.S. Grain Standards Act of 1976, in order to assure the normal movement of grain in an orderly and timely manner.

The agenda includes: (1) Grain quality issues, (2) grain standards, (3) insect related issues, (4) financial update, and (5) other matters.

The meeting will be open to the public. Public participation will be limited to written statements unless otherwise requested by the Committee Chairman. Persons, other than members, who wish to address the Committee at the meeting or submit written statements before or at the meeting should contact Dr. Kenneth A. Gilles, Administrator, FGIS, U.S. Department of Agriculture, Washington, DC 20250, telephone (202) 382–0219.

Dated: April 3, 1986.

Kenneth A. Gilles,

Administrator.

[FR Doc. 86–7856 Filed 4–8–86; 8:45 am]

BILLING CODE 3410–EN–M

Forest Service

Cibola National Forest, Bernalillo County, NM; Delayed Release of an Environmental Impact Statement and Record of Decision

The Department of Agriculture, Forest Service has delayed release of the Final Environmental Impact Statement and Record of Decision for the proposed land exchange by Embudo Foothill Estates venture on the Sandia Ranger District. The proposal involves National Forest Land locally referred to as the La Cueva Tract and privately owned land, also within the Sandia Ranger District of the Cibola National Forest, locally referred to as the Rounds Estate Land.

The final EIS is expected to be released by September 1986, instead of the previously reported November 1985.

Sotero Muniz, Regional Forester of the Southwest Region in Albuquerque, New Mexico is the responsible official.

For further information, contact should be directed to Sandia District Ranger, Wayne Thornton, phone (505) 281–3304.

Dated: March 31, 1986.

Sotero Muniz,

Regional Forester.

[FR Doc. 86-7923 Filed 4-8-86; 8:45 am]

BILLING CODE 3410-11-M

Public Hearing on the Proposed Land and Resource Plan and Draft of Environmental Impact Statement for the Plumas National Forest, Including Portions of Plumas, Lassen, Sierra, Butte, and Yuba Counties

AGENCY: Forest Service, USDA.

ACTION: Notice.

The Plumas National Forest will hold three public advisory hearings to provide an opportunity for oral comment to the proposed Forest Plan and Draft Environmental Impact Statement (DEIS). Hearings will be held on:

April 29, 1986 at 7:00 p.m.
Quincy High School, Main Street at Quincy Junction Road, Quincy, California

April 30, 1986 at 7:00 p.m.
Janesville Elementary School, Main Street, Janesville, California

May 1, 1986 at 7:00 p.m.
Las Plumas High School, 2380 Las Plumas, Oroville, California

Each hearing will be conducted by a hearing officer. After an introduction by the Forest Service, oral and/or written comments may be presented. A verbatim record of all oral comments will be kept which will become part of the comments on the proposed Plan and DEIS.

To insure full participation by the public, ground rules have been established for the conduct of the hearing:

(1) Each speaker will be limited to 5 minutes for an oral presentation.

(2) Persons may pre-register to speak at the hearings by contacting the Land Management Planning section at the Forest Supervisor's Office by phone (916) 283-2050, or by writing the Forest Supervisor at P.O. Box 1500, Quincy, CA 95971. Please provide your name, address, whether you are representing a group or organization, and which hearing you plan on attending.

(3) Pre-registration may also take place until 7:00 p.m. on the day of each hearing. Pre-registration will be permitted at the door from 6:30 until 7:00 p.m.

(4) The Forest Service will also accept written statements, postmarked any time prior to midnight on May 8, 1986.

(5) The order of speaking will be established by the order of pre-registration. Speakers must be pre-registered. Elected officials making a statement will speak first.

(6) There will be no comment by representatives of the Forest Service on the issues or questions raised at the hearings. All questions, issues, and comments will be addressed by the Forest Service in the final EIS.

For further information contact: Lloyd R. Britton, Forest Supervisor, Plumas National Forest, 159 Lawrence Street, P.O. Box 1500, Quincy, CA 95971; phone (916) 283-2050.

Lloyd R. Britton,

Forest Supervisor.

[FR Doc 86-7921 Filed 4-8-86; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket No. 5-85]

Proposed Foreign-Trade Zone—Santa Ana, CA; Amendment of Application

Notice is hereby given that the application submitted by the City of Santa Ana, California, for a foreign-trade zone in Santa Ana (50 FR 14000, 4-9-85) has been amended to substitute the Port of Long Beach as applicant and to expand the proposed site to include an adjacent 49-acre parcel. The zone plan discussed at the May 7, 1985, public hearing remains otherwise unchanged.

The period for comments is reopened until May 9, 1986.

The application and amendment are available for public inspection at the following locations:

U.S. Department of Commerce, Branch Office, 116A W. 4th Street, Santa Ana, California 92701.

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Rm 1529, 14th & Constitution Avenue, NW., Washington, DC 20230.

Dated: April 2, 1986.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 86-7844 Filed 4-8-86; 8:45 am]

BILLING CODE 3510-DS-M

[Docket No. 10-85]

Proposed Foreign-Trade Zone—Whatcom County, WA Amendment of Application

Notice is hereby given that the application submitted by the Port of Bellingham of Whatcom County, Washington, for foreign-trade zones in the Bellingham, Blaine, and Sumas, Washington areas (50 FR 20817, 5-20-85) has been amended to include an additional 53 acres of newly acquired Port property on West Front Street in Sumas. The zone plan discussed at the June 19 public hearing remains otherwise unchanged.

The period of comments is reopened until May 2, 1986.

The application and amendment material are available for public inspection at the following locations:

Port Director's Office, U.S. Customs Service, Cornwall and Magnolia Streets, Rm. 101, Bellingham, Washington 98225.

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Rm. 1529, 14th. & Constitution Avenue NW., Washington, DC 20230.

Dated: April 2, 1986

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 86-7845 Filed 4-8-86; 8:45 am]

BILLING CODE 3510-DS-M

[Order No. 327]

Resolution and Order Approving the Applicaton of the Greater Detroit Foreign-Trade Zone, Inc. for a Special-Purpose Subzone in Flat Rock, Michigan, Adjacent to the Detroit Customs Port of Entry

Proceedings of the Foreign-Trade Zones Board, Washington, DC.

Resolution and Order

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), the Foreign-Trade Zones Board has adopted the following Resolution and Order:

The Board, having considered the matter, hereby orders:

After consideration of the application of the Greater Detroit Foreign-Trade Zone, Inc., grantee of Foreign-Trade Zone 70, filed with the Foreign-Trade Zones Board (the Board) on June 10, 1985, requesting special-purpose subzone status for the automobile manufacturing plant of Mazda Motor Manufacturing (USA) Corporation in Flat Rock, Michigan, adjacement to the Detroit Customs port of entry, the Board, finding that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations are satisfied, and that the proposal is in the public interest, approves the application.

The Secretary of Commerce, as Chairman and Executive Officer of the Board, is hereby authorized to issue a grant of authority and appropriate Board Order.

Grant of Authority

To Establish A Foreign-Trade Subzone for Mazda in Flat Rock, Michigan, Adjacent to the Detroit Customs Port of Entry

Whereas, by an Act of Congress approved June 18, 1934, an Act "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes", as amended (19 U.S.C. 81a-81U) (the Act), the Foreign-Trade Zones Board (the Board) is authorized and empowered to grant to corporations the privilege of establishing, operating, and maintaining foreign-trade zones in or adjacent to ports of entry under the jurisdiction of the United States;

Whereas, the Board's regulations (15 CFR 400.304) provide for the establishment of special-purpose subzones when existing zone facilities cannot serve the specific use involved, and where a significant public benefit will result;

Whereas, the Greater Detroit Foreign-Trade Zone, Inc., grantee of Foreign-Trade Zone No. 70, has made application (filed June 10, 1985, Docket No. 22–85, 50 FR 27471) in due and proper form to the Board for authority to establish a special-purpose subzone at the automobile manufacturing plant of Mazda Motor Manufacturing (USA) Corporation in Flat Rock, Michigan, adjacent to the Detroit Customs port of entry;

Whereas, notice of said application has been given and published, and full opportunity has been afforded all interested parties to be heard; and,

Whereas, the Board has found that the requirements of the Act and the Board's regulations are satisfied;

Now, therefore, in accordance with the application filed June 10, 1985, the Board hereby authorizes the establishment of a subzone at Mazda's auto plant in Flat Rock, designated on the records of the Board as Foreign-Trade Subzone No. 70I at the location mentioned above and more particularly described on the maps and drawings accompanying the application, said grant of authority being subject to the provisions and restrictions of the Act and the Regulations issued thereunder, to the same extent as through the same were fully set forth herein, and also to the following express conditions and limitations:

Activation of the subzone shall be commenced within a reasonable time from the date of issuance of the grant, and prior thereto, any necessary permits shall be obtained from Federal State, and municipal authorities.

Officers and employees of the United States shall have free and unrestricted access to and throughout the foreign-trade subzone in the performance of their official duties.

The grant shall not be construed to relieve responsible parties from liability for injury or damage to the person or property of others occasioned by the construction, operation, or maintenance of said subzone, and in no event shall the United States be liable therefor.

The grant is further subject to settlement locally by the District Director of Customs and District Army Engineer with the Grantee regarding compliance with their respective requirements for the protection of the revenue of the United States and the installation of suitable facilities.

In witness whereof, the Foreign-Trade Zones Board has caused its name to be signed and its seal to be affixed hereto by its Chairman and Executive Officer or his delegate at Washington, DC, this 1st day of April 1986, pursuant to Order of the Board.

Foreign-Trade Zones Board

Paul Freedenberg,

Assistant Secretary of Commerce for Trade Administration, Chairman, Committee of Alternates.

Attest:

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 86–7904 Filed 4–8–86; 8:45 am]

BILLING CODE 3510-DS-M

National Oceanic and Atmospheric Administration

Marine Mammals; Application for Permit; Mr. Richard C. Connor (P376)

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: Mr. Richard C. Connor, Division of Biological Sciences. b. Address: University of Michigan, Ann Arbor, Michigan 48109.

2. Type of Permit: Scientific Research.

3. Name and Number of Marine Mammals: Bottlenose dolphins (*Tursiops sp.*), unspecified.

4. Type of Take: Importation of skeletal materials from Western Australia.

5. Location of Activity: Shark Bay, Western Australia.

6. Period of Activity: 1 year.

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, D.C. 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, Northeast Region, National Marine Fisheries Service, Federal Building, 14 Street, Gloucester, Massachusetts 01930.

Dated: March 27, 1986.

Richard B. Roe,

Director, Office of Fisheries Management National Marine Fisheries Service.

[FR Doc. 86–7872 Filed 4–8–86; 8:45 am]

BILLING CODE 3510-08-M

DEPARTMENT OF DEFENSE

Office of the Secretary

DoD University Forum; Meeting

AGENCY: Office of Research and Laboratory Management, DoD.

ACTION: Notice of open meeting.

SUMMARY: The DoD-University Forum will meet in open session on May 5, 1986, from 1:30 to 4:00 p.m., at the Hyatt Regency, Crystal City, 2799 Jefferson Davis Highway, Arlington, Virginia.

This meeting of the Forum will focus on planning for future activities and agenda items to be understaken by the Forum and its Working Groups.

Public attendance will be accommodated as space permits. Public attendees are requested to contact the DoD Office of Research and Laboratory

Management before COB, April 30, 1986, to be advised of the meeting room and seating accommodations.

FOR FURTHER INFORMATION CONTACT: Don DeYoung, Office of Research and Laboratory Management, (202) 694–0205.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

April 3, 1986.

[FR Doc. 86–7854 Filed 4–8–86; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF EDUCATION

Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of Proposed Information Collection Requests.

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

DATE: Interested persons are invited to submit comments on or before May 9, 1986.

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

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

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

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

Dated: April 4, 1986.

George P. Sotos,

Director, Information Resources Management Service.

Office of Postsecondary Education

Type of Review: Extension
Title: Physician's Certification of Borrower's Total and Permanent Disability
Agency Form Number: ED–1172
Frequency: One time
Affected Public: Individuals or households
Reporting Burden:
  Responses: 200
  Burden Hours: 100
Recordkeeping Burden:
  Recordkeepers: 200
  Burden Hours: 50

Abstract: This form is submitted by medical authorities on behalf of borrowers who hold National Direct Student Loan, Federal Insured Student Loan and/or Cuban loan notes and who desire to have the balance of the note cancelled due to the borrower's total and permanent disability. This is the only vehicle the Department of Education has to collect this information.

Office of Postsecondary Education

Type of Review: New
Title: Application Information Request to Participate in the Carl D. Perkins Scholarship Program
Agency Form Number: E40–18P
Frequency: One time
Affected Public: State or local governments
Reporting Burden:
  Responses: 57
  Burden Hours: 228
Recordkeeping Burden:
  Recordkeepers: 0
  Burden Hours: 0

Abstract: The Carl D. Perkins Scholarship Program uses Federal funds to provide college scholarships to outstanding high school students to enable them to pursue teaching careers at the elementary or secondary school level. This one time application information request is used to obtain from state agencies information the Department of Education needs to obligate program funds and for program management. States are not required to provide further application information for funding in subsequent years.

Office of Elementary and Postsecondary Education

Type of Review: Extension
Title: Grant Applications for High School Equivalency Program (HEP) and Client Assistance Migrant Program (CAMP)
Agency Form Number: A10–9P
Frequency: On occasion
Affected Public: Non-profit institutions
Reporting Burden:
  Responses: 80
  Burden Hours: 1600
Recordkeeping Burden:
  Recordkeepers: 0
  Burden Hours: 0

Abstract: Discretionary grants under Title IV section 418A of the Higher Education Act of 1965, as amended, are awarded to Institutions of Higher Education (IHE's) and other agencies, working closely with an IHE. The grants are awarded to aid in the design and implementation of projects that address the special educational needs of high school and first year college students who are engaged, or whose families are engaged, in migrant and other seasonal farmwork.

[FR Doc. 86–7836 Filed 4–8–86; 8:45 am]

BILLING CODE 4000-01-M

National Advisory Council on Women's Educational Programs; Meeting

AGENCY: National Advisory Council on Women's Educational Programs.

ACTION: Amendment of meeting.

SUMMARY: This document is intended to notify the general public of change in time, place and procedure of the meeting of the Executive Committee of the National Advisory Council on Women's Educational Programs as published in FR/Vol 51, No. 58, Page 10423 on Wednesday, March 26, 1986. Due to budget constraints, the Executive Committee of the National Advisory Council on Women's Educational Programs will meet in open session via teleconference on April 10, 1986, at 10:00 a.m. in Suite 556 of the Railroad Retirement Board, 2000 "L" Street NW., Washington, DC. This room is equipped with a speaker phone for the convenience of the public. The closed session originally scheduled for this date has been postphoned. The meeting will continue until all business is completed.

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 March 31, 1986.

Sally A. Todd,

Executive Director.

[FR Doc. 86–7873 Filed 4–8–86; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Intent To Grant Exclusive Patent License to RDM International Inc.

Notice is hereby given of an intent to grant to RDM International, Inc. of Phoenix, Arizona, an exclusive license to practice in the United States the invention described in U.S. Patent No. 4,161,950, entitled "Electrosurgical Knife." The patent is owned by the United States of America, as represented by the Department of Energy (DOE).

The proposed license will be exclusive, subject to a license and other rights retained by the U.S. Government, and subject to a negotiated royalty provision. DOE intends to grant the license, upon a final determination in accordance with 35 U.S.C. 209(c), unless within 60 days of this notice the Assistant General Counsel for Patents, Department of Energy, Washington, DC 20585, receives in writing any of the following, together with supporting documents:

(i) A statement from any person setting forth reasons why it would not be in the best interests of the United States to grant the proposed license; or

(ii) An application for a nonexclusive license to the invention in the United States, in which applicant states that he or she has already brought the invention to practical application or is likely to bring the invention to practical application expeditiously.

The Department will review all written responses to this notice, and will grant the license if, after expiration of the 60-day period, and after consideration of written responses to this notice, a determination is made, in accordance with 35 U.S.C. 209(c), that the license grant is in the public interest.

Issued in Washington, DC, on March 17, 1986.

J. Michael Farrell,

General Counsel.

[FR Doc. 86–7925 Filed 4–8–86; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. QF86–608–000 et al.]

Small Power Production and Cogeneration Facilities; Qualifying Status; Certificate Applications, etc.; Fort Howard Paper Company et al.

Comment Date

Thirty days from publication in the **Federal Register**, in accordance with Standard Paragraph E at the end of this notice.

April 3, 1986.

Take notice that the following filings have been made with the Commission.

1. Fort Howard Paper Company

[Docket No. QF86–608–000]

On March 18, 1986, Fort Howard Paper Company (Applicant), of P.O. Box 19130, 1919 South Broadway, Green Bay, Wisconsin 54307–9130, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-ycle cogeneration facility will be located at Savannah River Mill, Effingham County, Georgia. The facility will be constructed in four phases. When completed the facility will consist of four coal-fired circulating fluidized bed combustion boilers, two extraction/condensing turbine generators, one extraction/non-condensing turbine generator, two combustion turbine generators and two heat recovery steam generator (HRSG's). The extracted steam and steam from HRSG's will be used for process in the paper mill. The maximum electrical power production capacity of the facility will be 133 MW. The primary energy source will be coal and natural gas or oil. Construction of Phase 1 is scheduled to be completed in early 1987.

2. GSF Energy Inc.

[Docket No. QF86–546–000]

On March 12, 1986, GSF Energy Inc. (Applicant), of P.O. Box 1900, Long Beach, California 90801, submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The small power production facility will be located in Contra Costa County, California. The electric power production capacity of the facility is 2,700 kW. The primary source of energy is landfill gas derived from the anaerobic decomposition of organic materials deposited in a solid waste landfill.

3. Industrial Cogenerators Corp.

[Docket No. QF86–545–001]

On March 18, 1986, Industrial Cogenerators Corp. (Applicant), of P.O. Box 172, Concord, New Hampshire 03301, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located at Concord Industrial Park, South Main Street, Concord, New Hampshire 03301. The facility will consist of a combustion turbine generator and an extraction condensing steam turbine generator. The primary energy source will be natural gas. The electric power production capacity of the facility will be 94.5 MW. Steam will be sold to Concord Steam Corporation for district heating purposes. Installation of the facility is scheduled to begin in October 1986.

4. KTI Energy, Inc. and New England Coastal Generation Company

[Docket No. QF86–639–000]

On March 14, 1986, KTI Energy, Inc. and New England Coastal Generation Company (Applicant), of respectively 411 Hackensack Avenue, Hackensack, New Jersey 07601, and 101 Market Street, Portsmouth, New Hampshire, 03801, submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The 50.4 MW small power production facility will be located on Gosling Road, in Portsmouth, New Hampshire. The primary energy source will be biomass in the form of municipal solid waste, wood chips, and rubber chips.

5. P.H. Glatfelter Co.

[Docket No. QF86–292–001]

On March 24, 1986, P.H. Glatfelter Co. (Applicant), of 228 South Main Street, Spring Grove, Pennsylvania 17362–0500, submitted for filing an application for recertification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located in Spring Grove, Pennsylvania. The facility will consist of coal anthracite culm, and biomass fired boilers. Five extraction steam turbine-generators will produce 52.48 megawatts of electric power. The extracted steam will be used in on-site paper mill processes. Installation of new equipment will begin in May 1986.

6. Saylorville Hydro Partners

[Docket No. QF86-640-000]

On March 19, 1986, Saylorville Hydro Partners (Applicant), of 2000 Plymouth Road, Suite 380, Minnetonka, Minnesota 55343, submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The 8.3 megawatt hydroelectric facility (FERC p. 7693) will be located on the Des Moines River in Polk County, Iowa.

A separate application is required for a hydroelectric project license, preliminary permit or exemption from licensing. Comments on such applications are requested by separate public notice. Qualifying status serves only to establish eligibility for benefits provided by PURPA, as implemented by the Commission's regulations, 18 CFR Part 292. It does not relieve a facility of any other requirements of local, State or Federal law, including those regarding siting, construction, operation, licensing and pollution abatement.

7. Weyerhaeuser Company

[Docket No. QF86-594-000]

On March 12, 1986, Weyerhaeuser Company (Applicant), of P.O. Box 787, Plymouth, North Carolina 27962, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located in Martin County, North Carolina. The facility will consist of seven steam turbine generators, four high pressure boilers, and mechanical drives. The process steam will be used at an existing pulp, paperboard, paper, and wood products plant for various temperature control, drying, cooking, bleaching, bleach preparation and glue setting processes. The electric power production of the facility will be 99.4 MW. The primary energy source of the facility will be black liquor, biomass and coal.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 86-7894 Filed 4-8-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ST86-902-000 et al.]

Gas Gathering Corp. et al.; Self-Implementing Transactions

April 2, 1986

Take notice that the following transactions have been reported to the Commission as being implemented pursuant to Subpart F of Part 157 and Part 284 of the Commission's Regulations, and sections 311 and 312 of the Natural Gas Policy Act of 1978 (NGPA).[1]

The "Recipient" column in the following table indicates the entity receiving or purchasing the natural gas in each transaction.

The "Part 284 Subpart" column in the following table indicates the type of transaction. A "B" indicates transportation by an interstate pipeline pursuant to § 284.102 of the Commission's Regulations.

A "C" indicates transportation by an intrastate pipeline pursuant to § 284.122 of the Commission's Regulations. In those cases where Commission approval of a transportation rate is sought pursuant to § 284.123(b)(2), the table lists the proposed rate and expiration date for the 150-day period for staff action. Any person seeking to participate in the proceeding to approve a rate listed in the table should file a petition to intervene with the Secretary of the Commission.

A "D" indicates a sale by an intrastate pipeline pursuant to § 284.142 of the Commission's Regulations and section 311(b) of the NGPA. Any interested person may file a complaint concerning such sales pursuant to § 284.147(d) of the Commission's Regulations.

An "E" indicates an assignment by an intrastate pipeline pursuant to § 284.163 of the Commission's Regulations and section 312 of the NGPA.

An "F(157)" indicates transportation by an interstate pipeline for an end-user pursuant to § 157.209 of the Commission's Regulations.

A "G" indicates transportation by an interstate pipeline on behalf of another interstate pipeline pursuant to a blanket certificate issued under § 284.221 of the Commission's Regulations.

A "G(LT)" or "G(LS)" indicates transportation, sales or assignments by a local distribution company pursuant to a blanket certificate issued under § 284.222 of the Commission's Regulations.

A "G(HT)" or "G(HS)" indicates transporation, sales or assignments by a Hinshaw Pipeline pursuant to a blanket certificate issued under § 284.222 of the Commission's Regulations.

A "C/F(157)" indicates intrastate pipeline transportation which is incidental to a transportation by an interstae pipeline to an end-user pursuant to a blanket certificate under 18 CFR § 157.209. Similarly, a "G/F(157)" indicates such transportation performed by a Hinshaw Pipeline or distributor.

Any person desiring to be heard or to make any protests with reference to a transaction reflected in this notice should on or before April 21, 1986, file with the Federal Energy Regulatory Commission, 825 North Capital 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 or 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants party to a 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.

Lois D. Cashell,

Acting Secretary.

[1] Notice of transactions does not constitute a determination that service will continue in accordance with Order No. 436, Final Rule and Notice Requesting Supplemental Comments, 50 F.R. 42,372 (Oct. 18, 1985).

Docket No.[1]	Transporter/seller	Recipient	Date filed	Subpart	Expiration date [2]	Transportation rate (¢/MMBtu)
ST86-0902	Gas Gathering Corp	Transcontinental Gas Pipe Line Corp	02-03-86	G		
ST86-0903	Delhi Gas Pipeline Corp	Texas Eastern Transmission Corp	02-03-86	C		
ST86-0904	Delhi Gas Pipeline Corp	Anr Pipeline Co	02-03-86	C		
ST86-0905	Delhi Gas Pipeline Corp	Mississippi River Transmission Corp	02-03-86	C		
ST86-0906	Texas Eastern Transmission Corp	Western Kentucky Gas Co	02-03-86	B		
ST86-0907	Texas Eastern Transmission Corp	Southern Indiana Gas & Electric Co	02-03-86	B		
ST86-0908	Texas Eastern Transmission Corp	Memphis Light, Gas and Water Div., et al	02-03-86	B		
ST86-0909	Texas Eastern Transmission Corp	Central Illinois Public Service Co	02-03-86	B		
ST86-0910	Texas Eastern Transmission Corp	Indiana Gas Co., Inc	02-03-86	B		
ST86-0911	Equitable Gas Co	Equitable Gas Co	02-05-86	B		
ST86-0912	Producer's Gas Co	Panhandle Eastern Pipe Line Co	02-05-86	C	07-05-86	25.20
ST86-0913	Producer's Gas Co	Transwestern Pipeline Co	02-05-86	C	07-05-86	25.20
ST86-0914	Producer's Gas Co	Northwest Pipeline Corp	02-05-86	C	07-05-86	25.20
ST86-0915	Columbia Gas Transmission Corp	Richmond Utilities Board	02-06-86	B		
ST86-0916	Trunkline Gas Co	Consumer Power Co	02-06-86	B		
ST86-0917	Trunkline Gas Co	Northern Indiana Public Service Co	02-06-86	B		
ST86-0918	Trunkline Gas Co	Vldc Co	02-06-86	B		
ST86-0919	Trunkline Gas Co	Battle Creek Gas Co	02-06-86	B		
ST86-0920	Trunkline Gas Co	Consumers Power Co	02-06-86	B		
ST86-0921	South Texas Gathering Co	Texas Eastern Transmission Corp	02-06-86	C		
ST86-0922	Sun Gas Transmission Co., Inc	Tennessee Gas Pipeline Co	02-07-86	C		
ST86-0923	Sun Gas Transmission Co., Inc	Transcontinental Gas Pipe Line Corp	02-07-86	C		
ST86-0924	Superior Offshore Pipeline Co	Louisiana Gas Systems, Inc	02-07-86	B		
ST86-0925	Superior Offshore Pipeline Co	Texas Eastern Transmission Corp	02-07-86	G		
ST86-0926	Superior Offshore Pipeline Co	Louisiana Gas Systems, Inc	02-07-86	B		
ST86-0927	Transcontinental Gas Pipe Line Corp	Ugi Corp	01-31-86	B		
ST86-0928	ONG Transmission Co	Mississippi River Transmission Corp	02-10-86	C	07-10-86	10.00
ST86-0929	Tennessee Gas Pipeline Co	Southern Gas Pipeline Co	02-10-86	B		
ST86-0930	Colorado Interstate Gas Co	City of Colorado Springs	02-10-86	B		
ST86-0931	Producer's Gas Co	Southern California Gas Co	02-11-86	D		
ST86-0932	Texas Eastern Transmission Corp	Ugi Corp., et al	02-11-86	B		
ST86-0933	Texas Eastern Transmission Corp	Associated Natural Gas Co	02-11-86	B		
ST86-0934	Texas Gas Transmission Corp	Central Illinois Public Service Co	02-11-86	B		
ST86-0935	Texas Gas Transmission Corp	Southern Indiana Gas & Electric Co	02-11-86	B		
ST86-0936	Texas Gas Transmission Corp	Southern Indiana Gas & Electric Co	02-11-86	B		
ST86-0937	Texas Gas Transmission Corp	Western Kentucky Gas Co	02-11-86	B		
ST86-0938	Texas Gas Transmission Corp	Western Kentucky Gas Co	02-11-86	B		
ST86-0939	Texas Gas Transmission Corp	Louisville Gas & Electric Co	02-11-86	B		
ST86-0940	Texas Eastern Transmission Corp	Columbia Gas of Ohio, Inc., et al	02-12-86	B		
ST86-0941	Northern Border Pipeline Co	Arcadian Corp	02-12-86	F(157)		
ST86-0942	Michigan Gas Storage Co	Battle Creek Gas Co	02-13-86	B		
ST86-0943	Michigan Gas Storage Co	Consumers Power Co	02-13-86	B		
ST86-0944	Michigan Gas Storage Co	Consumers Power Co	02-13-86	B		
ST86-0945	El Paso Natural Gas Co	Southern California Gas Co	02-14-86	B		
ST86-0946	El Paso Natural Gas Co	Southern California Gas Co	02-14-86	B		
ST86-0947	El Paso Natural Gas Co	Southwest Gas Corp	02-14-86	B		
ST86-0948	Oklahoma Natural Gas Co	Bridgeline Gas Distribution Co	02-14-86	C	07-14-86	10.00
ST86-0949	Galaxy Energies, Inc	Tennessee Gas Pipeline Co	02-18-86	C		
ST86-0950	Oklahoma Natural Gas Co	Michigan Consolidated Gas Co	02-18-86	C	07-18-86	10.00
ST86-0951	Corpus Christi Gas Gathering, Inc	Transcontinental Gas Pipe Line Corp	02-18-86	C		
ST86-0952	Colorado Interstate Gas Co	City of Colorado Springs	02-18-86	B		
ST86-0953	Coronado Transmission Co	Tennessee Gas Pipeline Co	02-18-86	C		
ST86-0954	Consolidated Gas Transmission Corp	Niagara Nohawk Power Corp	02-18-86	B		
ST86-0955	Consolidated Gas Transmission Corp	East Ohio Gas Co	02-18-86	B		
ST86-0956	Delhi Gas Pipeline Corp	Trunkline Gas Co	02-18-86	C		
ST86-0957	Delhi Gas Pipeline Corp	Indiana Gas Co	02-18-86	C		
ST86-0958	Houston Pipe Line Co	Illinois Power Co	02-18-86	C		
ST86-0959	Houston Pipe Line Co	Baltimore Gas and Electric Co	02-18-86	C		
ST86-0960	Texas Gas Transmission Corp	Western Kentucky Gas Co	02-18-86	B		
ST86-0961	Texas Gas Transmission Corp	Memphis Light, Gas and Water Division	02-18-86	B		
ST86-0962	Texas Gas Transmission Corp	Memphis Light, Gas and Water Division	02-18-86	B		
ST86-0963	Texas Gas Transmission Corp	Western Kentucky Gas Co	02-18-86	B		
ST86-0964	Texas Gas Transmission Corp	Baltimore Gas and Electric Co	02-18-86	B		
ST86-0965	Texas Gas Transmission Corp	Western Kentucky Gas Co	02-18-86	B		
ST86-0966	Texas Gas Transmission Corp	Memphis Light, Gas and Water Division	02-18-86	B		
ST86-0967	Arkla Energy Resources	Arkansas Louisiana Gas Co	02-14-86	B		
ST86-0968	Arkla Energy Resources	Arkansas Louisiana Gas Co	02-14-86	B		
ST86-0969	Arkla Energy Resources	Arkansas Louisiana Gas Co	02-14-86	B		
ST86-0970	Arkla Energy Resources	Arkansas Louisiana Gas Co	02-14-86	B		
ST86-0971	Arkla Energy Resources	Arkansas Louisiana Gas Co	02-14-86	B		
ST86-0972	Arkla Energy Resources	Arkansas Louisiana Gas Co	02-14-86	B		
ST86-0973	Arkla Energy Resources	Arkansas Louisiana Gas Co	02-14-86	B		
ST86-0974	Arkla Energy Resources	Arkansas Louisiana Gas Co	02-14-86	B		
ST86-0975	Arkla Energy Resources	Arkansas Louisiana Gas Co	02-14-86	B		
ST86-0976	Arkla Energy Resources	Arkansas Louisiana Gas Co	02-14-86	B		
ST86-0977	Arkla Energy Resources	Arkansas Louisiana Gas Co	02-14-86	B		
ST86-0978	Arkla Energy Resources	Arkansas Louisiana Gas Co	02-14-86	B		
ST86-0979	Arkla Energy Resources	Arkansas Louisiana Gas Co	02-14-86	B		
ST86-0980	Arkla Energy Resources	Arkansas Louisiana Gas Co	02-14-86	B		
ST86-0981	Arkla Energy Resources	Arkansas Louisiana Gas Co	02-14-86	B		
ST86-0982	Arkla Energy Resources	Louisiana Intrastate Segment, AER	02-14-86	B		
ST86-0983	Arkla Energy Resources	Arkansas Louisiana Gas Co	02-14-86	B		
ST86-0984	Arkla Energy Resources	Arkansas Louisiana Gas Co	02-14-86	B		
ST86-0985	Arkla Energy Resources	Arkansas Louisiana Gas Co	02-14-86	B		

Docket No.[1]	Transporter/seller	Recipient	Date filed	Subpart	Expiration date[2]	Transportation rate (¢/MMBtu)
ST86-0986	Arkla Energy Resources	Arkansas Louisiana Gas Co	02-14-86	B		
ST86-0987	Arkla Energy Resources	Arkansas Louisiana Gas Co	02-14-86	B		
ST86-0988	Arkla Energy Resources	Arkansas Louisiana Gas Co	02-14-86	B		
ST86-0989	Arkla Energy Resources	Arkansas Louisiana Gas Co	02-14-86	B		
ST86-0990	Arkla Energy Resources	Arkansas Louisiana Gas Co	02-14-86	B		
ST86-0991	Arkla Energy Resources	Arkansas Louisiana Gas Co	02-14-86	B		
ST86-0992	Arkla Energy Resources	Arkansas Louisiana Gas Co	02-14-86	B		
ST86-0993	Arkla Energy Resources	Arkansas Louisiana Gas Co	02-14-86	B		
ST86-0994	Colorado Interstate Gas Co	Public Service Co. of Colorado	02-20-86	B		
ST86-0995	Colorado Interstate Gas Co	Stauffer Wyoming Pipeline Co	02-19-86	B		
ST86-0996	Louisiana Resources Co	Faustina Pipe Line Co	02-19-86	C	07-19-86	16.44
ST86-0997	Oasis Pipe Line Co	Texas Gas Transmission Corp	02-19-86	C		
ST86-0998	Houston Pipe Line Co	Texas Gas Transmission Corp	02-19-86	C		
ST86-0999	Houston Pipe Line Co	Seagull Interstate Corp	02-19-86	C		
ST86-1003	Texas Gas Transmission Corp	Dayton Power and Light Co	02-21-86	B		
ST86-1004	Texas Gas Transmission Corp	Memphis Light, Gas and Water Division	02-21-86	B		
ST86-1005	Texas Gas Transmission Corp	Western Kentucky Gas Co	02-21-86	B		
ST86-1006	Texas Gas Transmission Corp	Memphis Light, Gas and Water Division	02-21-86	B		
ST86-1007	Texas Gas Transmission Corp	Western Kentucky Gas Co	02-21-86	B		
ST86-1008	Texas Gas Transmission Corp	Consolidated Gas Transmission Corp	02-21-86	G		
ST86-1009	Texas Gas Transmission Corp	Indiana Gas Co	02-21-86	B		
ST86-1010	Acadian Gas Pipeline System	Columbia Gas Transmission Corp	02-24-86	C		
ST86-1011	Columbia Gulf Transmission Co	Bridgeline Gas Distribution Co	02-24-86	B		
ST86-1012	Texas Eastern Transmission Corp	Citizens Gas and Coke Utility	02-24-86	B		
ST86-1013	Producer's Gas Co	Northern Intrastate Pipeline Co	02-24-86	D		
ST86-1014	Cranberry Pipeline Corp	Columbia Gas Transmission Corp	02-24-86	C	07-24-86	81.29
ST86-1015	Consolidated Gas Transmission Corp	Hope Gas, Inc	02-26-86	B		
ST86-1016	Mountain Fuel Resources, Inc	Intermountain Gas Co	02-26-86	B		
ST86-1017	Mountain Fuel Resources, Inc	Pacific Gas and Electric Co	02-28-86	B		
ST86-1018	Anr Pipeline Co	Columbia Gas of Ky, Inc., et al	02-27-86	B		
ST86-1019	Llano, Inc	Southern California Gas Co	02-27-86	D	07-27-86	10.20/31.50
ST86-1020	Arkansas Oklahoma Gas Corp	Columbia Gas Transmission Corp	02-28-86	G(ht)		
ST86-1021	Arkansas Oklahoma Gas Corp	Tennessee Gas Pipeline Co	02-28-86	G(HT)		
ST86-1022	Arkansas Oklahoma Gas Corp	Mississippi River Transmission Corp	02-28-86	G(HT)		
ST86-1023	El Paso Natural Gas Co	El Paso Hydrocarbons Co	02-28-86	B		
ST86-1024	El Paso Natural Gas Co	El Paso Hydrocarbons Co	02-28-86	B		
ST86-1025	Northwest Pipeline Corp	Greeley Gas Co	02-28-86	B		
ST86-1026	El Paso Natural Gas Co	El Paso Hydrocarbons Co	02-28-86	B		
ST86-1027	El Paso Natural Gas Co	El Paso Hydrocarbons Co	02-28-86	B		
ST86-1028	El Paso Natural Gas Co	El Paso Hydrocarbons Co	02-28-86	B		
ST86-1029	El Paso Natural Gas Co	El Paso Hydrocarbons Co	02-28-86	B		
ST86-1030	El Paso Natural Gas Co	El Paso Hydrocarbons Co	02-28-86	B		
ST86-1031	El Paso Natural Gas Co	El Paso Hydrocarbons Co	02-28-86	B		
ST86-1032	El Paso Natural Gas Co	El Paso Hydrocarbons Co	02-28-86	B		
ST86-1033	El Paso Natural Gas Co	El Paso Hydrocarbons Co	02-28-86	B		
ST86-1034	El Paso Natural Gas Co	El Paso Hydrocarbons Co	02-28-86	B		
ST86-1035	El Paso Natural Gas Co	El Paso Hydrocarbons Co	02-28-86	B		
ST86-1036	El Paso Natural Gas Co	El Paso Hydrocarbons Co	02-28-86	B		
ST86-1037	Colorado Interstate Gas Co	Public Service Co. of Colorado	02-28-86	B		

[1] Notice of transactions does not constitute a determination that filings comply with Commission regulations in accordance with order No. 436 (final rule and notice requesting supplemental comments, 50 FR 42,372, 10/18/85).

[2] The Instrastate Pipeline has sought Commission Approval of its transportation rate pursuant to section 284.123(B)(2) of the Commission's Regulations (18 CFR 284.123(B)(2)). Such rates are deemed fair and equitable if the Commission does not take action by the date indicated.

[FR Doc. 86-7895 Filed 4-8-86; 8:45 am]
BILLING CODE 6717-01-M

[Docket Nos. C186-293-000 and CI86-297-000]

Producer-Suppliers of Transcontinental Gas Pipe Line Corp. and Transco Gas Supply Co.; Applications for Blanket Abandonment Authorization and Blanket Certificate of Public Convenience and Necessary

April 4, 1986.

Take notice that on March 28, 1986, Transcontinental Gas Pipe Line Corporation and Transco Gas Supply Company (herein together referred to as "Applicant"), both at P.O. Box 1396, Houston, Texas 77251, filed in this proceeding applications pursuant to sections 4 and 7 of the Natural Gas Act ("NGA") and Parts 154 and 157 of the Commission's Regulations. The applications request on behalf of producer-suppliers currently selling gas to Applicant pursuant to certificates of public convenience and necessity an order (1) authorizing in Docket No. CI86-297-000 the blanket permanent abandonment by Applicant's producer-suppliers of certain sales for resale of natural gas in interstate commerce, (2) issuing a blanket certificate of public convenience and necessity in Docket No. CI86-293-000 authorizing the sale for resale of such natural gas in interstate commerce by those producer-suppliers, and (3) authorizing blanket pre-granted abandonment of any sales for resale of natural gas made under the requested certificate. Applicant also requests on behalf of its producer-suppliers waiver of Commission Regulations, including certain portions of Parts 154 and 271 of the Commission's Regulations. Applicant requests that the authorizations sought in these proceedings be considered on an expedited basis. Applicant specifically requests that the authorizations sought herein be issued and made effective as of the date of Commission approval of the Stipulation and Agreement filed concurrently herewith by Transcontinental Gas Pipe Line Corporation in Docket Nos. TA85-1-29-000, TA85-3-29-000, TA86-1-29-000, RP83-137-000 and CP85-190-000 (hereinafter referred to as the "Stipulation and Agreement").

Applicant states that its applicatons are filed as a companion to the Stipulation and Agreement and are on behalf of certain producer-suppliers of Applicant (herein referred to as "Participating Producers") with whom Applicant has concluded or concludes settlements and/or contract revisions in the context of Applicant's efforts to implement "open access" transportation pursuant to Order Nos. 436 and 436-A

and the terms of the Stipulation and Agreement referenced above. Applicant states that the applications herein are filed on behalf of Participating Producers in order to obtain the authorizations that will be necessary to allow them to release gas currently committed under contract to Applicant for subsequent sales to other purchasers. Such third-party sales are integral parts of settlement agreements between Applicant and Participating Producers addressing and resolving take-or-pay, pricing and other issues under existing gas purchase contracts.

As part of the overall resolution of current natural gas market dislocations and to effectuate a transition to a more competitive market environment, Applicant states that it is seeking to achieve resolution of gas purchase contract problems through settlements and/or negotiated contract revisions with its producer-suppliers which would include, among other things, (1) market-responsive pricing provisions, (2) bilateral renegotiation provisions, and (3) reasonable take-or-pay obligations with maximum deliverability limits.

Applicant anticipates that most, if not all, of the settlements and/or negotiated contract revisions entered into by Applicant and its producer-suppliers will contain one or more of several types of release provisions. First, Applicant may release permanently from contract dedication up to 40 percent of its producer-suppliers' currently dedicated gas, to be marketed by producer-suppliers with no restriction as to the markets into which the gas may be sold. In this connection, Applicant states its current deliverability exceeds its pipeline capacity by over 33 percent and as such the requested immediate permanent release is warranted. Second, Applicant may release temporarily from contract dedication quantities of gas not taken by Applicant on a day-to-day basis due to fluctutations in third party sales to its customers, again to be marketed by producer-suppliers without market restriction. Third, Applicant may permanently release additional gas from contract dedication due to aggregate reductions in Applicant's sales obligations resulting from its customers' exercise of contract conversion and/or reduction rights, as set forth in the Stipulation and Agreement. Finally, contracts may be terminated and gas released as the result of the exercise of rights under market-out or bilateral renegotiation provisions, with the producer-suppliers again having the right to market the gas without market restrictions.

Applicant states that Commission approval of its requests herein would constitute issuance to its Participating Producers of the requisite blanket permanent full or partial abandonment and blanket sales certificate authority, with pre-granted abandonment, under section 7 of the Natural Gas Act and other authorizations, if any, necessary to implement the marketing of all released gas supplies which are subject to the Commission's Natural Gas Act jurisdiction, as discussed above. Applicant further states that it will file with the Commission, and serve on its customers, statements identifying Participating Producers which are eligible for the authorizations requested herein-and shall file or cause to be filed with the Commission, on a quarterly basis, information as to released quantities subject to the Commission's Natural Gas Act jurisdiction, as specified on the attached Appendix, which information shall be provided to Applicant by Participating Producers as a condition of eligibility for the authorizations obtained hereby. Any or all of the gas which is currently committed to Applicant under contract with Participating Producers and subject to Natural Gas Act jurisdiction would be covered by the abandonment and sales authorizations sought herein; i.e., Applicant contemplates the possible release and sale of all NGPA categories of gas, including § 104, § 106 and § 109 gas. According to Applicant, approximately 58% or 2.5 Bcf of its daily gas deliverabvility is subject to the authorizations requested herein.

Applicant requests that the Commission waive its regulations under the NGA as to the establishment and maintenance by eligible producer-suppliers of rate schedules under Part 154 of the Commission's Regulations. Further, Applicant states that the requested blanket sales certificate would be conditioned so that the rates charged would be limited to the applicable maximum lawful price prescribed by the NGPA. In addition, Applicant requests that automatic collection of the appropriate monthly adjustments be permitted and that the Commission waive the requirement that eligible producer-suppliers file blanket affidavits to cover such sales in accordance with Section 154.94(h) of the regulations. Also, Applicant requests that to the extent producer-suppliers qualify for collection of any applicable allowances under section 110 of the NGPA, the Commission waive the requirement that they comply with § 154.94(k) and Part 271 of the Commission's Regulations.

No transportation authority is sought by Applicant in these applications. Applicant states that transportation on its system of any gas released and sold under the authorizations sought herein would be accomplished under the terms of the Stipulation and Agreement and Order Nos. 436 and 436–A.

Applicant submits that Commission approval of the authorizations sought herein, which is a necessary condition for implementation of the Stipulation and Agreement, is required by the public convenience and necessity. Applicant also states that the authorization requested will provide benefits to all segments of the natural gas industry, including consumers, that are sufficient to justify granting those authorizations. Applicant is seeking to enter into arrangements with Participating Producers where it will have the opportunity to reduce its take-or-pay obligations through the release of surplus gas. As such, Applicant states that any limitation on the term of the abandonment authorization sought will decrease the amount of marketing flexibility available to Participating Producers, and consequently the likelihood for overall success in Applicant's gas supply contract renegotiation efforts. Applicant avers that the granting of the requested authorizations will be consistent with the Commission's policy objectives, stated in Order No. 436, of satisfying the mandate of the NGPA by encouraging the movement of gas from the wellhead to the burner-tip in response to the demands of natural gas consumers for reliable service at the lowest reasonable price. Applicant states that its and Participating Producer's flexibility to move market-responsive gas supplies to meet consumer demand will be increased, and that low-cost gas currently not being produced due to lack of demand for Applicant's system supply will be released in order to be transported to willing buyers under more marketable conditions.

Applicant also requests a waiver of any and all otherwise applicable orders, rules, regulations and reporting requirements, now effective or hereafter promulgated or issued by the Commission, to the extent such order, rules, regulations or reporting requirements are or may be inconsisent with the authorizations requested herein.

The circumstances presented in the applications meet the criteria for consideration on an expedited basis, pursuant to § 2.77 of the Commission's rules as promulgated by Order Nos. 436 and 436–A, issued October 9, and

December 12, 1985, respectively, in Docket No. RM85-1-000, all as more fully described in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before 15 days after the date of publication of this notice in the **Federal Register**, file with the Federal Energy Regulatory Commission, Washington, DC 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceedings. Any person wishing to become a party to the proceedings herein must file petitions to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless otherwise advised it will be unnecessary for Applicant to appear or to be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

Appendix—In the Matter of Producer-Suppliers of Transcontinental Gas Pipe Line Corporation and Transco Gas Supply Company

[Docket Nos. CI86-293-000 and CI86-297-000]

For all sales of gas authorized to be abandoned by Participating Producers pursuant to the instant application, Transcontinental Gas Pipe Line Corporation (Transco) shall file with the Commission quarterly reports within 45 days of each calendar quarter commencing effective April 1, 1986. The reports shall include the following information:

(1) FERC Gas Rate Schedule for the current sale to Transco,

(2) the corresponding producing field(s),

(3) the NGPA price category(s) covered under each such Rate Schedule,

(4) the contract price to Transco under each such Rate Schedule ($/MMBtu),

(5) the volumes, by NGPA category, of gas abandoned under the authorization,

(6) the name of each purchaser,

(7) the volume (MMBtu, by NGPA price category, of gas sold to each new purchaser,

(8) the price paid by each new purchaser for such volumes, and

(9) the amount of take-or-pay relief credited to Transco for each sale by Rate Schedule and NGPA price category.

[FR Doc. 86-7896 Filed 4-8-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CI86-278-000 and CI86-296-000]

Producer-Suppliers of Transcontinental Gas Pipe Line Corp. and Transco Gas Supply Co.; Applications for Limited-Term Abandonment and Blanket Limited-Term Certificate of Public Convenience and Necessity

April 4, 1986.

Take notice that on March 18, 1986, and March 20, 1986, as suplemented on March 27, 1986, Transcontinental Gas Pipe Line Corporation and Transco Gas Supply Company (herein together referred to as "Applicant"), both at P.O. Box 1396, Houston, Texas 77251, filed in this proceeding applications pursuant to sections 4 and 7 of the Natural Gas Act ("NGA") and Parts 154 and 157 of the Commission's Regulations. Applicant, on behalf of its current producer-suppliers, requests that the Commission (1) authorize in Docket No. CI86-296-000 blanket limited-term full or partial abandonment by such producer-suppliers of certain sales for resale of natural gas in interstate commerce, (2) issue in Docket No. CI86-278-000 a blanket limited-term certificate of public convenience and necessity authorizing the sale for resale of such natural gas in interstate commerce, and (3) authorize blanket pre-granted abandonment of any sales for resale of natural gas made under the requested certificate. Applicant also requests on behalf of its producer-suppliers a waiver of Commission Regulations, including certain portions of Parts 154 and 271 of the Commission's Regulations. Applicant states that the authorizations requested are necessary to avoid or mitigate a disastrous situation involving its producer-suppliers that produce certificated gas which has been treated by Applicant as "protected" volumes. Applicant states that such volumes include casinghead gas, gas subject to drainage protection, gas purchased to prevent well or reservioir damage, gas produced from marginal wells and other gas Applicant determines requires protection. In addition, Applicant requests such authorizations to avoid shutting-in other producer-suppliers' certificated gas which due to a dramatic decline in market demand is currently being purchased by Applicant at substantially reduced takes. To evidence its drop in market demand, Applicant states that its CD sales had averaged approximately 2.1 Bcf/d in January 1986, and 1.9 Bcf/d in February 1986, but had fallen to approximately 1.1 Bcf/d during the five days commencing March 10, 1986. Applicant estimates that its CD sales may soon drop to 600 MMcf/d or lower. Further, Applicant states that the "protected" volumes committed to it are approximately 800 MMcf/d, and, if its CD sales drop to 600 MMcf/d, a full 200 MMcf/d of "protected" volumes would be shut-in. Additionally, Applicant states that takes of gas other than "protected" gas have recently averaged only 3% to 5% of the producer-suppliers' available deliverability. Applicant also states that the authorizations requested will be necessary to allow the producer-suppliers, for a limited period of time, to sell gas released by Applicant to other purchasers. Such third-party sales will enable producers to continue production and thereby forestall any possible claims by producers against Applicant of irreparable harm resulting from the shutting-in of their wells. Further, Applicant states that such released quantities would be available to be sold at market clearing levels, thereby helping to maintain pipeline system through-put. Applicant requests that the authorizations herein be considered on an expedited basis, to be made effective as soon as possible, but in no event later than April 1, 1986.

Applicant states that it will file with the Commission, and serve on its customers, statements identifying those producer-suppliers utilizing the authorizations requested, and will file or cause to be filed with the Commission, on a monthly basis, information as specified on the Appendix hereto, which information shall be supplied to Applicant by eligible producer-suppliers as a condition of eligibility for the authorizations requested. Further, Applicant states that any or all of the jurisdictional gas committed to it would be covered by the limited-term abandonment and sales authorizations sought, to the extent such gas is released byTransco. Specifically, Applicant states that approximately 58% or 2.5 Bcf of its daily gas deliverability is subject to the NGA and that amount is the maximum daily quantity of gas which would be subject to the requested authorizations. Applicant states that the following is a breakdown of the volumes according to NGPA category and vintage:

NGPA category/vintage	Estimated deliverability (MMcf/d) [1]
§ 102(d)	1,374
§ 104—flowing	107
§ 104—repl./rec.	130
§ 104—1973-1974 biennium	48
§ 104—post-1974	676
§ 106	81
§ 108	7
§ 109	54
Total jurisdictional gas	2,477

[1] Total deliverability, as well as deliverability for any particular category or vintage, could vary from day to day.

Applicant requests that the Commission waive its regulations under the NGA as to the establishment and maintenance by eligible producer-suppliers of rate schedules under Part 154 of the Commission's Regulations. Further, Applicant states that the requested blanket sales certificate would be conditioned so that the rates charged would be limited to the applicable maximum lawful price prescribed by the NGPA. In addition, Applicant requests that automatic collection of the appropriate monthly adjustments be permitted and that the Commission waive the requirement that eligible producer-suppliers file blanket affidavits to cover such sales in accordance with Section 154.94(h) of the regulations. Also, Applicant requests that to the extent producer-suppliers qualify for collection of any applicable allowances under section 110 of the NGPA, the Commission waive the requirement that they comply with § 154.94(k) and Part 271 of the Commission's Regulations.

Applicant states that it is currently negotiating with its customers, producers, and other interested parties with the goal of settling certain outstanding issues and to implement Order Nos. 436 and 436–A issued in Docket No. RM85–1–000.[1] In that regard, Applicant states that it proposes in the immediate future to file a proposed settlement and an application for abandonment and sales authority that would provide long-term relief for these producer-suppliers entering into negotiated settlements and/or contract revisions providing relief from contract claims for past periods and market responsive revisions to gas purchase contracts. Consequently, the relief sought herein is requested to be effective only until such time as the application submitted in conjunction with the proposed settlement is approved and made effective, or until July 1, 1986, whichever first occurs.

[1] 33 FERC ¶ 61,007 (1985) and 33 FERC ¶ 61,372 (1985), respectively.

Finally, Applicant requests waiver of any and all otherwise applicable rules, regulations and reporting requirements now effective or hereafter promulgated or issued by the Commission, to the extent such orders, rules, regulations or reporting requirements are or may be inconsistent with the authorizations requested herein.

The circumstances presented in the applications meet the criteria for consideration on an expedited basis, pursuant to § 2.77 of the Commission's rules as promugated by Order Nos. 436 and 436–A., issued October 9, and December 12, 1985, respectively, in Docket No. RM85–1–000, all as more fully described in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before 15 days after the date of publication of this notice in the Federal Register, file with the Federal Energy Regulatory Commission, Washington, DC 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the poroceedings. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless otherwise advised it will be unnecessary for Applicant to appear or to be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

Appendix—In the Matter of Producer-Suppliers of Transcontinental Gas Pipe Line Corporation and Transco Gas Supply Company

[Docket No. CI86–278–000 and CI86–296–000]

For all sales of gas authorized to be abandoned by eligible producer-suppliers pursuant to the instant application, Transcontinental Gas Pipe Line Corporation (Transco) shall file with the Commission quarterly reports within 45 days of each calandar quarter commencing effective April 1, 1986. The reports shall include the following information:

(1) FERC Gas Rate Schedule for the current sale to Transco,

(2) the corresponding producing field(s),

(3) the NGPA price category(s) covered under each such Rate Schedule,

(4) the contract price to Transco under each such Rate Schedule ($/MMBtu),

(5) the volumes, by NGPA category, of gas abandoned under the authorization,

(6) the name of each purchaser,

(7) the volume (MMBtu), by NGPA price category, of gas sold to each new purchaser,

(8) the price paid by each new purchaser for such volumes, and

(9) the amount of take-or-pay relief credited to Transco for each sale by Rate Schedule and NGPA price category.

[FR Doc. 86–7897 Filed 4–8–86; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[PF–439, FRL–2985–5]

Withdrawal of Pesticide Tolerance Petitions; American Cyanamid Co.

Correction

In the issue of Wednesday, March 19, 1986, in the document beginning on page 9510 at the bottom of the third column, make the following corrections:

1. On page 9511, in the second column, in the **SUPPLEMENTARY INFORMATION**, the sixth and seventh lines should read: "for flucythrinate ((±)cyano(3-phenoxyphenyl) methyl(±)-4-".

2. Also, on page 9511, in the first column, the FR Doc. number should have read "86–5757".

BILLING CODE 1505-01-M

[PF–448; FRL–2998–9]

Pesticide Tolerance Petition; Pennwalt Corp.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Pennwalt Corporation has submitted to EPA a pesticide petition proposing to exempt from the requirement of a tolerance the hybridizing agent potassium 3,4-dichloro-5-isothiazole-carboxylate in or on the commodity cotton seed.

ADDRESS: By mail, submit comments identified by the document control number [PF–448] and the petition number, attention Product Manager (PM–25), at the following address:

Information Services Section (TS–757C), Program Management and Support Division, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

In person, bring comments to:
Information Services Section (TS–757C), Environmental Protection Agency, RM. 236, CM# 2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

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. All written comments filed in response to this notice will be available for public inspection in the Information Services Section office at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT:
By mail: Robert Taylor, (PM–25), Registration Division (TS–767C), Environmental Protection Agency, Office of Pesticide Programs, 401 M St., SW., Washington, DC 20460.
Office location and telephone number: Rm. 245, CM# 2, 1921 Jefferson Davis Hwy., Arlington, VA, (703–557–1800).

SUPPLEMENTARY INFORMATION: EPA has received a pesticide petition (PP) 6F3379 from Pennwalt Corp., Agchem Division, Three Parkway, Room 619, Philadelphia, PA 19102, proposing to amend 40 CFR Part 180 by requesting an exemption from the requirement of a tolerance for residues of the chemical hybridizing agent potassium 3,4-dichloro-5-isothiazolecarboxylate in or on the commodity cotton seed.

The proposed analytical method for determining residues is high pressure liquid chromatography.

Authority: 21 U.S.C. 346a.

Dated: March 31, 1986.

Douglas D. Campt,
Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 86–7817 Filed 4–8–86; 8:45 am]
BILLING CODE 6560–50–M

[OPP–32500A; FRL–2997–9]

Pesticide Programs; Conditional Registration of New Pesticides; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Correction.

SUMMARY: EPA issued a policy regarding approval or denial of applications for conditional registration of pesticide products containing new active ingredients under section 3(c)(7)(C) of the Federal Insecticide, Fungicide, and Rodenticide Act. This policy was published in the **Federal Register** of March 5, 1986 (51 FR 7628), FR Doc. 86–4489. Inadvertently, Units X and XI of the policy were omitted. Today's action corrects that omission by printing them in their entirety.

FOR FURTHER INFORMATION CONTACT:
By mail: Jean M. Frane, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460.
Office location and telephone number: Rm. 1114, CM#2, 1921 Jefferson Davis Highway, Arlington, VA, (703–557–0944).

SUPPLEMENTARY INFORMATION: The missing text, which should have followed Unit VIII.3, starting on the third line of the third column of page 7634, follows. For the convenience of the reader the concluding paragraph is being republished.

IX. Conversion to Unconditional Registration

When the Agency determines that the registrant has satisfied all conditions attached to the registration of the new chemical, the Agency will notify the registrant by letter that his registration is acceptable under FIFRA section 3(c)(5). The notice will specify the date of conversion to unconditional registration, and will require that the registrant submit a final production report to the Registration Division. Thereafter the registrant will be required to submit production reports only under FIFRA sec. 7.

X. If the Conditions of Registration Are Not Satisfied

1. If a registrant fails to submit the conditional studies or required progress reports within the timeframe set by the Agency, the registration will expire automatically. The Agency is unlikely to grant requests for disposition of existing stocks if the registration expires for failure to submit required data.

2. If the Agency determines, based on studies submitted at the end of the period of conditional registration, that the pesticide exceeds one or more risk criteria under 40 CFR 154.7, the conditions of the registration will be deemed to have not been fulfilled, and the conditional registration will expire.

The Agency will notify the registrant of the date of expiration, and may permit disposition of existing stocks after the expiration date, consistent with its assessment of the pesticide's risk.

Dated: March 27, 1986.

John A. Moore,
Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 86–7630 Filed 4–8–86; 8:45 am]
BILLING CODE 6560–50–M

[OPP–36116; FRL–2996–8]

Standard Evaluation Procedures; Availability of Final Guidance Documents

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: Twenty internal review procedures outlined in the Standard Evaluation Procedures are available to the public and can now be purchased through the National Technical Information Service (NTIS). The NTIS order number and price for each document are provided.

ADDRESS: Address orders to: National Technical Information Service, ATTN: Order Desk, 5285 Port Royal Road, Springfield, VA 22161, (703–487–4650).

Orders for Standard Evaluation Procedures may be placed by telephone to the NTIS order desk and charged against a deposit account or American Express, VISA, or Mastercard or sent by mail with check, money order, or account number.

FOR FURTHER INFORMATION CONTACT:
By mail: Stephen L. Johnson, Hazard Evaluation Division (TS–769C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460.
Office location and telephone number: Rm. 1121, Crystal Mall Building #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–7695).

SUPPLEMENTARY INFORMATION: The Standard Evaluation Procedures (SEPs) are a standard set of guidance documents on how the Hazard Evaluation Division (HED) evaluates studies and scientific date to ensure consistency of scientific reviews. Not only will the SEPs serve as valuable internal reference documents and training aids for new staff, these documents will also inform the public and regulated community of important considerations in the evaluation of test data for determining chemical hazards.

The SEPs ensure a comprehensive, consistent treatment of major scientific topics in EPA's science reviews and

provide interpretive policy guidance where appropriate, but are not so detailed that they inhibit creativity and independent throught. The SEPs also serve as training aids for new staff, and inform the public of the internal review process. Throughout the remainder of this and next fiscal year, HED will be writing additional SEPs on the scientific disciplines of toxicology, chemistry, exposure assessment, and ecological effects. Twenty SEPs have been published this far and are available from the National Technical Information Service, responsible for distribution of all SEPs after they have been finalized. Prior to publication, each of the SEPs must undergo extensive peer review including Division, Office, Intra-Agency, FIFRA Scientific Advisory Panel, and public comment; this announcement will serve to provide ordering information on the 20 SEPs published thus far.

Document titles, prices, and order numbers are as follows:

Document title	NITS order No.	Price (hard copy)	Price (microfiche)
Honey Bee—Acute Contact LD_{50}.	PB86-154580	$9.95	$5.95
Honey Bee—Toxicity of Residues on Foliage.	PB86-129244	$9.95	$5.95
Wild Mammal Toxicity Test.	PB86-129251	$9.95	$5.95
Acute Toxicity Test for Freshwater Invertebrates.	PB86-129269	$9.95	$5.95
Acute Toxicity Test for Freshwater Fish.	PB86-129277	$9.95	$5.95
Avian Single-Dose Oral LD_{50}.	PB86-129285	$9.95	$5.95
Avian Dietary LC_{50} Test.	PB86-129293	$9.95	$5.95
Acute Toxicity Test for Estuarine and Marine Organisms (Estuarine Fish 96-Hour Acute Toxicity Test).	PB86-129301	$9.95	$5.95
Acute Toxicity Test for Estuarine and Marine Organisms (Shrimp 96-Hour Acute Toxicity Test).	PB86-129319	$9.95	$5.95
Acute Toxicity Test for Estuarine and Marine Organisms (Mollusc 96-Hour Flow-Through Shell Deposition Study).	PB86-129327	$9.95	$5.95
Acute Toxicity Test for Estuarine and Marine Organisms (Mollusc 48-Hour Embryo Larvae Study).	PB86-129335	$9.95	$5.95
Hydrolysis Studies.	PB86-129343	$9.95	$5.95
Aqueous Photolysis Studies.	PB86-129350	$9.95	$5.95
Aerobic Soil Metabolism Studies.	PB86-129368	$9.95	$5.95
Soil Photolysis Studies.	PB86-129376	$9.95	$5.95
Soil Column Leaching Studies.	PB86-129384	$9.95	$5.95
Teratology Studies.	PB86-129392	$9.95	$5.95
Oncogenicity Potential (Guidance for Analysis and Evaluation of Long Term Rodent Studies).	PB86-129400	$11.95	$5.95
Toxicity Potential (Guidance for Analysis and Evaluation of Subchronic and Chronic Exposure Studies).	PB86-129418	$9.95	$5.95
Magnitude of the Residue: Crop Field Trials.	PB86-129426	$9.95	$5.95

For each procedure document desired, your order should specify the title of the procedure document, the corresponding NTIS order number, and whether hard copy or microfiche is desired. The NTIS order number is the same for both microfiche and hard copy, but the price differs for each form. Send orders to the address provided above.

Dated: March 24, 1986.

John W. Melone,

Director, Hazard Evolution Division.

[FR Doc. 86-7413 Filed 4-8-86; 8:45 am]

BILLING CODE 6560-50-M

[OPP-50654; FRL-2999-1]

Issuance of Experimental Use Permits; American Hoechst Corp. et al.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted experimental use permits to the following applicants. These permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

FOR FURTHER INFORMATION CONTACT: By mail, the product manager cited in each experimental use permit at the address below: Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

In person or by telephone: Contact the product manager at the following adress at the office location or telephone number cited in each experimental use permit: 1921 Jefferson Davis Highway, Arlington, VA.

SUPPLEMENTARY INFORMATION: EPA has issued the following experimental use permits:

8340-EUP-8. Extension. American Hoechst Corporation, Route 202-206 North, Somerville, NJ 08876. This Experimental use permit allows the use of 608 pounds of the herbicide (±)-ethyl2-[4-[(6-chloro-2-benzoxazolyl)oxy] phenoxy] propanoate on rice and soybeans to evaluate the control of weeds. A total of 3,040 acres are involved; the experimental use permit is authorized in the States of Alabama, Arkansas, California, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, and Wisconsin. The experimental use permit is effective from March 5, 1986 to March 5, 1987. A temporary tolerance for residues of the active ingredient in or on rice and soybeans has been established. (Richard Mountfort, PM 23, Rm. 237, CM#2, (703-557-1830))

8340-EUP-10. Issuance. American Hoechst Corporation, route 202-206, Somerville, NJ 08876. This experimental use permit allows the use of 220 pounds of the herbicide mono-ammonium 2-amino-4-(hydroxymethylphosphinyl) butanoate on fallow land for the sole purpose of conducting an applicator exposure study. A total of 110 acres are involved; the program is authorized only in the State of California. The experimental use permit is effective from February 24, 1986 to August 24, 1986. (Richard Mountfort, PM 23, Rm. 237, CM#2, (703-557-1830))

464-EUP-88. Issuance. Dow Chemical Company, P.O. Box 1706, Midland, MI 48640. This experimental use permit allows the use of 625 pounds of the herbicides 2,4-dichlorophenoxyacetic acid and 3,6-dichloro-2-pyridinecarboxylic acid as alkanolamine salts on barley, oats, and wheat to evaluate the control of broadleaf weeds. A total of 1,000 acres are involved; the program is authorized

only in the States of Idaho, Montana, North Dakota, Oregon, and Washington. The experimental use permit is effective from March 4, 1986 to March 4, 1987. A temporary tolerance for residues of the active ingredient in or on barley, oats, and wheat has been established. (Richard Mountfort, PM 23, Rm. 237, CM#2, (703-557-1830))

352-EUP-114. Renewal. E.I. duPont de Nemours & Company, Barley Mill Plaza, Wilmington, DE 19898. This experimental use permit allows the use of 1.225 pounds of the herbicide 2-[4-[(6-chloro-2-quinoxalinyl)oxy]phenoxy]propionic acid, ethyl ester on cotton to evaluate the control of weeds. A total of 4,900 acres are involved; the program is authorized only in the States of Alabama, Arizona, Arkansas, California, Georgia, Louisiana, Mississippi, Missouri, Oklahoma, South Carolina, Tennessee, and Texas. A temporary tolerance for residues of the active ingredient in or on cotton has been established. (Robert Taylor, PM 25, Rm. 245, CM#2, (703-557-1800))

352-EUP-115. Renewal. E.I. duPont de Nemours & Company, Barley Mill Plaza, Wilmington, DE 19898. This experimental use permit allows the use of 1.225 pounds of the herbicide 2-[4-[6-chloro-2-quinoxalinyl)oxy]phenoxy]propionic acid, ethyl ester on soybeans to evaluate the control of weeds. A total of 4,900 acres are involved; the program is authorized in the States of Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, and Wisconsin. This experimental use permit and the one above were previously effective from May 9, 1984 to December 31, 1985. The permits are now effective from March 11, 1986 to March 11, 1987. A temporary tolerance for residues of the active ingredient in or on soybeans has been established. (Robert Taylor, PM 25, Rm. 245, CM#2, (703-557-1800))

352-EUP-130. Issuance. E.I. duPont de Nemours & Company, Barley Mill Plaza, Wilmington, DE 19898. This experimental use permit allows the use of 63 pounds of the herbicide methyl 2-[[[[N-(4-methoxy-6-methyl-1,3,5-triazin-2-yl)methyl-amino] carbonly]amino]sulfonyl] benzoate on barley and wheat to evaluate the control of various broadleaf weeds. A total of 3,000 acres are involved; the program is authorized only in the States of California, Colorado, Idaho, Kansas, Michigan, Minnesota, Montana, Nebraska, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming. The experimental use permit is effective from February 25, 1986 to February 25, 1987. A temporary tolerance for residues of the active ingredient in or on barley and wheat has been established. (Richard Mountfort, PM 23, Rm. 237, CM#2, (703-557-1830))

55666-EUP-1. Melamine Chemicals, Inc., P.O. Box 748, Donaldsonville, LA 70346. This experimental use permit allows the use of 9,170 pounds of the herbicide hexazinone on conifer forests, plantations, planting sites, and noncropland areas to evaluate the control of herbaceous and woody weeds. A total of 2,800 acres are involved; the experimental use of program is authorized only in the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Oregon, South Carolina, Tennessee, Virginia, and Washington. The experimental use permit is effective from March 17, 1986 to June 30, 1987. (Richard Mountfort, PM 23, Rm. 237, CM#2, (703-557-1830))

45639-EUP-14. Extension. Nor-Am Chemical Company, 3509 Silverside Road, Wilmington, DE 19803. This experimental use permit allows the use of 633.75 pounds of the insecticide 3,6-bis(2-chlorophenyl) 1,2,4,5-tetrazine on apples to evaluate the control of various apple insects. A total of 2,503 acres are involved; the program is authorized in the States of California, Colorado, Connecticut, Idaho, Illinois, Indiana, Maine, Maryland, Massachusetts, Michagan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, South Carolina, Utah, Vermont, Virginia, Washington, West Virginia, and Wisconsin. The experimental use permit is effective from March 13, 1986 to March 13, 1987. A temporary tolerance for residues of the active ingredient in or on apples has been established. (Jay Ellenberger, PM 12, Rm. 202, CM#2, (703-557-2386))

707-EUP-105. Issuance. Rohm & Haas Company, Independence Mall West, Philadelphia, PA 19105. This experimental use permit allows the use of 2,454 pounds of the fungicide alph-butyl-alpha(4-chlorophenyl)-1H-1,2,4-triazole-1-propaneitrile on apples, grapes, and perennial grasses grown for seed to evaluate seed production and various diseases. A total of 1,540 acres are involved; the program is authorized only in the States of Arizona, Arkansas, California, Colorado, Georgia, Idaho, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New Mexico, New York, North Carolina, Ohio, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, Washington, West Virginia, and Wisconsin. The experimental use permit is effective from February 28, 1986 to February 28, 1988. Temporary tolerances for residues of the active ingredient in or on apples and grapes have been established. (Henry Jacoby, PM 21, Rm. 227, CM#2 (703-557-1900))

Persons wishing to review these experimental use permits are referred to the designated product managers. Inquiries concerning these permits should be directed to the persons cited above. It is suggested that interested persons call before visiting the EPA office, so that the appropriate file may be made available for inspection purposes from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

Authority: 7 U.S.C. 136c.

Dated: March 31, 1986.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 86-7816 Filed 4-8-86; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-59213A; FRL-2999-3]

Certain Chemical, Approval of Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's approval of an application for test marketing exemption (TME) under section 5(h)(6) of the Toxic Substances Control Act (TSCA), TME-86-29. The test marketing conditions are described below:

EFFECTIVE DATE: April 2, 1986.

FOR FURTHER INFORMATION CONTACT: Brenda Kover, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Environmental Protection Agency, RM. E-611, 401 M Street, SW., Washington, DC 20460, (202-382-5506).

SUPPLEMENTARY INFORMATION: Section 5(h)(1) of TSCA authorizes EPA to exempt persons from premanufacture notification (PMN) requirements and permit them to manufacture or import new chemical substances for test marketing purposes if the Agency finds that the manufacture, processing, distribution in commerce, use and

disposal of the substance for test marketing purposes will not present any unreasonable risk of injury to health or the environment. EPA may impose restrictions on test marketing activities and may modify or revoke a test marketing exemption upon receipt of new information which casts significant doubt on its finding that the test marketing activity will not present any unreasonable risk of injury.

EPA hereby approves TME–86–29. EPA has determined that test marketing of the new chemical substance described below, under the conditions set out in the TME application, and for the time period and restrictions (if any) specified below, will not present any unreasonable risk of injury to health or the environment. Production volume, use, and the number of customers must not exceed those specified in the application. All other conditions and restrictions described in the application and in this notice must be met.

The following additional restrictions apply to TME–86–29. A bill of lading accompanying each shipment must state that the use of the substance is restricted to those approved in the TME. In addition, the Company shall maintain the following records until five years after the dates they are created, and shall make them available for inspection or copying in accordance with section 11 of TSCA:

1. The applicant must maintain records of the quantity of the TME substance produced.

2. The applicant must maintain records of the dates of shipment to the customer and the quantities supplied in each shipment.

3. The applicant must maintain copies of the bill of lading that accompanies each shipment of the TME substance.

Date of Receipt: February 20, 1986.

Notice of Receipt: March 7, 1986 (51 FR 8008).

Applicant: Werner G. Smith, Inc.

Chemical: (G) Monohydric alcohol ester of tall oil fatty acids, oxidized.

Use: Confidential.

Production Volume: 135,000 lbs.

Number of Customers: One.

Worker Exposure: Six.

Test Marketing period: Six months.

Commencing on: April 2, 1986.

Risk Assessment: EPA identified no significant health or environmental concerns. Therefore, the test market substance will not present any unreasonable risk of injury to health or the environment.

Public Comments: None.

The Agency reserves the right to rescind approval or modify the conditions and restrictions of an exemption should any new information come to its attention which casts significant doubt on its findings that the test marketing activities will not present any unreasonable risk of injury to health or the environment.

Dated: April 2, 1986.

Don R. Clay,

Director, Office of Toxic Substances.

[FR Doc. 86–7813 Filed 4–8–86; 8:45 am]

BILLING CODE 6560–50–M

[ORD–FRL–2999–5]

Addendum to the Health Assessment Document for Tetrachloroethylene (Perchloroethylene, Perc, PCE)

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability of external review draft.

SUMMARY: This notice announces the availability of an external review draft of the Addendum to the July 1985 final Health Assessment Document for Tetrachloroethylene (Perchloroethylene, Perc, PCE). The Office of Health and Environmental Assessment has prepared this addendum to serve as a source document for EPA use. This addendum updates EPA's July 1985 final Health Assessment Document for Tetrachloroethylene (Perchloroethylene) by providing a review of the findings of the (August, 1985) draft National Toxicology Program Technical Report on the Toxicology and Carcinogensis Studies of Tetrachloroethylene in F344/N rats and B6C3F1 mice (inhalation studies). This addendum discusses the ways the data impact the assessment of the weight of evidence for the carcinogenicity of PCE and uses relevant data to develop a revised carcinogenic unit risk estimate for inhalation exposure to PCE.

DATES: The Agency will make this document available for public review and comment on or about April 7, 1986. Comments must be postmarked by May 5, 1986.

ADDRESSES: To obtain a copy of the draft document, interested parties should contact the ORD Publications Center, CERI-FRN, U.S. Environmental Protection Agency, 26 W. St. Clair Street, Cincinnati, Ohio 45268, (513) 569–7562, and request the external review draft of the Addendum to the Health Assessment Document for Tetrachloroethylene (Perchloroethylene, Perc, PCE), EPA document number EPA–600/8–82–995FA. Please provide your name, mailing address, and the EPA document number when requesting a copy of the draft document.

The draft document will also be available for public inspection and copying at the EPA Library, EPA headquarters, Waterside Mall, 401 M Street SW., Washington, DC 20460.

Comments on the draft document should be sent to: Project Manager for Tetrachloroethylene, Carcinogen Assessment Group (RD–689), Office of Health and Environmental Assessment, U.S. Environmental Protection Agency, 401M Street SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Technical Information Staff, Office of Health and Environmental Assessment (RD–689), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, 202/382–7345.

SUPPLEMENTARY INFORMATION: The Health Assessement Document for Tetracholorethylene is available from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, Virginia 22161, (703) 487–4650. The NTIS ordering number is PB85–249704.

Dated: April 2, 1986.

Donald J. Ehreth,

Acting Assistant Administrator for Reseach and Development.

[FR Doc. 86–7936 Filed 4–7–86; 9:51 am]

BILLING CODE 6560–50–M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Agency Report Forms Under OMB Review

AGENCY: Equal Employment Opportunity Commission.

ACTION: Request for comments.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed information collection requests to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission. The proposed report form under review is listed below.

DATE: Comments must be received on or before May 27, 1986. If you anticipate commenting on a report form, but find that time to prepare will prevent you from submitting comments promptly, you should advise the OMB Reviewer and the Agency Liaison Officer of your intent as early as possible.

ADDRESS: Copies of the proposed report form, the request for clearance, (S.F. 83), supporting statement, and other documents submitted to OMB for review

may be obtained from the Agency Liaison Officer and the OMB Reviewer.

FOR FURTHER INFORMATION CONTACT:
EEOC Agency Liaison Officer: Margaret P. Ulmer, Financial and Resource Management Services, Room 386, 2401 E. Street NW., Washington, DC, 20507; Telephone (202) 634–1932.

OMB Reviewer: James Mason, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC, 20503; Telephone (202) 395–6880.

Type of Request: Extension (No change)
Title: State and Local Government Information EEO–4
Form Number: EEOC Form 164
Frequency of Report: Annually for respondents with 100 or more employees, a statistical sample of respondents with 15–99 employees
Type of Respondent: State and local governments with 15 or more employees
Standard Industrial Classification (SIC) Code: 91–965
Description of Affected Public: State and local governments
Responses: 28,500
Reporting Hours: 199,500
Federal Cost: $267,500
Applicable under section 3504(h) of Public Law 96–511: Not applicable
Number of Forms: 1

Abstract-Needs/Users: EEO–4 data are used by EEOC to investigate charges of discrimination against State and local governments and in EEOC systemic program decisions. Data are shared with several Federal government agencies. Under section 709(d) of Title VII of the Civil Rights Act of 1964, as amended, EEO–4 data are also shared with approximately 38 State and 102 local FEPC agencies. Aggregate data are used by researchers and the general public.

For the Commission.

John Seal,

Management Director, Equal Employment Opportunity Commission

[FR Doc. 86–7878 Filed 4–8–86; 8:45 am]

BILLING CODE 6570–06–M

FEDERAL COMMUNICATIONS COMMISSION

Advisory Committee for the ITU World Administrative Radio Conference on the Use of the Geostationary Satellite Orbit and the Planning of the Space Services Utilizing It, Space WARC Advisory Committee; Working Group Meetings

April 2, 1986.

Working Group A: Allotment Planning
Chairman: Donald M. Jansky (202) 467–6400
Vide Chairmen: Jeffrey Binckes (301) 428–4712
Michael W. Mitchell (703) 442–6126
Date: Wednesday, April 23, 1986
Time: 1:30 P.M.
Location: Jansky Telecommunications, 1899 L. Street, NW., 10th Floor Conference Room, Washington, DC 20036
Agenda: (1) IFRB Software
(2) 300 MHz Uplink
(3) Regulatory

Working Group B: Improved Regulatory Procedures
Chairman: R. A. Hedinger (201) 949–5057
Vice Chairmen: Hans J. Weiss (202) 863–685
Robert Mazer, (202) 289–3000
Date: Wednesday, April 23, 1986
Time: 9:30 A.M.
Location: Jansky Telecommunications, 1899 L. Street, NW., 10th Floor Conference Room, Washington, DC 20036
Agenda: Discussion of the assumptions for MPM Plan

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 86–7864 Filed 4–8–86; 8:45 am]

BILLING CODE 6712–01–M

[MM DOCKET NO. 86–76, File No. BPCT–850510KF and File No. BPCT–850702KF]

Tookland Pentecostal Church, Bobbi Tolliver d/b/a Crescendo Communications, For Construction Permit Grundy, Virginia; Hearing Designation Order

Adopted: February 28, 1986.

Released: March 10, 1986.

By the Chief, Video Services Division.

1. The Commission, by the Chief, Video Services Division, acting pursuant to delegated authority, has before it (1) the above-captioned mutually exclusive applications of Tookland Pentecostal Church (Tookland) and Bobbi Tolliver d/b/a Crescendo Communications (Crescendo) for authority to construct a new television Station on Channel 68, Grundy, Virginia; (2) Motion to Return Application as Unacceptable for Filing, filed by Tookland [1] and related pleadings; (3) an amendment filed by Crescendo [2] and (4) a petition filed by Crescendo seeking reconsideration of a staff action dismissing its application.

2. On September 25, 1985, Crescendo filed a Petition for Reconsideration of the staff's action of September 6, 1985, dismissing its application. Crescendo had filed its application on July 2, 1985, with a facsimile signature. Ms. Tolliver, Crescendo's sole principal, explained that she was unable to return the executed pages in time to be included in the filing of the application because of her consultant's sudden illness. The original signature was subsequently filed after the July 2, 1985 cut-off date. The application was substantially complete when it was filed. Clearly, Tookland had notice of the contents of the application on July 2, and therefore, was not prejudiced. These circumstances are governed by a long-standing policy which dictates that the amendment be accepted *nunc pro tunc*. *Communications Gaithersburg, Inc.*, 60 FCC 2d 537 (1976). *B.J. Hart*, 44 FCC 2088 (1960). Therefore, the amendment application bearing the original signature of Ms. Tolliver will be accepted *nunc pro tunc* and the Petition for Reconsideration will be granted.

3. Sections V–C and V–G of FCC Form 301 require the signature of the applicant's technical consultant. Tookland's application shows only a typed name, but no signature, and Crescendo shows only a facsimile signature. Both applicants will, therefore, be required to verify the signature pages of Sections V–C and V–G to the presiding Administrative Law Judge within 20 days after the release of this Order.

4. No determination has been made that the tower height and location proposed by Tookland and Crescendo would not each constitute a hazard to

[1] On July 24, 1985, Tookland filed a Motion to Return Application as Unacceptable for Filing against Crescendo. We have examined the application and find that it is substantially complete, within the meaning of Section 73.3564(a) of the Commission's Rules. An application need not be grantable in order to be substantially complete. *James River Broadcasting Corp. v. F.C.C.*, 399 F. 2d 581 (D.C. Cir. 1968), and the relatively minor omissions and errors noted by the petitioner do not rise to the level of rendering the application substantially incomplete. In fact, they are the kinds of errors for which we regularly allow curative amendments. To the extent that Tookland seeks to specify issues, however, such petitions are no longer permitted and its petition will be dismissed. *Revised Procedures for the Processing of Contested Broadcast Applications*, 72 FCC 2d 202 (1979).

[2] The deadline for filing amendments to the above-captioned applications was July 2, 1985. Crescendo filed an amendment on July 25, 1985 to make minor engineering changes. Due to the illness of the applicant's technical consultant, he directed one of his interns to file the engineering studies for the client. The intern inadvertently filed the studies for the wrong transmitter site. The amendment was to correct this error. Accepting Crescendo's statements as correct, good cause exists for accepting the amendment. Accordingly, the amendment will be accepted. However, Crescendo will not be allowed any comparative advantage which might result from its new engineering proposal.

air navigation. Accordingly, an issue regarding this matter will be specified.

5. Section V–C, Item 10, FCC Form 301, requires that an applicant submit figures for the area and population within its predicted Grade B contour. Neither Tookland nor Crescendo has provided these figures. Consequently, we are unable to determine whether there would be a significant difference in the size of the area and population that each applicant proposes to serve. Each applicant will be required to submit an amendment showing the required information, within 20 days after this Order is released, to the presiding Administrative Law Judge.

6. On June 26, 1985, the Commission issued a Public Notice (Mimeo No. 5421) requiring all applicants for new broadcast stations to certify that they have obtained reasonable assurance that their specified transmitter sites will be available to them. Crescendo has not submitted such a certification. Accordingly, Crescendo will be given 20 days from the date of release of this Order to file such a certification, in the form required by the Commission, with the presiding Administrative Law Judge. If the applicant cannot make the certification, it shall so advise the Administrative Law Judge who shall then specify an appropriate issue.

7. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. Since these applications are mutually exclusive, the Commission is unable to make the statutory finding that their grant will serve the public interest, convenience, and necessity. Therefore, the applications must be designated for hearing in a consolidated proceeding on the issued specified below.

8. Accordingly, it is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether there is a reasonable possibility that the tower height and location proposed by each of the applicants would each constitute a hazard to air navigation.
2. To determine which of the proposals would, on a comparative basis, better serve the public interest.
3. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

9. It is further ordered, That the Motion to Return Application as Unacceptable for Filing, filed by Tookland Pentecostal Church against Bobbi Tolliver d/b/a Crescendo Communications, is dismissed.

10. It is further ordered, That Bobbi Tolliver d/b/a Crescendo Communications' July 25, 1985, amendment is accepted for filing.

11. It is further ordered, That the signed original application of Crescendo is accepted *nunc pro tunc* as of July 2, 1985 and the Petition for Reconsideration is granted.

12. It is further ordered, That each applicant shall submit an amendment verifying the signature pages of Section V–C and V–G to the presiding Administrative Law Judge within 20 days after this Order is released.

13. It is further ordered, That the Federal Aviation Administration is made a party respondent to this proceeding with respect to issue 1.

14. It is further ordered, That each applicant shall submit an amendment providing the information required by Section V–C, Item 10, FCC Form 301, to the presiding Administrative Law Judge within 20 days after this Order is released.

15. It is further ordered, That Bobbi Tolliver d/b/a Crescendo Communications shall, within 20 days after the release of its Order, file with the presiding Administrative Law Judge, a site availability certification, in the form required by the Commission, or advise the Administrative Law Judge that the certification cannot be made, as may be appropriate.

16. It is further ordered, That to avail themselves of the opportunity to be heard, the applicants and the party respondent herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

17. It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Stephen F. Sewell,

Acting Chief, Video Services Division Mass Media Bureau.

[FR Doc. 86–7865 Filed 4–8–86; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–758–DR]

Amendment to Notice of a Major-Disaster Declaration; California

March 21, 1986.

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of California (FEMA–758–DR), dated February 21, 1986, and related determinations.

DATE: March 21, 1986.

FOR FURTHER INFORMATION CONTACT: Sewall H.E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3616.

Notice

The notice of a major disaster for the State of California, dated February 21, 1986, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of February 21, 1986:

Mono and Shasta Counties for Public Assistance and as adjacent areas for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Samuel W. Speck,

Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 86–7853 Filed 4–8–86; 8:45 am]

BILLING CODE 6718-02-M

FEDERAL HOME LOAN BANK BOARD

Agency Forms Under OMB Review; Examination Advance Package

Dated: April 1, 1986.

AGENCY: Federal Home Loan Bank Board.

ACTION: Notice.

SUMMARY: The public is advised that the Federal Home Loan Bank Board ("Board") has submitted for extension,

without revision, an information collection request, "Examination Advance Package" to the Office of Management and Budget for approval in accordance with the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Comments

Comments on the information collection request are welcome and should be submitted within 15 days of publication of this notice in the Federal Register. Comments regarding the paperwork-burden aspects of the request should be directed to: Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, DC 20503, Attention: Desk Office for the Federal Home Loan Bank Board.

The Board would appreciate commenters sending copies of their comments to the Board.

Requests for copies of the proposed information collection request and supporting documentation are obtainable at the Board address given below: Director, Information Services Section, Office of Secretariat, Federal Home Loan Bank Board, 1700 G Street NW., Washington DC 20552, Phone: 202-377-6933.

FOR FURTHER INFORMATION CONTACT: Richard Allridge, Office of Examinations and Supervision, (202) 377-6882, Federal Home Loan Bank Board, 1700 G Street NW., Washington, DC 20552.

By the Federal Home Bank Board.

Jeff Sconyers,

Secretary.

[FR Doc. 86-7881 Filed 4-8-86; 8:45 am]

BILLING CODE 6720-01-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 § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 202-000150-083.

Title: Trans-Pacific Freight Conference of Japan.

Parties:

American President Lines, Ltd.
Barber Blue Sea Line
Japan Line, Ltd.
Kawasaki Kisen Kaisha, Ltd.
Lykes Bros. Steamship Company, Inc.
Mitsui O.S.K. Lines, Ltd.
A.P. Moller-Maersk Line
Neptune Orient Lines Limited
Nippon Yusen Kaisha
Orient Overseas Container Line, Inc.
Sea-Land Service, Inc.
Showa Line, Ltd.
United States Lines, Inc.
Yamashita-Shinnihon Steamship Co., Ltd.

Synopsis: The proposed amendment would modify the agreement to permit the parties to exercise independent action in connection with any service contract negotiation which has continued for more than 30 consecutive calendar days. It would define the terms "negotiations", commencement date and termination date as they apply to service contract negotiations and require notice to the parties by the Conference Chairman of their occurrence.

Agreement No.: 224-002693-003.

Title: Nacirema Operating Co. Terminal Agreement.

Parties:

Nacirema Operating Co., Inc.
Japan Line, Ltd.
Kawasaki Kisen Kaisha, Ltd.
Mitsui O.S.K. Lines, Ltd.
Nippon Yusen Kaisha.
Yamashita-Shinnihon Steamship Co., Ltd.

Synopsis: The proposed amendment would permit the individual carrier parties to resign from the agreement upon thirty days' written notice to correspond with their concurrent withdrawal from Agreement No. 213-009975.

Agreement No.: 202-003103-083.

Title: Japan-Atlantic and Gulf Freight Conference.

Parties:

Barber Blue Sea Line.
Japan Line, Ltd.
Kawasaki Kisen Kaisha, Ltd.
Lykes Bros. Steamship Company, Inc.
Mitsui O.S.K. Lines, Ltd.
A.P. Moller-Maersk Line
Neptune Orient Lines Limited
Nippon Yusen Kaisha
Orient Overseas Container Line, Inc.
United States Lines, Inc.
Yamashita-Shinnihon Steamship Co., Ltd.

Synopsis: The proposed amendment would modify the agreement to (1) authorize the parties to engage in through and joint rate intermodal transportation to inland and coastal points in the United States via U.S. Atlantic and Gulf Coast ports; and (2) include voting, independent action and service contract transitional provisions designed to govern the change to Conference-wide intermodalism. The parties have requested a shortened review period.

Agreement No.: 202-003103-084.

Title: Japan-Atlantic and Gulf Freight Conference.

Parties:

Barber Blue Sea Line
Japan Line, Ltd.
Kawasaki Kisen Kaisha, Ltd.
Lykes Bros. Steamship Company, Inc.
Mitsui O.S.K. Lines, Ltd.
S.P. Moller-Maersk Line
Neptune Orient Lines Limited
Nippon Yusen Kaisha
Orient Overseas Container Line, Inc.
United States Lines, Inc.
Yamashita-Shinnihon Steamship Co., Ltd.

Synopsis: The proposed amendment would modify the agreement to permit the parties to exercise independent action in connection with any service contract negotiation which has continued for more than 30 consecutive calendar days. It would define the terms "negotiation", commencement date and termination date as they apply to service contract negotiations and require notice to the parties by the Conference Chairman of their occurrence.

Agreement No.: 224-003945A-002.

Title: Port of Oakland Terminal Agreement.

Parties:

City of Oakland (City)
Maersk Line Pacific, Ltd. (Maersk)

Synopsis: The proposed amendment would extend the Port's preferential assignment to Maersk of a container crane and spreader in the Port's Outer Harbor Terminal Area for a period of one year, through July 31, 1987.

Agreement No.: 224-003945-006.

Title: Port of Oakland Terminal Agreement.

Parties:

City of Oakland (Port)
Maersk Line Pacific, Ltd. (Maersk)

Synopsis: The proposed amendment would extend the Port's preferential assignment to Maesk of certain marine terminal facilities in the Port's Outer Harbor Terminal Area for a period of

one year, through July 31, 1987. It would also restate the agreement to comply with the Commission's regulations.

Agreement No.: 202–008190–017.

Title: Japan-Puerto Rico and Virgin Islands Freight Conference.

Parties:

Japan Line, Ltd.
Kawasaki Kisen Kaisha, Ltd.
Mitsui O.S.K. Lines, Ltd.
Nippon Yusen Kaisha
Yamashita-Shinnihon Steamship Co., Ltd.

Synopsis: The proposed amendment would modify the agreement to permit the parties to exercise independent action in connection with any service contract negotiation which has continued for more than 30 consecutive calendar days. It would define the terms "negotiation", commencement date and termination date as they apply to service contract negotiations and require notice to the parties by the Conference Chairman of their occurrence.

Dated: April 4, 1986

By Order of the Federal Maritime Commission.

Tony P. Kominoth,

Assistant Secretary.

[FR Doc. 86–7871 Filed 4–8–86; 8:45 am]

BILLING CODE 6730–01–M

[Docket No. 86–11]

Neutral Container Rule; U.S. Atlantic–North European Conference; Order of Investigation and Hearing

On December 9, 1985, Interpool Ltd. (Interpool), a container leasing company, filed a "Request for Order to Show Cause" (Petition) asking the Commission to issue an order directing the U.S. Atlantic–North European Conference (ANEC) to show cause why recently adopted Tariff Rule 21.J of ANEC Intermodal Freight Tariff No. FMC–1 (ANEC Rule or Rule) does not constitute activity prohibited by sections 10(c)(1) and (c)(2) of the Shipping Act of 1984 (1984 Act). 46 U.S.C. app. 1709(c)(1) and 1709(c)(2).[1] The Rule relates to the use of constainers which are not owned or leased by carriers prior to delivery to the shipper for loading. Specifically, ANEC Rule 21.J states that after January 1, 1986:

> [the] Carrier will not accept responsibility for the payment of any charge, including but not limited to, rental/leasing, drop-off, termination or maintenance and repair charges, for or in connection with the use of any dry trailer/container not owned or leased (prior to its delivery to a shipper for loading) by the carrier or any affiliate thereof during its transit by water or by land.

On December 19, 1985, the Commission published Notice of the Petition in the **Federal Register** (50 FR 51751) and requested comments from interested persons. Comments in support of the Petition were received from five container leasing companies,[2] eight shippers,[3] and the Department of Justice (DOJ). Twenty-two late replies were also received in support of the Petition, and have been placed in the Commission's correspondence file. Comments opposed to the Petition were filed by one carrier[4] and five conferences.[5]

On February 18, 1986, the Commission served an order denying the Petition. The Commission determined that the Rule on its face did not violate the Shipping Act of 1984, and that it did not have before it sufficient facts upon which to base an order to show cause. Nonetheless, as a result of various allegations raised by the Petition and the comments thereto, the Commission indicated that it would institute a separate proceeding to investigate the entire neutral container issue.

The principal allegations raised by the Petition and the commenters are as follows.

Interpool contends that the ANEC Rule results in an unlawful boycott, unreasonable refusal to deal, and conduct unreasonably restricting the use of intermodal services in violation of sections 10(c)(1) and (2) of the 1984 Act. Further, Interpool alleges that implementation of the ANEC Rule will eliminate the use of the neutral container system,[6] and that the antitrust immunity granted under the 1984 Act does not extend to such action which is unjustly discriminatory, results in a substantial reduciton in competition, or is detrimental to commerce.

The other container leasing companies filing comments generally support Interpool's Petition. Further, some allege that the ANEC Rule violates the 1984 Act in other respects, i.e., that it subjects leasing companies and shippers using neutral containers to undue and unreasonable prejudice and disadvantage in violation of section 10(b)(12), and gives persons using a carrier's containers an unreasonable preference or advantage in violation of section 10(b)(11) of the 1984 Act. 46 U.S.C. app. 1709(b)(11) and 1709(b)(12). In addition, they argue the Rule may result in an unreasonable reduction in transportation services or an unreasonable increase in costs, and thus justifies Commission action for injunctive relief under section 6(g) of the 1984 Act. 46 U.S.C. app. 1705(g).

The shippers filing comments express support for the neutral container system primarily in terms of the flexibility it provides. The shippers maintain that neutrual containers are more readily available and can move their cargo more expeditiously because they are not tied to a particular carrier.

DOJ views the ANEC Rule as reflecting an agreement to refuse to pay leasing companies for providing containers. DOJ contends that the Rule cannot be justified as the mere implementation of an existing conference agreement because it is not part of any agreement on file with the Commission. DOJ also argues that the Rule is outside the scope of activities authorized by section 4 of the 1984 Act. 46 U.S.C app. 1703. Moreover, DOJ notes that the Rule "does not state what the charges to shippers will be for the use of neutral containers compared to other containers" and contends that it is thus "too vague to enable the FMC to ensure that the rates charged do not constitute an unfair and unjustly discriminatory practice prohibited by the statutes." Finally, it is DOJ's position that the Rule may constitute an illegal group boycott.

The five conferences and one carrier which have filed comments in opposition to the Petition generally raise similar points and arguments. It is their position that the ANEC Rule, on its face, does not constitute a boycott or restriction. They assert that the Rule does not prevent carriers from leasing containers from leasing companies, nor

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[1] Sections 10(c)(1) and (c)(2) state that no conference or group of two or more common carriers may: (1) boycott or take any other concerted action resulting in an unreasonable refusal to deal; [or] (2) engage in conduct that unreasonably restricts the use of intermodal services or technological innovations.

[2] ITEL Containers International Corporation; Nautilus Leasing Services, Inc.; Sea Containers America, Inc.; Trans Ocean Leasing Corporation; and Transamerica ICS, Inc.

[3] Eastman Kodak Co.; Bemis Manufacturing Company; A.J. Hollander & Co., Inc.; Carrier Corporation; Baldor Electric Company; Danzas (Canada) Ltd.; NI World Trade, Inc.; and 3M Company.

[4] Trans Freight Lines, Inc. (TFL).

[5] ANEC; Transpacific Westbound Rate Agreement (TWRA); Asia North America Eastbound Rate Agreement; U.S. Atlantic & Gulf/Australia-New Zealand Conference; and U.S. Atlantic & Gulf Ports/Italy, France and Spain Freight Conference.

[6] Neutral containers are neither owned nor leased by a carrier or a shipper, prior to their loading by a shipper. They are offered to shippers by independent leasing companies and, upon presentation and acceptance by a carrier, they can activate a lease agreement between the carrier and the leasing company whereby the carrier pays the costs associated with the leasing of the containers.

does it prevent shippers from doing so. They maintain that the purpose and result of the Rule is to prevent a carrier from absorbing the costs of leasing a container, unless it has chosen to lease that container prior to its loading by a shippper. Allegedly, the ultimate effect of the Rule is to treat all containers not owned or leased by carriers in an even-handed manner. The conference/carrier commenters also contend that ANEC's agreement includes specific authorization for adoption of its Rule.[7]

The conference/carrier commenters also raise the issue of the legality of the neutral container system itself. They assert that, in practice, it may violate provisions of the 1984 Act and the antitrust laws. They point out that carriers do not make the same absorption of rental charges when a shipper buys or leases its own container, and that the absorptions which are made under the neutral container system are not set forth in any tariff. As a result, shippers allegedly may be obtaining ocean transportation at costs below those otherwise applicable. In addition, they claim that some shippers may receive an undue preference in that large shippers are more likely to be provided neutral containers at or near their places of business. They also argue that the neutral container system may be an anticompetitive tie-in i.e., carriers are forcesd to accept and pay inflated charges for equipment they do not want as the price for obtaining cargo they otherwise need to survive. They also allege that excessive charges are being extracted from carriers for the subsequent use of neutral containers in violation of section 10(a)(1) of the 1984 Act, 46 U.S.C. app. 1709(a)(1).[8]

In light of these allegations, the Commission will institute an investigation into the practices governing the use of neutral containers by ANEC. This investigation will address not only the ANEC Rule, but also the manner in which the neutral container system has been implemented by shipper, ANEC, and container leasing companies.

Therefore, it is ordered, that pursuant to sections 11 (c) and (d) of the Shipping Act of 1984, 46 U.S.C. app. 1710(c) and 1710(d), an invesigation is instituted to determine the following:

1. Whether any concerted activity by ANEC concerning the use of neutral containers, including the activity reflected in Rule 21.J, is within the scope of section 4 of the 1984 Act;

2. Whether ANEC Agreement No. 202–010636 authorizes any concerted activity governing the use of neutral containers, including that reflected in Rule 21.J;

3. Whether ANEC has violated sections 10(a)(2) and/or 10(a)(3), by operating under an agreement required to be filed pursuant to section 5 of the 1984 Act;

4. Whether Rule 21.J constitutes unlawful concerted action in violation of sections 10(c)(1) and 10(c)(2) of the 1984 Act, and, therefore, should be rejected;

5. Whether ANEC's prior granting of concessions to users of neutral containers violated sections 10(b)(4), 10(b)(11), and 10(b)(12) of the 1984 Act;

6. Whether ANEC's failure to include in its tariffs on file with the Commission past rules, regulations, practices, or concessions with regard to use of neutral containers violated section 8(a) of the Act;

7. Whether ANEC Agreement No. 202–010636 should be disapproved, canceled, or modified pursuant to section 11(c) of the 1984 Act; and

8. Whether ANEC should be ordered to cease and desist from any activities found unlawful.

It is further ordered, that U.S. Atlantic-North European Conference be named Respondent in this proceeding;

It is further ordered, that Interpool Ltd., ITEL Containers International Corporation; Nautilus Leasing Services, Inc.; Sea Containers America, Inc.; Trans Ocean Leasing Corporation; Transamerica ICS Inc.; Eastman Kodak Co.; Bemis Manufacturing Co.; A.J. Hollander & Co., Inc.; Carrier Corporation; Baldor Electric Company; Danzas (Canada) Ltd.; NI World Trade Inc.; 3M Company; and the Department of Justice be named Protestants in this proceeding;

It is further ordered, that a public hearing be held in this proceeding and that the matter be assigned for hearing and decision by an Administrative Law Judge at a date and place to be hereafter determined by the Presiding Administrative Law Judge. The hearing shall include oral testimony and cross-examination in the discretion of the Presiding Administrative Law Judge only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matters in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record;

It is further ordered, that in accordance with Rule 61 of the Commission's Rules of Practice and Procedure, 46 CFR 502.61, the initial decision of the presiding officer in this proceeding shall be issued by April 6, 1987 and the final decision of the Commission shall be issued by August 7, 1987;

It is further ordered, that in accordance with Rule 42 of the Commission's Rules of Practice and Procedure, 46 CFR 502.42, the Commission's Bureau of Hearing Counsel shall be a party to this proceeding;

It is further ordered, that notice of this Order be published in the **Federal Register**, and a copy be served upon all parties of record;

It is further ordered, that any person other than parties of record having an interest and desiring to participate in this proceeding may file petitions for leave to intervene in accordance with Rule 72 of the Commission's Rules of Practice and Procedure, 46 CFR 502.72;

It is further ordered, that all future notices, orders, and/or decisions issued by or on behalf of the Commission in this proceeding, including notice of the time and place of hearing or prehearing conference, shall be mailed directly to all parties of record; and

It is further ordered, that all documents submitted by any party of record in this proceeding shall be directed to the Secretary, Federal Maritime Commission, Washington, DC 20573, in accordance with Rule 118 of the Commission's Rules of Practice and Procedure, 46 CFR 502.118, as well as being mailed directly to all parties of record.

By the Commission.

Tony P. Kominoth,

Assistant Secretary.

[FR Doc. 86–7883 Filed 4–8–86; 8:45 am]

BILLING CODE 6730-01-M

[7] Article 5.1(a) of the ANEC Agreement [FMC No. 202-010636] provides that ANEC members may: agree upon, establish, cancel and revise . . . (ii) rates, rules and charges relating to: . . . shipper provided containers, chassis and related equipment including that made available to shippers by leasing companies and other persons; positioning or return of such carrier or shipper provided containers and related equipment; . . . .

[8] Section 10(a)(1) states that no person may: (1) Knowingly and willfully, directly or indirectly, by means of false billing, false classification, false weighing, false report or weight, false measurement, or by any other unjust or unfair device or means obtain or attempt to obtain ocean transportation of property at less than the rates or charges that would otherwise be applicable.

FEDERAL RESERVE SYSTEM

Escrow Corp. of America, Inc.; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f) the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation

Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in §225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 1, 1986.

A. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Escrow Corporation of America, Inc.*, Pennock, Minnesota; to retain assets acquired from the Lyle Thomas Agency, Willmar, Minnesota, and thereby engage in the sale of federal crop insurance in town with a population of less than 5,000 pursuant to § 225.25(b)(8)(ii) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, April 3, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-7831 Filed 4-8-86; 8:45 am]

BILLING CODE 6210-01-M

Jefferson Holding Corp. et al.; Applications To Engage de Novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under §225.23(a)(1) of the Board's Regulations Y (12 CFR 225.23(a) (1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. §1843(c)(8)) and §225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in §225.25 of Regulations Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the office of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that the outweight possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statment of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 1, 1986.

A. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Jefferson Holding Corp.*, Chicago, Illinois; to engage *de novo* in leasing personal or real property pursuant to §225.25 (b)(5) of the Board's Regulation Y.

B. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *New City Bancorp*, Orange, California; to engage *de novo* through its subsidiary, New City Financial Serivices, Santa Ana, California; in loan brokerage activities pursuant to §225.25(b)(1) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, April 4, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-7916 Filed 4-8-86; 8:45 am]

BILLING CODE 6210-01-M

Keystone Bancshares, Inc., et al.; Applications To Engage de Novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under §225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, coments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 1, 1986.

A. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Keystone Bancshares, Inc.*, Monona, Iowa; to engage *de novo* in lending activities for the purposes of

purchasing loans from its subsidiary, Peoples State Bank, Elkader, Iowa, including farm and commercial operating, facility and real estate loans pursuant to § 225.25(b)(1) of the Board's Regulation Y.

2. *Naper Financial Corporation*, Naperville, Illinois; to enage *de novo* through its subsidiary Naper Securities Corporation, Naperville, Illinois; in discount brokerage activities pursuant to § 225.25(b)(15) of Regulation Y.

B. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Colorado National Banschares, Inc.*, Denver, Colorado; to engage *de novo* through its subsidiary Colorado National Insurance Agency, Denver, Colorado in credit-related insurance sales made in connection with credit extensions made by Colorado National Bank—Longmont, Longmont, Colorado. The comment period for this application ends April 18, 1986.

C. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *Bancorp Hawaii, Inc.*, Honolulu; Hawaii; to engage *de novo* through its subsidiary Bancorp Insurance agency of Hawaii, Inc., Honolulu, Hawaii, in first mortgages the sale of credit-related insurance on mortgage loans by applicant's organization pursuant to § 225.25(b)(8) of the Board's Regulation Y. Activities will be conducted in Hawaii, Guam, American Samoa, Pohnpei, Yap and Koror.

2. *New City Bancorp*, Orange, California; to engage *de novo* through its subsidiary New City Financial Services, Santa, Ana, California, in loan brokerage activities pursuant to § 225.25(b)(1) of the Board's Regulation Y.

3. *Security Pacific Corporation*, Los Angeles, California; to engage *de novo* through its subsidiary, Sumitrust Security Pacific Investment Managers, Inc., Los Angeles, California, acting as investment or financial advisor to the extent of: (i) Serving as the advisory company for a mortgage or real estate investment trust; (ii) serving as investment advisory (as defined in section 2(a)(20 of the Investment Company Act of 1940, 15 U.S.C. 80a-2(a)(20)) to an investment company registered under that act, including sponsoring, organizing, and managing a closed-end investment company; (iii) providing portfolio investment advice to any other person; (iv) furnishing general economic information and advice, general economic statistical forecasting services and industry studies; and (v) providing financial advice to state and local government such as with respect to the issuance of their securities. These activities will be conducted from an office of Sumitrust Security Pacific Investment Managers, Inc., located in Los Angeles, California, serving the entire United States.

Board of Governors of the Federal Reserve System, April 3, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-7832 Filed 4-8-86; 8:45 am]

BILLING CODE 6210-01-M

Nebraska National Corp. et al.; Applications To Engage de Novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reverse Bank indicated or the offices of the Board of Governors not later than April 25, 1986.

A. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Nebraska National Corporation*, Omaha, Nebraska; to engage *de novo* in acting as agent for the sale of general insurance in a town with a population of less than 5,000 pursuant to section 4(c)(8)(C)(i) of the Bank Holding Company Act.

B. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *The Mitsui Bank, Limited*, Tokyo, Japan; to engage *de novo* through its subsidiary, Mitsui Finance Trust Company of New York, in trust company activities and to act as investment or financial advisor pursuant to § 225.25(b) (3) and (4) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, April 3, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-7834 Filed 4-8-86; 8:45 am]

BILLING CODE 6210-01-M

Penn Central Bancorp, Inc., et al.; Formations of; Acquisitions by; Mergers of Bank Holding Companies

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

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

Unless otherwise noted, comments reqarding each of these applications must be received not later than May 1, 1986.

A. **Federal Reserve Bank of Philadelphia** (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *Penn Central Bancorp, Inc.*, Huntingdon, Pennsylvania; to acquire 100 percent of the voting shares of The First National Bank of Saxton, Saxton, Pennsylvania.

B. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President), 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *Atrium Capital Corporation*, Boca Raton, Florida; to become a bank holding company by acquiring 100 percent of the voting shares of Landmark Bank of Palm Beach County, Boca Raton, Florida.

C. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Lincolnshire Bancshares, Inc.*, Lincolnshire, Illinois; to become a bank holding company by acquiring at least 70 percent of the voting shares of First National Bank of Lincolnshire, Lincolnshire, Illinois.

2. *Mid States Financial Corp.*, Moline, Illinois; to become a bank holding comnpany by acquiring 100 percent of the voting shares of First National Bank of Moline, Moline, Illinois.

3. *Ossian Financial Services, Inc.*, Ossian, Indiana; to become a bank holding company by acquiring 100 percent of the voting shares of Ossian State Bank, Ossian, Indiana.

4. *Salin Bancshares of North Central Indiana, Inc.*, Fort Wayne, Indiana; to become a bank holding company by acquiring 100 percent of the voting shares of Camden Financial Corporation, thereby indirectly acquiring The Camden State Bank, both of Camden, Indiana.

D. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *Magna Group, Inc.*, Belleville, Illinois; to acquire First Banc Group, Inc., Centralia, Illinois, and thereby indirectly acquire First National Bank & Trust Company, First State Bank of Centralia, both of Centralia, Illinois; Ashley State Bank, Ashley, Illinois; and Hoyleton State & Savings Bank, Hoyleton, Illinois. In connection with this application, Magna Acquisition Company has applied to become a bank holding company by acquiring First Banc Group, Inc., Centralia, Illinois.

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

1. *Fidelity Holding Company*, San Antonio, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of Fidelity Bank N.A., San Antonio, Texas.

Board of Governors of the Federal Reserve System, April 3, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-7833 Filed 4-8-86; 8:45 am]

BILLING CODE 6210-01-M

Security Pacific Corp.; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under §225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and §225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in §225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the office of the Board of Govenors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweight possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 23, 1986.

A. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *Security Pacific Corporation*, Los Angeles, California; to acquire Brokers Data Management Services, Inc., New York, New York, and thereby engage in providing to others data processing and data transmission services, facilities (including data processing and data transmission hardware, software, documentation or operating personnel), data bases or access to such services or facilities by any technological means, so long as: (i) The data to be processed or furnished are financial, banking, or economic, and the services are provided pursuant to a written agreement so describing and limiting the services; (ii) the facilities are designed, marketed, and operated for the processing and transmission of financial, banking, or economic data; and (iii) the hardware provided in connection therewith is offered only in conjunction with software designed and marketed for the processing and transmission of financial, banking or economic data, and where the general purpose hardware does not constitute more than 30 percent of the cost of any packaged offering, all to the extent authorized by §225.25(b)(7) of the Board's Regulation Y. Such activities will involve a packaged system including applications needed to meet the data processing requirements of wholesale municipal securities brokers, including the processing of securities trading data, confirmations, and clearing information. The activities will be conducted from an office of Security Pacific Technology Group, Inc., an indirect wholly owned subsidiary of Security Pacific Corporation, located in New York, New York, serving the entire United States.

Board of Governors of the Federal Reserve System, April 4, 1986.

James McAffee,

Associate Secretary of the Board.

[FR Doc. 86-7917 Filed 4-8-86 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 86M-0066]

Biolectron, Inc., Premarket Approval of Orthopak ™ Bone Growth Stimulator System

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application by

Biolectron, Inc., Hackensack, NJ, for premarket approval, under the Medical Device Amendments of 1976, of the OrthoPak Bone Growth Stimulator System. After reviewing the recommendation of the Orthopedic and Rehabilitation Devices Panel, FDA's Center for Devices and Radiological Health (CDRH) notified the applicant of the approval of the application.

DATE: Petitions for administrative review by May 9, 1986.

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

FOR FURTHER INFORMATION CONTACT: Nirmal K. Mishra, Center for Devices and Radiological Health (HFZ–410), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7156.

SUPPLEMENTARY INFORMATION: On July 18, 1985, Biolectron, Inc., Hackensack, NJ 07601, submitted to CDRH an application for premarket approval of the OrthoPak Bone Growth Stimulator System. The device is an electrical bone growth stimulating device intended for the treatment of an established nonunion acquired secondary to trauma, excluding vertebrae and all flat bones, where the width of the nonunion defect is less than one-half the width of the bone to be treated. A nonunion is considered to be established when a minimum of 9 months has elapsed since injury and the fracture site shows no visibly progressive signs of healing for a minimum of 3 months (no change in the fracture callus).

On November 25, 1985, the Orthopedic and Rehabilitation Devices Panel, an FDA advisory committee, reviewed and recommended approval of the application. On February 18, 1986, CDRH approved the application by a letter to the applicant from the Director of the Office of Device and Evaluation, CDRH.

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

A copy of all approved labeling is available for public inspection at CDRH—contact Nirmal K. Mishra, (HFZ–410), address above.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 306e(g)), for administrative review of CDRH's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and CDRH's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register**. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before May 9, 1986, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

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

Dated: April 1, 1986.

John C. Villforth,

Director, Center for Devices and Radiological Health.

[FR Doc. 86–7826 Filed 4–8–86; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 86M-0137]

Hybritech, Inc.; Premarket Approval of Tandem®-R PSA Immunoradiometric Assay for the Quantitative Measurement of Prostate-Specific Antigen (PSA) in Serum

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application by Hybritech, Inc., San Diego, CA, for premarket approval, under the Medical Device Amendments of 1976, of the TANDEM®-R PSA Immunoradiometric Assay for the Quantitative Measurement of Prostate-Specific Antigen (PSA) in Serum. After reviewing the recommendation of the Immunology Devices Panel, FDA's Center for Devices and Radiological Health (CDRH) notified the applicant of the approval of the application.

DATE: Petitions for administrative review by May 9, 1986.

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

FOR FURTHER INFORMATION CONTACT: S.K. Vadlamudi, Center for Devices and Radiological Health (HFZ–440), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7550.

SUPPLEMENTARY INFORMATION: On July 9, 1985, Hybritech, Inc., San Diego, CA 92121, submitted to CDRH an application for premarket approval of the TANDEM®-R PSA Immunoradiometric Assay for the Quantitative Measurement of Prostate-Specific Antigen (PSA) in Serum. The device is a Prostate-Specific Antigen (PSA) immunological test system intended for the quantitative serial measurement of PSA in human serum to aid in the prognosis and management of patients with prostate cancer.

On December 9, 1985, the Immunology Devices Panel, an FDA advisory committee, reviewed and recommended approval of the application. On February 25, 1986, CDRH approved the application by a letter to the applicant from the Director of the Office of Device Evaluation, CDRH.

A summary of the safety and effectiveness data on which CDRH based its approval is on file in the

Dockets Management Branch (address above) and is available from that office upon written request. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

A copy of all approved labeling is available for public inspection at CDRH—contact S.K. Vadlamudi (HFZ–440)., address above.

Opportunity for Administrative Review

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

Petitioners may, at any time on or before May 9, 1986, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

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

Dated: April 1, 1986.

John C. Villforth,

Director, Center for Devices and Radiological Health.

[FR Doc. 86–7827 Filed 4–8–86; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 86G–0103]

Lonza, Inc.; Filing of Petition for Affirmation of GRAS Status

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Lonza, Inc., has filed a petition (GRASP 5G0304) proposing that hydrogenated starch hydrolysate is generally recognized as safe (GRAS) as a direct human food ingredient.

DATE: Comments by June 9, 1986.

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

FOR FURTHER INFORMATION CONTACT: John W. Gordon, Center for Food Safety and Applied Nutrition (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–426–9463.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))) and the regulations for affirmation of GRAS status in § 170.35 (21 CFR 170.35), notice is given that a petition (GRASP 5G0304) has been filed by Lonza, Inc., Fairlawn, NJ 07410, proposing that hydrogenated starch hydrolysate is GRAS as a direct human food ingredient.

The petition has been placed on display at the Dockets Management Branch (address above).

Any petition that meets the format requirements outlined in § 170.35 is filed by the agency. There is no prefiling review of the adequacy of data to support a GRAS conclusion. Thus, the filing of a petition for GRAS affirmation should not be interpreted as a preliminary indication of suitability for GRAS affirmation.

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

Interested persons may on or before June 9, 1986, review the petition and/or file comments (two copies, identified with the docket number found in brackets in the heading of this document) with the Dockets Management Branch (address above). Comments should include any available information that would be helpful in determining whether the substance is, or is not, GRAS. A copy of the petition and received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: April 1, 1986.

Richard J. Ronk,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 86–7828 Filed 4–8–86; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 86G–0104]

Victorian Chemical Co., Pty. Ltd.; Filing of Petition for Affirmation of GRAS Status

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a petition (GRASP 6G0312) has been filed on behalf of Victorian Chemical Co., Pty. Ltd., proposing to affirm that ethyl esters of fatty acids are generally recognized as safe (GRAS) for use in an aqueous emulsion for dehydrating grapes to raisins.

DATE: Comments by June 9, 1986.

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

FOR FURTHER INFORMATION CONTACT: John W. Gordon, Center for Food Safety and Applied Nutrition (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–426–9463.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))) and the regulations for affirmation of GRAS status in § 170.35 (21 CFR 170.35), notice is given that a petition (GRASP 6G0312) has been filed on behalf of Victorian Chemical Co., Pty. Ltd., P.O. Box 72, Richmond, Victoria 3121 Australia, proposing to affirm that ethyl esters of fatty acids are GRAS for use in an aqueous emulsion for dehydrating grapes to raisins.

The petition has been placed on display at the Dockets Management Branch (address above).

Any petition that meets the format requirements outlined in § 170.35 is filed by the agency. There is no prefiling review of the adequacy of data to support a GRAS conclusion. Thus, the filing of a petition for GRAS affirmation should not be interpreted as a preliminary indication of suitability for GRAS affirmation.

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

Interested persons may, on or before June 9, 1986, review the petition and/or file comments (two copies, identified with the docket number found in brackets in the heading of this document) with the Dockets Management Branch (address above). Comments should include any available information that would be helpful in determining whether this substance is, or is not, GRAS. A copy of the petition and received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: April 1, 1986.

Richard J. Ronk,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 86-7829 Filed 4-8-86; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 86G-0105]

Victorian Chemical Co. Pty., Ltd.; Filing of Petition for Affirmation of GRAS Status

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Victorian Chemical Co. Pty., Ltd., has filed a petition (GRASP 6G0311) proposing to affirm that sulfated butyl oleate is generally recognized as safe (GRAS) for use in an aqueous emulsion for dehydrating grapes to raisins.

DATE: Comments by June 9, 1986.

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

FOR FURTHER INFORMATION CONTACT: John W. Gordon, Center for Food Safety and Applied Nutrition (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-426-9463.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))) and the regulations for affirmation of GRAS status in § 170.35 (21 CFR 170.35), notice is given that a petition (GRASP 6G0311) has been filed by the Victorian Chemical Co. Pty., Ltd., P.O. Box 71, Richmond, Victoria 3121, Australia. This petition proposes to affirm that sulfated butyl oleate is GRAS for use in an aqueous emulsion for dehydrating grapes to raisins.

The petition has been placed on display at the Dockets Management Branch (address above).

Any petition that meets the format requirements outlined in § 170.35 is filed by the agency. There is no prefiling review of the adequacy of data to support a GRAS conclusion. Thus, the filing of a petition for GRAS affirmation should not be interpreted as a preliminary indication of suitability for GRAS affirmation.

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

Interested persons may, on or before June 9, 1986, review the petition and/or file comments (two copies, identified with the docket number found in brackets in the heading of this document) with the Dockets Management Branch (address above). Comments should include any available information that would be helpful in determining whether the substance is, or is not, GRAS. A copy of the petition and received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: April 1, 1986.

Richard J. Ronk,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 86-7830 Filed 4-8-86; 8:45 am]

BILLING CODE 4160-01-M

Office of Human Development Services

Adjustments to Fiscal Year 1987 Federal Allotments to States for Developmental Disabilities Basic Support and Protection and Advocacy Formula Grant Programs

Correction

In FR Doc. 86-6968 appearing on page 10932 in the issue of Monday, March 31, 1986, make the following corrections in the table:

1. In the second column, for Colorado, the Basic Support entry should read "$468,404".

2. In the third column, for New Jersey, the Protection and Advocacy entry should read "$296,581".

3. In the third column, for American Samoa, the Basic Support entry should read "$160,000".

BILLING CODE 1505-01-M

Public Health Service

National Toxicology Program; Availability of Technical Report on Toxicology and Carcinogenesis Studies of Chrysotile Asbestos

The HHS National Toxicology Program today announces the availability of the Technical Report describing toxicology and carcinogenesis studies of chrysotile asbestos.

Lifetime toxicology and carcinogenesis studies of short-range (SR) and intermediate-range (IR) fiber length chrysotile asbestos were conducted in groups of 88-250 male and female F344/N rats. Both forms of asbestos were administered at a concentration of 1% in pelleted diet for the lifetime of the rats.

Under the conditions of these lifetime studies, short-range and intermediate-range chrysotile asbestos did not induce overt toxicity and did not affect survival when ingested at a level of 1% in the diet by male and female F344/N rats. There was no evidence of carcinogenicity [1] in male or female rats exposed to SR chrysotile asbestos or in female rats exposed to IR chrysotile asbestos. There was some evidence of carcinogencity in male rats exposed to IR chrysotile

[1] The NTP uses five categories of evidence of carcinogenicity to summarize the strength of the evidence observed in each animal study: two categories for positive results ("clear evidence" and "some evidence"), one category for undertain findings ("equivocal evidence"), one category for no observable effect ("no evidence"), and one category for studies that cannot be evaluated because of major flaws ("inadequate study").

asbestos as indicated by an increased incidence of adenomatous polyps in the large intestine.

Copies of *Toxicology and Carcinogenesis Studies of Chrysotile Asbestos in F344/N Rats (Feed Studies)* (T.R. 295) are available without charge from the NTP Public Information Office, MD B2-04, P.O. Box 12233, Research Triangle Park, NC 27709. Telephone (919) 541-3991, FTS: 629-3991.

Date: April 2, 1986.

David P. Rall,

Director.

[FR Doc. 86-7812 Filed 4-8-86; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Filing of Plats of Survey and Order Providing for Opening of Land; Nevada

April 1, 1986.

1. The Plats of Survey of lands described below will be officially filed at the Nevada State Office, Reno, Nevada, effective at 10:00 a.m., on May 26, 1986.

Mount Diablo Meridian, Nevada

T. 8 N., R. 50 E.

2. The land surveyed and resurveyed within the above township varies from mountainous in the western part to gently rolling in the remaining portion. The elevation ranges from about 5,500 to 6,600 ft. above sea level. The soil varies from sandy, clay loam on the lower elevations to rocky on the higher elevations. The vegetation consists of mainly greasewood, sagebrush, sparse native grass and pinon pine and juniper in the mountains.

Two cemeteries were noted, one located in section 27 and the other in sec. 28.

Some mineral formations of consequence were noted in section 29.

Mount Diablo Meridian, Nevada

T. 23 N., R. 55 E.

3. The land within the confines of the survey in the above township, located at the northern end of Newark Valley, ranges from 5,865 to 6,900 ft. above sea level and is nearly level in the eastern part, approaching a north-south mountain range to the west. The soil is sandy clay loam mixed with medium to heavy concentrations of rocks in the mountains. The vegetation consists of medium densities of sagebrush and scattered to medium juniper, pinon pine, mountain mahogany and native grass.

Access into the township is provided by Nevada State Highway No. 892, which enters in section 35, bearing north-northeasterly, leaving the township in section 1. There are other trail roads in the area. Cold Creek Ranch is located in section 23 and a reservoir which is fed by Cold Spring is located just west of the ranch and highway.

Principal users of the area are ranchers, farmers, hunters and miners.

Mount Diablo Meridian, Nevada

T. 24 N., R. 55 E.

4. The land within the confines of the survey in the above township, located at the southern end of Huntington Valley, ranges from 5,900 to 7,600 ft. above sea level and is mostly rolling in the eastern part rising to a north-south mountain range in the western part. The soil is sandy, clay loam mixed with rocks at the higher elevations. The vegetation consists of scattered to medium densities of juniper, pinon pine, sagebrush, rabbitbrush, crested wheatgrass and native grass.

Several springs are scattered throughout the township. The principal drainage is Conners Creek which, along with other small washes in the area, drains northerly and easterly.

Access is gained into this area by Nevada State Highway No. 892 which enters in section 36, bearing north-northwesterly, and leaving in section 3. There are numerous other trail roads in the area.

Principal users of the area are ranchers, miners and hunters.

Mount Diablo Meridian, Nevada

T. 25 N., R. 55 E.

5. The land within the confines of the survey in the above township, located at the southerly end of Huntington Valley, Nevada, ranges from 5,800 to 7,600 ft. above sea level. Huntington Creek, having as its source two major springs located in proximity to and just south of the south boundary, flows generally north through the eastern part of the township, with the Diamond Mountains, a north-south range, rising in the western part. The soil is generally silty loam in the valley, becoming rocky toward the mountains. The vegetation consists of medium to heavy densities of juniper and pinon pine on Peters Mountain, with sagebrush and buckbrush, native grass and crested wheatgrass in the valley, with rabbitbush along Huntington Creek.

Access is gained to this area by Nevada State Highway No. 892, which enters in section 34, bearing north-northwesterly, and leaving in section 4. There are several trail roads in the area and a number of springs feeding the Huntington basin.

Principal users of the area are ranchers, sheepherders and hunters.

6. Subject to valid existing rights, the provisions of existing withdrawals and classifications, and the requirements of applicable land laws, the lands described above are hereby open to such applications and petitions as may be permitted. All such valid applications received at or prior to 10:00 a.m., on May 26, 1986, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in order of filing. The lands described above have been open and continue to be open to the mining and mineral leasing laws.

7. The Plats of Survey of lands described below were accepted March 14, 1986 and were officially filed at the Nevada State Office, Reno, Nevada, effective at 10:00 a.m., on March 25, 1986.

Mount Diablo Meridian, Nevada

T. 8 N., R. 55 E., Dependent Resurvey and Section Subdivision.
T. 8 N., R. 57 E., Dependent Resurvey.

8. The Plats of Survey of lands described below were accepted, officially filed, and effective on the dates shown at the Nevada State Office, Reno, Nevada.

MOUNT DIABLO MERIDIAN, NEVADA

	Date accepted	Date filed and effective
T. 17 N., R. 20 E.—Dependent resurvey.	Nov. 15, 1985	Dec. 3, 1985.
T. 31 N., R. 43 E.—Sec. 22—Supplemental plat.	Oct. 4, 1985	Oct. 4, 1985.
T. 31 N., R. 43 E.—Sec. 27—Supplemental plat.	Oct. 4, 1985	Oct. 4, 1985.
T. 35 N., R. 50 E.—Sec. 14—Supplemental plat.	Nov. 15, 1985	Dec. 3, 1985.
T. 38 N., R. 61 E.—Sec. 35—Supplemental plat.	Sept. 12, 1985	Oct. 1, 1985.
T. 39 N., R. 62 E.—Dependent resurvey.	Sept. 12, 1985	Oct. 1, 1985.
T. 13 S., S., R. 71 E.—Sec. 9—Supplemental plat.	Sept. 12, 1985	Oct. 1, 1985.

The purpose of this notice is to inform the public and interested State and local government officials of the filing of Plats of Survey. Inquires concerning the surveys shall be addressed to the Nevada State Office, Bureau of Land

Management, 300 Booth Street, P.O. Box 12000, Reno, Nevada 89520.

Robert G. Steele,

Deputy State Director, Operations.

[FR Doc. 86-7874 Filed 4-8-86; 8:45 am]

BILLING CODE 4310-HC-M

[OR-19302]

Oregon; Proposed Continuation of Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The U.S. Forest Service proposes that the land withdrawal for the Tiller Ranger Station continue for an additional 20 years. The land would remain closed to surface entry and mining but has been and would remain open to mineral leasing.

FOR FURTHER INFORMATION CONTACT: Champ Vaughan, BLM Oregon State Office, P.O. Box 2965, Portland, Oregon 97208, (Telephone 503-231-6905).

SUPPLEMENTARY INFORMATION: The Forest Service, U.S. Department of Agriculture, proposes that the existing land withdrawal made by the Secretarial Order of January 26, 1927, be continued for a period of 20 years pursuant to section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714.

The land involved is located approximately 30 miles southeast of Roseburg and contains 20 acres within Section 33, T. 30 S., R. 2 W., W.M., Douglas County, Oregon.

The purpose of the withdrawal is to protect the Tiller Ranger Station. The withdrawal segregates the land from operation of the public land laws generally, including the mining laws, but not mineral leasing laws. No change is proposed in the purpose or segregative effect of the withdrawal.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal continuation may present their views in writing to the undersigned officer at the address specified above.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessry to determine the existing and potential demand for the land andt its resources. A report will also be prepared for consideration by the Secretary of the Interior, the President and Congress, who will determine whether or not the withdrawal will be continued and if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register.** The existing withdrawal will continue until such final determination is made.

Dated: March 27, 1986.

B. LaVelle Black,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 86-7879 Filed 4-8-86; 8:45 am]

BILLING CODE 4310-33-M

Minerals Management Service

Analysis of Outer Continental Shelf Minimum Bid Policies

AGENCY: Minerals Management Service, Interior.

ACTION: Analysis of Outer Continental Shelf Minimum Bid Policies; Reopening and Extension of Comment Period.

SUMMARY: This notice reopens and extends the comment period on the Minerals Management Service's (MMS) Analysis of Outer Continental Shelf (OCS) Minimum Bid Policies for 60 days following publication of this notice. The initial Request for Comments on this analysis was published in the **Federal Register** on February 11, 1986 (51 FR 5110). The MMS has determined that the complexity of this issue warrants additional time for interested parties to respond.

DATE: Comments should be postmarked or hand delivered no later than the close of business June 9, 1986.

ADDRESS: Mark envelope "Comments on Minimum Bid Policies," and send to: Director, Minerals Management Service, U.S. Department of the Interior, 12203 Sunrise Valley Drive (MS-643), Reston, Virginia 22091.

FOR FURTHER INFORMATION CONTACT: Dr. Marshall Rose, Minerals Management Service, MS-643, Reston, Virginia 22091, (703) 648-7706.

SUPPLEMENTARY INFORMATION: On February 11, 1986, MMS published a request for comments on its Analysis of OCS Minimum Bid Policies in the **Federal Register.** The comment period was for 30 days. The additional comment period is for 60 days.

Dated: March 31, 1986.

Carolita Kallaur,

Acting Associate Director for Offshore Minerals Management.

[FR Doc. 86-7876 Filed 4-8-86; 8:45 am]

BILLING CODE 4310-MR-M

Best Available and Safest Technologies

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of solicitation for information.

SUMMARY: Section 21(b) of the Outer Continental Shelf (OCS) Lands Act Amendments of 1978 provides that the Secretary of the Interior shall require on all new drilling and production operations, and wherever practicable on existing operations, the use of the best available and safest technologies (BAST). Information on and details of new technologies (which are considered to include equipment and/or procedures) that may assist in the safe and expeditious exploration and development of the leasable minerals of the OCS are solicited. The information submitted will be used to ensure that the Minerals Management Service (MMS) is aware of currently available technologies and that BAST is reflected in MMS regulations. The MMS will not be certifying any technology, equipment, or procedure as the best available and safest.

DATE: Comments should be submitted by May 27, 1986. Late comments will be accepted but will be reviewed separately. This solicitation will be repeated periodically.

ADDRESS: Information and details should be submitted to the Deputy Associate Director for Offshore Operations, Minerals Management Service, Mail Stop 642, 12203 Sunrise Valley Drive, Reston, Virginia 22091.

FOR FURTHER INFORMATION CONTACT: Lawrence Ake, Minerals Management Service, Mail Stop 647, 12203 Sunrise Valley Drive, Reston, Virginia 22091 (703/648-7752).

SUPPLEMENTARY INFORMATION: The BAST program is designed to provide a formalized mechanism through which information on new or improved technologies is made available to MMS field personnel and addressed in regulatory changes. The information solicited will be used for the following purposes:

1. To maintain MMS familiarity and understanding of the current state of advances in technology;
2. To identify current or potential problem areas;
3. To identify known or suspected deficiencies;
4. To point out the need for new or revised regulations; and
5. To identify problems which require further investigation.

The types of questions which should be addressed in the information submitted are as follows:

1. What is the problem that is being addressed?
2. What is the frequency of occurrence of the problem?
3. What is this technology replacing?
4. What is the economic impact of the problem, and how will the application of this technology affect the economic impact?
5. Are there specific recommended or potential locations for the application of this technology?
6. Is there an expected requirement for maintenance or calibration, and what is the envisioned cycle?
7. Are there any expected or recommended special qualifications for maintenance and operating personnel?
8. Are there any specific environmental or operational limitations?
9. What are the expected initial and operational costs?

This information will be provided to MMS personnel for consideration, analysis, and action. The information will also be available to the public unless specific information is identified as proprietary or confidential.

The proprietary or confidential nature of the information submitted must be fully explained and documented.

It is emphasized that the information submitted will be used to ensure that available technologies are adequately understood and that BAST is reflected in MMS regulations. The MMS will not be certifying any technology, equipment, or procedure as the best available and safest.

Dated: March 28, 1986.

John B. Rigg,

Associated Director for Offshore Minerals Management.

[FR Doc. 86-7875 Filed 4-8-86; 8:45 am]

BILLING CODE 4310-MR-M

Development Operations Coordination Document; Shell Offshore Inc.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development operations coordination document (DOCD).

SUMMARY: Notice is hereby given that Shell Offshore Inc. has submitted a DOCD describing the activities it proposes to conduct on Leases OCS 0353 and 0694, Block 28, South Pass Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Venice, Louisiana.

DATE: The subject DOCD was deemed submitted on March 31, 1986.

ADDRESS: A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Ms. Angie Gobert; Minerals Management Service, Gulf of Mexico OCS Region, Rules and Production, Plans, Platform and Pipeline Section, Exploration/Development Plans Unt; Phone (504) 838-0876.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to Sec. 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected States, executives of affected States, local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: April 1, 1986.

J. Rogers Pearcy,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 86-7924 Filed 4-8-86; 8:45 am]

BILLING CODE 4310-MR-M

Bureau of Mines

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act.

A request extending the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed collection of information and related forms and explanatory material may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made within 30 days directly to the Bureau clearance officer and to the Office of Management and Budget Interior Department Desk Officer, Washington, DC 20503, telephone 202-395-7313.

Title: Mining and Minerals Resources and Research Institutes Program.

Abstract: the purpose for collecting this data is to ensure prudent technical and fiscal monitoring of each grant by the Bureau of Mines. The data will be used to periodically track and evaluate grantee research successes and conclusions; to evaluate the fiscal status of each grant; and to close each completed grant. The Bureau of Mines, Office of Mineral Institutes which is responsible for the technical monitoring of each project and the Bureau of Mines, Branch of Procurement which is responsible for the sound administration of each grant will be using this data.

Bureau Form Number: 6-1603-Q, 6-1604-S, 6-1605-A, 6-1606-A, 6-1607-A, 6-1608-A, and 6-1609-A

Frequency: Quarterly, semiannually and annually

Description of Respondents: Universities

Annual Responses: 361

Annual Burden Hours: 2,800

Bureau clearance officer: James T. Hereford 202-634-1125

Robert C. Horton,

Director, Bureau of Mines.

March 19, 1986.

[FR Doc. 86-7880 Filed 4-8-86; 8:45 am]

BILLING CODE 4310-53-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-244]

Certain Insulated Security Chests; Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on March 10, 1986, pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), on behalf of John D. Brush & Co., Inc., 900 Linden Avenue, Rochester, New York 14625. The complaint alleges unfair methods of competition and unfair acts in the importation into the United States of certain insulated security chests, and in their sale, by reason of alleged (1) infringement of claims 1-7 of U.S. Letters Patent 4,048,926; (2) common law trademark infringement; (3) misrepresentation of source; (4) misappropriation of trade dress; and (5) passing off. The complaint further alleges that the effect or tendency of the unfair methods of competition and unfair acts is to destroy or substantially

injure an industry, efficiently and economically operated, in the United States.

The complainant requests that the Commission institute an investigation and, after a full investigation, issue a permanent exclusion order and permanent cease and desist orders.

FOR FURTHER INFORMATION CONTACT: Juan S. Cockburn, Esq., or Gary Rinkerman, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telelphone 202–523–1272 and 202–523–1273, respectively.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930 and in § 210.12 of the Commission's Rules of Practice and Procedure (19 CFR 210.12).

Scope of Investigation

Having considered the complaint, the U.S. International Trade Commission, on April 3, 1986, ordered that:

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, an investigation be instituted to determine whether there is a violation of subsection (a) of section 337 in the unlawful importation of certain insulated security chests into the United States, or in their sale, by reason of alleged (1) infringement of claims 1–7 of U.S. Letters Patent 4,048,926; (2) common law trademark infringement; (3) false representation; (4) misappropriation of trade dress; and (5) passing off, the effect or tendecny of which is to destory or substantially injure an industry, efficiently and economically operated, in the United States;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is: John D. Brush & Co., Inc., 900 Linden Avenue, Rochester, New York 14625.

(b) The respondents are the following companies, alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Saga International, Inc., 1220 West Walnut Street, Compton, California 90220

Fedco, Inc., 9300 Santa Fe Springs Road, Santa Fe Springs, California 90670

G. I. Joe's, 9805 Boeckman Road, Wilsonville, Oregon 97070

Builder's Emporium, 2162 Michelson Drive, Irvine, California 92715

(c) Juan S. Cockburn, Esq., and Gary Rinkerman, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 701 E Street NW., Room 128, Washington, DC 20436, shall be the Commission investigative attorneys, party to this investigation; and

(3) For the investigation so instituted, Janet D. Saxon, Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding administrative law judge.

Responses must be submitted by the named respondents in accordance with § 210.21 of the Commission's Rules of Practice and Procedure (19 CFR 210.21). Pursuant to §§ 201.16(d) and 210.21(a) of the rules (19 CFR 201.16(d) and 210.21(a)), such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Extensions of time for submitting responses will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both an initial determination and a final determination containing such findings.

The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701, E Street NW., Room 156, Washington, DC 20436, telephone 202–523–0471. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–724–0002.

Issued: April 3, 1986.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 86–7885 Filed 4–8–86; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 701–TA–249 (Preliminary)]

Iron Construction Castings From Brazil (Light)

Determination

In accordance with the February 14, 1986, judgment of the U.S. Court of International Trade, (CIT),[1] which remanded the Commission's preliminary negative determination in *Iron Construction Castings From Brazil (Light)*, Inv. No. 701–TA–249 (June 1986),[2] the Commission makes the following preliminary determination:

Pursuant to section 703 of the Tariff Act of 1930 (19 U.S.C. 1671 b(a)), there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury by reason of imports from Brazil of light iron construction castings provided for in item 657.09 of the Tariff Schedules of the United States (TSUS), which are allegedly being subsidized by the Government of Brazil.

Background

On May 13, 1985, the Municipal Castings Fair Trade Council, along with the individual member companies, filed petitions with the Commission and the U.S. Department of Commerce that alleged that imports of subsidized iron construction castings from Brazil were causing material injury to the domestic industry producing "light" and "heavy" iron construction castings. Concurrent with the filing of the countervailing duty petition, petitioners filed petitions alleging injury to the domestic industries by reason of sales at less than fair value (LTFV) of imports from India, Canada, the People's Republic of China, and Brazil.[3]

Accordingly, the Commission instituted preliminary countervailing duty and antidumping investigations under sections 703(a) and 733(a) of the Tariff Act of 1930 to determine whether there is a reasonable indication that an industry in the United States is materially injured or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of the subject merchandise.[4]

Notice of the institution of the Commission's investigations and of a conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** on May 22, 1985.[5]

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[1] Bingham & Taylor, Division Virginia Industries, Inc., *et al.* v. United States, No. 85–07–00909, slip op. (CIT, February 14, 1986).

[2] Commissioner Brunsdale did not take part in the June, 1986 preliminary determination.

[3] Investigation Nos. 731–TA–262–265.

[4] Iron Construction Castings from Brazil, Canada, India, and the People's Republic of China, Inv. Nos. 701–TA–249 (Preliminary) and 731–TA–262–265 (Preliminary), 50 FR 21148 (May 22, 1985).

[5] *Id.*

On June 5, 1985, a public staff conference was held during which all interested parties were permitted to present testimony and to respond to questions from the Commission staff. Thereafter, the parties were permitted to submit post-conference briefs. A staff report discussing the relevant data accumulated in the course of the investigation was submitted to the Commission prior to the vote held on June 24, 1985.

On June 27, 1985, the Commission issued a preliminary negative determination with regard to allegedly subsidized light iron construction castings from Brazil.[6] [7] On the same day, the Commission issued affirmative preliminary determinations with regard to allegedly subsidized heavy iron construction castings from Brazil [8] and light and heavy iron construction castings from India, Canada, the People's Republic of China, and Brazil allegedly being sold at LTFV.[9] The Commission's determinations, accompanied by the views of the Commission and the public version of its report, were subsequently published.[10]

Petitioners sought judicial review of the Commission's negative preliminary determination by commencing a civil action in the U.S. Court of International Trade pursuant to 28 U.S.C. 1581(c).

On February 14, 1986, the CIT entered a judgment remanding the Commission's determination and ordering the Commission to issue a redetermination consistent with its opinion and order within 45 days. The order requires the Commission to cumulate the volume and price effects of Brazilian light iron construction castings subject to the countervailing duty investigation with light iron construction castings subject to the parallel antidumping investigations, under the provisions of section 771(7)(C)(v) of the Tariff Act of 1930 (as amended), 19 U.S.C. 1677(7)(C)(iv). In the preliminary antidumping investigations, the Commission majority cumulated imports of light iron construction castings from the subject countries and determined that a domestic industry is materially injured or threatened with material injury by reason of those imports allegedly sold at LTFV.

Accordingly, consistent with the order of the CIT and the preliminary antidumping determinations, the Commission finds that an industry in the United States is materially injured or threatened with material injury by reason of imports of light iron construction castings that are allegedly being subsidized by the Government of Brazil.

The issuance of this affirmative preliminary determination does not affect any appeal that the Commission may file seeking reversal of the CIT's February 14, 1986, judgment, nor has it in any manner constituted a predetermination of the outcome of the parallel final investigations.[11]

The Commission transmitted this determination to the Secretary of Commerce on March 31, 1986.

By order of the U.S. International Trade Commission.

Issued: March 31, 1986.

Kenneth R. Mason,

Secretary.

[FR Doc. 86-7886 Filed 4-8-86; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-245]

Certain Low-Nitrosamine Trifluralin Herbicides; Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337 and 19 U.S.C. 1337a.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on March 12, 1986, under section 337 of the Tariff Act of 1930, 19 U.S.C. 1337, and under 19 U.S.C. 1337a, on behalf of Eli Lilly and Company, Lilly Corporate Center, Indianapolis, Indiana 46285. The complaint alleges unfair methods of competition and unfair acts in the importation and sale of certain low nitrosamine trifluralin herbicides into the United State, and in their sale, by reason of alleged manufacture abroad by a process which, if practiced in the United States, would infringe claims 53-55, 59-62, 64-67 and 71-72 of U.S. Letters Patent 4,226,789. The complaint further alleges that the effect or tendancy of the unfair methods of competition and unfair acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

The complainant requests that the Commission institute an investigation and, after a full investigation, issue a permanent exclusion order and permanent cease and desist orders.

FOR FURTHER INFORMATION CONTACT: Ethel Morgan, Esq., or Jeffrey Gertler, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone 202-523-0113 and 202-523-0115, respectively.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930 and in § 210.12 of the Commission's Rules of Practice and Procedure (19 CFR 210.12).

Scope of Investigation

Having considered the complaint, the U.S. International Trade Commission, on April 3, 1986, ordered that:

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, an investigation be instituted to determine whether there is a violation of subsection (a) of section 337 in the unlawful importation into the United States of certain low-nitrosamine trifluralin herbicides, or in their sale, by reason of alleged manufacture abroad by a process which, if practiced in the United States, would infringe claims 53-55, 59-62, 64-67, and 71-72 of U.S. Letters Patent 4,226,789, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is— Eli Lilly and Company, Lilly Corporate Center, Indianapolis, Indiana 46285.

(b) The respondents are the following companies, alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Agan Chemical Manufacturers, Ltd., P.O. Box 262, Ashdod, Israel 77102

Industria Prodotti Chimici, S.p.A., Via Fratelli Beltrami, 11, 20026 Novate, Milanese, Italy

Aceto Chemical Company, Inc., 126-02 Northern Boulevard, Flushing, New York 11368

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[6] The Commission defined "light iron construction castings" to include valve, service, and meter boxes that are employed in utility systems and are placed below the ground to encase water or gas valves and meters.

[7] Chairwoman Stern and Commissioner Eckes dissented, finding a reasonable indication of threat of material injury.

[8] The Commission defined "heavy iron construction castings" to include manhole covers, rings and frames, catch basin grates and frames, and clean out-covers and frames used primarily for drainage and access purposes in water and sewerage systems.

[9] 50 FR 27498 (July 3, 1985).

[10] Iron Construction Castings From Brazil, Canada, India, and the People's Republic of China, Inv. Nos. 701-TA-249 and 731-TA-262-265, USITC No. Pub. 1720 (June 1985).

[11] On February 19, 1986 the Commission issued a final affirmative antidumping determination in Iron Construction Casting From Canada, Inv. No. 731-TA-263 (Final), USITC Pub. No. 1811 (February 1986). The Commission final determination in the parallel antidumping and countervailing duty investigations will be transmitted to Commerce not later than April 25, 1986.

Makhteshim-Agan (America) Inc., Two Park Avenue, New York, New York 10016

(c) Ethel Morgan, Esq., and Jeffrey Gertler, Esq., Office of Unfair Import Investigations, United States International Trade Commission, 701 E Street NW., Room 122, and Room 125, respectively, Washington, DC. 20436, shall be the Commission investigative attorneys, parties to this investigation; and

(3) For the investigation so instituted, Janet D. Saxon, Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding administrative law judge.

(4) The following entity is not named as a respondent in this investigation but shall be served with a copy of the notice of investigation, the complaint, and section 210.26 of the Commission's Rules: Finchimica S.p.A. Manerbio (Brescia), Italy.

Responses must be submitted by the named respondents in accordance with § 210.21 of the Commission's Rules of Practice and Procedure (19 CFR 210.21). Pursuant to §§ 201.16(d) and 210.21(a) of the rules (19 CFR 201.16(d) and 210.21(a)), such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Extensions of time for submitting a response will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both an initial determination and a final determination containing such findings.

The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Room 156, Washington, DC 20436, telephone 202–523–0471. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–724–0002.

Issued: April 3, 1986.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 86–7887 Filed 4–8–86; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337–TA–110]

Certain Methods for Extruding Plastic Tubing; Termination of First Advisory Opinion Proceeding and Institution of a Second Advisory Opinion Proceeding

AGENCY: U.S. International Trade Commission.

ACTION: Termination and institution of advisory opinion proceedings.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to terminate with prejudice an advisory opinion proceeding instituted on October 24, 1985 (50 FR 45173, October 30, 1985) under the authority of sections 335 and 337 of the Tariff Act of 1930 (19 U.S.C. 1335 and 1337) and 19 U.S.C. 1337a, and to institute a second advisory opinion proceeding relating to the general exclusion order issued in September 1982 at the conclusion of the above-captioned investigation. A letter was filed with the Commission on March 4, 1985, on behalf of Meditech International Co. (Meditech), 4105 Holly Street, Unit 1, Denver, Colorado 80216, requesting the Commission to issue an advisory opinion pursuant to 19 CFR 211.54(b) regarding whether certain reclosable plastic bags that Meditech seeks to import into the United States are covered by the exclusion order issued on September 2, 1982, in the above-captioned investigation.

FOR FURTHER INFORMATION CONTACT: Juan Cockburn, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone 202–523–1272.

Scope of Investigation

(1) Pursuant to 19 CFR 211.54(b), an advisory opinion proceeding has been instituted to determine whether certain reclosable plastic bags sought to be imported into the United States by Meditech are covered by the Commission general exclusion order issued on September 2, 1982, in the above-captioned investigation; and pursuant to 19 CFR 201.4(b), the requirement in 19 CFR 211.54(b) that the requester of an advisory opinion has been a respondent in the investigation has been waived.

(2) For the purpose of the advisory opinion so instituted, the following have been named as parties upon which this notice shall be served:

(a) Meditech International Co., 4105 Holly Street, Unit 1, Denver, Colorado 80216, the requester of this advisory opinion proceeding; and

(b) Minigrip, Inc., Rte. 303, Orangeburg, New York 10962, the complainant in the above-captioned investigation.

(3) The Office of Unfair Import Investigations shall investigate and issue a report to the Commission within ninety (90) days of the date of publication of this notice in the **Federal Register.** At the same time as the Office of Unfair Import Investigations issues its report, it shall notify the parties of such issuance, and inform them that no further submissions may be filed regarding this proceeding without leave of the Commission. Prior to such notice, each party shall be permitted to make not more than two submissions regarding this proceeding, unless the Office of Unfair Import Investigations grants leave for additional submissions.

(4) The Commission will issue an advisory opinion based on the report of the Office of Unfair Import Investigations.

SUPPLEMENTARY INFORMATION: On September 2, 1982, the Commission issued a general exclusion order covering reclosable plastic bags manufactured according to a process which, if practiced in the United States, would infringe the claims of one or more of three U.S. process patents. Two of the patents have since expired, leaving as the basis for the Commission's exclusion order only U.S. Letters Patent Re. 28,959.

Meditech's letter withdraws with prejudice Meditech's first request for an advisory opinion, and requests a second advisory opinion proceeding. In the request for a second proceeding, Meditech asks that the Commission issue an advisory opinion stating that certain reclosable plastic bags which Meditech seeks to import are not covered by the Commission's exclusion order. Meditech's withdrawal of the first request with prejudice means that Meditech will not be permitted to file a third request for an advisory opinion if the request concerns reclosable plastic bags made by the process described in the request so withdrawn.

Copies of the Metitech submission withdrawing the first advisory opinion request and requesting a second advisory opinion, and all other nonconfidential documents filed in connection with this proceeding, are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S.

International Trade Commission, 701 E Street NW, Washington, DC 20436, telephone 202–523–0161. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–724–0002.

By order of the Commission.

Kenneth R. Mason,

Secretary.

Issued: April 4, 1986.

[FR Doc. 86–7888 Filed 4–8–86; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 701–TA–265 (Final)]

Porcelain-On-Steel Cooking Ware From Mexico

AGENCY: United States International Trade Commission.

ACTION: Institution of a final countervailing duty investigation.

SUMMARY: The Commission hereby gives notice of the institution of final countervailing duty investigation No. 701–TA–265 (Final) under section 705(b) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)) to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Mexico of porcelain-on-steel cooking ware,[1] provided for in item 654.08 of the Tariff Schedules of the United States, which have been found by the Department of Commerce, in a preliminary determination, to be subsidized by the Government of Mexico. The Commission will make its final injury determination no later than 45 days after the day on which Commerce makes its final subsidy determination, currently scheduled for May 13, 1986.

For further information concerning the conduct of this investigation, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, Subparts A and C (19 CFR Part 207), and Part 201, subparts A through E (19 CFR Part 201).

EFFECTIVE DATE: March 4, 1986.

FOR FURTHER INFORMATION CONTACT: Larry Reavis (202–523–0296), Office of Investigations, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–724–0002.

SUPPLEMENTARY INFORMATION:

Background

This investigation is being instituted as a result of an affirmative preliminary determination by the Department of Commerce that imports of porcelain-on-steel cooking ware from Mexico are being subsidized within the meaning of section 701 of the act (19 U.S.C. 1671). The investigation was requested in a petition filed on December 4, 1985, by General Housewares Corp., Terra Haute, IN. In response to that petition, the Commission conducted a preliminary countervailing duty investigation and, on the basis of information developed during the course of that investigation, determined that there was a reasonable indication that an industry in the United States was materially injured by reason of imports of the subject merchandise (51 FR 3862, January 30, 1986).

Participation in the Investigation

Persons wishing to participate in this investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's rules (19 CFR 201.11), not later than twenty-one (21) days after the publication of this notice in the **Federal Register.** Any entry of appearance filed after this date will be referred to the Chairwoman, who will determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

Service List

Pursuant to § 201.11(d) of the Commission's rules (19 CFR 201.11(d)), the Secretary will prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to this investigation upon the expiration of the period for filing entries of appearance. In accordance with §§ 201.16(c) and 207.3 of the rules (19 CFR 201.16(c) and 207.3), each document filed by a party to the investigation must be served on all other parties to the investigation (as identified by the service list), and a certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate of service.

Hearing, Staff Report, and Written Submissions

The Commission will hold a hearing in connection with this investigation at the U.S. International Trade Commission Building, 701 E Street NW., Washington, DC; the time and date of the hearing will be announced at a later date. A public version of the prehearing staff report in this investigation will be placed in the public record prior to the hearing, pursuant to § 207.21 of the Commission's rules (19 CFR 207.21). The dates for filing prehearing and posthearing briefs and the date for filing other written submissions will also be announced at a later date.

Authority: This investigation is being conducted under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to § 207.20 of the Commission's rules (19 CFR 207.20).

Issued: April 1, 1986.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 86–7889 Filed 4–8–86; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–236]

Certain Portable Bag Sewing Machines and Parts Thereof; Decision Not To Review Initial Determination Amending Complaint and Notice of Investigation to Join Four Respondents

AGENCY: U.S. International Trade Commission.

ACTION: Nonreview of an initial determination amending the complaint and notice of investigation to join four respondents.

SUMMARY: Notice is hereby given that the Commission has determined not to review an initial determination (ID) (Order No. 8) issued by the presiding administrative law judge (ALJ) in the above-captioned investigation granting complainant Axia's motion to amend the complaint and notice of investigation to add Newlong Industrial Co., Ltd., Fujioka Newlong Industrial Co., Ltd., Yuzaburo Cho, and Yasuhiro Kondo as parties respondent.

FOR FURTHER INFORMATION CONTACT: Randi S. Field, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–0261.

SUPPLEMENTARY INFORMATION:

The authority for the Commission's disposition of this matter is contained in section 337 of the Tariff Act of 1930 (19

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[1] Cooking ware, including teakettles, not having self-contained electric heating elements, all the foregoing of steel and enameled or glazed with vitreous glasses, but not including kitchen ware (currently reported under item 654.0228 of the Tariff Schedules of the United States Annotated).

U.S.C. 1337) and in § 210.53 of the Commission's rules (19 CFR 210.53).

On December 12, 1985, the Commission voted to institute the above-referenced investigation and named as respondents Newlong Machine Works, Ltd. and American-Newlong, Inc. On February 4, 1986, complainant Axia, Inc., moved to amend the complaint and notice of investigation to add as a party respondent Newlong Industrial Co., Ltd. On February 21, 1986, complainant filed a second motion to amend the complaint and notice of investigation to join as additional parties respondent Fujioka Newlong Industrial Co., Ltd., Yuzaburo Cho, and Yasuhiro Kondo. The existence and status of the proposed respondents were discovered by complainant during the course of discovery after the institution of this investigation. The motions were opposed by the original respondents on the ground that the newly proposed respondents would agree to be bound by any order of the Commission without being named respondents.

On March 5, 1986, the presiding ALJ issued an ID granting the complainant's motions to amend. No petitions for review of the ID or Government agency comments were received.

Copies of the ID and all other nonconfidential documents on the record of the investigation are available for public inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436, telephone 202–523–0471.

Hearing-impaired individuals are advised that information concerning this investigation can be obtained by contacting the Commission's TDD terminal on 202–724–0002.

Issued: April 1, 1986.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 86–7890 Filed 4–8–86; 8:45 am]

BILLING CODE 7020–02–M

[Investigations Nos. 701–TA–273 (Preliminary) and 731–TA–320–325 (Preliminary)]

Certain Unfinished Mirrors From Belgium, the Federal Republic of Germany, Italy, Japan, Portugal, Turkey, and the United Kingdom

AGENCY: United States International Trade Commission.

ACTION: Institution of preliminary countervailing duty and antidumping investigations and scheduling of a conference to be held in connection with these investigations.

SUMMARY: The Commission hereby gives notice of the institution of preliminary countervailing duty investigation No. 701–TA–273 (Preliminary) under section 703(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Turkey of unfinished [1] glass mirrors, 15 square feet and over in reflecting area, provided for in item 544.54 of the Tariff Schedules of the United States, which are alleged to be subsidized by the Government of Turkey. As provided in section 703(a), the Commission must complete preliminary countervailing duty investigations in 45 days, or in this case by May 16, 1986.

The Commission also gives notice of the institution of preliminary antidumping investigations Nos. 731–TA–320–325 (Preliminary) under section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Belgium, the Federal Republic of Germany, Italy, Japan, Portugal, and the United Kingdom of unfinished [1] glass mirrors, 15 square feet and over in reflecting area, provided for in item 544.54 of the Tariff Schedules of the United States, which are alleged to be sold in the United States at less than fair value. As provided in section 733(a), the Commission must complete preliminary antidumping investigations in 45 days, or in these cases by May 16, 1986.

For further information concerning the conduct of these investigations and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, Subparts A and B (19 CFR Part 207), and Part 201, subparts A through E (19 CFR Part 201).

EFFECTIVE DATE: April 1, 1986.

FOR FURTHER INFORMATION CONTACT: Larry Reavis (202–523–0296), Office of Investigations, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436. Hearing-impaired individuals may obtain information on this matter by contacting the Commission's TDD terminal on 202–724–0002. Information may also be obtained via electronic mail by accessing the Office of Investigations' remote bulletin board system for personal computers at 202–523–0103.

SUPPLEMENTARY INFORMATION:

Background

These investigations are being instituted in response to a petition filed on April 1, 1986, by the National Association of Mirror Manufacturers, Potomac, MD.

Participation in the Investigations

Persons wishing to participate in these investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's rules (19 CFR 201.11), not later than seven (7) days after publication of this notice in the **Federal Register**. Any entry of appearance filed after this date will be referred to the Chairwoman, who will determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

Service list

Pursuant to § 201.11(d) of the Commission's rules (19 CFR 201–11(d)), the Secretary will prepare a service list containing the names and addresses of all persons, or their representatives , who are parties to these investigations upon the expiration of the period for filing entries of appearance. In accordance with §§ 201.16(c) and 207.3 of the rules (19 CFR 201.16(c) and 207.3), each document filed by a party to these investigations must be served on all other parties to the investigations (as identified by the service list), and a certificate of service must accompnay the document. The Secretary will not accept a document for filing without a certificate of service.

Conference

The Commission's Director of Operations has scheduled a conference in connection with these investigations for 9:30 a.m. on April 23, 1986, at the U.S. International Trade Commission Building, 701 E Street NW., Washington, DC. Parties wishing to participate in the conference should contact Robert Eninger (202–523–0312) not later than April 21, 1986, to arrange for their appearance. Parties in support of the imposition of countervailing and/or antidumping duties in these investigations and parties in opposition to the imposition of such duties will each be collectively allocated on hour

[1] Mirrors which have not been subjected to any finishing operation, such as edging, beveling, etching, or framing.

within which to make an oral presentation at the conference.

Written Submissions

Any person may submit to the Commission on or before April 29, 1986, a written statement of information pertinent to the subject of these investigations, as provided in § 207.15 of the Commission's rules (19 CFR 207.15). A signed original and fourteen (14) copies of each submission must be filed with the Secretary to the Commission in accordance with § 201.8 of the rules (19 CFR 201.8). All written submissions except for confidential business data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any business information for which confidential treatment is desired must be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of § 201.6 of the Commission's rules (19 CFR 201.6).

Authority: These investigations are being conducted under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to § 207.12 of the Commission's rules (19 CFR 207.12).

Issued: April 4, 1986.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 86-7891 Filed 4-8-86; 8:45 am]

BILLING CODE 7020-02-M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-6 (Sub-276)]

Burlington Northern Railroad Co., Abandonment, in Walla Walla County, WA; Findings

The Commission has issued a certificate authorizing Burlington Northern Railroad Company to abandon its 48.72-mile rail line between Attalia (milepost 13.34) and Walla Walla (milepost 62.31) in Walla Walla County, WA. The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and the applicant no later than 10 days from publication of this Notice. The following notation must be typed in bold face on the lower left-hand corner of the envelope containing the offer: "Rail Section, AB-OFA". Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.27(b).

James H. Bayne,

Secretary.

[FR Doc. 86-8011 Filed 4-8-86; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30805]

Missouri-Kansas-Texas Railroad Co; Trackage Rights Missouri Pacific Railroad Co.; Exemption

Missouri Pacific Railroad Company (MP) has agreed to grant overhead trackage rights to Missouri-Kansas-Texas Railroad Company (MKT) over MP's line between Sedalia (approximately milepost 188.23) and St. Louis, MO (Milepost 1.19). The trackage rights are effective March 27, 1986.

This notice is filed under 49 CFR 1180.2(d)(7). Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction.

As a condition to use of this exemption, any employees affected by the trackage rights will be protected pursuant to *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry. Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

Dated: Mach 31, 1986.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

James H. Bayne,

Secretary.

[FR Doc. 86-7903 Filed 4-8-86; 8:45 am]

BILLING CODE 7035-01-M

NUCLEAR REGULATORY COMMISSION

Bi-Weekly Notice; Applications and Amendments To Operating Licenses Involving No Significant Hazards Considerations

I. Background

Pursuant to Public Law (Pub. L.) 97-415, the Nuclear Regulatory Commission (the Commission) is publishing this regular bi-weekly notice. Pub. L. 97-415 revised section 189 of the Atomic Energy Act of 1954, as amended (the Act), to require the Commission to publish notice of any amendments issued, or proposed to be issued, under a new provision of section 189 of the Act. This provision grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This bi-weekly notice includes all amendments issued, or proposed to be issued, since the date of publication of the last bi-weekly notice which was published on March 26, 1986 (51 FR 10451) through March 31, 1986.

NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE AND PROPOSED NO SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION AND OPPORTUNITY FOR HEARING

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendments would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a signficant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted to the Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Copies of comments received may be examined at the NRC Public Docket Room, 1717 H Street NW., Washington, DC.

By May 9, 1986, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and

any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisifes these requirements with respect to at least one contention will not be permitted to participate as a party

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received before action is taken. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325–6000 (in Missouri (300) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to (*Branch Chief*): Petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board, that the petition and/or request should be granted based upon a balancing of factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the local public document room for the particular facility involved.

Alabama Power Company, Docket Nos. 50–368, and 50–364, Joseph M. Farley Nuclear Plant, Unit Nos. 1 and 2, Houston County, Alabama

Date of amendments request: February 7, 1986.

Description of amendments request: The licensee proposes to revise Technical Specification (TS) 3.4.1.2 to require all three reactor coolant loops to be operating in Mode 3 (hot standby) or that the rod control system be disabled. The existing TS requires only one coolant loop to be operating.

Basis for proposed no significant hazards consideration determination:

The licensee was informed of an inconsistency between the TS and the Final Safety Analysis Report (FSAR) by the reactor plant designer, Westinghouse. The FSAR analysis for the rod withdrawal accident requires either three coolant loops to be operating or the rod control system to be disabled so that the accident would not be feasible. The licensee provided a significant hazards evaluation pursuant to 10 CFR 50.92 using the three factor test. The licensee's analysis is as follows:

(1) The proposed change will not significantly increase the probability or consequences of an accident previously evaluated because the change will ensure that the FSAR analysis for the rod bank withdrawal accident in Mode 2 will envelope the Mode 3 conditions as assumed in the FSAR safety analysis.

(2) The proposed change will not create the possibility of a new or different kind of accident from any accident previously evaluated because the change will ensure that plant operation is consistent with the FSAR safety analyses.

(3) The proposed change will not involve a significant reduction to the margin of safety because the change will ensure that the conservatisms assumed in the FSAR safety analyses are maintained.

Thus, the licensee concludes that the proposed change does not involve a significant hazards consideration. We agree with this analysis. In addition, the change appears to fit the following Commission exmples of actions of a no significant hazards consideration:

Example "(i) A purely administrative change to technical specifications: for example, a change to achieve consistency throughout the technical specifications, correction of an error, or a change in nomenclature." TS 3.4.1.2 would be administrative corrected to agree with the FSAR requirements for number of reactor coolant loops operating in Mode 3.

Example "(ii) A change that constitutes an additional limitation, restriction, or control not presently included in the technical specifications: for example, a more stringent surveillance requirement." An additional limitation is added into TS 3.4.1.2 to require either three coolant loops to be operating or to require disabling the rod control system. Neither of these requirements existed in the TS before the proposed change. However, the licensee has already taken administrative action to assure safe operation by implementing these precautions.

On the basis of the licensee's analysis, as well as the NRC staff review, the Commission proposes that the change is not a significant hazards consideration.

Local Public Document Room location: George S. Houston Memorial Library, 212 W. Burdeshaw Street, Dothan, Alabama 36303.

Attorney for licensee: Ernest L. Blake, Esquire, 180 M. Street NW., Washington, DC 20036.

NRC Project Director: Lester S. Rubenstein.

Boston Edison Company, Docket No. 50–293, Pilgrim Nuclear Power Station, Plymouth, Massachusetts

Date of amendment request: February 27, 1986.

Description of amendment request: The amendment would change the technical specification requirements for certain instrument channel test and calibration frequencies of every 3 or 6 months to once per operating cycle (approximately 18 months) during refueling outages. The proposed changes are associated with the installation of an electronic analog trip system (ATS) which will replace mechanically operated pressure and level instruments currently used for initiation of the reactor protection system (RPS) and the emergency core cooling system (ECCS). An added requirement included with this change would be a daily instrument check to verify transmitter output.

Basis for proposed no significant hazards consideration determination. The Commission has provided standards for determining whether a significant hazards consideration exists (10 CFR 50.92(c)). The licensee has analyzed the proposed change using the above standards and determined that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety for the following reasons.

The ATS only affects the RPS and ECCS at the sensor level and does not affect the existing logic; therefore, this replacement of the mechanical devices will not alter the present requirements for instrument initiation, function and operability. Although the proposed changes in the technical specifications would relax the surveillance requirements, the system availability, accuracy and reliability would not be reduced because the electronic ATS components, as detailed in General Electric Company's topical report NEDO–21617–A, have higher accuracy and lower failures rates than the mechanical components. Furthermore, the proposed daily instrument check will add a degree of confidence in system operability that was not provided by the mechanical switches and sensors. For these reasons, the licensee concluded that the three criteria in 10 CFR 50.92(c), presented above, have been met. The staff has reviewed the licensee's no significant hazards consideration determination and agrees with the licensee's evaluation. The staff has, therefore, made an initial determination that the amendment would involve no significant hazards considerations.

Local Public Document Room location: Plymouth Public Library, 11 North Street, Plymouth, Massachusetts 02360.

Attorney for licensee: W.S. Stowe, Esq., Boston Edison Company, 800 Boylston Street, 36th Floor, Boston, Massachusetts 02199.

NRC Project Director: John A. Zwolinski.

Boston Edison Company, Docket No. 50–293, Pilgrim Nuclear Power Station, Plymouth, Massachusetts

Date of amendment request: February 28, 1986.

Description of amendment request: The amendment would change Technical Specification Figures 3.6.1 and 3.6.2 to more accurately reflect the neutron exposure received by the reactor pressure vessel (RPV) during operation of the Pilgrim Station. The present pressure-temperature limit curves on Figure 3.6.1 apply to the hydrostatic and leak tests for RPV neutron exposures of up to 8.0 effective full power years (EFPY). Similar curves on Figure 3.6.2 apply to RPV heatup and cooldown. The change simply consists of relabeling the curves from 6.68 EFPY to 8.0 EFPY and from 8.0 EFPY to 10.0 EFPY. The purpose of this amendment is to ensure that Pilgrim Station is not required by the present limits to shut down if 8.0 EFPY is reached prior to the planned end of the current operating cycle.

Basis for proposed no significant hazards consideration determination: The existing pressure and temperature limit curves were developed using neutron fluence measurements from a capsule test specimen pulled from the RPV at the end of Cycle 4 and extrapolation to project the neutron fluence for future cycles. This extrapolation technique overestimated the cumulative RPV neutron exposure for subsequent cycles. A recently completed rigorous radiation transport calculation has shown a significant reduction in neutron fluence over the period from the end of Cycle 4 to mid-Cycle 7. This newly calculated neutron fluence more accurately reflects the reduced neutron fluence received by the RPV subsequent to Cycle 5 due to the change to a low-leakage core loading scheme. From the results of the new calculation, the licensee determined that the neutron fluence associated with 6.68 EFPY in the existing Figures 3.6.1 and 3.6.2 actually corresponds with 8.0 EFPY. Similarly, the neutron fluence shown for 8.0 EFPY actually corresponds with 10.0 EFPY.

The Commission has provided standards in 10 CFR 50.92(c) for determining that a proposed amendment involves no significant hazards considerations. Accordingly, the licensee has performed the following analysis:

1. Operation of PNPS in accordance with the proposed amendment would not involve a

significant increase in the probability or consequences of an accident previously evaluated.

The pressure and temperature limit curves are designed to protect the RPV at various increments in neutron fluence received by the RPV. Because the actual curves corresponding to each increment of neutron fluence remain unchanged by this proposed change, there is no increase in the probability or consequences of an accident previously evaluated.

2. Operation of PNPS in accordance with the proposed amendment would not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed change represents the results of a more rigorous calculation of the neutron fluence received by the RPV. This more sophisticated radiation transport calculation replaces our previous estimation of neutron fluence using extrapolation methods. Thus, no possibility of a new or different kind of accident is created.

3. Operation of PNPS in accordance with the proposed amendment would not involve a significant reduction in a margin of safety.

The margin of safety included in our calculation of the pressure and temperature limits required for each increment of neutron fluence to the RPV remains unchanged. This is because the existing pressure and temperature limit curves remain unchanged for each increment of neutron fluence. The only change is in our projection of when, during plant operation, a particular neutron fluence will be reached by the RPV. Our more accurate calculation of the neutron fluence received by the RPV does not impact any existing margin of safety.

Based on the above analysis, the licensee concluded that the proposed amendment does not involve significant hazards considerations. The staff has reviewed the licensee's no significant hazards considerations determination and agrees with the licensee's analysis. The staff has, therefore, made an initial determination that the licensee's request does not involve significant hazards considerations.

Local Public Document Room location: Plymouth Public Library, 11 North Street, Plymouth, Massachusetts 02360.

Attorney for licensee: W.S. Stowe, Esq., Boston Edison Company, 800 Boylston Street, 36th Floor, Boston, Massachusetts 02199

NRC Project Director: John A. Zwolinski.

Commonwealth Edison Company, Docket No. 50–373, La Salle County Station, Unit 1, La Salle County, Illinois.

Date of amendment request: October 22, 1985, as amended by letter dated March 21, 1986.

Description of amendment request: The proposed amendment to Operating License NPF–11 would revise the La Salle Unit 1 Technical Specifications to support the operation of La Salle County Station, Unit 1 at full rated power during the upcoming Cycle 2. The proposed amendment to support this reload changes the Technical Specifications in the following areas: (1) Establishes operating limits for all fuel types for the upcoming Cycle 2 operation; (2) establishes the Average Power Range Monitor setpoints; (3) reflects the replacement of approximately 30 percent of the core with new General Electric (GE) prepressurized barrier fuel assemblies for the upcoming Cycle 2 operation; (4) modifies the bases section to account for the use of the new GE fuel assemblies; and (5) addresses the areas of thermal hydraulic stability.

To support the proposed license amendment for operation of La Salle Unit 1 during Cycle 2, the licensee submitted the following document as attachment to the application: 23A1843, Class 1, June 1985, "Supplemental Reload Licensing Submittal for La Salle County Station Unit 1, Reload 1 (Cycle 2)."

During the first refueling outage 232 GE initial fuel (not pressurized or have barrier) assemblies will be replaced with new prepressurized barrier fuel assemblies.

In addition, on March 21, 1986, the licensee withdrew the stability requirements for all modes of operation (two or single loop operation) and added only the single loop operation stability requirements.

Basis for proposed no significant consideration determination: The original request October 22, 1985, was noticed in the **Federal Register** (50 FR 47859) November 20, 1985. The licensee, in its letter of March 21, 1986, withdrew the proposed Technical Specification changes regarding hydraulic stability for all modes of operation and only submitted the limits required for single loop operation in a designated, restricted region of the power-to-flow map. In withdrawing the hydraulic stability requirements for all modes of operation to only single loop operation, the licensee has changed the amendment substantially enough to require renoticing the requested amendment.

The proposed amendment to the La Salle Unit 1 Technical Specifications to support this reload is very similar to Example (iii) provided by the Commission of the types of amendments not likely to involve a significant hazards consideration. Example (iii) is an amendment to reflect a core reload where:

(1) No fuel assemblies significantly different from those found previously acceptable to the Commission for a previous core at the facility in question are involved;

(2) No significant changes are made to the acceptance criteria for the Technical Specifications;

(3) The analytical methods used to demonstrate conformance with the Technical Specifications and regulations are not significantly changed; and

(4) The NRC has previously found such methods acceptable.

This reload will consist of 764 assemblies, 532 of which are once burned non-pressurized GE fuel assemblies and 232 of which are new GE prepressurized barrier fuel assemblies. This new fuel bundle design has been approved by the staff; however, a new enrichment will be used in the fuel assemblies for this La Salle Unit 1 reload. This new fuel enrichment has not yet been included in the approved Topical Report, NEDE–24011–P–A, "General Electric Standard Application for Reactor Fuel," (GESTAR II). However, the licensing of new bundle enrichment has been treated as a non-safety related change to GESTAR II. The information required for review for this enrichment is included in the attachment to the application. This attachment states that this new fuel bundle design with the enrichment has been analyzed with approved methods.

Thus, this core reload involves the use of fuel assemblies that are not significantly different from those found previously acceptable to the Commission for a previous core at this facility. The proposed changes to the Technical Specifications reflect new operating limits associated with the fuel to be inserted into the core, are based on the new core physics, and are within the acceptance criteria.

In the analyses supporting this reload, there have been no significant changes in acceptance criteria for the Technical Specifications, and the analysis methods have previously been found acceptable.

The only difference between this reload and Example (iii) provided by the Commission is related to the use of the GE prepressurized barrier fuel which has been approved by the staff. The enrichment used in this fuel has not been included in GE's Topical Report; however, the licensing of a new bundle

enrichment has been treated as a non-safety related change to GESTAR II. The analytical results for this new enrichment has been performed with approved methods and meet the approved limits of GESTAR II.

On the basis of the above, the Commission's staff has concluded that the operation of the facility in accordance with the proposed license amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; (2) create the possibility of a new or different kind of accident from any previously evaluated; or (3) involve a significant reduction in the margin of safety.

Accordingly, the Commission's staff proposes to determine that the proposed changes to the Technical Specifications involve no significant hazards considerations.

Local Public Document Room location: Public Library of Illinois Valley Community College, Rural Route No. 1, Ogelsby, Illinois 61348.

Attorney for licensee: Isham, Lincoln and Burke, Suite 840, 1120 Connecticut Avenue, NE., Washington, DC 20036.

NRC Project Director: Elinor G. Adensam.

Commonwealth Edison Company, Docket Nos. 50–373 and 50–374, La Salle County Station, Units 1 and 2, La Salle County, Illinois

Date of amendments request: November 13, 1985, as amended by letters dated January 3 and March 10, 1986.

Description of amendment request: The proposed amendments to Operating License NPF–11 and Operating License NPF–18 would revise the La Salle Units 1 and 2 Technical Specifications to reflect a low and/or degraded grid voltage modification as required for completion by License Condition 2.C.(20) for Unit 1 and License Condition 2.C.(11) for Unit 2. These modifications will be installed on Division I, II and III in Unit 1 and the modifications on Division II and III for Unit 2 are completed. The modification of Division I for Unit 2 will be completed prior to startup after the first refueling for Unit 2 as required by License.

The application of the amendments included an action statement, Action 39, to allow seven days of plant operation without automatic degraded voltage protection on an engineered safety feature bus. This action statement was not acceptable to the NRC staff. On March 10, 1986, the licensee withdrew the Action 39 and changed to Action 37 which requires the inoperable instrument to be placed in the tripped condition within 1 hour or the associated emergency diesel generator to be declared inoperable and actions required by Technical Specifications 3.8.1.1 or 3.8.1.2 to be undertaken.

Basis for proposed no significant hazards consideration determination: The original request of November 13, 1985, was noticed in the **Federal Register** (50 FR 49784) on December 4, 1985. In withdrawing the Action 39 and replacing to Action 37, the licensee revised its original request by letter dated March 10, 1986. This revision was substantial enough to require renoticing the requested amendments. However the change was on the conservative side since Action 39 allowed seven days of plant operation without automatic degraded voltage protection on engineered safety features bus while Action 37 allowed actions required by Technical Specifications 3.8.1.1 or 3.8.1.2 to be undertaken which have a maximum of three days of plant operation.

The Commission has provided standards for determining whether a significant hazards consideration exists (10 CFR 50.92(c)). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The licensee has determined and the NRC staff agrees that the proposed amendment will not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated because this modification reduces the possibility of common mode failure of electrical equipment due to operation outside the qualified voltage range of the equipment.

2. Create the possibility of a new or different kind of accident from any accident previously evaluated because loss of offsite power is an analyzed accident and this modification does not affect that event.

3. Involve a significant reduction in the margin of safety because this change provides additional limitations and therefore fits the example of a change not likely to involve a significant hazards consideration as indicated in 48 FR 14870 item (ii).

Accordingly, the Commission proposes to determine that the proposed changes to the Technical Specifications involve no significant hazards considerations.

Local Public Document Room Location: Public Library of Illinois Valley Community College, Rural Route No. 1, Ogelsby, Illinois 61348.

Attorney for licensee: Isham, Lincoln and Burke, Suite 840, 1120 Connecticut Aveneue, NW., Washington, DC 20036.

NRC Project Directorate: Elinor G. Adensam.

Commonwealth Edison Company, Docket No. STN 50–454 Byron Station, Unit 1 Ogle County, Illinois

Date of application for amendment: March 11, 1986.

Description of amendment request: The amendment would revise Technical Specification 4.5.2f by replacing the specified differential pressure for the Residual Heat Removal (RHR) pump with the RHR pump Minimum Acceptable Performance Curve. Using a curve, rather than a single point, provides more flexibility in demonstrating the required performance of the RHR pumps. It is the staff's intention to apply this amendment to Byron Station, Unit 2, when it receives its operating license if the amendment is found acceptable for Byron Station, Unit 1.

Basis for Proposed No Significant Hazards Consideration Determination: Based on the three criteria in 10 CFR 50.92 for defining a significant hazards consideration, operation of Byron Station, Unit 1 in accordance with the proposed amendment will not:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated because the proposed change involves the use of a pump performance curve instead of a point on the curve to determine acceptable performance of a RHR pump. Therefore, the probability of accidents previously evaluated remains unchanged. The curve which be referenced in the Technical Specification is a test curve which exceeds the curve used in previous evaluations of accidents. Therefore, the consequences of accidents previously evaluated would not change.

(2) Create the possiblity of a new or different kind of accident from any accident previously evaluated because the proposed change only provides more flexibility in the acceptance criteria of a surveillance used to check the performance of pumps.

(3) Involve a significant reduction in a margin of safety because the proposed change maintains the same margin between points on the test curve and the curve used for ECCS analysis.

Therefore, the staff proposes to determine that the amendment does not involve a signifcant hazards consideration.

Local Public Document Room location: Rockford Public Library, 215 N. Wyman Street, Rockford, Illinois 61103.

Attorney for licensee: Michael Miller, Isham, Lincoln and Beal, One First National Plaza, 42nd Floor, Chicago, Illinois 60603.

NRC Project Director: Vincent S. Noonan

Commonwealth Edison Company, Docket Nos. 50–373 and 50–374, La Salle County Station, Units 1 and 2, La Salle County, Illinois

Date of amendments requests: March 21, 1986.

Description of amendments request: The proposed amendments to Operating License NPF–11 and Operating License NPF–18 would revise the La Salle Units 1 and 2 Technical Specifications to reflect the addition of backup overload protection devices required to satisfy License Condition 2.C.23 for Unit 1 prior to startup after the first refueling. For Unit 2 these devices are installed and are being added to the Technical Specifications.

Backup overload protection is required for energized circuits which pass through the containment electrical penetrations. Both the primary and backup breakers should be included in the Technical Specification Table 3.8.3.2–1. The backup breakers, while actually installed in Unit 2, were not reflected in the Unit 2 Technical Specifications.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists (10 CFR 50.92 (c)). A proposed amendment to an operating license for a facility involves no signficant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The licensee has determined, and the NRC staff agrees, that the proposed amendent will not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated because the amendment provides additional administrative controls to assure proper protection of the electrical penetations. These reflect the additional protection which prevents any adverse effects on Primary Containment Integrity. Additionally, the change to make the actions performed in the event of an inoperable breaker the same for all voltages reduced the possibility of operator error.

2. Create the possibility of a new or different kind of accident from any accident previously evaluated because this amendment indicates the improved physical protection offered in the applicable systems.

3. Involve a significant reduction in the margin of safety because the affect of the backup protection in fact increases the margin of safety by assuring overcurrent conditions will not jeopardize the operability of the penetration. In addition, the removal of the "TRIP SETPOINT" and "RESPOND TIME" columns reduces the possibility of error during testing from utilization of out of date information.

Accordingly, the Commission proposes to determine that the proposed changes to the Technical Specification involve no significant hazards consideration.

Local Public Document Room location: Public Library of Illinois Valley Community College, Rural Route No. 1, Ogelsby, Illinois 61348.

Attorney for licensee: Isham, Lincoln and Burke, Suite 840, 1120 Connecticut Avenue, NW., Washington, DC 20036.

NRC Project Directorate: Elinor G. Adensam.

Duke Power Company, Dockets Nos. 50–269, 50–270 and 50–287, Oconee Nuclear Station, Units Nos. 1, 2 and 3, Oconee County, South Carolina

Date of amendment request: January 16, 1986.

Description of amendment request: The proposed amendments would revise the Station's common Technical Specifications (TSs) to permit the use of steam generator tube sleeving as an alternative to tube plugging for repair of defective steam generator tubes. The current TS 4.17 requires that all defective tubes be plugged. The use of sleeve repairs would reduce the number of steam generator tubes that must be plugged and removed from service.

To support this application, the licensee has submitted a report by Babcock and Wilcox (B&W), BAW–1823, Revision 1, "Once-Through Steam Generator Mechanical Sleeve Qualification." B&W has developed a mechanical sleeve design for use in the tubes of once-through steam generators. This sleeve can be installed by remotely operated tools. The sleeving technique described in the B&W report is similar to the methodology previously reviewed and approved by the NRC staff for use in other B&W reactors.

The B&W report describes the analysis and testing performed to demonstrate the accepability of the mechanical sleeve design. The report describes the various properties of the sleeve—its mechanical strength, vibration resistance, leak resistance and corrosion resistance. The report also states the installation process control and inservice inspection techniques. It also discusses the effect of the new tubes on plant performance and shows how all NRC acceptance criteria are met.

Basis for proposed no significant hazards consideration determination: Some steam generator tubes have been found to have a varying amount of wall degradation after only a few years' service. If the degradation is extensive, the normal practice of plugging defective tubes may reduce the effectiveness of the steam generators and eventually reduce the performance of the nuclear steam supply system. An alternative to tube plugging is tube sleeving. A sleeve is installed as a new pressure boundary inside the original tube to bridge the degraded area, thus permitting the tube to remain in service.

The Commission has provided guidance concerning the determination of significant hazards considerations by providing certain standards (10 CFR 50.92 (c)). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or

(2) Create the possibility of a new or different kind of accident from any accident previously evaluated; or

(3) Involve a significant reduction in a margin of safety.

These requested amendments will not involve a significant increase in the probability or consequences of an accident previously evaluated. The licensee states that the Final Safety Analysis Report (FSAR) conservatively evaluated a double-ended rupture of a steam generator tube. A severed tube with a mechanical sleeve installed in it has been shown by tests to have mechanical strength at least as great as that of a new tube. Thus a sleeved tube is no more likely to rupture than any other tube in the generator.

A sleeved tube is functionally equivalent to an unsleeved tube except for less effective heat transfer due to the

air gap and a slight pressure drop due to the primary flow constriction. Analysis has shown that if 5,000 sleeves were installed in each generator, the steam superheat temperature would be reduced by 7.7 °F at full power, and primary flow would be reduced by less than 1%. The licensee states that these differences would be insignificant to the performance of the steam generator in any accident situation. We agree with the licensee's analysis.

The proposed amendments will not create the possibility of a new or different kind of accident from any accident previously evaluated because the only equipment affected by sleeving is the steam generator. The most severe malfunction of a steam generator is a tube rupture, and the consequences of a ruptured sleeve are no worse than the consequences of a ruptured tube. Sleeving does not increase the probability of steam generator failure because the sleeved tube has been shown to be mechanically stronger than an unsleeved tube. Thus a steam generator with sleeved tubes would perform in the same manner as one without sleeved tubes, and there is no risk of a new or different accident.

The proposed amendments will not involve a significant reduction in a margin of safety. The integrity of steam generator tubes is enhanced by the installation of sleeves due to the increased vibration stability margin and the ability to bridge over imperfections and degradations. Thus the margin of safety is not reduced.

Based on the above, the Commission's staff proposes to determine that these proposed amendments do not involve a significant hazards consideration.

Local Public Document Room location: Oconee County Library, 501 West Southbroad Street, Walhalla, South Carolina 29691.

Attorney for licensee: J. Michael McGarry, III, Bishop, Liberman, Cook, Purcell and Reynolds, 1200 17th Street, NW., Washington, DC 20036.

NRC Project Director: John F. Stolz.

Florida Power and Light Company, Docket No. 50–250, Turkey Point Plant Unit 3, Dade County, Florida

Date of amendment request: January 30, 1986.

Description of amendment request: The proposed amendments provide administrative control of the non-safety related Standby Feedwater System. These controls will provide assurance that the system will be available during plant operations. No credit for this system is assumed in mitigating the consequences of postulated design basis accidents. The system is normally used during startup. However, this system is capable of supplying feedwater to the steam generators in the event of an accident, thus providing additional in dept defense for mitigating the consequences. The controls include surveillance requirements, limiting conditions of operation, supporting basis and reporting requirements.

Basis for proposed no significant hazards consideration determination. The proposed changes to the Turkey Point Plant Units 3 and 4 Technical Specifications (TS) are:

Pages ii, iii, iv.

The Table of Contents is revised to include provisions for the STANDBY FEEDWATER SYSTEM.

Page 3.20–1

The Limiting Condition for Operation for the STANDBY FEEDWATER SYSTEM is added as Specification 3.20. In addition to a SPECIAL REPORT, in a condition where both pumps are unavailable for longer than 24 hours, the NRC shall be notified. This notification will be included in procedures as a VOLUNTARY 4 hour notification.

Page 4.21–1

The surveillance requirements are added for the STANDBY FEEDWATER SYSTEM as Specification 4.21.

Page 6.23

The special report requirements for limiting conditions of operation for Technical Specification 3.20.

Page B3.20–1

The Bases for the Limiting Condition for Operation of the STANDBY FEEDWATER SYSTEM are added.

Page B 4.24–1

The Bases for Surveillance Requirements of the STANDBY FEEDWATER SYSTEM are added.

These proposed changes to the TS provide surveillance requirements, limiting conditions of operation (LCO), supporting basis and reporting requirements on a non-safety system for which no credit is taken for accident mitigation. The system is not automatically initiated and would require operator action if used. Although the system was installed and is used for a source of feedwater during normal startup, it could provide an additional source of water during accident mitigation for decay heat removal if multiple failures would result in loss of the safety-related water. The addition of TS requirements for surveillance and LCO's on this non-safety system will provide a higher degree of assurance that this additional source of water would be available for decay heat removal.

The Commission has provided standards for determining whether a significant hazards consideration exists (10 CFR 50.92(c)). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility, in accordance with the proposed amendment, would not: (1) Involve a significant increase in the probability or consequences of a previously evaluated accident; or (2) create the possibility of a new or different kind of accident from an accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The proposed changes will not involve a significant hazards consideration in that operation of the facilities in accordance with the proposed amendments would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated because the proposed changes add surveillance requirements, LCO's, supporting basis and reporting requirements on a non-safety related system for which no credit is taken in the Turkey Point design bases; or (2) create the possibility of a new or different kind of accident previously evaluated because neither the staff nor the licensee can indentify a new or different accident resulting from the proposed surveillance requirements and LCO's; or (3) involve a significant reduction in a margin of safety because the proposed changes add limitations and controls which were not previously included in the TS.

The Commission has provided guidance (48 FR 14870, April 6, 1983) concerning the application of the standards in 10 CFR 50.92 by providing examples of actions that are considered not likely to involve significant hazards consideration. *Example (ii)* states: "A change that institutes an additional limitation restriction or control not presently included in the technical specifications: For example, a more stringent surveillance requirement." The proposed changes will provide surveillance requirements, LCO's and reporting requirements on a system which previously had no requirements, thus, are in accordance with example (ii) of amendments that are not likely to involve a significant hazards consideration.

Therefore, since the proposed changes would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of

a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety, as discussed above, and the proposed changes correspond to example (ii) of changes which the Commission has found not likely to involve significant hazards considerations, the staff proposes to determine that the changes requested in the amendments do not involve a significant hazards consideration.

Local Public Document Room location: Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199.

Attorney for licensee: Harold F. Reis, Esquire, Newman and Holtzer, P.C., 1615 L Street, NW., Washington, DC 20036.

NRC Project Director: Lester S. Rubenstein.

Kansas Gas & Electric Company, Docket No. 50-482, Wolf Creek Generating Station, Coffey County, Kansas

Date of amendment request: January 20, 1986, and March 21, 1986.

Description of amendment request: The purpose of the proposed amendment is to provide an extension of the 18 month technical specification (T.S.) surveillance interval during the initial operational cycle for the following items:

1. Boration Valve Actuation on Safety Injection Signal—T.S. 4.1.2.2.b
2. Channel Calibration Loose Parts Monitoring System—T.S. 4.3.3.9.c
3. ECCS Actuation on Safety Injection Signal—T.S. 4.5.2.e
4. Containment Spray Actuation Test Signal—T.S. 4.6.2.1.c
5. Spray Additive Value Actuation on Safety Injection Signal—T.S. 4.6.2.2.c
6. Containment Cooling System Actuation On Safety Injection Signal—T.S. 4.6.2.3.b
7. Containment Isolation Signal Test—T.S. 4.6.3.2
8. Component Cooling Water Actuation on Safety Injection Signal—T.S. 4.7.3.b
9. Essential Service Water Actuation on Safety Injection Signal—T.S. 4.7.4.b
10. Emergency Exhaust System Actuation on Safety Injection Signal—T.S. 4.7.7.d.3
11. Diesel Generator Testing—T.S. 4.8.1.1.2.f (2-10)
12. Battery Service Test—T.S. 4.8.2.1.d

The requested change would allow the surveillance interval for these surveillances to be extended beyond the 18 month interval allowed by the technical specifications until startup following the first refueling outage, in accordance with the licensee's request dated January 20, 1986. The first refueling outage is the next scheduled shutdown and is currently scheduled to begin in October 1986. This request entails an approximate four-month extension in the most limiting case. The licensee will shut the plant down and carry out these surveillance if the refueling outage does not begin by October 31, 1986.

Normally, since refueling outages occur about every 18-months, extensions beyond the 18-month surveillance interval required by the technical specifications for these items are usually not necessary. However, the first operating cycle is longer than normal cycles due to the extended length of the plant startup testing and power escalation. Therefore, the licensee must either request an extension or be forced to shutdown prior to the first refueling outage.

Basis for proposed no significant hazards consideration determination: The Commission has provided certain examples (48 FR 14870) of actions likely to involve no significant hazards considerations. The request involved in this case does not match any of those examples. However, the licensee has concluded and the NRC staff agrees that each technical specification change in the requested amendment does not involve a significant hazards consideration for the reasons set forth below:

1. Boration Valve Actuation on Safety Injection Signal.
3. ECCS Actuation on Safety Injection Signal.
4. Containment Spray Actuation Test Signal.
5. Spray Additive Value Actuation on Safety Injection Signal.
6. Containment Cooling System Actuation On Safety Injection Signal.
7. Containment Isolation Signal Test.
8. Component Cooling Water Actuation on Safety Injection Signal.
9. Essential Service Water Actuation Signal.

Through the process of overlap testing, each of the components in these circuits is tested on a periodic basis between 18-month intervals, with the exception of the load sequencer relay driver cards. In addition, all active valves related to these specifications are subjected to inservice testing performed in accordance with section XI of the ASME Boiler and Pressure Vessel Code and applicable addenda as required by 10 CFR 40.55a(g), except where specific written relief has been granted by the Nuclear Regulatory Commission.

System design features such as redundancy and diversity, including manual initiation of the systems and their individual components, provide an alternate means to assure system operability should an undetectable failure occur during the extended surveillance interval.

There is no design change involved and the method and manner of plant operation remains unchanged. The plant design basis, safety limits, limiting safety system settings and limiting conditions for opration also remain unchanged.

Based on the above, these changes do not involve a significant increase in the probability or consequences of an accident previously evaluated; or create the possibility of a new or different kind of accident from any accident previously evaluated; or involve a significant reduction in a margin of safety.

2. Channel Calibration Loose Parts Monitoring System—T.S. 4.3.3.9.c

Through the process of overlap testing, each of the components in this circuit is tested on a periodic basis between 18-month intervals, with the exception of the loose parts sensors. In addition, the system is installed with a remote device to check the response of the system on a few channels to audible signals. This system is not safety related or special scope; it serves to ensure that sufficient capability is available to detect loose metallic parts in the Reactor Coolant System and avoid or mitigate damage to Reactor Coolant System components.

There is no design change involved and the method and manner of plant operation remains unchanged. The plant design bases, safety limits, limiting safety system settings and limiting conditions for operation also remain unchanged.

Based on the above, this change does not involve a significant increase in the probability or consequences of an accident previously evaluated; or create the possibility of a new or different kind of accident from any accident previously evaluated; or involve a significant reduction in a margin of safety.

10. Emergency Exhaust System Actuation on Safety Injection Signal—T.S. 4.7.7.d.3

Through the process of overlap testing, each of the components in this circuit is tested on a periodic basis between 18-month intervals, with the exception of the Solid State Protection System Relays. Additionally, system design features such as redundancy and diversity, including manual initiation of the systems and their individual components, provide an alternate means to assure system operability should an undetectable failure occur during the extended surveillance interval. The

overall reliability of the Emergency Exhaust System has been further substantiated by four actuations of this feature during plant operation.

There is no design change involved and the method and manner of plant operation remains unchanged. The plant design bases, safety limits, limiting safety settings and limiting conditions for operation also remain unchanged.

Based on the above, this change does not involve a significant increase in the probability or consequences of an accident previously evaluated; or create the possibility of a new or different kind of accident from any accident previously evaluated; or involve a significant reduction in a margin of safety.

11. Diesel Generator Testing—T.S. 4.8.1.1.2.f (2–10)

Each Standby Diesel Generator is presently being tested monthly to demonstrate its operability and capability to assume load. Portions of the 18-month surveillance [4.8.1.1.2.f.1), 11) and 12)] have been performed since the initial surveillance on July 23, 1984. Overlapping tests of portions of the Standby Diesel Generator System as well as five (5) actuations of the Standby Diesel Generators during plant operations, substantiate overall system reliability.

Although a single valid test and failure per Regulatory Guide 1.108 occurred during a manual start of Diesel Generator "A", this failure was directly attributable to a mispositioned governor needed valve concurrent with the addition of oil to the governor as described in Special Report 10. This problem was detected and subsequently corrected as part of the existing periodic diesel testing program delineated in the Technical Specifications.

There is no design change involved and the method and manner of plant operation remains unchanged. The plant design bases, safety limits, limiting safety system settings and limiting conditions for operation also remain unchanged.

Based on the above, this change does not involve a significant increase in the probability or consequences of an accident previously evaluated; or create the possibility of a new or different kind of accident from any accident previously evaluated; or involve a significant reduction in a margin of safety.

12. Battery Service Test—T.S. 4.8.2.1.d

This battery service test verifies specific battery capacity which demonstrates that the battery will meet the design requirements of the DC system. This test was initially performed with satisfactory results, as part of preoperational testing on November 28, 1984.

Wolf Creek Generating Station is in its first cycle of operation and the batteries are relatively new, and no substantial loads have been added to the batteries. Additionally, battery surveillances have been performed weekly or quarterly for electrolyte level, float voltage, specific gravity, total battery terminal voltage, visible corrosion, terminal connection resistance and electrolyte temperature, thus providing a means of identifying potential failures.

There is no design change involved, and the method and manner of plant operation remains unchanged. The plant design bases, safety limits, limiting safety system settings and limiting conditions for operation also remain unchanged.

Based on the above, this changes does not involve a significant increase in the probability or consequences of an accident previously evaluated; or create the possibility of a new or different kind of accident from any accident previously evaluated; or involve a significant reduction in a margin of safety.

Accordingly, the Commission proposes to determine that these changes do not involve a significant hazards consideration.

Local Public Document Room locations: The William Allen White Library, Emporia State University, Emporia, Kansas; and the Washburn University School of Law, Topeka, Kansas.

Attorney for licensee: Jay Silberg, Esquire, Shaw, Pittman, Potts, and Trowbridge, 1800 M Street, NW, Washington, DC 20036.

NRC Project Director: B.J. Youngblood.

Nebraska Public Power District, Docket No. 50–298, Cooper Nuclear Station, Nemaha County, Nebraska

Date of amendment request: February 10, 1986.

Description of amendment request: The amendment would modify the technical Specifications applicable to high radiation areas as follows: (1) The definition of High Radiation Area would be changed from an area where the radiation is "100 mrem/hr or greater" to an area where the radiation is "100 mrem/hr or greater with measurements made at 18 inches from the source of the radiation"; (2) "Barricade" would be clarified as "doors, yellow and magenta rope, trunstile" or other device to impede physical movement across the entrance or access to the radiation area; (3) The requirement that entrance to high radiation areas be controlled by the shift supervisor would be replaced by a requirement that it be controlled by a Special Work Permit (health physics personnel and those they are escroting would be exempt from the requirement for a Special Work Permit under certain conditions); and (4) in certain large high radiation areas or areas involving large numbers of personnel where issuance of survey instruments is impractical, area radiation monitors with audible and visual alarms would be provided in lieu of issuance of survey instruments to individuals or groups.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards determination exists as stated in 10 CFR 50.92(c). A proposed amendment to an operating license involves no significant hazards considerations if operation of the facility in accordance with the proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an acident previously evaluated, or (2) create the possibility of a new or different kind of accident from any accident previously evaluated, or (3) involve a significant reduction in a margin of safety.

The proposed change does not alter existing equipment or surveillances. It will necessitate changes to health physics procedures and the FSAR for the sake of uniformity and consistency between documents, but such procedural changes are of an administrative nature, do not impact plant operations, and will improve control on high radiation areas. The proposed change would thus not affect the probability or consequences of an accident previously evaluated.

The proposed change does not introduce any new mode of operation, and due to its administrative nature, does not involve any limiting conditions for operation or surveillances. Therefore, the proposed amendment does not create the possibility of a new or different kind of accident from any previously evaluated.

The clarification provided by the proposed change will provide for improved administrative controls for high radiation areas and will not reduce the safety margin in any manner.

Since the application for amendment involves proposed changes that are encompassed by the criteria for which no significant hazards consideration exists, the staff has made a proposed determination that the application involves no significant hazards consideration.

Local Public Document Room location: Auburn Public Library, 118 15th Street, Auburn, Nebraska 68305.

Attorney for licensee: MR. G.D. Watson, Nebraska Public Power District, Post Office Box 499, Columbus, Nebraska 68601.

NRC Project Director: Daniel R. Muller.

Nebraska Public Power District, Docket No. 50–298, Cooper Nuclear Station, Nemaha County, Nebraska

Date of amendment request: December 20, 1984, as supplemented by submittals dated February 22, 1985 and February 19, 1986.

Description of amendment request: The February 19, 1986 letter modifies a proposed change described in a previous Notice (50 FR 12148) which referenced the licensee's December 20, 1984 and February 22, 1985 letters. The February 19, 1986 letter proposes to modify the definitions of "Operability" and "Limiting Conditions for Operation" in the Technical Specifications (TS) such that under specified circumstances, systems and equipment may be considered operable when an associated offsite or onsite power source is inoperable. Other TS changes would be included in the amendment as described in the previous notice.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance for the application of criteria for no significant hazards consideration determination by providing examples of amendments that are considered not likely to involve significant hazards considerations (48 FR 14870). These examples include: (vi) A change which either may result in some increase to the probability or consequences of a previously-analyzed accident or reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan (SRP): For example, a change resulting from the application of a small refinement of a previously used calculational model or design method. The proposed additional changes may in some way affect the availability of emergency power sources and may therefore increase the probability or consequences of an accident. However, the additional changes are consistent with staff positions described in a letter to all power reactor licenses dated April 10, 1980, and with NUREG–0123 "Standard Technical Specifications for General Electric Boiling Water Reactors" (STS). The changes therefore conform to Section 16 of the Standard Review Plan which states that the STS serves as a basis for determining the acceptability of proposed TS.

Since the application for amendment involves proposed changes that are encompassed by an example for which no significant hazards consideration exists, the staff has made a proposed determination that the application involves no significant hazards consideration.

Local Public Document Room location: Auburn Public Library, 118 15th Street, Auburn, Nebraska 68305.

Attorney for licensee: Mr. G.D. Watson, Nebraska Public Power District, Post Office Box 499, Columbus, Nebraska 68601.

NRC Project Director: Daniel R. Muller.

Niagara Mohawk Power Corporation, Docket No. 50–220, Nine Mile Point Nuclear Station, Unit No. 1, Oswego County, New York

Date of amendment request: January 15, 1986.

Description of amendment request: The proposed amendment would modify the Nine Mile Point Unit 1 Technical Specification (TS) Section 3.3.4 to reflect changes in the achievable closure time of the containment vent and purge valves from 60 seconds to 30 seconds.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of standards for determining whether license amendments involve significant hazards considerations by providing certain examples (April 6, 1983, 48 FR 14870). The examples of actions not likely to involve a significant hazards consideration include "(ii) a change that constitutes an additional limitation, restriction, or control not presently included in the technical specifications: For example, a more stringent surveillance requirement."

The proposed change would require the containment vent and purge valves to close in half the time currently specified in the TS. The amendment proposes a more stringent requirement on the achievable closure time of these valves, a change similar to example (ii), and therefore the staff has made a proposed determination that the proposed amendment would involve no significant hazards consideration.

Local Public Document Room location: State University College at Oswego, Penfield Library—Documents, Oswego, New York 13126.

Attorney for licensee: Troy B. Conner, Jr., Esquire, Conner & Wetterhahn, Suite 1050, 1747 Pennsylvania Avenue NW., Washington, DC 20006.

NRC Project Director: John A. Zwolinski.

Niagara Mohawk Power Corporation, Docket No. 50–220, Nine Mile Point Nuclear Station, Unit No. 1, Oswego County, New York

Date of amendment request: January 29, 1986.

Description of amendment request: The amendment would modify Technical Specification Section 3.6 to reflect:

1. Changes consistent with the Standard Technical Specifications.
2. Editorial changes.
3. Changes reflecting plant modifications.

Sections 3.6.6, 3.6.7, 3.6.8, 3.6.9, 3.6.10.2 and 3.6.10.3 would be changed to incorporate additional flexibility as allowed by the standard technical specifications. This would eliminate the need for an unnecessary fire watch or establishment of a backup system.

The requirement to submit a report in accordance with Section 6.9.2 would be deleted from Sections 3.6.6, 3.6.7, 3.6.8, 3.6.9 and 3.6.10 since backup measures would be established and equipment would be returned to an operable status. Section 6.9.2 would, therefore, be deleted also.

The Bases to Sections 3.6.6 and 4.6.6 were updated to reflect additional areas of the plant for which fire protection is provided and the installation of two additional local fire panels.

The Bases for Sections 3.6.8 and 4.6.8 were changed to reflect an editorial change. The word "within" in the last sentence of the last paragraph was changed to "without."

Sections 3.6.10.1 and 4.6.10.1 would be revised to include applicable wording from the standard technical specifications. Although the surveillance requirements were not currently in the Nine Mile Point Unit 1 technical specifications, surveillance procedures for fire barrier penetrations were in effect.

Section 4.6.10.2.a.2 would be changed to reflect that new halon tanks can be determined full by measuring level.

Section 3.6.9.b with respect to fire hose stations would be changed such that if a hose station became inoperable, an operational hazard would not be created by the routing of a fire hose.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards determination exists as stated in 10 CFR 50.92(c). The licensee has presented its determination

of no significant hazards considerations as follows:

10 CFR 50.91 requires that at the time a licensee requests an amendment, it must provide to the Commission its analysis, using the standards in 10 CFR 50.92, about the issue of no significant hazards consideration. Therefore, in accordance with 10 CFR 50.91 and 10 CFR 50.92, the following analysis has been performed.

The proposed amendment in accordance with the operation of Nine Mile Point Unit 1 will not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed amendment incorporates changes in the fire protection system to reflect compliance with current NRC standard technical specifications and reflect additional fire protection equipment installed at Nine Mile Point Unit 1.

Therefore, the proposed amendment will not invoke a significant increase in the probability or consequences of an accident previously evaluated.

The proposed amendment in accordance with the operation of Nine Mile Point Unit 1 will not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed changes in the Nine Mile Point Unit 1 fire protection technical specifications would eliminate unnecessary fire patrol watches and circumstances which could result in operational hazards.

The proposed amendment in accordance with the operation of Nine Mile Point Unit 1 will not involve a significant reduction in a margin of safety.

The proposed amendment does not result in degradation in application of fire protection standards as related to their application at Nine Mile Point Unit 1.

In addition the Commission has provided guidance concerning the application of the standards for determining whether a significant hazards consideration exists by providing certain examples (48 FR 14870) of amendments that are considered not likely to involve significant hazards considerations. Example (i) relates to a purely administrative change to Technical Specifications: For example, a change to achieve consistency throughout the Technical Specifications, correction of an error, or a change in nomenclature. Example (ii) relates to a change that constitutes an additional limitation, restriction, or control not presently included in the technical specifications: For example, a more stringent surveillance requirement.

The proposed changes listed above are similar to example (i) for proposed changes to TS sections 3.6.8 and 4.6.8 and example (ii) for the remaining changes in that the proposed changes are either purely administrative or provide additional controls.

The staff has reviewed the licensee's no significant hazards consideration determination and agrees with the licensee's analysis. Therefore, the staff proposes to determine that the application for amendment involves no significant hazards consideration.

Local Public Document Room location: State University College at Oswego, Penfield Library—Documents, Oswego, New York 13126.

Attorney for licensee: Troy B. Conner, Jr., Esquire, Conner & Wetterhahn, Suite 1050, 1747 Pennsylvania Avenue NW., Washington, DC 20006.

NRC Project Director: John A. Zwolinski.

Pacific Gas and Electric Company, Docket Nos. 50–275 and 50–323, Diablo Canyon Nuclear Power Plant, Unit Nos. 1 and 2, San Luis Obispo County, California

Date of amendment request: December 24, 1985 (Reference LAR 85–12, Revision 1).

Description of amendment request: The proposed amendments would revise the Diablo Canyon combined Technical Specifications for Units 1 and 2 to reduce excessive testing of the diesel generators consistent with the recommendations provided in the Commission's Generic Letter 84–15, "Proposed Staff Actions to Improve and Maintain Diesel Generator Reliability," July 2, 1984.

Generic Letter 84–15 required licensees to review the reliability of their diesel generators based on surveillance test data, to review their programs concerning diesel generator surveillance testing, and to describe their plans for attaining and maintaining certain diesel generator reliability goals. By letter DCL–84–318, Dated October 1, 1984, the licensee provided the requested information and indicated that cold, fast starting of the diesel generators is not applicable to Diablo Canyon Units 1 and 2 because of diesel generators are equipped with lube oil and water jacket heating devices to maintain the oil and water temperatures at levels which permit immediate assumption of load. Also, the engine bearings are lubricated and ready for operation via motor-driven lube oil circulating pumps which run continuously until the diesel generator unit is started.

At a meeting on April 30, 1985, between the NRC, diesel generator vendors, and utilities recommendations for assurance of diesel generator reliability were discussed. Attendees at this meeting agreed that reduction of excessive diesel generator testing would improve diesel generator reliability.

The specific changes to the Technical Specifications, all of which are consistent with Generic Letter 84–15, would include the following Limiting Conditions for Operation 3.8.1.1:

(1) *Action Statement a.* (actions to be taken upon declaring one offsite circuit inoperable) would be revised to require the performance of Surveillance Requirement (4.8.1.1.2a.2) once within 24 hours of declaring the offsite circuit inoperable unless previously tested in the last 24 hours. The present requirement is to perform the surveillance within 1 hour and at least once per 8 hours thereafter, regardless of the time at which the last test was performed.

(2) *Action Statement b.* (a new Action Statement; actions to be taken upon declaring one diesel generator inoperable) would require the performance of Surveillance Requirement 4.8.1.1.2a.2) once within 24 hours of declaring a diesel generator inoperable, unless the diesel generator became inoperable due to preventive maintenance or testing. The present requirement is to perform the Surveillance within 1 hour and at least once per 8 hours thereafter.

(3) *Action Statement c.* (current Action Statement b.; actions to be taken upon declaring one offsite circuit and one diesel generator inoperable) would be revised to require the performance of Surveillance Requirement once within 8 hours of declaring both sources inoperable, unless the diesel generator became inoperable due to preventive maintenance or testing. The present requirement is to perform the Surveillance within 1 hour and at least once per 8 hours thereafter.

(4) *Action Statement e.* (current Action Statement d.; actions to be taken when two offsite power circuits are declared inoperable) Surveillance Requirement would be revised to require performance of 4.8.1.1.2a.2) once within 8 hours of declaring the offsite circuits inoperable. The present requirement is to perform the Surveillance within 1 hour and at least once per 8 hours thereafter.

(5) *Action Statement f.* (current Action Statement e.; actions to be taken when declaring two or more diesel generators inoperable) would be revised to clarify action when two diesel generators are operable.

The amendments would also change the Surveillance Requirement of 4.8.1.1. as follows:

(6) *Requirement 2a.* Table 4.8–1 (required test frequency for diesel generators based on failure history) would be revised to (1) base the test

frequency on the number of failures in the last 20 valid tests on a per diesel generator unit basis, compared with the present requirement to base the test frequency on the number of failures in the last 100 valid tests on a per nuclear unit basis; (2) require tests at least once per 7 days for 2 or more failures in the last 20 valid tests, compared with the present requirement to perform tests at least once per 14 days, 7 days, or 3 days for 2 failures, 3 failures, or 4 or more failures, respectively; and (3) provide for a restart in counting failures if the cause for unreliability has been identified and resolved, appropriate postmaintenance operation and testing completed, and acceptable reliability demonstrated, compared with the present requirement that does not provide a means for reducing the previous test failure count to zero.

(7) *Requirements 2b.* (tests and inspections to be performed at least once per 18 months, during shutdown, to demonstrate diesel generator operability) would be revised to eliminate the requirement for the Surveillance to be performed during shutdown.

(8) Requirement 4 (report of diesel generator failures) would be revised to require supplementary information in the Special Report if the number of failures (on a per diesel generator unit basis) in the last 20 valid tests is greater than or equal to 3. The present Surveillance Requirement requires supplementary information in the Special Report if the number of failures (on a per nuclear unit basis) in the last 100 valid tests is greater than or equal to 7.

Basis for Proposed No Significant Hazards Consideration Determination: The Commission has provided standards for determining whether a significant hazards consideration exists as stated in 10 CFR 50.92(c). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; (2) Create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) Involve a significant reduction in margin of safety.

The licensee has determined that the proposed revision will not:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated because reducing the diesel generator test frequency is intended to enhance diesel reliability by eliminating excessive testing which can lead to premature diesel failures. The proposed changes should serve to enhance the diesel generator reliability and overall plant safety. Therefore, there would be no significant increase in either the probability or consequence of previously evaluated accidents.

(2) Create the possibility of a new or different kind of accident from any accident previously evaluated because reducing the diesel generator testing frequency does not necessitate a physical alteration of the plant or changes in parameters governing normal plant operation. Therefore, this change does not create the possibility of a new or different kind of accident from any accident previously evaluated for the Diablo Canyon Nuclear Power Plant.

(3) Involve a significant reduction in the margin of safety because the reduced testing frequency provides increased diesel generator reliability. Therefore, this change does not involve a significant reduction in the margin of safety.

Accordingly, the license has determined that the proposed change to the Technical Specifications involves no significant hazards consideration.

The NRC staff has reviewed the proposed amendments and the licensee's determination and finds them acceptable. Therefore, the staff proposes to determine that no significant hazards consideration is involved in the proposed amendments.

Local Public Document Room location: California Polytechnic State University Library, Government Documents and Maps Department, San Luis Obispo, California 93407

Attorneys for Licensee: Philip A. Crane, Esq., Richard F. Locke, Esq., Pacific Gas and Electric Company, P.O. Box 7442, San Francisco, California 94120 and Bruce Norton, Esq., Norton, Burke, Berry and French, P.O. Box 10569, Phoenix, Arizona 95064.

NRC Project Director: Steven A. Varga.

Pacific Gas and Electric Company, Docket Nos. 50–275 and 50–323, Diablo Canyon Nuclear Power Plant, Unit Nos. 1 and 2, San Luis Obispo County, California.

Date of amendments request: December 26, 1985 (Reference LAR 85–15).

Description of amendments request: The proposed amendments would change the Diablo Canyon combined Technical Specifications for Units 1 and 2 to allow for continued operation of Unit 2 with the swing diesel generator for Units 1 and 2 out-of-service for up to 10 days to perform preventive maintenance on the swing diesel generator. Further, the proposed amendments would not require the other two operable diesel generators for Unit 2 to be tested every 8 hours while the swing diesel generator is out of service. The proposed change would apply only during the first refueling outage of Unit 1.

The specific change to Technical Specification 3.8.1.1b is the addition of a footnote allowing (1) the swing diesel generator 1–3 to be out of service for an additional 7 days during the Unit 1 first refueling outage for performance of Surveillance Requirement 4.8.1.1.2b.1) preventive maintenance, inspection, and acceptance testing in accordance with vendor recommendations and (2) the demonstration of operability of the remaining two diesel generators to be verified once per 24 hours.

Basis for Proposed No Significant Hazards Consideration Determination: The Commission has provided standards for determining whether a significant hazards consideration exists as stated in 10 CFR 50.92(c). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; (2) Create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) Involve a significant reduction in a margin of safety.

The licensee has determined that the proposed revision would not:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated because the Diablo Canyon Nuclear Power Plant diesel generator reliability history indicates that average reliability is higher than the industry average. In fact, the two Unit 2 dedicated diesel generators, which will be operable during the period when preventive maintenance is being performed on the swing diesel, have proven highly reliable. The number of offsite circuits to the plant and lack of severe weather conditions results in a highly reliable offsite power system. Also, each unit is designed to handle a 100% net load rejection and remain connected to its plant equipment loads without tripping the reactor. Performing thorough preventive maintenance, inspection, and acceptance testing of the diesel generator in accordance with the diesel generator vendor (ALCO) recommendations has provided and will continue to provide assurance that the

diesels will perform properly when required. The proposed exemption should serve to enhance the diesel generator reliability and overall plant safety. Therefore, there is no significant increase in the probability of occurrence of a previously evaluated accident. Since there is no change in equipment required to mitigate the consequences of previously evaluated accidents there is no significant increase of consequences for those accidents.

(2) Create the possibility of a new or different kind of accident from any accident previously evaluated because extending the allowed outage period for diesel generator preventive maintenance and acceptance testing does not necessitate a physical alteration of the plant or changes in parameters governing normal plant operation. Therefore, no new or different kind of accident would be created.

(3) Involve a significant reduction in the margin of safety because the high reliability of the two Unit 2 dedicated diesel generators and the availability of offsite power ensure that there is only an insignificant reduction in the margin of safety while Unit 2 is operating for the additional 7 days when the swing diesel is taken out of service. Therefore, there is no significant reduction in the margin of safety as a result of this proposed change.

Accordingly, the licensee has determined that the proposed change to the Technical Specifications involves no significant hazards consideration.

The NRC staff has reviewed the proposed amendments and licensee's determination and finds it acceptable. Therefore, the staff proposes to determine that no significant hazards consideration is involved in the proposed amendments.

Local Public Document Room Location: California Polytechnic State University Library, Government Documents and Maps Department, San Luis Obispo, California 93407.

Attorney for Licensee: Philip A. Crane, Esq., Richard F. Locke, Esq., Pacific Gas and Electric Company, P.O. Box 7442, San Francisco, California 94120 and Bruce Norton, Esq., Norton, Burke, Berry and French, P.O. Box 10569, Phoenix, Arizona 95064.

NRC Project Director: Steven A Varga.

Pacific Gas and Electric Company, Docket Nos. 50–275 and 50–323, Diablo Canyon Nuclear Power Plant, Unit Nos. 1 and 2, San Luis Obispo County, California

Date of amendments request: February 13, 1986 (Reference LAR 86–01).

Description of amendments request: The proposed amendments would revise the Diablo Canyon combined Technical Specifications for Units 1 and 2 to add check valves 8949 A, B, C and D; 8905 A, B, C and D; 8740 A and B; 8802 A and B; and 8703 to Table 3.4–1, "Reactor Coolant System Pressure Isolation Valves," of Technical Specification 3.4.6.2, "Reactor Coolant System Operational Leakage." A footnote would also be added to the table for these valves stating that for flow paths with 3 pressure isolation valves in series, at least 2 of the 3 valves shall meet the requirements of Specification 3.4.6.2f which would be changed to reflect the footnote to Table 3.4–1. Also, additional changes would be made to the Limiting Condition for Operation and Surveillance Requirements of Specification 3.4.6.2 to facilitate the addition of the check valves.

The changes are in accordance with the NRC staff request as stated in Diablo Canyon SSER 31, Section 5.2.8.1, and the NRC meeting minutes dated December 9, 1985. The NRC staff required that two series check valves from both the Safety Injection (SI) and Residual Heat Removal (RHR) systems be included in Specification 3.4.6.2 to ensure adequate pressure isolation between the Reactor Coolant System (RCS) and the lower pressure support systems. Since there are three series valves in each RCS high pressure boundary of the safety injection and residual heat removal systems, three valves for each flowpath will be included in Table 3.4–1 with the requirement that any two out of the three valves meet the requirements of Specification 3.4.6.2f.

Basis for Proposed No Significant Hazards Consideration Determination: The Commission has provided standards for determining whether a significant hazards consideration exists (10 CFR 50.92(c)). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; (2) Create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) Involve a significant reduction in a margin of safety.

The licensee has determined that the proposed amendment will not:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated because the addition of check valves to Technical Specification 3.4.6.2 is a change that constitutes an additional restriction by requiring leak testing of the valves.

(2) Create the possibility of a new or different kind of accident from any accident previously evaluated because the proposed change does not necessitate physical alteration of the plant or changes in parameters governing normal plant operation.

(3) Involve a significant reduction in the margin of safety because the proposed change constitutes an additional procedural restriction not presently included in the Technical Specifications.

Accordingly, the licensee has determined that the proposed change to Technical Specification 3.4.6.2 involves no significant hazards consideration.

The NRC staff has reviewed the proposed amendment and the licensee's determination and finds it acceptable. Therefore, the staff proposes to determine that no significant hazards consideration is involved in the proposed amendment.

Local Public Document Room location: California Polytechnic State University Library, Government Documents and Maps Department, San Luis Obispo, California 93407.

Attorneys for Licensee: Philip A. Crane, Esq., Richard F. Locke, Esq. Pacific Gas and Electric Company, P.O. Box 7442, San Francisco, California 94120 and Bruce Norton, Esq., Norton, Burke, Berry, and French, P.O. Box 10569, Phoenix, Arizona 95064.

NRC Project Director: Steven A. Varga.

Pacific Gas and Electric Company, Docket Nos. 50–275 and 50–323, Diablo Canyon Power Plant, Unit Nos. 1 and 2, San Luis Obispo County, California

Date of amendments requests: February 14, 1986 (Reference LAR 86–03).

Description of amendments requests: The proposed amendments would revise the Diablo Canyon combined Technical Specifications for Units 1 and 2 to change Technical Specification 3.6.2.3, "Containment Cooling System," to assure two containment fan cooler units are available assuming a single active failure. Presently, Technical Specification 3.6.2.3 assures three of the five containment fan cooler units are available assuming a single active failure. This requires that all five containment fan cooler units be operable. The proposed amendments would also revise Technical Specification 3.6.1.4, "Internal Pressure," and its associated Bases 3/4.6.1.4 to change the maximum positive

containment internal pressure from +0.3 psig to +1.2 psig and to change the maximum containment pressure expected in the event of a loss-of-coolant accident (LOCA) from 46.91 psig to 46.65 psig. In addition, the proposed amendments would revise Bases 3/4.6.1.6, "Containment Structural Integrity," to change the maximum containment pressure expected in the event of a LOCA from 46.91 psig to 46.65 psig. These changes are based on the most recent containment analysis performed by Westinghouse, which takes credit for heat sinks that were not included in the previous analysis.

Basis for Proposed No Significant Hazards Consideration Determination: The Commission has provided standards for determining whether a siginificant hazards consideration exists (10 CFR 50.92(c)). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) Involve a significant increase in the probability or consequence of an accident previously evaluated; (2) Create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) Involve an significant reduction in a margin of safety.

The licensee has determined that the proposed revision will not:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated because of the recent Westinghouse containment analysis following a design basis LOCA, which uses updated containment initial conditions, updated assumed containment safety features, and the additional heat sinks inside containment, results in a peak pressure of 46.65 psig for two fan coolers operating as compared with the previous analysis that resulted in a peak pressure of 46.91 psig for three fan coolers operating.

(2) Create the possibility of a new or different kind of accident from any accident previously evaluated because the proposed changes in the required number of operable fan coolers and the maximum positive containment internal pressure are based on the results of a reanalysis of a previously analyzed accident.

(3) Involve a significant reduction in the margin of safety because the recent Westinghouse containmment analysis with two fan coolers operating results in a lower peak containment pressure following a LOCA than the previous analysis with three fan coolers operating.

Accordingly, the licensee has determined that the proposed changes to the Technical Specifications 3.6.2.3 and 3.6.1.4 involve no significant hazards consideration.

The NRC staff has reviewed the proposed amendment and the licensee's determination and finds it acceptable. Therefore, the staff proposes to determine that no significant hazards consideration is involved in the proposed amendment.

Local Public Document Room Location: California Polytechnic State University Library, Government Documents and Maps Department, San Luis Obispo, California 93407.

Attorneys for Licensee: Philip A. Crane, Esq., Richard F. Locke, Esq., Pacific Gas and Electric Company, P.O. Box 7442, San Francisco, California 94120 and Bruce Norton, Esq., Norton, Burke, Berry and French, P.O. Box 10569, Phoenix Arizona 95064.

NRC Project Director: Steven A. Varga.

Pacific Gas and Electric Company, Docket Nos. 50–275 and 50–323, Diablo Canyon Power Plant, Unit Nos. 1 and 2, San Luis Obispo County, California

Date of amendments request: February 14, 1986 (Reference LAR 86–02).

Description of amendments request: The proposed amendments would revise the Diablo Canyon combined Technical Specifications for Units 1 and 2 by increasing the maximum enrichment of reload fuel from the current 3.5 weight pecent to 4.5 weight percent of U–235 in Technical Specification 5.3.1, "Fuel Assemblies". The proposed change is required in order to receive and store reload fuel assemblies for Unit 1 Cycle 2, a part of which will have fuel enrichments greater than 3.5 weight percent U–235. The safety and environmental evaluation applicable to reactor operation with higher enriched fuel will be made separately on a cycle-specific basis. A license amendment request for the storage of higher enrichment spent fuel has been submitted by the licensee in a letter dated October 30, 1985 as License Amendment Request LAR–85–13.

Basis for Proposed No Significant Hazards Consideration Determination: The Commission has provided standards for determining whether a significant hazards consideration exists (10 CFR 50.92(c)). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; (2) Create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) Involve a significant reduction in a margin of safety.

The licensee has determined that the proposed revision will not:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated because (a) the criticality analysis of the new fuel storage vault fully loaded with 4.5 weight percent U–235 enriched fuel assemblies results in an effective neutron multiplication factor, k_{eff}, of 0.933 when flooded with clean unborated water and k_{eff} of 0.881 when optimum hypothetical low density moderation is assumed, both well within the respective k_{eff} limits of 0.95 and 0.98 specified in Section 9.1.1 of the Standard Review Plan, and (b) the results of the evaluation of a fuel assembly drop accident in Section 9.1.1.3 of the FSAR Update for fuel enriched to 3.5 weight percent U–235 are essentially unaffected by increasing the fuel enrichment to 4.5 weight percent U–235.

(2) Create the possibility of a new or different kind of accident from any accident previously evaluated because the proposed change will not alter the configuration of the plant or the way in which it is operated.

(3) Involve a significant reduction in the margin of safety because the calculated k_{eff} values are well within the Standard Review Plan limits and the consequences of a fuel assembly drop accident are essentially unchanged.

Accordingly, the licensee has determined that the proposed change to Technical Specification 5.3.1 involves no significant hazards consideration.

The NRC staff has reviewed the proposed amendment and the licensee's determination and finds it acceptable. Therefore, the staff proposes to determine that no significant hazards consideration is involved in the proposed amendment.

Local Public Document Room Location: California Polytechnic State University Library, Government Documents and Maps Department, San Luis Obispo, California 93407.

Attorneys for Licensee: Philip A. Crane, Esq., Richard F. Locke, Esq., Pacific Gas and Electric Company, P.O. Box 7442, San Francisco, California 94120 and Bruce Norton, Esq., Norton, Burke, Berry, and French, P.O. Box 10569, Phoenix, Arizona 95064.

NRC Project Director: Steven A. Varga.

Portland General Electric Company, Docket No. 50-344, Trojan Nuclear Plant, Columbia County, Oregon

Date of amendment request: June 14, 1985.

Description of amendment request: The proposed change to the Technical Specifications would add "fail-to-start" to the group of emergency diesel generator trips which are not automatically bypassed upon loss of voltage on the emergency bus and/or a safety injection signal.

Technical Specification 4.81.1.2.b.3.c states that all emergency diesel generator (EDG) trips, except engine overspeed, generator phase overcurrent, generator neutral overcurrent or generator loss of field, are to be verified automatically bypassed upon loss of voltage on the emergency bus and/or safety injection signal at least once every 18 months. The proposed change would add "fail-to-start" to this list.

Basis for proposed no significant hazards consideration determination: As discussed in Regulatory Guide 1.9, trips provided to protect the diesel generator units from possible damage or degradation could, on an automatic actuation signal, interfere with the successful functioning of the unit when it is most needed, i.e. accident conditions. Therefore, these trips are bypassed upon receipt of an automatic actuation signal.

Regulatory Guide 1.9 allows exceptions to the bypassing of certain EDG trips and those EDG trips are listed in Technical Specification 4.8.1.1.2.b.3.c. The exceptions are for conditions such as excessive overspeed and generator differential where, if the EDG was not allowed to trip, it would sustain substantial damage and fail to provide emergency backup power. The licensee has requested that the fail-to-start trip be added to this list of trips which would not be bypassed. The licensee has provided the following discussion:

"Bypassing the fail-to-start trip would degrade the EDG performance. For example, an improper fuel lineup could prevent an EDG from starting. Continuing to attempt to start the EDG would deplete the air receivers. Depleting the air receivers, which might be required to function as soon as the fuel lineup is corrected, would lower the capability of the EDG to perform its safety function. To minimize the potential for degradation of EDG performance, it is considered prudent to not bypass the fail-to-start trip."

10 CFR 50.92 states that a proposed amendment will not involve a significant hazards consideration if the proposed amendment does not: (i) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (ii) Create the possibility of a new or different kind of accident from any previously evaluated; or (iii) Involve a significant reduction in a margin of safety.

Criterion i—A Significant Increase in Probability or Consequences of an Accident

With or without a fail-to-start trip, if the EDG fails to start on an automatic actuation signal, it will be unavailable. However, with a fail-to-start trip the operators are alerted by a "Diesel Generator Not Ready for Auto Start" alarm in the control room. This indicates that a problem needs correction before the EDG can attain its rated speed. Bypassing the failure-to-start trip can result in damage or longer term unavailability of EDG. In the circumstances, the proposal to not bypass the fail-to-start trip overall should not significantly increase the probability or consequences of accidents previously evaluated.

Criterion ii—A New or Different Kind of Accident

There are two EDG's, each capable of supplying 100% emergency power. If one EDG fails to start, a second active failure is not postulated and the second EDG will supply 100% emergency power. Therefore, the single failure criteria is still satisfied with a failure to start of an EDG and its subsequent fail-to-start trip. The proposal to not bypass the fail-to-start trip should not create the possibility of a new or different accident.

Criterion iii—A Significant Reduction in Margin of Safety

The fail-to-start trip alerts operators that a problem needs correction before the EDG can attain its rated speed and minimizes the potential for degradation of EDG performance. Therefore, overall plant safety may be enhanced and the proposal to not bypass the fail-to-start trip should not significantly reduce a safety margin.

Based on the above, the staff proposes to determine that the proposed amendment does not involve a significant hazards consideration.

Local Public Document Room location: Multnomah County Library, 801 S.W. 10th Avenue, Portland, Oregon.

Attorney for licensee: J.W. Durham, Senior Vice President, Portland General Electric Company, 121 S. W. Salmon Street, Portland, Oregon 97204.

NRC Project Director: Steven A. Varga.

Portland General Electric Company, et al., Docket No. 50-344, Trojan Nuclear Plant, Columbia County, Oregon

Date of amendment request: July 29, 1985.

Description of amendment request: The proposed amendment would revise the Technical Specifications (TS) related to containment leak testing and containment isolation valves. The proposed TS changes are:

1. TS 4.6.1.1. would be revised to reduce the surveillance frequency for those portions of penetrations located inside the containment from once per 31 days to each COLD SHUTDOWN in the interest of the ALARA program. In addition, a reference to Table 3.6-1 would be deleted from TS 4.6.1.1 as it is redundant.

2. TS 3.6.1.2 would be revised to clarify the definitions of the integrated leakage rate and the test leakage rate. Additionally, Section b of TS 3.6.1.2 would be revised to exclude air locks from this specification based on the fact that TS 3.6.1.3 specifies the limiting leakage rate criteria for the air locks. Also, a reference to Table 3.6-1 would be deleted from TS 3.6.1.2 as it is unnecessary.

3. TS 4.6.1.2 and TS 4.6.3.1.5 would be revised to consolidate all leakage rate test requirements in one specification, i.e., TS 4.6.1.2. In addition, editorial changes to TS 4.6.1.2 and TS 4.6.3.1.5 would be made for clarification. Lastly, a reference to continuous leakage monitoring system would be deleted from TS 4.6.1.2 in view of the fact that Trojan does not use a continuous leakage monitoring system.

4. TS 4.6.3.1 would be revised to reflect the fact that only automatic valves have required isolation times and only automatic valves close on a containment isolation signal (CIS).

5. Table 3.6.1 would be revised to be more consistent with the classification and use of valves. In addition, all valves that are part of the steam generator secondary side system inside the containment would be deleted from Table 3.6-1 as they are considered as estensions of the containment boundary and are subject only to Appendix J, Type A testing. Also, the extra barriers listed for the Type IV penetrations would be deleted. Type IV penetrations are associated with those fluid lines which must remain in service subsequent to a design basis event, such as lines serving engineered safety feature systems. Isolation valves on these lines are not automatically closed by a CIS and each Type IV isolation system is specified to have a minimum

of one remotely operated isolation valve in Section 6.2 of the Trojan Final Safety Analysis Report (FSAR).

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14870). One of the examples (i) of actions not likely to involve a significant hazards consideration relates to a purely administrative change: For example, a change to achieve consistency throughout the TS, correction of an error, or a change in nomenclature. Another one of the examples (vi) of actions not likely to involve a significant hazards consideration relates to a change which either may result in some increase to the probability or consequences of a previously-analyzed accident or may reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan (SRP): For example, a change resulting from the application of a small refinement of a previously used calculational model or design method.

(1) TS 4.6.1.1

The proposed surveillance frequency for those penetrations inside containment would conform to that specified in the Standard Technical Specifications (STS) for Westinghouse Pressurized Water Reactors (NUREG–0452, Revision 4) which represents the current licensing criteria. In addition, the licensee indicates that this proposed change would reduce radiation exposure. This is consistant with the philosophy of SRP Section 12.1 "Assuring that Occupational Exposures are As Low As Reasonably Achievable". Therefore, this change matches example (vi).

The change to delete the reference in TS 4.6.1.1 to Table 3.6–1 appears to be a purely administrative one and, thus, matches example (i). The existing TS 4.6.1.1 makes a reference to Table 3.6–1 of Specification 3.6.3.1. However, TS 3.6.3.1 also references Table 3.6–1. Therefore, deleting a reference to Table 3.6–1 from TS 4.6.1.1 would be to remove an unnecessary redundancy.

(2) TS 3.6.1.2

The proposed change to clarify the definitions of the integrated leakage rate and the test leakage rate is editorial in nature, does not change the substance of the definitions, and is clearly an administrative change.

The proposed change pertaining to the air locks appears to be a change to achieve consistency throughout the TS in that even though TS 3.6.1.3 is the applicable specification for the limiting leakage rate criteria for the air locks, the existing TS 3.6.1.2 could be interpreted incorrectly as an applicable specification.

The proposed change to delete a reference to Table 3.6–1 would achieve consistency throughout the TS in that the table lists only those valves requiring Type C tests. This specification is for those valves subject to Types B and C tests and the revised wording of the specification reflects this.

Therefore, all the changes related to TS 3.6.1.2 appear to match example (i).

(3) TS 4.6.1.2 and TS 4.6.3.1

The change to consolidate all leakage rate test requirements and the editorial changes for clarification are clearly administrative changes.

The change related to continuous leakage monitoring system is to delete a functionless provision in the TS. Therefore, this change is also an administrative change and is similar to example (i).

(4) TS 4.6.3.1

This change clarifies the TS to reflect that only automatic valves close on an isolation signal and need a required isolation time. This change serves to clarify existing TS requirements without changing the intent of the TS and is, therefore, similar to example (i).

(5) TS Table 3.6–1

The change to make Table 3.6–1 more consistent with the classification and use of the valves is an administrative change and, thus, similar to example (i).

The change deleting all valves relating to steam generator secondary systems appears to be an administration change in that the purpose of Table 3.6–1 is to list those valves requiring Type C tests. While the subject valves are subject to Appendix J, Type A testing, they are excluded from Type C testing. Thus, this change is similar to example (i).

The change related to the Type IV penetrations appears to be within the acceptable criteria in Section 6.2.4 of the Standard Review Plan. Therefore, this change appears to be similar to example (vi).

Based on the foregoing, the NRC staff proposes to determine that the application does not involve a significant hazards consideration.

Local Public Document Room location: Multnomah County Library, 801 S.W. 10th Avenue, Portland Oregon.

Attorney for licensee: J.W. Durham, Senior Vice President, Portland General Electric Company, 121 S.W. Salmon Street, Portland, Oregon 97204.

NRC Project Director: Steven A. Varga.

Portland General Electric Company, Docket No. 50–344, Trojan Nuclear Plant, Columbia County, Oregon

Date of amendment request: November 1, 1985, as revised January 28, 1986.

Description of amendment request: The proposed amendment would revise the Technical Specification Section 3.1.3.1, "Movable Control Assemblies," to:

(1) Delete reference to "full length" rods since part lenth rods were removed in 1983 and all rods are now full length.

(2) Revise the format of the ACTION statements to a tabular format to improve readability.

(3) Add on ACTION statement for electrical inoperability of the control system. For the case when one or more rods are electrically inoperable, operations may continue for 72 hours, as opposed to the current requirement to be in HOT STANDBY in 6 hours.

The licensee's request also proposes corresponding changes to expand the bases associated with Technical Specification 3.1.3.1 to provide further interpretation and guidance. In addition, a typographical error is corrected in the bases associated with Tehnical Specification ¾ 1.2.

Basis for proposed no significant hazards consideration determination: 10 CFR 50.92 states that a proposed amendment will involve a no significant hazards consideration if the proposed amendment does not: (i) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (ii) Create the possibility of a new or different kind of accident from any accident previously evaluated; or (iii) Involve a significant reduction in a margin of safety.

Criterion i—A Significant Increase in the Probability or Consequences of an Accident Previously Evaluated

The proposed change to allow 72 hours, rather than 6 hours, to return an electrically inoperable control rod to service would increase the out of service time of an electrically inoperable control rod. The present Technical Specification does not differentiate between mechanically inoperable and electrically inoperable control rods. However, control rods inoperable due to electrical problems are trippable and will trip upon an automatic or manual scram,

and therefore, are available to maintain shutdown margin. Also, this change provides personnel with sufficient time to perform orderly diagnosis and repair. By precluding a hurried diagnosis the potential for human error is minimized. In addition, requiring a plant shutdown within 6 hours due to a rod control system failure per the existing Technical Specifications subjects plant systems to unnecessary challenges. Therefore, in this situation where the rods, though inoperable, will trip when needed, the proposed increase in time permitted for repair of inoperable rods will not significantly increase the probability or consequences of an accident.

Criterion ii—A New or Different Kind of Accident

The proposed change to allow 72 hours, rather than 6 hours, to return an electrically inoperable control rod to service, is an increase in the out of service time of an electrically inoperable control rod. Allowing an increased out of service time will not create the possibility of a new or different kind of accident.

Criterion iii—A Significant Reduction in Margin of Safety

This change provides personnel more time to performing orderly diagnosis and repair, reducing the potential for human error and the potential for unnecessary system challenges. This change does not affect the power distribution limits in TS ¾.2 since these limits remain unchanged. Notwithstanding TS 3.1.3.1, power distribution perturbations induced by an inoperable or misaligned control rod will continue to be limited by satisfying the requirements of the appropriate power distributions TS. In view of this and of the fact that electrically inoperable control rods are trippable and will trip upon an automatic or manual scram, this proposed change will not significantly reduce a margin of safety.

On April 6, 1983, the NRC published guidance in the **Federal Register** (48 FR 14870) concerning examples of amendments that are not likely to involve a significant hazards consideration. One example, (i), provides for "A purely administrative change to Technical Specifications: For example, a change to achieve consistency throughout the Technical Specifications, correction of an error, or a change in nomenclature."

Change (1) would delete reference to "full length" rods since all rods are now full length and is, therefore, within the scope of example (i).

Change (2) revises the format of the ACTION statement to a tabular format to improve readability and is, therefore, within the scope of example (i).

Based on the above, the NRC staff proposes to determine that the requested changes do not involve a significant hazards consideration.

Local Public Document Room location: Multnomah County Library, 801 S.W. 10th Avenue, Portland Oregon.

Attorney for licensee: J.W. Durham, Senior Vice President, Portland General Electric Company, 121 S.W. Salmon Street, Portland, Oregon 97204.

NRC Project Director: Steven A. Varga.

Rochester Gas and Electric Corporation, Docket No. 50-244, R.E. Ginna Nuclear Plant, Wayne County, New York

Date of amendment request: October 9, 1985.

Description of amendment request: The proposed license amendment would delete the requirement for operation of the auxiliary building ventilation and charcoal filter absorber system when the fuel being moved or stored in the spent fuel storage pool had decayed at least 60 days since irradiation.

Basis for proposed no significant hazards consideration determination: In accordance with 10 CFR 50.91 this change to the Technical Specifications has been evaluated against three criteria to determine if the operation of the facility in accordance with the proposed amendment would:

1. Involve a significant increase in the probability or consequence of an accident previously evaluated; or

2. Create the possibility of a new or different kind of accident from any accident previously evaluated; or

3. Involve a signficant reduction in a margin of safety.

An evaluation was provided by the NRC (letter, Mr. J.A. Zwolinski, NRC, to Mr. R.W. Kober, RG&E, November 14, 1984) of the limiting thyroid dose that would result from damage to fuel that had decayed 60 days since irradiation. These results can be used to evaluate the consequences of a fuel handling accident inside the auxiliary building with no credit for iodine removal due to operation of the charcoal filters. The resulting thyroid dose of 0.2 rem is well within the guidelines of 10 CFR Part 100 and is less than that which was previously considered to be acceptable by the NRC.

Therefore, a no significant hazards finding is warranted because:

1. The probability of a fuel handling accident is unchanged and the consequences are less than those previously evaluated.

2. The possibility of a new or different kind of accident is not created, and

3. The margin of safety is not reduced due to the resulting dose being less than that previously considered acceptable.

As a consequence, the staff has made a proposed determination that the application for amendment involves no significant hazards consideration.

Local Public Document Room Location: Rochester Public Library, 115 South Avenue, Rochester, New York 14604.

Attorney for Licensee: Harry H. Voigt, Esquire, LeBoeuf, Lamb, Leiby and MacRae, 1333 New Hampshire Avenue NW., Suite 1100, Washington, DC 20036.

NRC Project Director: George E. Lear.

Rochester Gas and Electric Corporation, Docket No. 50-244, R.E. Ginna Nuclear Plant, Wayne County New York

Date of amendment request: February 12, 1986.

Description of amendment request: The proposed license amendment would delete an operability requirement for smoke detection instrumentation for a fire detection zone that is being removed due to a plant modification.

Basis for proposed no significant hazards consideration determination: The proposed change will serve to make the Technical Specifications reflect the as-built status of the plant. A raised floor in the computer room constituted a fire zone. Due to purchase of a new computer, the raised floor and wires underneath are being removed; thus eliminating the fire zone. However, the former fire zone contained smoke detection instruments that have Technical Specifications (TS) operability requirements. This amendment deletes this unneeded TS requirement.

The Commission has provided guidance for the application of the standards in 10 CFR 50.92 by providing certain examples (48 FR 14870) of actions likely to involve no significant hazards consideration. An example of an action involving no significant hazards consideration is a change that relates to: (i) A purely administrative change to technical specifications: For example, a change to achieve consistency throughout the technical specifications, correction of an error, or a change in nomenclature. Since the deleted TS requirement would serve to remove an erroneous operability requirement the application for amendment involves a proposed change that is similar to an example for which no significant hazards consideration exists, the staff has made a proposed determination that the application for amendment involves no significant hazards consideration.

Local Public Document Room Location: Rochester Public Library, 115 South Avenue, Rochester, New York 14604.

Attorney for Licensee: Harry H. Voigt, Esquire, LeBoeuf, Lamb, Leiby and MacRae, 1333 New Hampshire Avenue NW., Suite 1100, Washington, DC 20036.

NRC Project Director: George E. Lear.

South Carolina Electric and Gas Company, South Carolina Public Service Authority, Docket No. 50–395, Virgil C. Summer Nuclear Station, Unit 1, Fairfield County, South Carolina

Date of amendment request: April 29, 1985, as supplemented June 10, 1985.

Description of amendment request: The amendment would revise Technical Specification 3/4.8.4, "Electrical Equipment Protective Devices" to indicate which device are required to be operable and then eliminate the listing of the devices by deleting Technical Specification Table 3.8.1, "Containment Penetration Conductor Overcurrent Protective Device Test Setpoint Criteria." The amendment also incorporates the administrative page numbering changes to the Index and Technical Specification pages necessary as a result of deleting the table.

Basis for proposed no significant hazards consideration determination: The devices comprising Technical Specification Table 3.8.1 are those containment penetration conductor overcurrent protective devices which are required for penetration protection. The specific test setpoint and response time for each of these devices was established by engineering evaluation and vendor supplied recommendations. The licensee's position is that the table itself is not necessary, provided Technical Specification 3/4.8.4 specifies that those devices required to be operable to provide containment overcurrent protection will be tested.

The Commission has provided certain examples (48 FR 14870) of actions likely to involve no significant hazards considerations. The request involved in this case does not match any of those expamples. However, the staff has reviewed the licensee's request for the above amendment and has determined that should this request be implemented, it will not (1) involve a significant increase in the probability or consequences of an accident previously evaluated because the Technical Specification requirements regarding containment penetration conductor overcurrent protective devices remain unchanged or (2) create the possibility of a new or different kind of accident from any accident previously evaluated because the physical plant design is not changed. Also, it will not (3) involve a significant reduction in a margin of safety because all containment penetration conductor overcurrent protective devices required for penetration protection will be demonstrated as operable using setpoints and response times determined by engineering evaluation and vendor supplied information. Accordingly, the Commission proposes to determine that this change does not involve significant hazards considerations.

Local Public Document Room location: Fairfield County Library, Garden and Washington Streets, Winnsboro, South Carolina 29180.

Attorney for licensee: Randolph R. Mahan, South Carolina Electric and Gas Company, P.O. Box 764, Columbia, South Carolina 29218.

NRC Project Director: Lester S. Rubenstein.

Southern California Edison Company et al., Docket No. 50–206, San Onofre Nuclear Generating Station, Unit No. 1, San Diego County, California

Date of amendment request: May 17, 1984 as amended March 17, 1986.

Description of amendment request: The proposed change would modify the Reactor Coolant System (RCS) pressure-temperature limits in the Technical Specifications (TS) to account for irradiation effects on the reactor pressure vessel's nil ductility temperature (NDT). The original proposed change was noticed in the Federal Register (49 FR 29921, July 24, 1984). The amended request incorporates modified curves of the RCS pressure-temperature limits that provides the temperature difference between the material reference temperature and the temperature of the closure flange region, as required by Appendix G to 10 CFR Part 50.

Basis for proposed no significant hazards consideration determination: The original (May 17, 1984) proposed change was determined to involve no significant hazards consideration based on maintaining the same margin of safety for plant operations using the originally proposed curves as compared to the existing Technical Specifications. The amended (March 17, 1986) proposed change provides more restrictive pressure-temperature combinations for a specific portion of the NDT curves.

The Commission has provided guidance concerning the application of standards of no significant hazards consideration determination by providing certain examples (April 6, 1983, 48 FR 14870). Example (ii) involves a change that constitutes an additional limitation, restriction or control not presently included in the technical specifications: For example, a more stringent surveillance requirement. The amended curves provide more conservative allowable pressure for temperatures below 180 °F than both the current TS and the original proposed change. The amended proposed change would provide more stringent allowable pressure-temperature conditions for plant operations, and is consistent with example (ii).

The staff, therefore, proposes to determine that the amendment (1) does not involve a significant increase in the probability or consequences of an accident previously evaluated; (2) does not create the possibility of a new or different kind of accident from any previously evaluated; and (3) does not involve a significant reduction in a margin of safety.

Local Public Document Room location: Main Library, University of California, P.O. Box 19557, Irvine, California 92713.

Attorney for licensee: Charles R. Kocher, Assistant General Counsel, James Beoletto, Esquire, Southern California Edison Company, P.O. Box 800 Rosemead, California 91770.

NRC Project Director: George E. Lear.

South Carolina Electric and Gas Company, South Carolina Public Service Authority, Docket No. 50–395, Virgil C. Summer Nuclear Station, Unit 1, Fairfield County, South Carolina

Date of amendment request: February 7, 1986.

Description of amendment request: The amendment would revise Technical Specification 3/4.4.9, "Pressure/Temperature Limits—Reactor Coolant System," and its bases. This would change the withdrawal schedule for the reactor vessel specimen capsules and the specific capsules to be withdrawn. This amendment will also revise the heatup and cooldown rates in Technical Specification Figures 3.4–2 and 3.4–3. Finally, an administrative change is being made to delete a reference to Figure 3.4–4, because Figure 3.4–4 does not exist.

Basis for proposed no significant hazards consideration determination: The revised capsule withdrawal schedule will provide additional data early in plant life to help determine long term trends of the reactor vessel material properties due to the effects of radiation.

The change in the capsule withdrawn will provide for the removal of those capsules with the greatest lead factors early in plant life. The corrections to the

lead factors resulted from revised and updated methodologies used to calculate those values.

The results of the recent examination of the first specimen have indicated that Technical Specification Figures 3.4–2 and 3.4–3 require revisions to the heatup and cooldown rates. The revision to Figure 3.4–2 includes updated pressure-temperature and criticality limitations for 100 °F/hr heatup rates and establishes these limitations for 50 °F/hr heatup rates. The updated limitations are within design prediction. Revised Figure 3.4–3 is very similar to the figure currently found in the Technical Specifications except for the discontinuity between 110 °F and 130 °F affecting the 25 and 50 degree per hour curves. This discontinuity is necessary in order to comply with the May 17, 1983 amendment to 10 CFR Part 50, Appendix G. Appendix G requires, "when pressure exceeds 20 percent of the preservice system hydrostatic test pressure, the temperature of the closure flange regions that are highly stressed by the bolt preload must exceed the reference temperature of the material in those regions by at least 120 °F for normal operation."

The Commission has provided certain examples (48 FR 14870) of actions likely to involve no significant hazards considerations. One of the examples relates to a purely administrative change to Technical Specifications such as correction of an error. A portion of the amendment involved here is similar in that it deletes an incorrect reference in Technical Specifications. The rest of the amendment involved here does not match any of those examples. However, the staff has reviewed the licensee's request for the above amendment and has determined that should this request be implemented, it will not (1) involve a significant increase in the probability or consequences of an accident previously evaluated because the shift in the reference Nil-ductility temperature is within the design prediction, or (2) create the possibility of a new or different kind of accident from any accident previously evaluated because the physical plant design is not being changed, or (3) involve a significant reduction in a margin of safety because the change is within the design prediction. Accordingly, the Commission proposes to determine that this change does not involve a significant hazards consideration.

Local Public Document Room location: Fairfield County Library, Garden and Washington Streets, Winnsboro, South Carolina 29180.

Attorney for licensee: Randolph R. Mahan, South Carolina Electric and Gas Company, P.O. Box 764, Columbia, South Carolina 29218.

NRC Project Director: Lester S. Rubenstein.

Southern California Edison Company, et al., Docket Nos. 50–361 and 50–362, San Onofre Nuclear Generating Station, Units 2 and 3, San Diego County, California

Date of Amendment Request: February 7, 1986 (Reference PCN–207).

Description of Amendment Request: The proposed change revises Technical Specifications (TS) 3/4.3.2, "Engineered Safety Feature Actuation System Instrumentation (ESFAS), 3/4.7.1.5, "Main Steam Isolation Valves (MSIV's)," and 3/4.6.3, "Containment Isolation Valves." TS 3/4.3.2 specifies the number of channels and type of ESFAS instrumentation required to be operable, response times and periodic surveillance tests to verify operability, and actions to be taken when the minimum operability requirements are not met. TS 3/4.7.1.5 defines operability requirements for MSIV's and actions to be taken when one or both MSIV's are inoperable. TS 3.4.6.3 specifies operability requirements for containment isolation valve surveillance requirements and actions to be taken when operability requirements are not met. The operability requirements for the Main Steam Isolation Valves ensure that no more than one steam generator will blow down in the event of a main steam line rupture assuming a single failure. Ensuring that only one steam generator blows down prevents the containment design pressure from being exceeded and limits positive reactivity addition due to cooldown of the reactor coolant system.

During normal plant operation, the MSIV's are maintained open by hydraulic pressure working against compressed nitrogen gas. The energy stored in the compressed gas provides the motive force for valve closure. Technical Specification 3/4.3.2 currently requires an MSIV closure time of 5.0 seconds. The pressure required to maintain the valve open and provide a 5.0 second response time is high. Dynamic effects on components in the MSIV hydraulic circuits, due in part to the high pressures, have resulted in component failures and spurious MSIV closures during plant operation. A spurious MSIV closure during power operation will result in a reactor trip. Reducing the MSIV operating pressure will result in increased component reliability but will also result in a slower MSIV response time.

The proposed change would increase MSIV closure time from 5.0 to 8.0 seconds. Specifically, the response time listed for the MSIV's in Table 3.3–5, "ESFAS Response Times" under main steam isolation signal (MSIS) is increased from 5.9 to 8.9 seconds (0.9 seconds is allowed for instrumentation response time, the remainder for the valve). The response time for the MSIV's listed in Table 3.6–1, "Containment Isolation Valves", is increased from 5.0 to 8.0 seconds. Likewise, the response time included in TS 3.4.7.15 is increased from 5.0 to 8.0 seconds.

Basis for Proposed No Significant Hazards Determination: The Commission has provided guidance for determining whether a significant hazards consideration exists by providing certain examples (48 FR 14870) of amendments that are considered not likely to involve significant hazards considerations. Example (vi) relates to a change which either may result in some increase in the probability or consequences of a previously-analyzed accident or may in some way reduce a safety margin, but where the results of the change are clearly within all acceptance criteria with respect to the system or components specified in the Standard Review Plan (SRP). In this case, SRP Section 6.2.1.4, "Mass and Energy Release Analysis for Postulated Secondary System Pipe Ruptures," and SRP Section 15.1.5, "Steam System Piping Failures Inside and Outside Containment" delineate the pertinent acceptance criteria for the analyses for Main Steam Line Break (MSLB) events. SRP Section 6.2.4 requires that mass and energy releases from postulated secondary system pipe ruptures be considered to assure that the containment design margin is maintained. SRP Section 15.1.5 requires that the capability to cool the core be maintained throughout the event.

The proposed increase in MSIV response time from 5.0 to 8.0 seconds has been analyzed. The results show that the capability to cool the core is maintained with the proposed increase in MSIV response time. Therefore, the proposed change satisfies SRP 15.1.4 acceptance criteria.

In addition, the containment response to the limiting MSLB inside containment was analyzed with the proposed increase in MSIV response time. The results showed that the peak containment pressure is bounded by the current analysis (which shows a peak calculated containment pressure of 55.7 psig). The new analysis incorporates enhancements to more realistically model the events. The improvements include the use of a two-node model for

the steam lines, calculations of separate flow resisistances between nodes, crediting choking of steam flow when conditions merit, use of actual MSIV flow characteristics, accounting for compressible flow, and a revised feed flow split between the affected and unaffected steam generator. With these enhancements, the proposed change results in mass and energy releases to the containment which are bounded by the previous analysis and thus maintains the containment design margin. Therefore, the proposed change satisfies all applicable SRP acceptance criteria and is similar to Example (vi) of 48 FR 14870.

Local Public Document Room Location: General Library, University of California at Irvine, Irvine, California 92713.

Attorney for Licensees: Charles R. Kocher, Esq., Southern California Edison Company, 2244 Walnut Grove Avenue, P.O. Box 800, Rosemead, California 91770; and Orrick, Herrington & Sutcliffe, Attn.: David R. Pigott, Esq., 600 Montgomery Street, San Francisco, California 94111.

NRC Project Director: George W. Knighton.

Virginia Electric and Power Company, Docket Nos. 50–280 and 50–281, Surry Power Station, Unit Nos. 1 and 2, Surry County, Virginia

Date of amendment requests: August 9, 1985 as superseded December 20, 1985.

Description of amendment requests: This amendment request was initially noticed on September 25, 1985 (50 FR 38924). The amendment as originally proposed would have revised the surveillance requirements for safety-related shock suppressors (snubbers) by: (1) Deleting the snubber listings (Tables 4.17–1 and 4.17–2), (2) revising specifications 4.17A and 4.17B to reduce the frequency of visual inspections, and (3) revising the Bases for 4.17 to include the definitions of accessible and inaccessible snubbers, and to establish snubber inspection groups based on design and application.

This notice includes changes requested in a subsequent submittal dated December 20, 1985. This submittal supersedes the August 9, 1985 submittal, and is in part, a response to the staff's request for additional information. The December 20, 1985 submittal withdrew the requested revision of Specifications 4.17A and 4.17B regarding the frequency of visual inspections, and the revision of the Bases for 4.17 regarding the definition and grouping of snubbers. Only the deletion of the snubber listings (Tables 4.17–1 and 4.17–2) and the proposed use of an administratively controlled listing remain unaltered and unaffected.

Basis for proposed no significant hazards consideration determination: Section 4.17 of the Technical Specifications (TS) currently states the operability requirements for safety-related shock suppressors (snubbers). Snubbers are required to be operable to ensure that the structural integrity of the reactor coolant system and all other safety-related systems is maintained during and following a seismic or other event initiating dynamic loads. The snubbers affected by these operability requirements are currently listed in Tables 4.17–1 and 4.17–2.

By Generic Letter (GL) 84–13, "Technical Specification for Snubbers," the Commission stated that such a tabulation of snubbers need not be listed in the TS, provided that the operability requirements are met. GL 84–13 also recommended that the TS be modified to specify which snubbers are required to be operable. Consistent with the guidance of GL 84–13, the licensee proposes to add a statement to Technical Specification 3.20.A and B specifying which snubbers shall be operable and to delete Tables 4.17–1 and 4.17–2. The proposed change also includes a statement specifying "All snubbers required to protect the reactor coolant system and other safety-related systems shall be operable." Deletion of the Tables will remove the requirement to update the Technical Specifications when a snubber ~~is~~ added or deleted from the plant. An administratively controlled list of installed snubbers will be maintained current in plant administrative procedures, and plant records will be maintained in accordance with TS 4.17.G.1 which requires "a record of the service life of each snubber, the date at which the designated service life commenced and the installation and maintenance records on which the designated service life is based shall be maintained." The addition or deletion of a snubber will be documented in the plant records.

The Commission has provided standards (10 CFR 50.92(c)) for determining whether a signficant hazards consideration exists. A proposed amendment to an operating license for a facility involves no significant hazards consideration if no operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the probability of a new or different kind of accident from any accident evaluated; or (3) involve a significant reduction in a margin of safety. The proposed change replaces the existing snubber tables with an administratively controlled listing. Plant design LCO's and surveillance frequencies remain unchanged. Because both the operability and surveillance requirements for safety-related snubbers are unchanged, the probability or consequences of an accident previously evaluated has not increased, the margin of safety has not been reduced, and the probability of a new or different type of accident from those previously evaluated has not been created.

As such, the staff proposes that the above changes do not involve a significant hazards consideration.

Local Public Document Room location: Swem Library, College of William and Mary, Williamsburg, Virginia 23185.

Attorney for licensee: Mr. Michael W. Maupin, Hunton and Williams, Post Office Box 1535, Richmond, Virginia 23213.

NRC Project Director: Lester S. Rubenstein.

Virginia Electric and Power Company, Docket Nos. 50–280 and 50–281, Surry Power Station, Unit Nos. 1 and 2, Surry County, Virginia

Date of amendment request: February 7, 1986.

Description of amendment request: Section 6.1.C.2 of the existing Technical Specification (TS) require Safety Evaluation and Control (SEC) to perform the independent review function. The proposed TS change more specifically identifies the organizational entity within the SEC that will perform this function. This entity is identified as the Independent/Operational Event Review Section of the SEC. The authority for implementation of independent review will be unchanged, and will remain with the Director-Safety Evaluation and Control.

Basis for proposed no significant hazards consideration determination: The proposed change does not affect reactor operations or accident analyses and have no radiological consequences. The proposed change merely identifies the entity within the organization which will perform the independent reviews. The responsible organization (the SEC) remains unchanged. Further the authority for implementation of independent review remains unaltered. Therefore, operation in accordance with the proposed amendment clearly involves no significant hazards consideration, because the change will not (1) involve a significant increase in the probability or consequences of an

accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. Accordingly, the Commission proposes to determine that the change does not involve a significant hazards consideration.

Local Public Document Room location: Swem Library, College of William and Mary, Williamsburg, Virginia 23185.

Attorney for licensee: Mr. Michael W. Maupin, Hunton and Williams, Post Office Box 1535, Richmond, Virginia 23213.

NRC Project Director: Lester S. Rubenstein.

PREVIOUSLY PUBLISHED NOTICES OF CONSIDERATION OF ISSUANCE OF AMENDMENTS TO OPERATING LICENSES AND PROPOSED NO SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION AND OPPORTUNITY FOR HEARING

The following notices were previously published as separate individual notices. The notice content was the same as above. They were published as individual notices because time did not allow the Commission to wait for this bi-weekly notice. They are repeated here because the bi-weekly notice lists all amendments proposed to be issued involving no significant hazards consideration.

For details, see the individual notice in the **Federal Register** on the day and page cited. This notice does not extend the notice period of the original notice.

Louisiana Power and Light Company, Docket No. 50–382, Waterford Steam Electric Station, Unit 3, St. Charles Parish, Louisiana

Date of Amendment Request: February 19, 1986; February 27, 1986; and March 4, 1986.

Brief Description of Amendment: Technical Specification changes to (1) modify the surveillance requirements for the emergency diesel generators and (2) extend the interval for Type B and C containment leakage rate testing to the first refueling outage.

Date of Publication of Individual Notice in **Federal Register:** March 10, 1986 (51 FR 8261)

Expiration Date of Individual Notice: April 9, 1986.

Local Public Document Room Location: University of New Orleans Library, Louisiana Collection, Lakefront, New Orleans, Louisiana 70122.

NOTICE OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE

During the period since publication of the last bi-weekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing in connection with these actions was published in the **Federal Register** as indicated. No request for a hearing or petition for leave to intervene was filed following this notice.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendments, (2) the amendments, and (3) the Commission's related letters, Safety Evaluations and/or Environmental Assessments as indicated. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the local public document rooms for the particular facilities involved. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Licensing.

Baltimore Gas & Electric Company, Docket No. 50–317, Calvert Cliffs Nuclear Power Plant, Unit No. 1, Calvert County, Maryland

Date of application for amendment: December 17, 1985 as suplemented by letter dated January 16, 1986.

Brief description of amendment: The amendments changed the remainder of fuel Cycle 8 operation, as follow: (1) TS 3.3.3.2a is changed so that the incore detectors are used to determine azimuthal power tilt at three axial elevations, (2) the number of incore detector segments required for recalibration of the excore neutron flux detection system, in TS 3.3.3.2b, are decreased from at least 75% to at least 50% of all incore detector segments, and (3) the number of incore detector locations required for monitoring radial peaking factors or linear heat rate are decreased from at least 75% to at least 50% of all incore detector locations.

Date of issuance: March 31, 1986.

Effective date: March 31, 1986.

Amendment No.: 116.

Facility Operating License No. DPR–53: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** February 26, 1986 (51 FR 6818 at 6819).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 31, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: Plymouth Public Library, 11 North Street, Plymouth, Massachusetts 02360.

Boston Edison Company, Docket No. 50–293, Pilgrim Nuclear Power Station, Plymouth, Massachusetts

Date of application of amendment: April 17, 1985, as amended September 24, 1985.

Brief description of amendment: The amendment removes from the technical specifications (TS) the details of the ASME Boiler and Pressure Vessel Code Section XI Inservice Inspection Program and the tables listing snubbers and requires that they be placed in Pilgrim controlled documents. The amendment also deletes an obsolete snubbers basis discussion.

Date of issuance: March 17, 1986.

Effective date: 30 days after date of issuance.

Amendment No.: 93.

Facility Operating License No. DPR–35. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** February 12, 1986 (51 FR 5271).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 17, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: Plymouth Public Library, 11

North Street, Plymouth, Massachusetts 02360.

Carolina Power & Light Company, Docket No. 50–324, Brunswick Steam Electric Plant, Unit 2, Brunswick County, North Carolina

Date of application for amendment: July 1, 1985.

Brief description of amendment request: The amendments change the Technical Specifications by modifying the surveillance requirements for the Reactor Protection System Instrumentation and the Control Rod Withdrawal Block Instrumentation as given in Tables 4.3.1–1 and 4.3.4–1 of the Brunswick 1 and Brunswick 2 TS.

Date of issuance: March 26, 1986.

Effective date: March 26, 1986.

Amendment Nos.: 96 and 121.

Facility Operating License Nos. DPR–71 and DPR–62: Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** July 31, 1985 (50 FR 31067).

The Commission's related evaluation of the amendment is contained in a Safety Evalulation dated March 26, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: Southport, Brunswick County Library, 109 W. Moore Street, Southport, North Carolina 28461.

Commonwealth Edison Company, Docket Nos. 50–295 and 50–304, Zion Nuclear Power Station, Unit Nos. 1 and 2, Benton County, Illinois

Date of application for amendments: February 16, 1979, supplemented June 25, October 7, and November 27, 1985.

Brief description of amendments: These amendments would bring the radiological effluent specifications in compliance with Appendix I of 10 CFR Part 50.

Date of issuance: March 24, 1986.

Effective date: Six months after date of issuance.

Amendment Nos.: 96 and 86.

Facility Operating License Nos. DPR–39 and DPR–48. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** August 23, 1983 (48 FR 38394).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated March 24, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: Zion Benton Library District, 2600 Emmaus Avenue, Zion, Illinois 60099

Commonwealth Edison Company, Docket Nos. 50–295 and 50–304, Zion Nuclear Power Station, Unit Nos. 1 and 2, Benton County, Illinois

Date of application for amendments: August 8, 1985.

Brief description of amendments: These amendments modify the Technical Specifications to reflect installation of a degraded grid voltage protection system.

Date of issuance: March 27, 1986.

Effective date: March 27, 1986.

Amendments Nos.: 97 and 87.

Facility Operating License Nos. DPR–39 and DPR–48. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** September 11, 1985 (50 FR 37076).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated March 27, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: Zion Benton Library District, 2600 Emmaus Avenue, Zion, Illinois 60099.

Consolidated Edison Company of New York, Docket No. 50–247, Indian Point Nuclear Generating Unit No. 2, Westchester County, New York

Date of application for amendment: November 26, 1985.

Brief description of amendment: The amendment revises the Technical Specifications to change the F^N delta H part power multiplier from 0.2 to 0.3.

The amendment was requested by Consolidated Edison in order to allow optimization of future core loading patterns by minimizing restrictions on F^N delta H at low power.

Date of issuance: March 31, 1986.

Effective date: Immediately to be implemented within 30 days.

Amendment No.: 110.

Facilities Operating License No. DPR–26: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** February 26, 1986 (51 FR 6821).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 31, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: While Plains Public Library, 100 Martine Avenue, White Plains, New York, 10610.

Dairyland Power Cooperative, Docket No. 50–409, La Crosse Boiling Water Reactor, Vernon County, Wisconsin

Date of application for amendment: December 12, 1985.

Brief description of amendment: The amendment increases the maximum average exposure of any fuel assembly not on the periphery of the core from 16,800 MWD/MTU to 18,000 MWD/MTU.

Date of Issuance: March 25, 1986.

Effective date: March 25, 1986.

Amendment No. 46.

Provisional Operating License No. DPR–45. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** January 21, 1986 (51 FR 2776).

The Commission's related evaluation for the license amendment is contained in a Safety Evaluation dated March 25, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: La Crosse Public Library, 800 Main Street, La Crosse, Wisconsin 54601.

Dairyland Power Cooperative, Docket No. 50–409, La Crosse Boiling Water Reactor, Vernon County, Wisconsin

Date of application for amendment: December 12, 1985.

Brief description of amendment: The amendment modifies the Technical Specifications (TS) to allow the use of control rods of the ASEA–ATOM plate design or the current Allis Chalmers tube sheath design. The amendment also deletes the requirements to go-gage control rods in Section 4.2.4.10 of the TS.

Date of Issuance: March 27, 1986.

Effective date: March 27, 1986.

Amendment No. 47.

Provisional Operating License No. DPR–45. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** February 12, 1986 (51 FR 5273).

The Commission's related evaluation for the license amendment is contained in a Safety Evaluation dated March 27, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: La Cross Public Library, 800 Main Street, La Cross, Wisconsin 54601.

Duke Power Company, Docket Nos. 50–369 and 50–370, McGuire Nuclear Station, Units 1 and 2, Mecklenburg County, North Carolina

Date of application for amendments: April 25, 1985, as supplemented November 13 and 26, 1985 and January 28, 1986.

Brief description of amendments: The amendments change certain provisions of the Technical Specfications in the Administrative Controls section related

to administrative approval responsibilities, the reportability requirements of 10 CFR 50.72 and 50.73, and other textual corrections for typographical errors, changes in nomenclature, and consistence of terminology.

Date of issuance: March 19, 1986.
Effective date: March 19, 1986.
Amendment Nos.: 52 and 53.
Facility Operating License Nos. NPF-9 and NPF-17: Amendments revised the Technical Specifications.
Date of initial notice in **Federal Register:** August 14, 1985 (50 FR 32793).

The Commisson's related evaluation of the amendments is contained in a Safety Evaluation dated March 19, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: Atkins Library, University of North Carolina, Charlotte (UNCC Station), North Carolina 28223.

Duquesne Light Company, Docket No. 50-334, Beaver Valley Power Station, Unit No. 1, Shippingport, Pennsylvania

Date of application for amendment: January 2, 1986.
Brief description of amendment: The amendment changes the Technical Specifications for Beaver Valley Unit No. 1 to permit a one-time extension of the 12-month snubber visual inspection period. Details of this change may be found in the associated Safety Evaluation.
Date of issuance: March 18, 1986.
Effective date: March 18, 1986.
Amendment No. 100.
Facility Operating License No. DPR-66. Amendment revised the Technical Specifications.
Date of initial notice in **Federal Register:** February 12, 1986 (51 FR 5274).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 18, 1986.

No significant hazards consideration comments received: No

Local Public Document Room location: B.F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001.

Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Dockets Nos. 50-321 and 50-366, Edwin I. Hatch Nuclear Plant, Units Nos. 1 and 2, Appling County, Georgia

Date of application for amendments: December 21, 1983, as modified April 16, 1984.
Brief description of amendments: The amendments revise the TSs for Hatch Units 1 and 2 to modify the limiting conditions for operation and the surveillance intervals for the Hydrogen and Oxygen Post-Accident Monitors and to correct a typographical error.
Date of issuance: March 26, 1986.
Effective date: March 26, 1986.
Amendment Nos. 124 and 62.
Facility Operating License Nos. DPR-57 and NPF-5. Amendments revised the Technical Specifications.
Date of initial notice in **Federal Register:** April 23, 1985 (50 FR 16003).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated March 26, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: Appling County Public Library, 301 City Hall Drive, Baxley, Georgia 31513.

GPU Nuclear Corporation, Docket No. 50-219, Oyster Creek Nuclear Generating Station, Ocean County, New Jersey

Date of application for amendment: December 10, 1982, as revised April 15, 1985, and as superseded November 13, 1985 (TSCR 100).
Brief description of amendment: This amendment authorizes changes to the Appendix A Technical Specifications (TS) pertaining to mechanical and hydraulic snubbers. These changes are to Section 3.5 and 4.5, Containment, and to Section 6.10.2, Administrative Controls—Record Retention, and the Bases for these sections in the TS.
Date of issuance: March 31, 1986.
Effective date: March 31, 1986.
Amendment No. 100.
Provisional Operating License No. DPR-16: Amendment revised the Technical Specifications.
Date of initial notice in **Federal Register:** February 26, 1986 (51 FR 6822).

The Commission's related evaluation of this amendment is contained in a Safety Evaluation dated March 31, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: Ocean County Library, 101 Washington Street, Toms River, New Jersey 08753.

GPU Nuclear Corporation, Docket No. 50-219, Oyster Creek Nuclear Generating Station, Ocean County, New Jersey

Date of application for amendment: January 28, 1986 (TSCR 138).
Brief description of amendment: This amendment authorizes a change to the Appendix A Technical Specifications (TS) surveillance requirements on the Fire Pump Diesel 24-volt battery bank in Section 4.12, Fire Protection. This change allows the licensee to use a two 12-volt battery cell configuration in addition to the existing twelve 2-volt cell configuration for the 24-volt DC diesel fire pump battery system. This change also revises the surveillance requirements on the cell voltage to be greater than or equal to either 2 volts or 12 volts based on the cell configuration.
Date of issuance: March 31, 1986.
Effective date: March 31, 1986.
Amendment No.: 101.
Provisional Operating License No. DPR-16: Amendment revised the Technical Specifications.
Date of initial notice in **Federal Register:** February 26, 1986 (51 FR 6824).

The Commission's related evaluation of this amendment is contained in a Safety Evaluation dated March 31, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: Ocean County Library, 101 Washington Street, Toms River, New Jersey 08753.

Maine Yankee Atomic Power Company, Docket No. 50-309, Maine Yankee Atomic Power Station, Lincoln County, Maine

Date of application for amendment: September 6, 1985 as supplemented October 3, 1985 and December 16, 1985.
Brief description of amendment: This amendment provided Technical Specification changes needed to require that the auxiliary turbine driven feedwater pump be operable during plant operation. This amendment required that the reactor shall not be maintained in a power operation condition unless at least three independent steam generator auxiliary or emergency feedwater pumps and associated flow paths are operable to supply emergency feedwater to all three steam generators.
Date of issuance: March 17, 1986.
Effective date: March 17, 1986.
Amendment No.: 88.
Facility Operating License No. DPR-36: Amendment revised the Technical Specifications.
Date of initial notice in **Federal Register:** January 29, 1986 (51 FR 3708 at 3716).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 17, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: Wiscasset Public Library, High Street, Wiscasset, Maine.

Mississippi Power & Light Company, Middle South Energy, Inc., South Mississippi Electric Power Association, Docket No. 50–416, Grand Gulf Nuclear Station, Unit 1, Claiborne County, Mississippi

Date of application for amendment: September 13, 1985 as revised October 24 and 30, and December 11, 1985.

Brief description of amendment: The amendment modifies the Technical Specification which requires that the Chemistry/Radiation Control Superintendent meet the qualifications of Regulatory Guide 1.8, "Personnel Selection and Training," and the Technical Specification related to Remote Shutdown System Controls.

Date of issuance: March 18, 1986.

Effective date: March 18, 1986.

Amendment No.: 9.

Facility Operating License No. NPF–29: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** December 30, 1985 (50 FR 53232).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 18, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: Hinds Junior College, McLendon Library, Raymond, Mississippi 39154.

Niagara Mohawk Power Corporation, Docket No. 50–220, Nine Mile Point Nuclear Station, Unit No. 1, Oswego County, New York

Date of amendment request: October 17, 1985.

Brief description of amendment: The amendment modifies the technical specifications to add the words "hot shutdown" to Section 6.2.2 to the required times a licensed Senior Operator must be in the Control Room.

Date of issuance: March 28, 1986.

Effective date: March 28, 1986.

Amendment No.: 80.

Facility Operating License No. DPR–63. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** January 15, 1986 (51 FR 1877).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 28, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: State University College at Oswego, Penfield Library—Documents, Oswego, New York 13126.

Northern States Power Company, Docket No. 50–263, Monticello Nuclear Generating Plant, Wright County, Minnesota

Date of application for amendment: September 24, 1982, as supplemented September 29, 1983 and November 15, 1985.

Brief description of amendment: The amendment revises the Technical Specifications 3.6.G and 4.6.G and the associated bases to reflect the latest General Electric guidance on jet pump operability and surveillance requirements.

Date of issuance: March 27, 1986.

Effective date: March 27, 1986.

Amendment No.: 42.

Facility Operating License No. DPR–22. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** August 23, 1983 (48 FR 38414) and December 30, 1985 (50 FR 53234).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 27, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: Environmental Conservation Library, Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota.

Northern States Power Company, Docket No. 50–263, Monticello Nuclear Generating Plant, Wright County, Minnesota

Date of application for amendment: September 24, 1982, and August 17, 1984.

Brief description of amendment: The amendment revises the Technical Specifications to provide Limiting Conditions for Operation and Surveillance Requirements to incorporate the installation of a new 250 VDC battery for the HPCI system. The amendment also includes an administrative change that modifies the site description to define a more up-to-date property line. The other items requested in these two applications either have been resolved or will be addressed in separate licensing actions.

Date of issuance: March 24, 1986.

Effective date: March 24, 1986.

Amendment No.: 41.

Facility Operating License No. DPR–22. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** September 21, 1983 (48 FR 43142) and October 23, 1985 (50 FR 43031).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 24, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: Environmental Conservation Library, Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota 55401.

Northern States Power Company, Docket No. 50–263, Monticello Nuclear Generating Plant, Wright County, Minnesota

Date of application for amendment: August 30, 1984, as supplemented November 8, 1984 and August 29, 1985.

Brief description of amendment: The amendment revises the Technical Specifications to incorporate the changes in the radiation monitoring requirements due to the installation of Reactor Building Vent Wide Range Gas Monitors and to incorporate miscellaneous administrative changes.

Date of issuance: March 18, 1986.

Effective date: March 18, 1986.

Amendment No.: 40.

Facility Operating License No. DPR–22. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** September 25, 1985 (50 FR 38917).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 18, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: Environmental Conservation Library, Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota 55401.

Public Service Electric and Gas Company, Docket Nos. 50–272 and 50–311, Salem Nuclear Generating Station, Unit Nos. 1 and 2, Salem County, New Jersey

Date of application of amendments: October 16, 1985.

Brief description of amendments: The amendments revise calibration methods for the Analog Rod Position Indication System.

Date of issuance: March 19, 1986.

Effective date: March 19, 1986.

Amendment Nos.: 73 and 48.

Facility Operating Licenses Nos. DPR–70 and DPR–75: Amendment revised the Technical Specifications.

Date of initial notice in the **Federal Register:** February 12, 1986 (51 FR 5276).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated March 19, 1986.

No significant hazards consideration comments received: No.

Local Public Document Room location: Salem Free Library, 112 West Broadway, Salem, New Jersey 08079.

Southern California Edison Company, et al. Docket Nos. 50–361 and 50–362, San Onofre Nuclear Generating Station, Units 2 and 3, San Diego County, California

Date of Application Amendments: December 2, 1983 and January 25, 1984.

Brief Description of Amendments: The amendments change the license conditions to remove the requirement to report all deviations from the Fire Hazards Analysis. Deviations from certain sections of the regulations will still be reportable, as well as deviations from numerous fire protection requirements of the Technical Specifications.

Date of Issuance: March 13, 1986.

Effective Date: March 13, 1986, to be fully implemented within 30 days of issuance.

Amendment Nos.: 42 and 31.

Facility Operating License Nos. NPF–10 and NPF–75: Amendments revised conditions of the licenses.

Date of Initial Notice in the **Federal Register**: April 24, 1984 (49 FR 21841).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated March 13, 1986.

No significant hazards consideration comments received.

Local Public Document Room Location: General Library, University of California at Irvine, Irvine, California 92713.

Toledo Edison Company and The Cleveland Electric Illuminating Company, Docket No. 50–346, Davis-Besse Nuclear Power Station, Unit No. 1, Ottawa County, Ohio

Date of application for amendment: July 13, 1983.

Brief description of amendment: This amendment clarifies the existing operability requirements for the Decay Heat Removal System by incorporation of the system design limits into the TSs. The associated basis was also revised to be consistent with the TS change.

Date of issuance: March 19, 1986.

Effective date: March 19, 1986.

Amendment No.: 92.

Facility Operating License No. NPF–3: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** February 24, 1984 (49 FR 7046).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 19, 1986.

No significant hazards consideration comments received: No

Local Public Document Room location: University of Toledo Library, Documents Department, 2801 Bancroft Avenue, Toledo, Ohio 43606.

Notice of Issuance of Amendment To Facility Operating License and Final Determination of No Significant Hazards Consideration and Opportunity for Hearing (Exigent or Emergency Circumstances)

During the period since publication of the last bi-weekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Because of exigent or emergency circumstances associated with the date the amendment was needed, there was not time for the Commission to publish, for public comment before issuance, its usual 30-day Notice of Consideration of Issuance of Amendment and Proposed No Significant Hazards Consideration Determination for Hearing. For exigent circumstances, a press release seeking public comment as to the proposed no significant hazards consideration determination was used, and the State was consulted by telephone. In circumstances where failure to act in a timely way would have resulted, for example, in derating or shutdown of a nuclear power plant, a shorter public comment period (less than 30 days) has been offered and the State consulted by telephone whenever possible.

Under its regulations, the Commission may issue and make an amendment immediately effective, notwithstanding the pendency before it of a request for a hearing from any person, in advance of the holding and completion of any required hearing, where it has determined that no significant hazards consideration is invloved.

The Commission has applied the standards of 10 CFR 50.92 and has made a final determination that the amendment involves no significant hazards consideration. The basis for this determination is contained in the documents related to this action. Accordingly, the amendments have been issued and made effective as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the application for amendment, (2) the amendment to Facility Operating License, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment, as indicated. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the local public document room for the particular facility involved.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Licensing.

The Commission is also offering an opportunity for a hearing with respect to the issuance of the amendments. By May 9, 1986, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to invervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reason why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding; on the

petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must safisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonables specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witness.

Since the Commission has made a final determination that the amendment involves no significant hazards consideration, if a hearing is requested, it will not stay the effectiveness of the amendment. Any hearing held would take place while the amendment is in effect.

A requests for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street NW., Washington, DC. By the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to *(Project Director):* Petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or request for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board, that the petition and/or request should be granted based upon a balancing of factors specified in 10 CFR 2.174(a)(1)(i)–(v) and 2.714(d).

Nebraska Public Power District, Docket No. 50–298, Cooper Nuclear Station, Nemaha County, Nebraska.

Date of amendment request: March 11, 1986.

Brief description of amendment: The amendment changes the Technical Specifications to revise the setpoint for main steam line high flow isolation.

Date of issuance: March 17, 1986.

Effective date: March 17, 1986.

Amendment No.: 96.

Facility Operating License No. DPR–46. Amendment revised the Technical Specifications.

Public comments requested as to proposed no significant hazards consideration: No.

The Commission's related evaluation of the amendment and final determination of no significant hazards consideration are contained in a Safety Evaluation dated March 17, 1986.

Attorney for licensee: Mr. G.D. Watson, Nebraska Public Power District, Post Office Box 499, Columbus, Nebraska 68601.

Local Public Document Room location: Auburn Public Library, 118 15th Street, Auburn, Nebraska 68305.

Washington Public Power Supply System, Docket No. 50–397, WNP–2, Richland, Washington

Date of amendment request: January 17, 1986.

Brief description of amendment request: This amendment revises the WNP–2 license by modifying the Technical Specifications to allow deferring the Type B leak rate test on the drywell head "O" rings from March 19, 1986, until the spring 1986 refueling outage. The spring 1986 refueling outage is presently scheduled to begin April 15, 1986.

Date of issuance: March 18, 1986.

Amendment No.: 21.

Effective date: March 18, 1986.

Facility Operating License No. NPF–12: Amendment revised the Technical Specifications.

Public comments requested as to proposed no significant hazards consideration: No.

The Commission's related evaluation is contained in a Safety Evaluation dated March 18, 1986.

Attorney for the licensee: Bishop, Liberman, Cook, Purcell & Reynolds 1200 Seventeenth Street NW., Washington, DC 20036.

Local Public Document Room location: Richland Public Library, Swift and Northgate Streets, Richland, Washington 99352.

Dated at Bethesda, Maryland, this 2d April 1986.

For the Nuclear Regulatory Commission.

Frank J. Miraglia,

Director, Division of PWR Licensing–B.

[FR Doc. 86–7809 Filed 4–8–86; 8:45am]

BILLING CODE 7590–01–M

Docket Nos. 50–373 and 50–374]

Commonwealth Edison Co., Consideration of Issuance of Amendments to Facility Operating Licenses and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License No. NPF–18 for La Salle Unit 2, issued to Commonwealth Edison Company (the licensee), for operation of the La Salle County Station, Units 1 and 2 located in La Salle County, Illinois.

The amendments would revise the La Salle Unit 1 Technical Specifications to add new fire detector instrumentation to satisfy License Condition 2.C(25)(c) which require these detectors to be in place and functional prior to startup after the first refueling outage. In addition, an administrative change to both Unit 1 and Unit 2 Technical Specifications are provided to delete the requirement for a special report submittal in the event the number of operable detectors fall below the minimum specified. The administrative change is made to restore the La Salle Technical Specifications to conform with the General Electrical Boiling Water Reactor Standard Technical Specifications. All these changes are in accordance with the licensee's application for amendment dated March 4, 1986, as supplemented by letter dated March 20, 1986.

Before issuance of the proposed license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended

(the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendments request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendments would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The proposed changes do not affect reactor operations or accident analyses and have no radical consequences. Therefore, operation in accordance with the proposed amendments clearly involves no significant hazards consideration because the changes will not (1) involve a significant increase in the probability or consequences of an accident previously evaluated because the addition of fire detection instrumentation in the areas specified enhances the likelihood of a fire being detected early; (2) create the possibility of a new or different kind of accident from any accident previously evaluated because fire detection and protection has been previously evaluated. The addition of these detectors is a result of those evaluations; or (3) involve a significant reduction in the margin of safety because the additional detectors increase the margin of safety in that the ability to detect and locate a fire is enhanced. The change in reporting requirements does not affect the ability of the fire protection program to detect a fire in a timely manner and take appropriate action.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Comments should be addressed to the Rules and Records Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

By May 9, 1986, the licensee may file a request for a hearing with respect to issuance of the amendments to the subject facility operating licenses and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendments involve a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendments until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facilities, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendments involve no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW. Washington, DC by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325–6000 (in Missouri (800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Elinor G. Adensam: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Commission, Washington,

DC 20555, and to Nicholas Reynbolds, Esquire, Bishop, Liberman, Cook, Purcell and Reynolds, 1200 Seventeenth Street NW., Washington, DC 20036, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendments which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC 20555, and at the Local Public Document Room, Public Library of Illinois Valley Community College, Rural Route No. 1, Ogelsby, Illinois 61348.

Dated at Bethesda, Maryland, this 3rd day of April 1986.

For The Nuclear Regulatory Commission.

Elinor G. Adensam,

Director, BWR Project Directorate No. 3, Division of BWR Licensing.

[FR Doc. 86-7899 Filed 4-8-86; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-316]

Indiana and Michigan Electric Co.; Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-74, issued to Indiana and Michigan Electric Company (the licensee), for operation of the Donald C. Cook Nuclear Plant Unit No. located in Berrien County, Michigan.

The amendment would revise the Technical Specifications in accordance with the licensee's application for amendment dated March 14 and March 27, 1986.

The proposed Technical Specification changes are related to the Unit 2 cycle 6 reload, additional provisions consistent with safety analyses, clarifications to make Unit 2 Technical Specifications consistent with Unit 1 and the Standard Technical Specifications, and editorial corrections. These changes are described in 12 separate groups as follows:

Group One is editorial changes to enhance readability, correct errors, or achieve consistency of language or format between Units 1 and 2 Technical Specifications or with the Standard Technical Specifications. Group Two is the removal of Technical Specifications for 3-loop operation in Modes 1 and 2 since License Condition 2.C.3(j) prohibits the operation. Group Three is proposed new requirements to make the Technical Specifications consistent with the safety analyses for the Cycle 6 reload. Group Four is a clarification that the refueling water storage tank is not a source of boron dilution during normal operation and a modification to cover boron dilution in Modes 4, 5, and 6 with new fuel in the core. Group Five is a change to a footnote on Table 3.3-3 which is related to 3-loop operation and requires tripping of bistables the inactive loop to indicate low active loop steam pressure relative to the idle loop. The 3-loop operation is removed and the footnote revised for clarification. Group Six is a change to the power-operated relief valve (PORV) specification to ensure PORV relief capability is available to assist in reactor coolant system depressurization following a steam generator tube rupture without offsite power The new specification will require at least two PORVs be "available" in Modes, 1, 2, and 3; "available" means the equipment and controlling circuitry is in its normal configuration with power available to perform the required safety function. Group Seven is the deletion of Section 4.0.4 requirements for certain Technical Specifications. Section 4.0.4 deletion will allow the unit to change modes without the surveillance requirements being met; i.e., the unit should be allowed to advance to the mode where the surveillance can be accomplished. The systems or components where the change will apply include flow measurement for the departure from nucleate boiling, source range and intermediate range detector calibrations incore and excore power range detector cross-calibrations, power range neutron flux heat balance, incore and excore axial offset comparison, source range channel functional test, single loop and two loop loss-of-flow-trip calibrations, f-delta I penalties associated with Overpower delta T and Overtemperature delta T trips, steam generator stop valves, and for beginning of cycle physics tests. Group Eight is changes to parameters to reflect the assumption sued in the Cycle 6 reload and anlysis and includes setpoints as a result of the replacement of Rosemount resistance temperature detectors (RTDS) with detectors manufactured by Rdf, and f-delta I penalties which now input to the Overpower delta T and Overtemperature delta T reactor trip setpoints to account for possible axial imbalance in neutron flux between the top and bottom half of the core. Group Nine is a change to separate flow rate and nuclear enthalph hot channel factor. The proposed Technical Specifications define nuclear enthalpy hot channel factor as a function of rated thermal power and reactor coolant system flow rate for departure from nucleate boiling; previous Technical Specifications allowed for tradeoffs between flow rates and the nuclear enthalpy hot channel factor. Group Ten change is to the P-12 interlock description to more accurately represent the actual setpoints and functions of the interlock as allowed by the approved D.C Cook Unit 2 engineered safety feature design. Group Eleven is a change to simplify Technical Specifications for the operator by defining a new term, Allowable Power Level (APL), which ensures that power distribution limits are satisfied. Previously this was accomplished by operating above APL and below Rated Thermal Power provided additional surveillance is performed using the Axial Power Distribution Monitoring System (APDMS). The new APL definition will account for the power distribution limits without the need for the APDMS corrections. This change also proposed to eliminate the need to place the Unit in Hot Standby to perform Overpower delta T setpoint reduction since this can be accomplished at power one channel at a time by placing the affected channel bistable in the tripped configuration. Group Twelve changes are to make the Unit 2 Technical Specifications consistent with the Standard Technical Specifications. These changes are actually corrections of errors which have been found in the early version of the Standard Technical Specifications and apply to D.C. Cook. These are (1) changing the action statement on the Overpower delta T and Overtemperature delta T for inoperable channels to exclude taking action on power levels or the Quadrant Power Tilt Ratio since these actions relate to the nuclear instrumentation only, (2) adding a provision to allow changing modes if the Reactor Coolant Pump Breaker Position Trip channel above P-7 is inoperable since the action statement already places the trip in the safe mode, i.e., tripped position, and (3) deleting

reference to reporting pressurizer relief valve failures since Section 6.9.1.5.c adequately requries these reports in the Annual Report.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The Commission has provided guidance concerning the application of the standards for making a no significant hazards consideration determination by providing certain examples (48 FR 14870). Each of the groups of changes proposed by the licensee is examined and related to these examples as follows:

Group One is editorial changes to enhance readability, correct errors, or achieve consistency of language or format between Unit 1 and 2 Technical Specifications or with the Standard Technical Specifications. All of the changes are purely administrative and are directly related to example (i) which is a purely administrative change to achieve consistency throughout the Technical Specification, correct an error, or a change in nomenclature. Group Two is the removal of Technical Specifications covering an operational mode (3 loop-operation) which is prohibited by License Condition 2.C.3(j), therefore, consistency is achieved between the license and the Technical Specifications. Group Two is directly related to example (i), provided by the Commission. Group Three is licensee's proposed new requirements to the Technical Specifications to add actions, surveillance requirements, and applicable modes consistent with the Cycle 6 reload analysis. This group of changes is directly related to example (ii) in that it constitutes an additional limitation, restriction, or control not presently included in the Technical Specifications. Group Four is a clarification that the refueling water storage tank is not a source of boron dilution during normal operation and a modification to cover boron dilution in Modes 4, 5, and 6 with new fuel in the core. The change includes a footnote to Technical Specifications on boron dilution, charging pump during shutdown, boric acid transfer pumps during shutdown, reactor coolant system during hot standby, reactor collant system during shutdown, and residual heat removal and coolant circulation during refueling. The change also includes separation of boration control requirements for Modes 1, 2 and 3, and for Modes 4 and 5 for improved definition for the operations and increasing the minimum borated water levels in all modes to ensure shutdown margin after xenon decay and cooldown for the most limiting requirements at beginning of life with new fuel in the core. This group is directly related to example (vi) which is a change which either may result in some increase to the probability or consequences of a previously analyzed accident or may reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system or components specified in the Standard Review Plan. The licensee's safety analysis for the boron dilution accident to cover all the modes and components supports the proposed changes including the footnote that the RWST as a source of makeup does not significantly change the reactivity considerations. Since some minor change of reactivity might occur, a safety margin may be reduced insignificantly, however, the safety analysis is performed to acceptable codes and standards and the resultant reactivity levels for each of the components and modes is within criteria previously found acceptable.

Group Five is a change to a footnote on Table 3.3–3 related to 3-loop operation and the differential pressure between steam line-high, ESF actuation signal. The footnote is corrected to exclude 3-loop consideration which is being deleted by this proposed amendment and corrected by choice of language for proper direction on bistables to be tripped. As such, this change is directly related to example (i) in that it is purely administrative to correct any potential error. Group Six is a change to the power operated relief valves to add requirements which would ensure PORV relief capability is available to assist in reactor coolant system depressurization following a steam generator tube rupture without offsite power. This change is directly related to example (ii) in that it constitutes an additional limitation, restriction, or control not presently included in the Technical Specifications.

Group Seven is the deletion of Section 4.0.4 requirements for certain Technical Specifications. This change is directly related to example (vi) which is a change which either may result in some increase to the probability or consequences of a previously analyzed accident or may reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan. Section 4.0.4 prohibits changing modes without surveillance requirements being met, however, for the components, systems, and functions listed by the licensee, under some circumstances the surveillance must be performed in the next mode. By going to the next mode where both the surveillance must be performed and the function is required, some reduction in margin may result until the surveillance is completed. The licensee's proposals are, however, clearly within all acceptable criteria as determined by the Commission reviews of previous submittals and changes to the Standard Technical Specifications. Since these changes are more like correcting a previous error in Technical Specifications, it is also somewhat like example (i) which is a purely administrative change to technical specifications for correction of an error.

Group Eight includes changes to parameters to reflect the assumption used in the Cycle 6 reload, revised setpoints as a result of installation of Rdf resistance temperature detectors (RDTs), and use of f-delta I penalties which are input to the Overpower delta T and Overtemperature delta T reactor trip setpoints. For the first and third of these changes, the Cycle 6 reload is with fuel exactly like Cycle 5 and the transient analyses are performed with codes found acceptable for Cycle 5. The f delta I penalties are necessary as a result of the analyses. The loss-of-coolant accident code, however, is new and incorporates or is verified to data from the Fuel Test Facility. This code has been substantially reviewed and the remaining re-correlations of data are expected to have insignificant impact on the overall results. Nevertheless, the Cycle 6 parameters are scheduled to be based on the approved or near approved codes with appropriate compensation. The Cycle 6 reload will analyze all the necessary and applicable accidents previously analyzed and will not significantly increase the probabilities or consequences of any accident previously evaluated. Use of the fuel and codes as appropriately compensated will not create the

possibility of a new or different kind of accident from any previously analyzed or evaluated. The margin of safety will not be significantly reduced even in the case where use of near approved codes results in a license condition with compensatory actions. The second change dealing with revised setpoints as a result of installation of Rdf RDTs is directly related to example (vi) which is a change which either may result in some increase to the probability or consequences of a previously analyzed accident or may reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan. The installation of the Rdf RTD's has been reviewed and found acceptable in Unit 1 (See License Amendment No. 91 dated September 3, 1985). The setpoints are changed which may in some way reduce a safety margin but the change has been incorporated in the safety analyses and the results are clearly within all acceptable criteria.

Group Nine is a change to separate flow rate and nuclear enthalpy hot channel factor and is somewhat like example (i) which is a purely administrative change and like example (ii) which is a change that constitutes additional limitations, restrictions or controls. The current Technical Specifications allow reactor coolant system flow to be traded off for nuclear enthalpy hot channel factor. The proposed change would separate these without lessening the requirements which would be an administrative change and would no longer allow the trade off which would be an additional limitation or control. Group Ten is a change to the P–12 interlock description and is directly related to example (i) in that it is a clarification of the definition in the Technical Specifications to more accurately describe the existing interlock. There are no changes to the setpoints or function but rather, it is a purely administrative change to prevent any errors in understanding the P–12 interlock. Group Eleven is a change to simplify operations while considering power distributions and the Axial Power Distribution Monitoring System (APDMS). This group is like two of the examples; (ii) which is a change that constitutes additional limitations, restrictions, and controls, and example (vi) which is a change which either may result in some increase to the probability or consequences of a previously analyzed accident or may reduce in some way a safety margin. The licensee has proposed a new definition for Allowable Power Level (APL) which ensures that power distribution limits are satisfied thereby eliminating the need to use the APDMS. Defining the APL in this fashion places additional limitations on the operation by not allowing use of the APDMS. The remaining applicable surveillances and requirements are maintained except for the requirement to place the unit in hot standby to perform the Overpower delta I trip setpoint reduction. The licensee has determined that the reduction can be performed while at power. The change in setpoint can be accomplished one channel at a time with bistables on the affected channel in the tripped configuration. By not reducing operation to hot standby, some insignificant reduction in the margin of safety may be implied, however, placing the bistables in the tripped condition assures a safe condition while the setpoints are changed. This is an acceptable and preferred alternative to possible transients in the power reduction to hot standby. The last group, Group Twelve, is proposed as changes to make the Unit 2 Technical Specifications consistent with the later revisions of the Standard Technical Specifications. These changes are actually corrections of errors which have been found in the earlier versions of the Standard Technical Specifications and are, therefore, directly related to example (i) which is a purely administrative change to, among other things, correct errors. The action statement for channels inoperable for Overpower delta T and Overtemperature delta T is changed to exclude conditions applicable to the nuclear instruments. The action for channels inoperable for Reactor Coolant Pump Breaker Position Trips is exempt from the Section 3.0.4 requirements of prohibiting changing modes without the action being taken since the action was to place the breaker in a tripped position which is safe in any of the modes. The Standard Technical Specifications had been previously corrected to reflect these changes. The last change is to remove a footnote on PORV reporting which was overlooked when the reporting requirements were added to the Annual Report.

Therefore on the basis of the above considerations, the Commission proposes to determine that the changes do not involve a significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted to the Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Comments may also be delivered to Room 4000, Maryland National Bank Building, Bethesda, Maryland from 8:15 a.m. to 5:00 p.m. Monday through Friday. Copies of comments received may be examined at the NRC Public Document Room, 1717 H Street NW., Washington, DC.

By May 9, 1986, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to

which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitation in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination of the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice if issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325–6000 (in Missouri (800) 342–6700)). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to B.J. Youngblood: Petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Gerald Charnoff, Esquire, Shaw, Pittman, Potts, and Trowbridge, 1800 M Street NW., Washington, DC 20036, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearings will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the Maude Reston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085.

Dated at Bethesda, Maryland, this 4th day of April 1986.

For the Nuclear Regulatory Commission.

Darl S. Hood,

Acting Director, PWR Project Directorate No. 4, Division of PWR Licensing–A, NRR.

[FR Doc. 86–7900 Filed 4–8–86; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–331]

Iowa Electric Light & Power Co.; Withdrawal of Application for Amendment to Facility Operating License

The United States Nucler Regulatory Commission (the Commission) has granted the request of Iowa Electric Light and Power Company (the licensee) to withdraw its January 2, 1985 application as revised on March 8, 1985, for proposed amendment to the Duane Arnold Energy Center, located in Linn County, Iowa. The proposed amendment would have revised the provisions in the Technical Specifications to permit changes in the duties of Operations and Safety Committees. The Commission issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on April 23, 1985 (50 FR 16005). By letter dated March 31, 1986, the licensee withdrew its application for the proposed amendment.

For further details with respect to this action, see (1) the application for amendment dated January 2, 1985 as revised March 8, 1985, and (2) the licensee's letter dated March 31, 1986, withdrawing the application for license amendment. The above documents are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC and at the Cedar Rapids Public Library, 500 First Street SE., Cedar Rapids, Iowa 53401.

Vernon L. Rooney,

Acting Director, BWR Project Directorate No. 2, Division of BWR Licensing.

[FR Doc. 86–7901 Filed 4–8–86; 8:45 am]

BILLING CODE 7590–01–M

Iowa Electric Light & Power Co.; Withdrawal of Application for Amendment to Facility Operating License

[Docket No. 50–331]

The United States Nuclear Regulatory Commission (the Commission) has granted the request of Iowa Electric Light and Power Company (the licensee) to withdraw its February 21, 1985 application for proposed amendment to the Duane Arnold Energy Center, located in Linn County, Iowa. The proposed amendment would have revised the provisions in the Technical Specifications to permit incorporation of action statements in the Technical Specification if the 24 volt dc batteries are found inoperable. The Commission issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on June 19, 1985 (50 FR

25485). By letter dated March 31, 1986, the licensee withdrew its application for the proposed amendment.

For further details with respect to this action, see (1) the application for amendmemt dated February 21, 1985; and (2) the licensee's letter dated March 31, 1986, withdrawing the application for licensee amendment. The above documents are available for public inspection at the Commission's Public Document Room 1717 H Street NW., Washington, DC and at the Cedar Rapids Public Library, 500 First Street SE., Cedar Rapids, Iowa 53401.

Vernon L. Rooney,

Acting Director, BWR Project Directorate No. 2, Division of BWR Licensing.

[FR Doc. 86-7902 Filed 4-8-86; 8:45 am]

BILLING CODE 7590-01-M

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

Resident Fish Substitutions Advisory Committee; Meeting

AGENCY: The Pacific Northwest Electric Power and Conservation Planning Council (Northwest Power Planning Council).

ACTION: Notice of Meeting.

Status: Open.

SUMMARY: The Northwest Power Planning Council hereby announces a forthcoming meeting of its Resident Fish Substitutions Advisory Committee to be held pursuant to the Federal Advisory Committee Act, 5 U.S.C. Appendix I, 1-4. Activities will include.

- Hydropower obligation issue paper consultation.
- Applications for resident fish amendments discussion.
- Other.
- Public comment.

DATE: April 23, 1986, 9:30 a.m.

ADDRESS: The meeting will be held at the Council's central office, 850 SW Broadway, Suite 1100, Portland, Oregon.

FOR FURTHER INFORMATION CONTACT: John Marsh, 503-222-5161.

Edward Sheets,

Executive Director.

[FR Doc. 86-7835 Filed 4-8-86; 8:45 am]

BILLING CODE 0000-00-M

PROSPECTIVE PAYMENT ASSESSMENT COMMISSION

Subcommittee on Diagnostic and Therapeutic Practices; Meeting

Notice is hereby given of a meeting of the Subcommittee on Diagnostic and Therapeutic Practices of the Prospective Payment Assessment Commission on Monday, May 5, 1986. The meeting will convene at 10 o'clock in Salon C of the grand ballroom of the 14th Street Bridge Marriott Hotel in Washington, DC. The meeting will be open to the public. The subcommittee also welcomes written comments concerning the prospective payment system and PROPAC's future activities. Comments may be sent to Dr. Michael Strauss, 300 7th Street, SW., Suite 301B, Washigton, DC 20024.

Donald A. Young, MD.,

Executive Director.

[FR Doc. 86-7920 Filed 4-8-86 8:45 am]

BILLING CODE 6820-BW-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-23095; File No. SR-DTC-86-02]

Self-Regulatory Organizations; Filing and Immediate Effectiveness of Proposed Rule Change of the Depository Trust Company

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on March 11, 1986, The Depository Trust Company ("DTC") filed with the Commission a proposed rule change revising its settlement procedures with respect to certain inter-depository reclamations. The Commission is publishing this Notice to solicit comment on the rule change.

The proposed rule change provides a 15-minute extension of the cut-off time for reclamations by DTC Participants of deliveries received through the Midwest Securities Trust Company ("MSTC")/DTC interface. The proposal also establishes a 2:30 p.m. cut-off, New York time, for DTC receipt of Participants' requests to make late settlement adjustments for invalid reclamations, *e.g.*, when an original delivery has been received by a DTC Participant through the inter-depository interface during the regular reclaim period.

The regular reclaim period, from 11:00 a.m. to 12:30 p.m., has been extended fifteen minutes, *i.e.*, until 12:45 p.m., for Participants to initiate reclamations of deliveries received from MSTC. Because of the dramatic increase in the volume of transactions across the interface, including reclamations, DTC believes the extra time is needed to assure that MSTC is properly notified of the reclamations in time to complete, and avoid settlement suspense of, the reclaimed transactions. During this extended 15-minute period, DTC Participants can make reclamation requests only by telephone to DTC's Interface Department. At all other times, Participants must use DTC's Participant Terminal System ("PTS") to forward their reclamation requests to DTC.

The proposed rule change also requires Participants to request the adjustment of invalid reclamations [1] of deliveries from other depositories by 2:30 p.m. via PTS, like all other settlement adjustment requests. Previously, DTC Participants could telephone DTC's Interface Department with their requests until 3:30 p.m.[2] DTC believes that the proposal should assure that other securities depositories have sufficient time to notify their Participants about, and to process adjustments relating to, invalid reclamations received by DTC Participants through the inter-depository interface.

In its filing, DTC states that the proposed rule change is consistent with section 17A of the Act because it promotes operational efficiencies in the settlement of securities transactions and reduces risks to DTC and its Participants.

The foregoing rule change has become effective pursuant to section 19(b)(3)(A) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the proposal. Persons making written submissions should file six copies with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the filing, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for

[1] The Participant also can request a reclaim of the invalid reclamation if enough time remains in the regular reclaim period for processing the request.

[2] This deadline still will apply to *intra*-depository late settlement adjustment requests.

inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC 20549. Copies of the filing will also be available for inspection and copying at the principal office of DTC. All submissions should refer to the file number in the caption above and should be submitted by April 30, 1986.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: April 2, 1986.

John Wheeler,

Secretary.

[FR Doc. 86-7910 Filed 4-8-86; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-23097; File No. SR-OCC-86-3]

Self-Regulatory Organizations; Options Clearing Corporation; Filing and Immediate Effectiveness of Proposed Rule Change

On March 7, 1986, the Options Clearing Corporation ("OCC") filed with the Commission a proposed rule change under section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"). OCC's proposed rule change would add to OCC Rule 614 Interpretation and Policy .01 (the "Interpretation"). That Interpretation would provide that, during any pilot period that OCC may set, pledges of non-equity options may be effected through OCC's Rule 614 Options Pledge Program. Only OCC-designated clearing members that have entered into a pilot agreement with OCC would be able to participate in the pilot. OCC Rule 614(f), however, would not apply to non-equity option pledges.[1]

OCC began its Options Pledge Program for equity options in 1982.[2] That program was restricted to equity options because, at that time, non-equity options were new and OCC had little operating experience with them. After several years' experience with both the Options Pledge Program and non-equity options products, OCC now would like to include non-equity options in the Program.[3]

During the pilot program, each participating clearing member will need to execute a "Supplement to the Pledge Account Agreement." That agreement, which has been included in OCC's filing, contains several special provisions. First, OCC will require each clearing member to remove an option position from its pledge account, *e.g.*, release the position from pledge by substitution of adequate collateral, before the clearing member can close-out or exercise the position. Thus, Rule 614(f), which allows a clearing member to close-out or exercise a pledged position directly from its pledge account using automated procedures, will not apply to pilot participants' non-equity option pledges. OCC states that this limitation is needed because OCC's automated System cannot accommodate non-equity options pledges at this time; those pledges will have to be processed manually until OCC upgrades its automated system within the next year.[4] Second, OCC will agree to transfer to the clearing member's primary account expiring pledged positions from the member's pledge account immediately prior to expiration. Accordingly, clearing members will not need to take any special action regarding these positions on expiration.

OCC believes that a pledge program for non-equity options, like the existing pledge program for equity options, will help clearing members finance their operations and improve their cash flow. Moreover, OCC is confident that, from the viewpoint of the legal and operational risks involved, the current manual system can properly and efficiently handle this pledge activity. OCC further states that the exception from OCC Rule 614(f) and the manual processing of pledges, in general, will be temporary because OCC plans to have an automated system in place within one year.

OCC believes that the proposed rule change is consistent with section 17A of the Act in that it will promote the prompt and accurate clearance and settlement of options transactions by enabling clearing members finance their positions at reduced borrowing costs.

This rule change has become effective, pursuant to section 19(b)(3)(A) of the Act and Rule 19b-4. The Commission may summarily abrogate the rule change at any time within 60 days of its filing if it appears to the Commission that abrogation is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

You may submit written comments within 21 days after notice is published in the **Federal Register.** Please file six copies of your comment with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC, 20549. Copies of the submission, with accompanying exhibits, and all written comments, except for material that may be withheld from the public, 5 U.S.C. 552, are available at the Commission's Public Reference Room, 450 Fifth Street NW., Washington, DC. Copies of the filing also will be available for inspection and copying at the principal office of OCC. All submissions should refer to File No. SR-OCC-86-3 and should be submitted by April 30, 1986.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Dated: April 2, 1986.

John Wheeler,

Secretary.

[FR Doc. 86-7911 Filed 4-8-86; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 35-24061]

Filings Under the Public Utility Holding Company Act of 1935 ("Act"); Jersey Central Power & Light Co. et al.

April 3, 1986.

Notice is hereby given that the following filing(s) has been made with the Commission pursuant to provisions of the Act and rules promulgated thereunder. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendment(s) thereto are available for public inspection through the Commission's Office of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by April 28, 1986, to the Secretary, Securities and Exchange Commission, Washington, DC 20549, and serve a copy on the relevant applicant(s) and/or declarant(s) at the addresses specified below. Proof of service (by affidavit, or, in case of an attorney at law, by certificate) should be filed with the

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[1] OCC Rule 614(f), among other things, enables pledgor clearing members to exercise and close-out pledged equity options positions.

[2] *See* File No. SR-OCC-82-25. The Commission approved the proposal in Securities Exchange Act Release No. 19956 (July 19, 1986); 48 FR 33956 (July 26, 1983).

[3] Non-equity options include, among others, options on U.S. Treasury obligations, foreign currencies, and stock indices.

[4] The Commission expects that OCC will file its permanent non-equity option pledge program with the Commission under section 19(b)(2) of the Act. The Commission also expects OCC to inform Commission staff timely of any material changes in the pilot program, including significant changes in procedures, activity, risk exposure and participation.

request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After said date, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

Jersey Central Power & Light Company, et al. (70–7058)

Jersey Central Power & Light Company ("JCP&L"), Madison Avenue at Punch Bowl Road, Morristown, New Jersey 07960, an electric utility subsidiary of General Public Utilities Corporation, a registered holding company, and Energy Initiatives, Incorporated ("EII"), 95 Madison Avenue, Morristown, New Jersey 07960, a subsidiary of JCP&L, have filed a post-effective amendment to the application-declaration previously filed with this Commission pursuant to sections 6, 7, 9, 10, and 12(b) of the Act and Rules 14, 15, and 50 thereunder.

By this post-effective amendment, JCP&L and EII request authority through December 31, 1987 (1) for JCP&L to make cash capital contributions from time to time to EII of up to $5,000,000 and (2) for JCP&L to purchase from EII and for EII to sell to JCP&L from time to time up to an additional 10,000 shares of EII common stock, no par value, for an aggregate purchase price of up to $5,000,000; provided that the aggregate amount of such contributions and purchases shall not exceed $5,000,000. Authority is also being requested to increase to $4,000,000 from $2,000,000 the amount of secured and unsecured borrowing EII may have outstanding at any one time through December 31, 1987.

Western Massachusetts Electric Company (70–7130)

Western Massachusetts Electric Company ("WMECO"), 174 Brush Hill Avenue, West Sprigfield, Massachusetts 01089, an electric utility subsidiary of Northeast Utilities ("NU"), a registered holding company, has filed with this Commission a post-effective amendment to its application-declaration in this proceeding pursuant to sections 6(b) and 9(c) under the Act and Rules 40 and 50 thereunder.

By order dated October 2, 1985 (HCAR No. 23851), WMECO was authorized to issue and sell up to $50 million of its first mortgage bonds ("Bonds"), in one or more series, no later than December 31, 1986. WMECO issued $25 million of its Series Q Bonds on October 30, 1985 pursuant to that order.

WMECO now proposes to change the terms of the common stock dividend restriction in its indenture that will apply to the issues and sale of the remaining $25 million principal amount of the Bonds authorized to be sold in this proceeding. WMECO proposes (i) to use September 30, 1985, rather than the date of issuance of the series of the Bonds, as the starting date for accumulation of retained earnings and as the starting date for accrual of preferred dividends to be deducted in the determination of unrestricted earnings and (ii) to use $38 million as the annual dividends alowance. These are the terms of the dividend restriction which apply to WMECO as the result of the sale of WMECO's Series Q Bonds.

WMECO is requesting that it be alowed to change the terms of its dividend restriction for the following reasons. It is currently in rate proceedings before the Massachusetts Department of Public Utilities ("DPU") and the Federal Energy Regulatory Commission ("FERC"), in which the largest single issue concerns the appropriate ratemaking treatment of the company's invesment in the Millstone 3 nuclear power plant. There is the potential that the DPU or the FERC, or both, may impose disallowances that could preclude WMECO from recovering a portion of its investment and related carrying charges in Millstone 3. In addition, recent changes proposed by the Financial Accounting Standards Board could require WMECO to write-off potentially significant amounts, as a result of actions imposed by the DPU or FERC, or both.

Kentucky Power Company (70–7229)

Kentucky Power Company ("KPCo"), 1701 Central Avenue, P.O. Box 1428, Ashland, Kentucky 41101, an electric utility subsidiary of American Electric Power Company, Inc., a registered holding company, has filed a declaration pursuant to sections 6(a) and 7 of the Act.

KPCo proposes to issue up to $50 million principal amount of unsecured, fixed-rate notes to banks or other financial institutions from time to time pursuant to a fixed-rate, term loan agreement. The notes will mature on a date not less than two nor more than ten years from the date of issuance and will bear interest no greater than 12% annum. No compensating balances or commitment fees will be required. Under the term loan agreement, particpations in all or any part of such agreement and the note or notes thereunder may be sold by the original lender to other banks or entities. In the event a note is paid prior to maturity, KPCo will be required to pay a fee to the lender calculated to reimburse the lender for interest lost, if any, as a result of the repayment.

Monongahela Power Company et al. (70–7235)

Monongahela Power Company, Fairmont, West Virginia, The Potomac Edison Company, Hagerstown, Maryland, and West Penn Power Company, Greensburg, Pennsylvania, (collectively, the "Companies"), subsidiaries of Allegheny Power System, Inc., a registered holding company, have filed an application-declaration with this Commission pursuant to sections 9(a), 10, and 12(c) of the Act and Rule 42 thereunder.

The Companies propose to effect the repurchase or optional redemption of shares of four series of their preferred stock, not redeemed pursuant to mandatory or optional sinking fund provisions. The series represent 850,000 shares, par value $100, and a dividend rate range from 9.4% to 15.64%.

Each series of preferred stock is or shortly will be eligible for optional redemption at specified premiums over their respective par values. As an alternative to optional redemption, it may become advantageous to repurchase such preferred stock by means of a tender offer so long as the repurchase can be effected at a price lower than the optional redemption price. Any such offer would be held open for a minimum of five days, but applicants-declarants may extend the offer period if market conditions so warrant. The Companies also propose to make open-market and negotiated purchases before or after the expiration of any such tender offer on terms no more favorable than the tender offer, because it is likely that not all the shares of any series of preferred stock for which a tender was made will be tendered. The Companies may retain a dealer-manager to disseminate the offers to acquire the stock and receive responses.

Central Power and Light Company (70–7236)

Central Power and Light Company (the "Company"), P.O. Box 2121, Corpus Christi, Texas 78403, a subsidiary of Central and South West Corporation, a registered holding company, has filed an application-declaration pursuant to sections 6(a), 7, 9(a), 10, and 12(c) of the Act and Rules 42 and 50 thereunder.

The Company proposes to issue and sell up to $200,000,000 of its first mortgage bonds in one or more series with up to a 30-year maturity pursuant

to the alternative competitive bidding procedures. The proceeds will be used (1) to redeem the outstanding $75,000,000 principal amount of the Company's First Mortgage Bonds, Series Q, 12⅜%, due January 1, 2010, at the current general redemption price of 110.32% of principal amount plus accrued and unpaid interest to the redemption date and (2) to acquire for cash pursuant to a proposed tender offer a substantial portion of the outstanding $100,000,000 of the Company's First Mortgage Bonds, Series S, 12⅛%, due March 1, 2013. The tender offer is necessary since the Series S Bonds may not be redeemed at a lower cost of money prior to March 1, 1988. The Company believes that the proposed transactions will result in a substantial savings in interest costs.

Indiana & Michigan Electric Company (70–7238)

Indiana & Michigan Electric Company ("I&M"), One Summit Square, P.O. Box 60, Fort Wayne, Indiana 46801, an electric utility subsidiary of American Electric Power Company, Inc., a registered holding company, has filed a declaration with this Commission pursuant to Sections 6 and 7 of the Act and Rule 50 thereunder.

I&M proposes to issue and sell $200 million of its first mortgage bonds by competitive bidding in one or more series from time to time through December 31, 1986, with maturities of from 5 to 30 years. In the alternative it proposes to enter into a revolving credit or team loan agreement to issue notes in the same principal amount outstanding at any given time. Notes issued under the revolving credit agreement would have a maturity of more than 12 months at fluctuating rates pegged to the Prime Rate or LIBOR. Notes issued under a term-loan agreement would be for a term of not less than two nor more than ten years, at a rate not in excess of 13% per annum.

Public Service Company of Oklahoma (70–7242)

Public Service Company of Oklahoma ("PSO"), 212 East 6th Street, Tulsa, Oklahoma 74119, an electric utility subsidiary of Central and South West Corporation, a registered holding company, has filed an application-declaration pursuant to sections 6(a), 6(b), 7, 9(a), 10, and 12(c) of the Act and Rules 42 and 50 thereunder.

PSO proposes to issue and sell through December 31, 1986, by alternative competitive bidding procedures, up to 250,000 shares of its preferred stock, $100 par value, in one or more series. PSO also proposes to amend its Restated Articles of Incorporation to increase its authorized preferred stock to 1,600,000 shares. It is further proposed that the proceeds of the offering of the new preferred stock be used to redeem the outstanding 250,000 shares of the company's 8.88% preferred stock at the redemption price of $107.41 per share. PSO believes that the redemption of the 8.88% preferred stock will result in substantial savings to PSO.

Central Power and Light Company (70–7243)

Central Power and Light Company ("CPL"), P.O. Box 2121, Corpus Christi, Texas 78403, an electric utility subsidiary of Central and South West Corporation, a registered holding company, has filed a declaration with this Commission under sections 6, 7, and 12(c) of the Act and Rules 42 and 50 thereunder.

CPL proposes to issue and sell during 1986 by competitive bidding, in one or more series, up to 1,000,000 shares of preferred stock, $100 per share par value. Each series of preferred stock will be sold at a price of not less than $100 nor more than $102.75 per share, plus accrued dividends. The terms of the preferred stock will provide for a five-year restriction on redemption as part of a refunding at a lower effective dividend or interest cost and may provide for periodic redemption through a mandatory sinking fund.

The net proceeds from the issuance and sale of the preferred stock will be used to redeem CPL's outstanding 400,000 shares of 10.10% Preferred Stock and 500,000 shares of 8.72% Preferred Stock at the current redemption prices per share of $106.74 and $105.82, respectively.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 86–7912 Filed 4–8–86; 8:45 am]

BILLING CODE 8010-01M

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

ACTION: Notice of Reporting Requirements Submitted for Review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission.

DATE: Comments should be submitted within 21 days of this publication in the **Federal Register**. If you intend to comment but cannot prepare comments promptly, please advise the OMB Reviewer and the Agency Clearance Officer before the deadline.

Copies: Copies of the form, request for clearance (S.F. 83), supporting statement, instructions, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer. Submit comments to the Agency Clearance Officer and the OMB Reviewer.

FOR FURTHER INFORMATION CONTACT:

Agency Clearance Officer: Richard Vizachero, Small Business Administration, 1441 L Street, NW., Room 200, Washington, DC 20416, Telephone: (202) 653–8538

OMB Reviewer: Patricia Aronsson, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503, Telephone: (202) 395–7231

Title: Application for Surety Bond Guarantee Assistance

Form Nos. SBA 990, 994, 994B, 994C, 994F, 994H, 994J

Frequency: On occasion

Description of Respondents: These forms are completed by sureties to evaluate the capabilities and potential success under the Surety Bond Guarantee Program. Forms constitute request for Government assistance by applicants.

Annual Responses: 90232

Annual Burden Hours: 32483

Type of Request: Extension/Revision

Dated: March 31, 1986.

Richard Vizachero,

Chief, Administrative Procedures and Documentation Section, Small Business Administration.

[FR Doc. 86–7297 Filed 4–8–86; 8:45 am]

BILLING CODE 8025-01-M

[Disaster Loan Area No. 2231; Amdt. No. 3]

California; Declaration of Disaster Area

The above-numbered Declaration (51 FR 7514), as amended (51 FR 8610 and 51 FR 9912), is hereby further amended in accordance with the Notice of Amendment to the President's declaration, dated March 10, 1986, to include the adjacent County of Del Norte in the State of California because of damage from severe storms, landslides, mudslides and flooding

beginning on or about February 12, 1986. All other information remains the same; i.e., the termination date for filing applications for physical damage is the close of business on April 24, 1986, and for economic injury until the close of business on September 2, 1986.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Dated: March 11, 1986.

Bernard Kulik,

Deputy Associate Administrator for Disaster Assistance.

[FR Doc. 86-7838 Filed 4-8-86; 8:45 am]

BILLING CODE 8025-01-M

Region II Advisory Council; Public Meeting

The U.S. Small Business Administration, Region II, located in the geographical area of Syracuse, New York, will hold a public meeting at 9:30 a.m. on Tuesday, April 22, 1986, at the Federal Building, Room 1117, 100 South Clinton Street, Syracuse, New York, to discuss such matters as may be presented by members, staff of the Small Business Administration and others attending.

For further information, write or call J. Wilson Harrison, District Director, U.S. Small Business Administration, 100 South Clinton Street, Room 1071, Syracuse, New York 13260. (315) 423-5371.

Jean M. Nowak,

Director, Office of Advisory Councils.

April 1, 1986.

[FR Doc. 86-7840 Filed 4-8-86; 8:45 am]

BILLING CODE 8025-01-M

Region III Advisory Council; Public Meeting

The U.S. Small Business Administration, Region III, located in the geographical area of Clarksburg, West Virginia, will hold a public meeting on Monday, May 5, 1986, at the Oglebay Park, Wheeling, West Virginia, from 8:30 a.m. to 2:30 p.m. to discuss such matters as may be presented by members, staff of the Small Business Administration and others attending.

For further information, write or call Marvin P. Shelton, District Director, U.S. Small Business Administration, P.O. Box 1608, Clarksbug, West Virginia 20302-1608 or phone (304) 622-6601.

Jean M. Nowak,

Director, Office of Advisory Councils.

April 1, 1986.

[FR Doc. 86-7843 Filed 4-8-86; 8:45 am]

BILLING CODE 8025-01-M

Region IV Advisory Council; Public Meeting

The Small Business Administration Region IV Advisory Council, located in the geographical area of Jacksonville, Florida, will hold a public meeting from 9:00 A.M. to 3:30 P.M., Friday, May 2, 1986, in the Board Room at Sun Bank, N.A., Central Park Office, 6900 South Orange Blossom Trail, Orlando, Florida 32859, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending. For further information, contact Douglas E. McAllister, District Director, U.S. Small Business Administration, Box 35067, 400 West Bay Street, Jacksonville, Florida 32202; telephone (904) 791-3103.

Jean M. Nowak,

Director, Office of Advisory Councils.

April 1, 1986.

[FR Doc. 86-7839 Filed 4-8-86; 8:45 am]

BILLING CODE 8025-01-M

Region IV Advisory Council; Public Meeting

The U.S. Small Business Administration, Region IV, located in the geographical area of Nashville, Tennessee, will hold a public meeting at 9:00 a.m. on Wednesday, April 23, 1986, at First American National Bank, First American Center, Nashville, Tennessee 37219, to discuss such matters as may be presented by members, staff of the Small Business Administration and others attending.

For further information, write or call Robert M. Hartman, District Director, U.S. Small Business Administration, 404 James Robertson Parkway, Nashville, Tennessee 37219, telephone (615) 736-5850.

Jean M. Nowak,

Director, Office of Advisory Councils.

April 1, 1986.

[FR Doc. 86-7842 Filed 4-8-86; 8:45 am]

BILLING CODE 8025-01-M

Region X Advisory Council; Public Meeting

The U.S. Small Business Administration, Region X, located in the geographical area of Portland, Oregon, will hold a public meeting at 10:00 a.m. on Friday, April 25, 1986, in the Portland General Electric Room at 2079 Progress Way, Woodburn, Oregon, to discuss such matters as may be presented by members, staff of the Small Business Administration and others attending.

For further information, write or call John L. Gilman, District Director, U.S. Small Business Administration, 1220 SW. Third Avenue, Room 676, Portland, Oregon 97204-2882—(503) 294-5221.

Jean M. Nowak,

Director, Office of Advisory Councils.

April 1, 1986.

[FR Doc. 86-7841 Filed 4-8-86; 8:45 am]

BILLING CODE 8025-01-M

[License No. 02/02-0389]

Roundhill Capital Corp., License Surrender

Notice is hereby given that Roundhill Capital Corp., 44 Wall Street, New York, New York 10005, has surrendered its license to operate as a small business investment company under the Small Business Investment Act of 1958, as amended (the Act). Roundhill Capital Corp. was licensed by the Small Business Administration on September 25, 1981.

Under the authority vested by the Act and pursuant to the Regulations promulgated thereunder, the surrender of the license was accepted on February 25, 1986, and, accordingly, all rights, privileges, and franchises derived therefrom have been terminated.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies).

Dated: March 7, 1986.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 86-7837 Filed 4-8-86; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Highway Safety Programs; Highway Safety Program; Amendment of Conforming Products List of Calibrating Units for Breath Alcohol Testers

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice.

SUMMARY: This notice amends the Conforming Products List for devices which have been found to conform to the Model Specifications for Calibrating Units for Breath Alcohol Testers (49 FR 48865).

EFFECTIVE DATE: April 9, 1986.

FOR FURTHER INFORMATION CONTACT: Mr. Ronald E. Engle, Office of Alcohol Countermeasures, NTS-21, National

Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590; Telephone (202) 426–9581.

SUPPLEMENTARY INFORMATION: On August 19, 1975 (40 FR 36167), the National Highway Traffic Safety Administration (NHTSA) published the Standards for Calibrating Units for Breath Alcohol Testers. A Qualified Products List of Calibrating Units for Breath Alcohol Testers, of devices which met this standard, was first issued on November 30, 1976 (41 FR 53384).

On December 14, 1984 (49 FR 48864), NHTSA converted this standard to Model Specifications for Calibrating Units for Breath Alcohol Testers, and published in Appendix B (49 FR 48872), a conforming products list, of calibrating units which were found to conform to the Model Specifications.

Since the publication of the conforming products list (CPL) in December 1984, an additional calibrating unit, not previously on the CPL, has been tested in accordance with the Model Specifications, and was found to be in conformance. This unit is Federal Signal's Toxiest Model ABS 120.

The conforming Products List is therefore amended as follows:

Conforming Products List of Calibrating Units for Breath Alcohol Testers

Manufacturer and Calibrating Unit

1. Century Systems, Inc., Arkansas City, KA; Breath Alcohol Simulator BAS311
2. Federal Signal Corporation, CMI, Inc., Minturn, CO; Toxitest Model ABS 120.
3. Guth Laboratories, Inc., Harrisburg, PA; Model 34C Simulator.
4. Intoximeters, Inc., St. Louis, MO; Nalco Breath Alcohol Standard.
5. Luckey Laboratories, Inc., San Bernardino CA; Simulator.
6. Smith & Wesson Electronic Co., Springfield, MA; Mark II-A Simulator.

(23 U.S.C. 402; delegations of authority at 49 CFR 1.50 and 501)

Issued on: April 4, 1986.

George Reagle,

Associate Administrator for Traffic Safety Programs.

[FR Doc. 86–7906 Filed 4–8–86; 8:45 am]

BILLING CODE 4910–59–M

Highway safety Programs; Highway Safety Program; Amendment of Conforming Products List of Evidential Breath Testing Devices

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice.

SUMMARY: This notice amends the Conforming Products List for instruments which have been found to conform to the Model Specifications for Evidential Breath Testing Devices (49 FR 48855).

EFFECTIVE DATE: April 9, 1986.

FOR FURTHER INFORMATION CONTACT: Mr. Ronald E. Engle, Office of Alcohol Countermeasures, NTS–21, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590; Telephone (202) 426–9581.

SUPPLEMENTARY INFORMATION: On November 5, 1973 (38 FR 30459), the National Highway Traffic Safety Administration (NHTSA) published the Standards for Devices to Measure Breath Alcohol. A Qualified Products List of Evidential Breath Measurement Devices, of instruments which met this standard, was first issued on November 21, 1974 (39 FR 41399).

On December 14, 1984 (49 FR 48854), NHTSA converted this standard to Model Specifications for Evidential Breath Testing Devices, and published in Appendix D (49 FR 48864), a conforming products list, of instruments which were found to conform to the Model Specifications.

Since the publication of the conforming products list (CPL) in December 1984, a number of devices have been tested in accordance with the Model Specifications. These tests indicate that six evidential breath testing devices, not previously on the CPL, conform to the Model Specifications. These instruments include: CMI's Intoxilyzer 4011 AS–AQ2; Lion Laboratories' Alcolmeter AE–D1 and Alcolmeter SD–2; National Draeger's Alcotest 7110; Smith and Wesson's Breathalyzer 2000 (Non-Humidity Sensor) and Verax Systems' BAC Verifer Datamaster.

The Conforming Products List is therefore amended as follows:

CONFORMING PRODUCTS LIST OF EVIDENTIAL BREATH MEASUREMENT DEVICES

Manufacturer and Model	Mobile	Nonmobile
Alcohol Countermeasures System, Inc., Port Huron, MI:		
Alert J3AD	X	X
BAC System Inc., Ontario, Canada:		
Breath Analysis Computer		X
CAMEC Ltd., North Shields, Tyne and Ware, England:		
IR breath analyser	X	X
CMI, Inc., Mintum, CO:		
Intoxilyzer 4011	X	X
4011A	X	X
4011AS	X	X
4011AS–A	X	X
4011AS–AQ2	X	X
4011AW	X	X
4011A27–10100	X	X
4011A27–10100 with filter	X	X
5000	X	X
Decator Electronics, Decator, IL:		
Alco-Tector model 500		X
Intoximeters, Inc., St. Louis, MO:		
Photo Electric Intoximeter		X
GC Intoximeter MX II	X	X
GC Intoximeter MK IV	X	X
Auto Intoximeter A1–1000	X	X
Intoximeter 3000	X	X
Alco-Sensor III	X	X
Alco-Sensor III with printer	X	X
Komyo Rikagaku, Kogyo, K.K.:		
Kitagawa Alcolyzer DAP–2	X	X
Lion Laboratories, Ltd., Cardiff, Wales, UK:		
Alcolmeter AE–D1	X	X
Alcolmeter SD–2	X	X
Luckey Laboratories, San Bernadino, CA:		
Alco–Analyzer 1000		X
Alco–Analyzer 2000		X
National Draeger, Inc., Pittsburgh, PA:		
Alcotest 7010	X	X
Alcotest 7110	X	X
Breathalyzer 900	X	X
Breathalyzer 900A	X	X
Omicron Systems, Palo Alto, CA:		
Intoxilyzer 4011	X	X
Intoxilyzer 4011AW	X	X
Siemen–Allis, Cherry Hill, NJ:		
Alcomat	X	X
Smith and Wesson Electronics, Springfield, MA:		
Breathalyzer 900	X	X
900A	X	X
1000	X	X
2000	X	X
2000 (Non-Humidity Sensor)	X	X
Verax Systems, Inc. Fairport, NY:		
The BAC Verifier	X	X
BAC Verifier Datamaster	X	X

(23 U.S.C. 402; delegations of authority at 49 CFR 1.50 and 501)

Issued on: April 4, 1986.

George Reagle,

Associate Administrator for Traffic Safety Programs.

[FR Doc. 86–7905 Filed 4–8–86; 8:45 am]

BILLING CODE 4910–59–M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirement Submitted to OMB for Review

Dated: April 2, 1986.

The Department of Treasury has submitted the following public information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96–511. Copies of these submissions may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding these information collections should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Room 7221, 1201 Constitution Avenue NW., Washington, DC 20220.

Bureau of Alcohol, Tobacco and Firearms

OMB Number: 1512–0007
Form Number: ATF F 3310.6
Type of Review: Extension
Title: Interstate Firearms Shipment Report of Theft/Loss
Clearance Officer: Robert G. Masarsky, (202) 566–7641, Bureau of Alcohol, Tobacco and Firearms, Room 7202, Federal Building, 1200 Pennsylvania Avenue NW., Washington, DC 20226
OMB Reviewer: Milo Sunderhauf, (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503

Comptroller of the Currency

OMB Number: 1557–0081
Form Number: FFIEC 031–034
Type of Review: Revision
Title: Reports of Condition and Income (Interagency Call Report)
Clearance Officer: Eric Thompson, Comptroller of the Currency, 5th Floor, L'Enfant Plaza, Washington, DC 20219
OMB Reviewer: Robert Neal, (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503.

Joseph F. Maty,
Departmental Reports Management Office.
[FR Doc. 86–7913 Filed 4–8–86; 8:45 am]
BILLING CODE 4810–25–M

Public Information Collection Requirement Submitted to OMB for Review

Dated: April 3, 1986.

The Department of Treasury has submitted the following public information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96–511. Copies of this submission may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Room 7221, 1201 Constitution Avenue NW., Washington, DC 20220.

Bureau of Alcohol, Tobacco and Firearms

OMB Number: 1512–0001
Form Number: ATF F 1600.1 and ATF F 1600.8
Type of Review: Extension
Title: Requisition for Forms or Publications—ATF F 1600.1; and Requisition for Firearms/Explosives Forms—ATF F 1600.8
Clearance Officer: Robert G. Masarsky, (202) 566–7641, Bureau of Alcohol, Tobacco and Firearms, Room 7202, Federal Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20226
OMB Reviewer: Milo Sunderhauf, (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503.

Joseph F. Maty,
Departmental Reports Management Office.
[FR Doc. 86–7914 Filed 4–8–86; 8:45 am]
BILLING CODE 4810–25–M

Sunshine Act Meetings

Federal Register
Vol. 51, No. 68
Wednesday, April 9, 1986

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

1

COMMISSION ON CIVIL RIGHTS

PLACE: 1121 Vermont Avenue, NW., Washington, DC, Room 512.

DATE AND TIME: Friday April 11, 1986, 9:00 a.m.–5:00 p.m.

STATUS OF MEETING: Open to the public.

MATTERS TO BE CONSIDERED:

I. Approval of Agenda
II. Approval of Minutes of Last Meeting
III. Staff Director's Report for March
  A. Status of Funds
  B. Personnel Report
  C. Office Directors' Reports
IV. Report on Minority Set-Asides
V. Interim Appointments to the State Advisory Committees
VI. Civil Rights Developments in the Eastern Region

FOR FURTHER INFORMATION PLEASE CONTACT: Barbara Brooks, Press and Communications Division (202) 376–8314.

Donald M. Stocks,
Assistant Solicitor.

[FR Doc. 86–8003 Filed 4–7–86; 1:26 pm]

BILLING CODE 6335-01-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 3:54 p.m. on Thursday, April 3, 1986, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to consider a request for financial assistance pursuant to section 13(c)(1) of the Federal Deposit Insurance Act.

In calling the meeting, the Board determined, on motion of Chairman L. William Seidman, seconded by Director Irvine H. Sprague (Appointive), concurred in by Mr. Robert J. Herrmann, acting in the place and stead of Director Robert L. Clarke (Comptroller of the Currency), that Corporation business required its consideration of the matter on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to public observation; and that the matter could be considered in a closed meeting pursuant to subsections (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii)).

The meeting was recessed at 3:58 p.m., and at 6:15 p.m. that same day the meeting was reconvened, by telephone conference call, at which time the Board of Directors:

(A) Considered a memorandum regarding the acquisition of additional office space;

(B)(1) Received bids for the purchase of certain assets of and the assumption of the liability to pay deposits made in Industrial National Bank of East Chicago, East Chicago, Indiana, which was closed by the Acting Senior Deputy Comptroller for Bank Supervision, Office of the Comptroller of the Currency, on Thursday, April 3, 1986; (2) accepted the bid for the transaction submitted by Mercantile National Bank of Indiana, Hammond, Indiana; and (3) provided such financial assistance, pursuant to section 13(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(2)), as was necessary to facilitate the purchase and assumption transaction; and

(C) Received bids for the purchase of certain assets of an the assumption of the liability to pay deposits made in Eddy County National Bank, Carlsbad, New Mexico, which was closed by the Acting Senior Deputy Comptroller for Bank Supervision, Office of the Comptroller of the Currency, on Thursday, April 3, 1986; (2) accepted the bid for the transaction submitted by United New Mexico Bank at Carlsbad, Carlsbad, New Mexico, a insured State nonmember bank; (3) approved the application of United New Mexico Bank at Carlsbad, Carlsbad, New Mexico, for consent to purchase certain assets of and assume the liability to pay deposits made in Eddy County National Bank, Carlsbad, New Mexico, and for consent to establish three of the four offices of Eddy County National Bank as branches of United New Mexico Bank at Carlsbad; and (4) provided such financial assistance, pursuant to section 13(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(2)), as was necessary to facilitate the purchase and assumption transaction.

In reconvening the meeting, the Board determined, on motion of Director Irvine H. Sprague (Appointive), seconded by Mr. Robert J. Herrmann, acting in the place and stead of Director Robert L. Clarke (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8), (c)(9)(a)(ii), and (c)(9)(B)).

Dated: April 4, 1986.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,
Executive Secretary.

[FR Doc. 86–7999 Filed 4–7–86; 12:44 pm]

BILLING CODE 6714-01-M

3

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

TIME AND DATE: 11:00 a.m., Monday, April 14, 1986.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposed establishment of a contingency center and purchase of related computer equipment within the Federal Reserve System.

2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

3. 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.

Date: April 4, 1986.

William W. Wiles,

Secretary of the Board.

[FR Doc. 86-7915 Filed 4-8-86; 4:11 pm]

BILLING CODE 6210-01-M

4

INTERNATIONAL TRADE COMMISSION

TIME AND DATE: Friday, April 25, 1986 at 11:00 a.m.

PLACE: Room 117, 701 E Street, NW., Washington, DC 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Investigation 731-TA-266 (Final) (Certain steel wire nails from the People's Republic of China)—briefing and vote.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523-0161.

Dated: April 3, 1986.

Kenneth R. Mason,

Secretary.

[FR Doc. 86-7945 Filed 4-7-86; 9:28 am]

BILLING CODE 7020-02-M

5

INTERNATIONAL TRADE COMMISSION

TIME AND DATE: Monday, April 21, 1986 at 2:00 p.m.

PLACE: Room 117, 701 E Street, NW., Washington, DC 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratification List.
4. Petitions and Complaints.
5. Investigations 731-TA-271, 272 and 273 [Final] (Welded carbon steel pipes and tubes from India, Taiwan and Turkey)—briefing and vote.
6. Investigations 701-TA-271 and 731-TA-318 [Preliminary] (Oil country tubular goods from Israel)—briefing and vote.
7. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523-0161.

Dated: April 3, 1986.

Kenneth R. Mason,

Secretary.

[FR Doc. 86-7946 Filed 4-7-86; 9:29am]

BILLING CODE 7020-02-M

6

INTERNATIONAL TRADE COMMISSION:

TIME AND DATE: Friday, April 18, 1986 at 11:00 a.m.

PLACE: Room 117, 701 E. Street, NW., Washington, DC 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Investigations 701-TA-269 and 270 and 731-TA-311/317 [Preliminary] (Certain brass sheet and strip from Brazil, Canada, France, Italy, South Korea, Sweden and West Germany)—briefing and vote.
2. Investigations 701-TA-249 and 731-TA-262, 264, and 265 [Final] (Heavy iron construction castings from Canada, Brazil, India and The People's Republic of China.—briefing and vote.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523-0161.

Dated: April 3, 1986.

Kenneth R. Mason,

Secretary.

[FR Doc. 86-7947 Filed 4-7-86; 9:30 am]

BILLING CODE 7020-02-M

7

INTERNATIONAL TRADE COMMISSION

TIME AND DATE: Monday, April 14, 1986 at 2:00 p.m.

PLACE: Room 331, 701 E Street, NW., Washington, DC 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratification List.
4. Petitions and Complaints.
   a. Certain chromatogram analyzers and components (Docket No. 1304).
5. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523-0161.

Dated: April 3, 1986.

Kenneth R. Mason,

Secretary.

[FR Doc. 86-7948 Filed 4-7-86; 9:31 am]

BILLING CODE 7020-02-M

8

NUCLEAR REGULATORY COMMISSION

DATE: Weeks of April 7, 14, 21, and 28, 1986.

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, DC.

STATUS: Open and Closed.

MATTERS TO BE CONSIDERED:

Week of April 7

Thursday, April 10

10:00 a.m.
Periodic Briefing on NTOLs (Open/Portion may be Closed—Ex. 5 & 7)

11:30 a.m.
Affirmation Meeting (Public Meeting) (if needed)

Friday, April 11

10:00 a.m.
Periodic Briefing by Advisory Committee on Reactor Safeguards (ACRS) (Public Meeting)

Week of April 14—Tentative

Tuesday, April 15

2:00 p.m.
Meeting with NARUC on Implementation of Nuclear Waste Policy Act (Public Meeting)

Wednesday, April 16

11:00 a.m.
Affirmation Meeting (Public Meeting) (if needed)

Thursday, April 17

3:00 p.m.
Status of Pending Investigations (Closed—Ex. 5 & 7) (*postponed* from April 2)

Week of April 21—Tentative

Wednesday, April 23

3:30 p.m.
Affirmation Meeting (Public Meeting) (if needed)

Week of April 28—Tentative

Thursday, May 1

9:30 a.m.
Discussion/Possible Vote on Full Power Operating License for Palo Verde-2 (Public Meeting)

11:30 a.m.
Affirmation Meeting (Public Meeting) (if needed)

TO VERIFY THE STATUS OF MEETINGS CALL (RECORDING): (202) 634-1498.

CONTACT PERSON FOR MORE INFORMATION: Julia Corrado (202) 634-1410.

Dated: April 3, 1986.

Julia Corrado,

Office of the Secretary.

[FR Doc. 86-8048 Filed 4-7-86; 8:45 am]

BILLING CODE 7590-01-M

9

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

TIME AND DATE: 10:00 a.m., Thursday, April 17, 1986.

PLACE: Room 410, 1825 K Street, NW., Washington, DC 20006.

STATUS: Open Meeting.

MATTERS TO BE CONSIDERED: Possible Revisions to the Commission's Rules of Procedure Subpart C, 29 CFR 2200.30 to 2200.38.

CONTACT PERSON FOR MORE INFORMATION: Mrs. Mary Ann Miller (202) 634-4015.

Dated: April 7, 1986

Earl R. Ohman, Jr.,

General Counsel.

[FR Doc. 86-8027 Filed 4-7-86; 3:25 pm]

BILLING CODE 7600-01-M

federal register

Wednesday
April 9, 1986

Part II

Department of Labor

Office of the Secretary
Wage and Hour Division

29 CFR Parts 4 and 5
41 CFR Part 50-201

Amendments to Federal Contract Labor Standards Regulations Eliminating Daily Overtime Requirements on Federal and Federally Assisted Contracts; Final Rule

DEPARTMENT OF LABOR

Office of the Secretary

Wage and Hour Division

29 CFR Parts 4 and 5

41 CFR Part 50–201

Amendments to Federal Contract Labor Standards Regulations Eliminating Daily Overtime Requirements on Federal and Federally Assisted Contracts

AGENCY: Wage and Hour Division, Employment Standards Administration, Labor.

ACTION: Final rule.

SUMMARY: A provision of the Department of Defense Authorization Act of 1986 amends the Contract Work Hours and Safety Standards Act and the Walsh-Healey Public Contracts Act to eliminate the daily overtime requirements on Federal contracts. This final rule revises the applicable federal contract labor standards regulations to delete these daily overtime requirements.

EFFECTIVE DATE: April 9, 1986.

FOR FURTHER INFORMATION CONTACT: Herbert J. Cohen, Deputy Administrator, Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Room S–3502, 200 Constitution Avenue, NW., Washington, DC 20210, Telephone 202–523–8305.

SUPPLEMENTARY INFORMATION: On November 8, 1985, the Department of Defense Authorization Act of 1986, Pub. L. 99–145, was enacted into law. Section 1241 of this Act amends subsections (a) and (b) of section 102 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 328 (a) and (b)) and Subsection (c) of section 1 of the Walsh-Healey Public Contracts Act (41 U.S.C. 35(c)) to eliminate the requirement that contractors pay employees performing on Federal or Federally assisted construction contracts, and Federal service or supply contracts, time and one-half their basic rates of pay for hours worked in excess of 8 hours per day on or after January 1, 1986. Overtime compensation will continue to be required under these statutes for hours worked in excess of 40 hours per week on or after January 1, 1986.

Contracting agencies should be aware that certain contractors may continue to have obligations to pay daily overtime compensation pursuant to State or local laws, collective bargaining agreements, or employment contracts after January 1, 1986. However, whether contractual provisions agreed to prior to January 1, 1986, requiring overtime compensation after 8 hours of work can be enforced after January 1, 1986, is a question of contract law between the parties independent of the Department of Labor's authority under CWHSSA and PCA. Accordingly, the Department will take no action to enforce daily overtime requirements with respect to hours worked on any Federal contracts after January 1, 1986.

This document amends 29 CFR Part 4 (Labor Standards for Federal Service Contracts), 29 CFR Part 5, Subpart A (Davis-Bacon and Related Act Provisions and Procedures) and 41 CFR Part 50–201 (General Regulations under the Walsh-Healey Public Contracts Act) to eliminate references to the daily overtime requirements.

In addition, the variation permitting the use of a workday other than a calendar day in applying the daily overtime provisions of the Contract Work Hours and Safety Standards Act to the employment of firefighters or fireguards under certain conditions has been deleted from § 5.15(d) of 29 CFR Part 5 since daily overtime is no longer required.

Classification—Executive Order 12291

This rule does not require a regulatory impact analysis under Executive Order 12291. These regulatory changes, reflecting the amended statutes, will result in cost savings to both contractors and the Government in the award of contracts for construction, services or supplies. Elimination of the daily overtime requirements will permit management and labor to implement flexible work time arrangements that could enhance the quality of worklife, promote energy efficiency, and increase productivity.

Publication as Final Rule, Effective Immediately

These regulatory changes are required to implement legislation which deleted the daily overtime requirements from the Contract Work Hours and Safety Standards Act and the Walsh-Healey Public Contracts Act. These statutory deletions became effective January 1, 1986. These regulations do nothing more than reflect those deletions through eliminating provisions in current regulations which required the payment of daily overtime compensation. In bringing the regulations into conformity with the relevant statutes, no discretion has been exercised by the Department in this case. The Department, therefore, finds, for good cause, that notice and comment are unnecessary under provisions of the Administrative Procedure Act, 5 U.S.C. 553(b)(B).

The Department also finds that good cause exists, under the provisions of the Administrative Procedure Act, 5 U.S.C. 553(d)(3), for dispensing with the customary requirement that the effective date of a regulation shall be delayed until 30 days following publication. The regulations are currently inconsistent with the relevant statutes and thus potentially misleading. It is, therefore, essential that the regulations be made consistent with the terms of these statutes at the earliest possible date in order to avoid confusion in the procurement community which is entering into contracts on an ongoing basis. An immediate effective date is thus in the public interest. These regulations shall, therefore, become effective immediately upon publication.

Regulatory Flexibility Act; Paperwork Reduction Act

Because no notice of proposed rule making is required for the rule under 5 U.S.C. 553(b)(B), the requirements of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) pertaining to regulatory flexibility analysis do not apply to this rule. See 5 U.S.C. 601(2).

The rule is not subject to section 3504(h) of the Paperwork Reduction Act, 44 U.S.C. 3504(h) since it does not require the collection of information.

List of Subjects

29 CFR Part 4

Administrative practice and procedure, Employee benefit plans, Government contracts, Investigations, Labor, Law enforcement, Minimum wages, Penalties, Recordkeeping requirements, Reporting requirements, Wages.

29 CFR Part 5

Administrative practice and procedures, Government contracts, Investigations, Labor, Minimum wages, Penalties, Recordkeeping requirements, Reporting requirements, Wages.

41 CFR Part 50–201

Administrative practice and procedures, Child Labor, Government contracts, Government procurement, Minimum wages, Penalties, Reporting and recordkeeping requirements, Wages.

For the reasons set out in the preamble, 29 CFR Parts 4 and 5 and 41 CFR Part 50–201 are amended as set forth below.

Signed at Washington, DC this 2nd day of April 1986.

Susan R. Meisinger,

Deputy Under Secretary for Employment Standards.

Herbert J. Cohen,

Deputy Administrator, Wage and Hour Division.

Accordingly, there are amended the following Parts of the Code of Federal Regulations:

(a) Part 4, Title 29, Code of Federal Regulations (29 CFR Part 4);

(b) Part 5, Subpart A, Title 29, Code of Federal Regulations (29 CFR Part 5);

(c) Part 50–201, Chapter 50 of Title 41, Code of Federal Regulations (41 CFR Part 50–201), as set forth below.

Title 29—Labor

SUBTITLE A—OFFICE OF THE SECRETARY OF LABOR

PART 4—LABOR STANDARDS FOR FEDERAL SERVICE CONTRACTS

1. The authority citation for Part 4 continues to read as follows:

Authority: 41 U.S.C. 351,et seq., 79 Stat. 1034, as amended in 86 Stat. 789, 90 Stat. 2358; 41 U.S.C. 38 and 39; and 5 U.S.C. 301.

2. In § 4.181, paragraphs (b) and (c) are revised to read as follows:

§ 4.181 Overtime pay provisions of other Acts.

* * * * *

(b) *Contract Work Hours and Safety Standards Act.* (1) The Contract Work Hours and Safety Standards Act (40 U.S.C. 327–332) applies generally to Government contracts, including service contracts in excess of $2,500, which may require or involve the employment of laborers and mechanics. Guards, watchmen, and many other classes of service employees are laborers or mechanics within the meaning of such Act. However, employees rendering only professional services, seamen, and as a general rule those whose work is only clerical or supervisory or nonmanual in nature, are not deemed laborers or mechanics for purposes of the Act. The wages of every laborer or mechanic for performance of work on such contracts must include compensation at a rate not less than 1½ times the employee's basic rate of pay for all hours worked in any workweek in excess of 40. Exemptions are provided for certain transportation and communications contracts, contracts for the purchase of supplies ordinarily available in the open market, and work, required to be done in accordance with the provisions of the Walsh-Healey Act.

(2) Regulations concerning this Act are contained in 29 CFR Part 5 which permit overtime pay to be computed in the same manner as under the Fair Labor Standards Act.

* * * * *

(c) *Walsh-Healey Public Contracts Act.* As pointed out in § 4.117, while some Government contracts may be subject both to the McNamara-O'Hara Service Contract Act and to the Walsh-Healey Public Contracts Act, the employees performing work on the contract which is subject to the latter Act are, when so engaged, exempt from the provisions of the former. They are, however, subject to the overtime provisions of the Walsh-Healey Act if, in any workweek, any of the work performed for the employer is subject to such Act and if, in such workweek, the total hours worked by the employee for the employer (whether wholly or only partly on such work) exceed 40 hours in the workweek. In any such workweek the Walsh-Healey Act requires payment of overtime compensation at a rate not less than 1½ times the empolyee's basic rate for such weekly overtime hours. The overtime pay provisions of the Walsh-Healey Act are discussed in greater detail in 41 CFR Part 50–201.

PART 5—LABOR STANDARDS PROVISIONS APPLICABLE TO CONTRACTS COVERING FEDERALLY FINANCED AND ASSISTED CONSTRUCTION (ALSO LABOR STANDARDS PROVISIONS APPLICABLE TO NONCONSTRUCTION CONTRACTS SUBJECT TO THE CONTRACT WORK HOURS AND SAFETY STANDARDS ACT)

Subpart A—Davis-Bacon and Related Acts, Provisions and Procedures

3. The authority citation for Part 5 is revised to read as follows:

Authority: 40 U.S.C. 276a–176a–7; 40 U.S.C. 276c; 40 U.S.C. 327–332; Reorganization Plan No. 14 of 1950, 5 U.S.C. Appendix; 5 U.S.C. 301; 29 U.S.C. 259; and the statutes listed in section 5.1(a) of this part.

4. In § 5.5, paragraphs (b)(1) and (b)(2) are revised to read as follows:

§ 5.5 Contract provisions and related matters.

* * * * *

(b) * * *

(1) *Overtime requirements.* No contractor or subcontractor contracting for any part of the conract work which may require or involve the employment of laborers or mechanics shall require or permit any such laborer or mechanic in any workweek in which he or she is employed on such work to work in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of forty hours in such workweek.

(2) *Violation; liability for unpaid wages; liquidated damages.* In the event of any violation of the clause set forth in paragraph (b)(1) of this section the contractor and any subcontractor responsible therefor shall be liable for the unpaid wages. In addition, such contractor and subcontractor shall be liable to the United States (in the case of work done under contract for the District of Columbia or a territory, to such District or to such territory), for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic, including watchmen and guards, employed in violation of the clause set forth in paragraph (b)(1) of this section, in the sum of $10 for each calendar day on which such individual was required or permitted to work in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in paragraph (b)(1) of this section.

* * * * *

5. In § 5.8, paragraph (a) is revised to read as follows

§ 5.8 Liquidated damages under the Contract Work Hours and Safety Standards Act.

(a) The Contract Work Hours and Safety Standards Act requires that laborers or mechanics shall be paid wages at a rate not less than and one-half times the basic rate of pay for all hours worked in excess of forty hours in any workweek. In the event of violation of this provision, the contractor and any subcontractor shall be liable for the unpaid wages and in addition for liquidated damages, computed with respect to each laborer or mechanic employed in violation of the Act in the amount of $10 for each calendar day in the workweek on which such individual was required or permitted to work in excess of forty hours without payment of required overtime wages. Any contractor of subcontractor aggrieved by the withholding of liquidated damages shall have the right to appeal to the head of the agency of the United States (or the territory of District of Columbia, as appropriate) for which the contract work was performed or for which financial assistance was provided.

* * * * *

6. In § 5.15, paragraph (d) is amended by removing paragraph (d)(1); by redesignating paragraph (d)(2) as paragraph (d)(1); and by revising and

redesignating paragraphs (d)(3) and (d)(4) as (d)(2) and (d)(3), respectively, to read as follows

§ 5.15 Limitations, variations, tolerances, and exemptions under the Contract Work Hours and Safety Standards Act.

* * * * *

(d) * * *

(2) In the performance of any contract entered into pursuant to the provisions of 38 U.S.C. 620 to provide nursing home care of veterans, no contractor or subcontractor under such contract shall be deemed in violation of section 102 of the Contract Work Hours and Safety Standards Act by virtue of failure to pay the overtime wages required by such section for work in excess of 40 hours in the workweek to any individual employed by an establishment which is an institution primarily engaged in the care of the sick, the aged, or the mentally ill or defective who reside on the premises if, pursuant to an agreement or understanding arrived at between the employer and the employee before performance of the work, a work period of 14 consecutive days is accepted in lieu of the workweek of 7 consecutive days for the purpose of overtime compensation and if such individual receives compensation for employment in excess of 8 hours in any workday and in excess of 80 hours in such 14-day period at a rate not less than 1½ times the regular rate at which the individual is employed, computed in accordance with the requirements of the Fair Labor Standards Act of 1938, as amended. (Approved by the Office of Management and Budget under OMB control numbers 1215–0140 and 1215–0017.)

(3) Any contractor or subcontractor performing on a government contract the principal purpose of which is the furnishing of fire fighting or suppression and related services, shall not be deemed to be in violation of Section 102 of the Contract Work Hour and Safety Standards Act for failing to pay the overtime compensation required by Section 102 of the Act in accordance with the basic rate of pay as defined in paragraph (c)(1) of this section, to any pilot or copilot of a fixed-wing or rotary-wing aircraft employed on such contract if:

(i) Pursuant to a written employment agreement between the contractor and the employee which is arrived at before performance of the work.

(A) The employee receives gross wages of not less than $300 per week regardless of the total number of hours worked in any workweek, and

(B) Within any workweek the total wages which an employee receives are not less than the wages to which the employee would have been entitled in that workweek if the employee were paid the minimum hourly wage required under the contract pursuant to the provisions of the Service Contract Act of 1965 and any applicable wage determination issued thereunder for all hours worked, plus an additional premium payment of one-half times such minimum hourly wage for all hours worked in excess of 40 hours in the workweek;

(ii) The contractor maintains accurate records of the total daily and weekly hours of work performed by such employee on the government contract. In the event these conditions for the exemption are not met, the requirements of section 102 of the Contract Work Hours and Safety Standards Act shall be applicable to the contract from the date the contractor or subcontractor fails to satisfy the conditions until completion of the contract. (Approved by the Office of Management and Budget under OMB control number 1215–0017.)

Title 41—Public Contracts and Property Management

SUBTITLE B—OTHER PROVISIONS RELATING TO PUBLIC CONTRACTS

CHAPTER 50—PUBLIC CONTRACTS, DEPARTMENT OF LABOR

PART 50–201—GENERAL REGULATIONS

7. The authority citation for Part 50–201 is revised to read as follows:

Authority: Sec. 4, 49 Stat. 2038; 41 U.S.C. 38. Interpret or apply sec. 6, 49 Stat. 2038, as amended; 41 U.S.C. 40.

8. In § 50–201.1, paragraph (c) is revised to read as follows:

§ 50–201.1 Insertion of stipulations.

* * * * *

(c) No person employed by the contractor in the manufacture or furnishing of the materials, supplies, articles, or equipment used in the performance of the contract shall be permittted to work in excess of 40 hours in any 1 week unless such person is paid such applicable overtime rate as has been set by the Secretary of Labor: *Provided, however,* That the provisions of this stipulation shall not apply to any employer who shall have entered into an agreement with his employees pursuant to the provisions of paragraphs 1 or 2 of subsection (b) of section 7 of an act entitled "The Fair Labor Standards Act of 1938": *Provided, further,* That in the case of such an employer, during the life of the agreement referred to the applicable overtime rate set by the Secretary of Labor shall be paid for hours in excess of 12 in any 1 day or in excess of 56 in any 1 week and if such overtime is not paid, the employer shall be required to compensate his employees during that week at the applicable overtime rate set by the Secretary of Labor for hours in excess of 40 in any 1 week.

* * * * *

9. In § 50–201.103, paragraphs (a) and (c) are revised to read as follows:

§ 50–201.103 Overtime.

(a) Employees engaged in or connected with the manufacture, fabrication, assembling, handling, supervision, or shipment of materials, supplies, articles, or equipment used in the performance of the contract may be employed in excess of 40 hours in any one week: *Provided,* Such persons shall be paid for any hours in excess of 40 hours in any one week the overtime rate of pay which has been set therefor by the Secretary of Labor.

* * * * *

(c) If in any one week or part thereof an employee is engaged in work covered by the contract's stipulations, overtime shall be paid for any hours worked in excess of 40 hours in any one week at the overtime rate set forth in paragraph (b) of this section.

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Part III

Department of Agriculture

Food and Nutrition Service

7 CFR Parts 271, 272, 273, 274, 275, and 276

Food Stamp Program; Food Stamp Issuance and Issuance Liability Rules; Proposed Rule

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Parts 271, 272, 273, 274, 275, and 276

[Amdt. No. 271]

Food Stamp Program; Food Stamp Issuance and Issuance Liability Rules

AGENCY: Food and Nutrition Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposal constitutes the first comprehensive review of the Food Stamp Program's issuance and State agency issuance liability rules since the rules were first issued in 1978 following enactment of the Food Stamp Act of 1977. This proposal would reorganize the rules, change some of the policies, and edit current language to make the rules easier to understand. Areas in which major policy changes are found include: replacement requirements, reconciliation procedures, requirements pertaining to the scheduling of issuances, liabilities related to the use of authorization-to-participate (ATP) cards, and liabilities related to the direct mail issuance of benefits. This proposal would also implement the staggered issuance, photographic identification, and alternative issuance provisions of the Food Security Act of 1985 (Pub. L. 99–198).

DATE: Comments on this proposed rulemaking must be received on or before June 9, 1986 to be assured of consideration.

ADDRESS: Comments should be submitted to Thomas O'Connor, Supervisor, State Management Section, Administration and Design Branch, Program Development Division, Food and Nutrition Service, USDA, Alexandria, Virginia, 22302. All written comments will be open to public inspection during regular business hours (8.30 a.m. to 5:00 p.m., Monday through Friday) at 3101 Park Center Drive, Alexandria, Virginia, Room 716.

FOR FURTHER INFORMATION CONTACT: Questions regarding this proposed rulemaking should be directed to Mr. O'Connor at the above address or by telephone at (703) 756–3394.

SUPPLEMENTARY INFORMATION:

Classification

Executive Order No.12291

This action has been reviewed in relation to the requirements of Executive Order No. 12291 and Secretary's Memorandum No. 1512–1, and it has been determined that the action will not result in an annual effect on the economy of $100 million or more or a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. Additionally, this action will not result in 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. Therefore, this action has been classified as "not major."

Executive Order No. 12372.

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.551. For the reasons set forth in the Final rule related Notice(s) to 7 FR Part 3015, Subpart V (cite 48 FR 29115, June 24, 1983; or 48 FR 54317, December 1, 1983, as appropriate, and any subsequent notices that may apply), this program/activity is excluded from the scope of Executive Order 12372 which requires intergovernmental consultation with State and local officials.

Regulatory Flexibility Act

This action has also been reviewed in relation to the requirements of the Regulatory Flexibility Act of 1980 (Pub. L. 96–354, 94 Stat. 1164, September 19, 1980). Robert E. Leard, Administrator of the Food and Nutrition Service, (FNS), has certified that this action will not have a significant economic impact on a substantial number of small entities. The proposed rule would streamline and simplify coupon issuance and State agency liability rules. No new requirements would be placed on small businesses or organizations. Some new requirements would be placed on State agencies. However, the requirements would not have a significant economic impact on local governments.

Reporting and Recordkeeping

This rule does contain recordkeeping or reporting requirements subject to approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507). These rules will be submitted to OMB for its review.

Introduction

This proposed rule is the result of the Department's first comprehensive review of the Food Stamp Program's issuance and State agency issuance liability rules since 1978. The review has led to the proposal of numerous changes in the current rules.

The changes can be grouped into two broad categories: Substantive and reorganizational-editorial. In this preamble, each of these two areas are addressed separately. In areas where there are both substantive and reorganizational-editorial changes (such as in the staggered issuance provisions), all of the changes are described in the section where substantive changes are discussed.

Also included in this proposal are three changes in issuance procedures that were part of the recently enacted Food Security Act of 1985, Pub. L. 99–198. The three changes are the staggering of issuances, the use of photographic identification cards and the required use of alternative issuance systems. Discussions of these changes are presented with discussions of all the other proposed changes later in this preamble.

Substantive Changes

Issuance Agents

Current rules give State agencies the responsibility to determine what entities will act as issuance agents. This proposal would not shift that responsibility. However, it would affect what types of entities could be issuance agents.

Under current rules, State agencies are allowed to enter into issuance contracts with food retailers authorized to redeem food stamps, with entities within the same corporate structure as authorized retail firms, and with businesses located within the confines of such authorized firms. Current regulations clearly state that the Department does not encourage such arrangements but that such situations would be tolerated in limited circumstances.

The Department has not been comfortable with issuance arrangements such as these. While no cases have been brought to light showing that there has been abuse of the Program due to such situations, the potential for such abuse occurring is high. Any abuse which might occur, such as issuance to a nonexistent recipient or "dummy" case file, and subsequent redemption by the retail food store, would be extremely difficult to discover.

Therefore, the Department proposes to prohibit issuance arrangements such as these described above, believing that the change will not adversely affect Program participants, but will eliminate that potential for Program abuse.

Providing Benefits to Participants

The Department proposes to move to a different regulatory section the provisions pertaining to the delivery standards for issuing benefits to newly certified households. Currently, these provisions are contained in Part 273 which pertains to certification requirements. However, the Department believes that since these provisions are standards for the issuance of benefits, they more properly belong in Part 274. Therefore, moving these rules should place them in the proper regulatory Part. In addition, some substantive changes are proposed in these provisions.

Ongoing households. Current regulations provide that State agencies issue benefits so that a household receives its benefits on or about the same date each month. The intent of this policy is to ensure that households can depend on regular receipt of benefits and thereby budget their use. Recently, this requirement has raised questions as to when the regular schedule is to begin. The Department recognizes that delivery of a household's initial and sometimes its second allotment is determined by the standards set forth for processing a case. It was never the intent of the Department that the date of distribution of these allotments establish a household's future issuance schedule. Rather, it was intended that a household be put on a regular schedule when it became possible to do so. We propose to add a clarification to that effect. While the Department recognizes that State agencies may have to initially merge in a newly-certified household by issuing the second or possibly third month's benefits on different dates than the initial date benefits were issued, this clarification does not mean that State agencies may change a certified household's issuance date at will. (§ 274.2(c))

Staggered Issuances. There are two changes pertaining to the staggering of issuance among the many changes to the Food Stamp Act made by the Food Security Act of 1985 (Pub. L. 99–198). These changes are included in the proposal.

The first change relates to when in an issuance month State agencies are allowed to issue benefits. Current regulations permit State agencies to stagger issuances through the 15th day of each month. Section 1518 of the Food Security Act of 1985 lifts the restriction of the 15th of the month and permits State agencies to issue benefits throughout the entire issuance month. That amendment does contain two provisions however. First, State agencies are prohibited from allowing more than 40 days to elapse between any two issuances provided to a household. By limiting the interval between issuances, Congress minimized any problems that could be caused when a household is put onto a late-in-the-month issuance cycle.

State agencies would be able to fulfill their obligation to provide issuances at least every 40 days through the use of supplemental issuances. Thus, if a household's transition from one issuance procedure to another would entail an interval of greater than 40 days between issuances, a State agency would be allowed to split an issuance into two parts. One could be issued within the 40-day limit and the second on the new issuance date. In this way the household would not experience an undue delay in the receipt of benefits. It must be noted, however, that under no circumstances can the use of supplemental issuances result in more benefits being provided to a household than the household is otherwise entitled to receive.

The second provision included in the statute pertains to new applicants. Under this provision, households that apply for benefits during the last 15 days of an issuance month and are issued benefits during this period, must be given benefits for their first full month of participation by the eighth calendar day of the first full month of participation. The Department proposes that this requirement for the issuance of benefits by the eighth day of the first full month of participation be met either through the issuance of a full month's benefits or a supplemental issuance. As noted earlier, a supplemental issuance would be a part of an issuance, *not* an additional benefit.

The Department also proposes to limit the application of the second provision to households that have fulfilled all eligibility requirements. That is, households that apply after the fifteenth of a month, which are given expedited service and benefits by virtue of having verfication requirements postponed, would not be given benefits by the eighth calendar day of the first full month of participation unless the postponed verification were provided. It is clear that Congress was concerned about the possible negative effect late-in-the-month issuance schedules could have on households that receive small first month issuances. Therefore, this provision was included in the legislation. However, the Department does not believe that it was Congress' intent to provide households that were determined eligible pending verification with more benefits than these households currently receive. This proposal would prevent that from occurring.

Another change being proposed in the staggering of issuances pertains to the mailing of coupons to households. This change is not based on a legislative change. Current regulations require that direct mail issuance be staggered over at least the first 10 days of each issuance month. This proposal retains the requirement for staggering such mailings over at least 10 days but would allow State agencies to determine when in the issuance month the staggering occurs. In other words, the staggering of mail issuance would not need to be at the beginning of each calendar month. This change give State agencies more flexibility in determining mailing schedules but retains the protection against loss of coupons in the mail that comes from staggering issuances. Again, no more than 40 days would be allowed to elapse between issuances.

A final change in this area, again not stemming directly from legislation, relates to procedures that are to be followed if benefits are suspended. Current rules provide that in months where benefits have been suspended under the provisions of § 271.7, State agencies may either stagger issuances from the date issuance resumes through the 15th of the month, if the 15th has not already passed, or over a 5-day period. The Department proposes to revise the rules in order to conform with the staggering rule discussed above. Therefore, if a State agency staggers issuances upon the resumption of issuance, it may stagger through the end of the month or over a 5-day period, which may extend issuance beyond the end of the month. (§ 274.2(c))

Issuance Systems

Current regulations define three types of issuance systems: ATP, HIR card and mail issuance. Reporting and accountability requirements contained in the current rules are based on the unique features of these three systems. Since the rules were issued in 1978, new types of issuance systems have been developed which do not neatly fit into these definitions. While the Department has been able to adapt current reporting and accountability rules to these new systems, it is increasingly difficult to do so. Therefore, in this rulemaking, the Department proposes to establish new classifications for issuance systems. The intent is to establish generic classifications so that newly developed systems can more easily be accommodated by the rules.

The first new classification is for Authorization Document Systems. In the past several years, some State and local agencies have developed systems which are, essentially, hybrid ATP systems. That is, the new systems do not use an ATP card that is sent to a household which then presents the card to an issuance agent. Rather, the systems are based on lists or rosters that are sent to issuance agents where a household comes to get its issuance. The list or roster contains much the same information as an ATP but is distinctly different. What is common among ATP systems and these new systems, however, is the use of an intermediate document, an authorization document, generated by the State agency, containing specific household issuance data. Thus, the Department proposes to classify these new systems, as well as ATP systems, as Authorization Document Systems (§ 274.3(a)(1))

The second proposed classification is similar to that currently known as the Household Issuance Record (HIR) card system. The HIR card system has revolved around record cards maintained in the issuance office. The cards contain the household information needed by the cashier for issuing benefits. Issuances are made based on the benefit information contained on the HIR card. Again, the use of new technology has caused the development of variations of this simple manual system. One such example is on-line issuance. In this system, individual household issuance data is maintained on the master issuance file, but rather than looking it up manually when a household needs its issuance, the data is accessed by computer.

While these systems operate in vastly different areas, their common feature is that they do not use any authorization documents but, rather, rely on direct access to households' issuance records. The Department proposes to classify these systems as Direct Access Systems. (§ 274.3(a)(2))

The third proposed classification remains mail issuance. There is no change from the current rules. (§ 274.3(a)(3))

Finally, the Department realizes that while the proposed classifications will eliminate the current problem of how to address newly developed systems, it is likely that newer systems may be developed that do not fit these proposed classifications. Therefore, the Department proposes that when such systems are developed, the reporting and accountability requirements that will be applied will be developed with them. In that way, the proposed classifications and resultant reporting and accountability requirements will not have to be stretched, perhaps inappropriately, to fit such newer systems. (§ 274.3(b))

Along with proposing changes in the classification of issuance systems, the Department proposes to change the name of what is currently referred to as the "HIR masterfile" or "HIR file." We propose to change the name of the "HIR masterfile" to "master issuance file" when the term is used to describe the basic issuance list in all systems. Over the years, the term "HIR file" has taken on two distinct meanings. In an HIR issuance system, the term has come to mean the collection of individual household issuance records. In all systems, the term has come to mean the composite list of all certified households. The term master issuance file will now be the proper term for this composite list. The change has been made in order to provide a clear differentiation between the type of issuance system discussed above and the basic required component of any issuance system. (§ 274.3(d))

In addition to the above nomenclature change, the Department proposes to introduce the use of the concept of a "record for issuance." As used in these rules, a record for issuance is the entity from which issuances are generated. For example, in mail issuance systems a computer listing is made each month showing which households on the master issuance file are to receive benefits and the amount of benefits each one is to receive. From this listing, issuances are made. Similarly, in many authorization document systems the same type of listing is made each month and it is from these listings that the authorization documents are issued.

A record for issuance can also be made for an individual household outside the ongoing issuance system. For instance, an applicant household that is found eligible for benefits may have an authorization written out manually that results in the generation of an authorization document. The manually executed authorization would be considered the record for issuance for that household for that month.

Conceptually, a record for issuance exists in all issuance systems. However, unlike the examples above, in some systems it is not an entity unto itself. Thus in a direct access system such as a manual HIR system or an on-line system, the master issuance file also serves as the record for issuance. It is essential to keep in mind that the record for issuance is created *before* an issuance is made. It is not a record of issuance that *were* made for a month; it is a record of issuances that *will be* made in a month.

The term "record for issuance" becomes important in that it is the key to the separation between certification and issuance. As is explained in greater detail in the section of the preamble titled "State Agency Liabilities," the issuance process would be considered to begin with the creation of a record for issuance. This, then, makes the record for issuance a pivotal point in the reconciliation process as well as in the assessment of liabilities for errors.

Alternative issuance system. The Department proposes to amend the current rules to include FNS' authority to intercede whenever it is determined that program integrity would be improved by changing a State's issuance system. Current rules provide each State agency with the responsibility to decide how program benefits will be issued. Because of losses due to irregularities in issuance, Congress gave the Department the authority to require that a State agency change its issuance system whenever the Secretary, in consultation with the Inspector General, determines that a change in an issuance system would improve program integrity. This authority is contained in section 162 of Pub. L. 97–253, and gives the Department the authority to require a State agency to switch from an ATP issuance system to Direct Delivery, or from an HIR system to mail issuance, etc. However, in Pub. L. 97–199, Congress eliminated the Department's discretion to decide whether to require a State agency to change its issuance system, and made such action mandatory whenever it is determined that program integrity would be improved.

Therefore, we propose to amend current rules to include FNS' authority to intercede and require a State agency to change its issuance system when it is determined that program integrity would be improved by such a change. This amendment directs the Secretary, in consultation with the Inspector General for the Department of Agriculture, to order a State agency to change its issuance system and issue or deliver coupons (program benefits) using an alternative method. The method may include an automated data processing and information retrieval system, such as electronic funds transfer, or a system of reusable documents in lieu of coupons. The cost of documents or systems which may be required shall not be imposed upon retail food stores participating in the food stamp program. (§ 274.3(c))

Validity periods. Current regulations provide that ATPs are negotiable only

during the issuance month unless issuance is after the 25th of the issuance month. In such cases, State agencies are required to provide 20 additional days of negotiation time or to the end of the subsequent month. The Department proposes several changes in this policy. First, language would be added to the regulations to clarify that households lose their right to a particular month's benefits if they do not obtain their benefits during the validity period of the benefits for that month. This is not a change in policy but merely a clarification necessitated by several questions that have been raised recently. Second, the proposed rule would expand the current requirements on validity periods to Direct Access Systems. In this way, the protection afforded to participants and State agencies would be applied to all people who do not have coupons delivered directly to them. Third, State agencies would be permitted to apply the additional 20 days or subsequent month provision to issuances made after the 20th day of the issuance month at their option. This proposal is being made due to the numerous waiver requests of this nature received and approved by FNS over the past several years. Finally, if a State agency is experiencing excessive losses, it may institute a system which reduces or limits the validity period provided in the rules. However, as is the case in New York City, New York, the State agency's system must be able to provide replacements to households if necessary so that benefits can be acquired throughout the validity period established by the regulations. (§ 274.3(d)(7))

Reconciliation and Reporting

The Department is proposing several revisions in the current reconciliation and reporting requirements. The revisions would tighten the current requirements and ensure that they fit the proposed issuance system classifications described above. The first and major change is a proposed requirement that *all* issuance systems reconcile their issuance activities against their master issuance files and report the results to FNS monthly. The required report would be a revised version of the Form FNS–46 currently submitted monthly by operators of authorization document systems. The impact of this requirement would be felt primarily by operators of mail and direct access systems which currently do not have any like reporting requirement.

The reason for proposing this change is that current requirements leave some areas of issuance operations unaccounted for. In mail issuance systems, a record for issuance is created from the master file. The record for issuance is then used as the basis for issuing benefits. Current reconciliation requirements adequately account for any problems that occur after benefits are issued. However, there is no accounting for problems that may occur in the creation of the record for issuance; that is, there is no required reconciliation of the record for issuance with the master issuance file. Where such reconciliations have been performed, discrepancies have been found. This proposal would require that there be a reconciliation in this situation and that results be reported.

In direct access systems there is no required report to FNS on issuance activity other than the Form FNS–250 report. While the nature of a direct access system is such that there is virtually no reconciliation to be done, there are other issuance problems that should be accounted for such as replacements. The new reporting requirement, would result in operators of direct access systems reporting information on replacements; information that will provide indications of the efficacy of their systems as well as provide information that will serve as the basis of possible liability assessment.

The new Form FNS–46 that would be used to fulfill this requirement will be designed so that it is adaptable to the different types of systems that need to use it. While it will continue to have many of the same items that are now on the form, it will also have several new items. Instructions with the form will indicate which items will need to be filled out for which systems. (For example, a mail issuance system would not report on the number of altered authorization documents).

In addition to the above requirements, all systems would also continue to be required to reconcile their inventory levels against issuances each month and report the results on the Form *FNS–250*. It is important to keep this requirement in mind as the reconciliation requirements for each particular system are described.

The remaining reconciliation requirements stem directly from the nature of individual issuance systems. Direct Access Systems would have no other requirements. This is because their issuances are made from direct access to the record for issuance or master issuance file. Since the reconciliation required of all systems checks the accuracy of issuance on the record for issuance and the Form *FNS–250* reconciliation checks inventory discrepancies, no additional reconciliation steps are warranted. This means that the current requirement that in HIR card systems State agencies do a semiannual comparison of 20 percent of their casefiles against the master issuance file would be eliminated.

In Authorization Document Systems, State agencies would need to take additional steps to reconcile the authorization documents against the record for issuance. This is to check for problems in issuance that occur in the generation of, or after the generation of, authorization documents from the record for issuance. The additional steps are the same as those carried out under current rules. The additional data would be reported on the Form *FNS–46*.

In Mail Issuance Systems, the steps needed to be followed in order to report mail loss data on the Form *FNS–259* would still have to be taken. There are no proposed changes other than the new loss reporting levels and tolerance levels described later in § 276.2 State Agency Liabilities. (§ 274.4(a))

Finally, in addition to the above changes, the Department proposes to reorganize the provisions so that all reporting requirements are in one section. (§ 274.4(b))

Replacement of Food Stamp Issuances

As a result of reported widespread abuses of the replacement issuance system, FNS published regulations on October 9, 1981, restricting the number of replacement issuances that households could receive, and requiring that households be placed on an alternate issuance system once this limit has been reached. In addition, strict timeframes for requesting and issuing replacements were established. These regulations resulted in a marked decrease in replacement issuances and duplicate transactions.

The Department is proposing several changes in the current replacement rules. The changes are aimed at simplifying and streamlining the provisions so that they are easier to understand and use. One major change of this nature is the consolidation of all rules pertaining to replacements of issuances into one section in Part 274. Currently, rules governing the replacement of issuances that are stolen or destroyed after receipt are found in § 273.11(i); rules governing replacements of issuances that are not received or that are stolen *prior* to receipt are in § 274.2(b) and § 274.3(c). The proposal would put all of these provisions together. Other changes in the replacement rules are discussed in more detail below.

When a Replacement Will be Provided. Current regulations set several separate limits on replacement issuances: twice in a six-month period for coupons or authorization documents that are not received in the mail; once in a six-month period for coupons or authorization documents reported destroyed in a household disaster; and, once in a six-month period for authorization documents stolen after receipt. The Department proposes to change these limits and simply establish a two-in-six-month replacement policy for all allowable replacements. Thus, no longer would State agencies have to track separate limits for different types of losses. The limit upon replacements that are requested because of household disasters is increased from once in a six-month period to twice in a six-month period since households cannot be deemed to be in "control" and there is a reduced likelihood of abuse with these types of losses. The Department believes that these changes will simplify the current replacement rules without restricting any household's ability to obtain replacement benefits in situations where there is a replaceable loss. As in the current rules, coupons stolen or lost after receipt, and authorization documents lost or misplaced after receipt cannot be replaced. (§ 274.6(a))

The Department also proposes to introduce the concept of "countable replacement." Currently, all replacements are counted towards the separate limits, regardless of whether there was an actual loss to the program due to a duplicate issuance. The Department believes that a replacement should not be counted toward the replacement limit if it can be shown that the replacement did not result in a program loss. Therefore, the Department is proposing that a replacement not be counted towards the replacement limit if there was no duplicate issuance as a result of the original or replacement issuance being returned to the State agency, or the original or replacement authorization document not being transacted. (State agencies can determine whether the original and replacement authorization documents have been transacted after reconciling each month's issuances.) State agencies shall be required to identify these situations in their reconciliation systems and update the replacement records to indicate that these are not "countable replacements." (§ 274.6(b)(2))

Finally, the Department proposes that replacements that are caused by State agency issuance errors not be considered "countable replacements." Such replacements might be the result of the State agency not sending an allotment to a correct address. (§ 274.6(b)(2))

Timeframe for Requesting Replacements. Current regulations require that the replacement of a nonreceived issuance must be requested during the period of intended use of the original issuance or it will not be replaced. The period of intended use is defined as the month of issuance or, if issuance was made after the 25th of the month, the period of intended use is 20 days from issuance or the last day of the subsequent month following issuance, whichever the State agency chooses. If a household's issuance or food purchased with food stamps is destroyed in a household disaster, or its authorization document is stolen, the household must currently report the loss within 10 days or during the period of intended use, whichever is earlier.

Because of the many questions that have arisen from this policy (most relating to the meaning of "period of intended use"), the Department has reexamined the rules and proposes the following changes. In situations where an authorization document or coupons are not received by a household, a replacement would not be issued unless the household reported the problem to the State agency within 10 days of the date it normally receives its authorization document or allotment. When a valid authorization document is stolen, a partial allotment is received or a household's coupons, valid authorization document or food are destroyed in a disaster, a replacement would have to be requested within 10 days of the incident. These changes will clarify and simplify the current rules. (§ 274.6(b))

The Amount of the Replacement. Current regulations do not specifically place any limit on the amount that can be replaced for stolen, nonreceived or destroyed authorization documents, or nonreceived coupons. A maximum of one month's allotment is placed on the replacement of coupons and food (or a combination thereof) destroyed in a household disaster. Subsequent interpretation, however, extended the limit of one month's benefits to authorization document replacements also. This limit was applied regardless of whether the issuance included restored or retroactive benefits.

The Department proposes, with one change, to place the interpretation noted above into the rules. Thus, State agencies would issue replacements, within the required timeframe, in the maximum of one month's benefits. The exception arises if the replacement is for restored or retroactive benefits. In such a case, a replacement shall be made for the full value of the restored or retroactive benefits not received by a household. To minimize losses, State agencies are encouraged to provide alternative forms of issuance, such as certified mail or direct delivery, when substantial retroactive benefits are involved. (§ 274.6(b))

Timeframe for Replacement Issuance. The current regulations require that replacements be issued within 10 days of the request for the replacement. This is to allow time for State agencies with the capability to check for the transaction of the original authorization document or the receipt of benefits sent by certified mail. The Department proposes several changes in this requirement.

First, because it may take some State agencies using authorization documents several weeks to determine whether prior replacements are "countable," some replacements may need to be delayed beyond the 10 days. This will occur, for example, when a household requests a third replacement in a six-month period, but the State agency does not yet know if both of the previous replacements were countable. Therefore, the proposal would require the third replacement to be delayed until the State agency determines that two countable replacements have not occurred. The Department believes that the necessary delay caused by verifying whether or not there were two countable replacements prior to the third request is preferrable to households not receiving any replacements after two *reports* of nonreceipt.

Second, current regulations provide that households are required to submit a report of nonreceipt as part of the replacement process. However, the regulations do not specify that the statement must be returned prior to issuing the replacement. The Department proposes that the issuance of the replacement would also be delayed if the household has not signed and returned the nonreceipt statement. If it is not returned within 10 days of the date of request, no replacement would be issued.

Finally, the Department notes that several State agencies that send coupons via certified mail have requested extensions of the replacement timeframe, and have received waivers for up to 15 days. The additional time was necessary since the Postal Service was not providing State agencies with the signed receipts in time for the State

agencies to check them before issuing replacements. Requiring the issuance of replacements before the State agency could check the receipts negated the added protection afforded State agencies from certified mail. Therefore, the proposed regulations allow State agencies that use certified mail up to 15 days from request for replacement to issue replacements. (§ 274.6(d))

Replacement of Mutilated Authorization Documents and Coupons. Current regulations make provision for the replacement of improperly manufactured or mutilated coupons and, among other conditions, require that at least three-fifths of the mutilated coupon be presented for replacement. No specific provision was made for replacement of improperly manufactured and mutilated authorization documents. However, a subsequent policy clarification stated that the Department did not intend to deny replacement of these documents.

The proposed regulations, therefore, make specific provision for replacement of improperly manufactured or mutilated authorization documents. The Department proposes that these documents be replaced only if they are identifiable and the State agency can positively determine the validity and the amount of the document. If this information cannot be determined, then the replacement is to be denied. (§ 274.6(f))

Alternate Issuance System. Current rules provide that a State agency may place a household who has not experienced a loss in an alternate issuance system whenever the State agency determines that the household might not receive its benefits through the normal issuance system. In addition, the current rules require a State agency to offer an alternate system to a household when the household reports its first *nonreceipt* of benefits. Finally, current rules require that the State agency place a household in an alternate issuance system after the second report of nonreceipt in a six-month period of time. These provisions remain unchanged in this proposed rule.

However, one provision in the current rule provides that a ". . . State agency shall keep the household on the alternate issuance system for the length of time the State agency determines to be necessary . . . ." In addition, the ". . . State agency may return the household to the regular issuance system if the State agency finds that the circumstances leading to the loss have changed and the risk of loss has lessened . . . ." We propose to revise this provision by adding a requirement that a household must be placed on the alternate system for a minimum of six months. However, the State agency may remove the household from the alternate system if changed circumstances have reduced the risk of loss. (§ 274.6(g))

Documentation and Reconciliation of Replacement Issuances. Current regulations provide implicit and sometimes confusing directions to State agencies regarding the documentation and reconciliation of return and replacement issuances. In § 273.11(i) of the current rules, containing rules pertaining to the replacement of coupons and ATP's destroyed or stolen after receipt by the household, State agencies are directed to note in individual casefiles the action taken on a replacement request. However, in § 274.2(h), containing rules pertaining to the replacement of ATP's stolen or lost prior to receipt no specific directions are given for documenting action on replacement requests. (Yet, since there is a limit on the number of replacements allowed in a six-month period, an implicit requirement exists.) Additionally, in § 274.3(c), containing rules pertaining to the replacement of coupons lost in the mail prior to receipt, State agencies are directed to record replacement requests on the mail issuance log.

Similarly, current rules are not explicit in directing State agencies on how to track issuances that are returned to the State agency. Section 274.2(e) of current rules requires that returned ATP's be documented in a control log. Section 274.3, while not directing that returned mail issuances be noted on the mail issuance log, requires that the log be reviewed for returns before a replacement is issued. In addition to these rules, § 274.2(d) requires that information about the participation of individual households be kept current on the master file. This means that information on returns and replacements must be recorded on the master file.

Since current rules are confusing and the proposed rules on countable replacements necessitate close and accurate records of replacement issuances, this proposal would make several changes in the rules regarding the recordkeeping of replacements. First, State agencies would be required to keep track of all replacements the same way. That is, there would not be separate recordkeeping requirements for different types of issuance systems. The requirement would simply be that records be kept in such a way that the limits on replacements could be tracked, that replacement information would be accessible, and that countable and non-countable replacements could be differentiated. Additionally, the rules would require that replacement issuances be posted and reconciled to both the month they were issued *and* the month they were issued for. This last requirement covers situations in which a replacement for an issuance in one month is not issued until the following month. (§ 274.6(h))

Coupon Management

The proposed § 274.7 contains no substantive changes, other than the changes proposed for the destruction of coupons discussed below.

Destruction of Unusable Coupons. Currently, provisions for the destruction of unusable coupons are contained in § 273.18(i) for coupons used to repay claims and § 274.8(f) for coupons that are mutilated or improperly manufactured.

The Department proposes to consolidate the two, identical requirements. This consolidation should clarify that there are not separate destruction limits for coupon issuers or bulk storage points which function as a claims collection point.

A second proposal pertaining to the destruction of coupons is the elimination of the limit of coupons that a State agency can destroy without obtaining prior approval from FNS. Currently, the regulatory limit is $500. If the amount to be destroyed exceeds $500 for any of the issuers, claims collection points or bulk storage points, the State agency destruction point must obtain FNS approval prior to the destruction of the coupons. The FNS regional offices had recommended that the limit be raised in order to reduce the number of requests for approval received each year. However, on further examination of the demands of staff time that have been incurred by granting prior approvals and the increase in the amount of destruction that has occurred with the increases in claims collection, the Department proposes with one exception, to eliminate the requirement that State agencies obtain FNS approval before destroying unusable coupons. The one exception is that State agencies may not destroy and boxes of improperly manufactured coupons without prior FNS approval. This is because a manufacturing problem that ruins a whole box indicates a problem that FNS needs to follow-up on with the manufacturer.

We propose to add the requirements that unusable coupons be disposed of within 30 days from the close of the month in which the coupons are received from the household or are identified as improperly manufactured

or mutilated. Currently, there is no deadline for disposing of unusable coupons and it has come to our attention that some local issuance sites and collection points are not timely forwarding unusable coupons for disposal. The time lag has not only created difficulty with reconciling coupons, but has also increased the risk of theft. The deadline will eliminate these problems.

Finally, the Department proposes to clarify and revise destruction reporting procedures pertaining to the use of the Form *FNS–471*, Coupon Account and Destruction Report; in particular, reporting as it applies to the destruction of coupons that have been received by the State agency for the collection of claims. Currently, separate Forms *FNS–471* are required to be submitted by each reporting point. It has been brought to our attention that this requirement has generated a large number of Forms *FNS–471* being forwarded to the regional offices. Therefore, in an attempt to strike a balance between FNS's need to verify the destruction of coupons and reconcile entries on the Form *FNS–209*, Status of Claims Against Households, and the desire to reduce the currently large amount of paperwork involved, we are proposing to allow State agencies, at their option, to consolidate destruction reporting for unusable coupons collected through the claims process. Basically, a State agency may continue to submit an individual Form *FNS–471* with the Form *FNS–209* for each reporting point or it may submit a consolidated report for each month. The consolidated report would consist of a covering Form *FNS–471* with a consolidated figure for the claims collection data.

Attached to the covering Form *FNS–471* would be a breakdown of destroyed, unusable coupons received from claims collections. The breakdown would include the reporting point and the amount. As previously stated, we believe that this consolidated reporting will provide a needed compromise over current reporting requirements. (§ 274.7(f))

State Agency Liabilities

The Department has been concerned about differences that have been occurring between various entities on exactly what types of issuances and errors are State agency liabilities. These differences have been compounded by a variety of new issuance systems that have been developed. No longer are there three basic issuance systems: HIR card; ATP card; and mail issuance (direct or regular). We have seen "hybrid" systems developed which current regulations do not specifically address. Examples are: "on-line" issuance, in which a magnetic card may or may not be used by a certified household to generate a benefit issuance; direct delivery, where a household's allotment is predetermined and sent to an issuance site in the form of coupons, an authorization document or a "roster" listing; and the newest form of benefit issuance, still in the demonstration project stage, electronic benefit transfer which enables a certified household to purchase food and debit its food stamp account through the use of a card at the check-out line at authorized retail food firms.

As previously discussed, these new developments not only require a new definition for issuance but also create the necessity to refine reporting requirements and reidentify issuance liabilities. The Department proposes to clarify that State agencies are strictly liable for all Food Stamp Program issuance losses. Issuance losses are losses that begin with the creation of the record for issuance. All losses that occur through the entry of household data into the master issuance file would be claimed through the negligence provisions of the regulations or the Quality Control System. With regard to issuance losses, only two exceptions to the strict liability provisions would exist: mail issuance losses, which have liabilities based on a tolerance level, and correct-amount (i.e., that amount recorded in the master issuance file for the original issuance) duplicate issuances that result when households request and receive replacements in accordance with program requirements. Therefore, State agencies would be liable for any issuances that do not match their records for issuance and/or the master issuance file. That is, any amount issued that exceeds the amount that was recorded in the record for issuance and/or the master issuance file to a household is an amount for which the State agency is strictly liable to FNS. These liabilities include, but are not limited to, any single, unmatched issuances; and duplicate issuances that were not the result of an allowable replacement issuances; transacted authorization documents which were expired, counterfeit, altered, or issued out-of-State; and any unmatched issuance that cannot be fully and completely identified. (§ 276.1(a))

Current rules hold State agencies liable for all coupon losses. However, when specified, the rules only included loses of coupons from the point that coupons are accepted by State agency receiving points and occurred during the movement of coupons between bulk storage points and issuers within the State agency. In order to clarify State agency liability, these proposed rules specify that FNS holds State agencies liable for usable coupons returned to the State agencies through the payment of claims by households. Since these coupons are usable, State agencies would be held liable for any losses that occurred while these coupons are being returned to State agency inventory. (§ 276.2(b)(1))

Mail Issuance Losses. Mail issuance losses are an exception to the strict liability rules because losses of this type are subject to a tolerance level. Currently, State agencies report mail issuance activities and have liabilities based on a project-area level. The project-area level was selected by the Department to enable the monitoring of local mail issuance activities and to identify high-loss areas.

Several State agencies have requested that the Department consider assessing liabilities at one of three levels. The basis for a three-level system is that some State agencies administer their mail issuance operations on a Statewide basis, some State agencies administer them through administrative units smaller than Statewide but larger than a project area or county, and some administer them on a project-area basis. Due to the divergence of administrative entities using mail issuance, we propose that State agencies be allowed to select one of the three levels for reporting and liability assessment purposes. A particular level would be selected annually prior to the beginning of each fiscal year. Each choice would be for one year. The selection of a level other than the project-area level would be made when each State agency submits a Mail Loss Reporting Plan as part of its Plan of Operation. If a State agency does not indicate the level of reporting it selects for the first fiscal year that this rule covers, the State agency will automatically be assessed at the project-area level. After the initial designation for the first fiscal year, State agencies which choose to continue to report at the "first year" level need not notify FNS of this choice. Only those State agencies that wish to change need submit the Mail Loss Reporting Plan in subsequent years.

As mentioned above, project-area level reporting had been established to enable FNS to identify areas experiencing high losses of coupons in the mail. It is still the Department's concern that areas experiencing high losses might be hidden when combined with larger reporting units. Therefore, so as not to conceal and compensate for

high loss areas, we propose to decrease the tolerance level with each increase in the reporting unit size. We propose that the lowest level of reporting will remain as currently provided. That is, the State agency may report at the current reporting levels with the current loss tolerance of 0.50 percent (or $1,500 if the quarterly issuance is less than $300,000). Again, if a State agency does not submit its selection of an alternate level, this is the level which that State agency must report and have its mail issuance liabilities assessed.

The new second level would be an administrative unit level. Some State agencies have structured themselves so that several counties comprise a region, district, section, etc. The counties report to and receive instructions from an entity designated to oversee them. It turn, each unit reports to the State agency. In order to accommodate this existing organizational structure, we would allow a State agency to report its mail issuances and losses by administrative units which currently exist. State agencies will not be permitted to create new administrative units for the purpose of mail issuance loss and liability reporting. The tolerance level for administrative units would be 0.35 percent (or $1,500 if the quarterly issuance is less than $300,000).

The third level we are proposing is a State level. Some State agencies are currently issuing their entire caseload through the mail. These issuances are made from one central point within the State agency. These State agencies may wish to report at the State level where the issuances were initially made. The tolerance level that will correspond to this reporting level is 0.30 percent (or $1,500 if the quarterly issuances are under $300,000). (§ 276.2(b)(3))

The Department also considered the issue of whether State agencies should be held accountable for mail issuance losses directly related to Postal Service operations. This issue was previously raised in connection with the Department's final rulemaking concerning mail issuance loss tolerance levels, which was published at 48 FR 15223, dated April 8, 1983. At that time, the Department made a commitment to carefully examine Postal Service reponsibilities and reexamine this issue to determine if regulatory changes were needed. The Department has reexamined this issue, and it has concluded that States should remain liable for all mail issuance losses over the tolerance.

Several factors were relevant to the Department's determination. First, the standard established in the April 1983 rulemaking appears to be reasonable. There has been a noticeable decline in the overall loss rate since the Department's final rulemaking was issued. This provides evidence that the target rate established by the Department is achievable, even taking into consideration instances of Postal Service losses. Thus, there appears to be no reason to provide State agencies with automatic relief from the standard.

Second, State agencies should be held accountable for mail issuance losses caused by the Postal Service because it is a State agency responsibility to choose among alternative issuance systems and to provide for safe and secure issuance. As part of this responsibility, each State agency must consider the risks involved with mail issuance, including the possibility of loss by the Postal Service. Then the State agency must decide whether these risks outweigh the benefits of mail issuance. If the risks seem too high, the State agency has the opportunity to minimize these or to decide upon alternative methods of issuing food coupons. For example, the State may decide to not use mail issuance. Or, the State may decide to use mail issuance but to reduce the risks associated with it by restricting mail issuance to certain areas or by negotiating with the Postal Service on which post office facilities will be used or avoided. In addition to actions which the State agencies can take on their own, the Department is always available to work with State agencies and the Postal Service to resolve the problem of coupons lost through mail issuance.

Third, the Department is, itself, absorbing all losses which fall below the tolerance levels. This provides State agencies with a cushion which takes into account that a certain amount of losses beyond a State agency's control can occur in mail issuance systems. Only after the tolerance level has been reached does the Department require State agencies to absorb losses. Thus, State agencies are provided with relief from some losses at the same time they are encouraged to keep losses down. In this regard, it should be kept in mind that tolerance levels are not fault related. They take into account many causes of losses, some of which are within the State agencies' control and some of which are beyond the State agencies' control. Thus, while the Department is requiring the State to absorb any losses beyond the tolerance levels, it is also excusing losses below the tolerance level, even if the State agency is "at fault". The Department believes that it is ultimately simpler and more effective to impose tolerance levels than to attempt to determine the "cause" of losses, as would be the case if the Department were to excuse certain types of losses and not others. For these reasons, it is not appropriate for the Department to provide relief from its standards so that the State agency could continue to use a system which results in considerable losses of food coupons.

Finally, it should be kept in mind that FNS has authority to settle and adjust any claims, and FNS will use that authority to provide relief to the States where such relief is warranted. For example, there may be occasions where the success of a Postal Service investigation into heavy food stamp mail issuance losses is contingent upon the State's cooperation by continuing its mail issuance system. In such cases, requests for relief from some liability will be considered on a case-by-case basis by FNS. Thus, even though State agencies will continue to be accountable for mail issuance losses related to Postal Service operations, the Department does not believe that this accountability is unreasonable and in need of being changed.

Quality Control (QC) Reviews

As discussed in *State Agency Liabilities*, the proposed definition for issuance includes all functions beginning with the creation of the record for issuance (the documents, tapes, records, etc., that generate an issuance). Issuance liabilities would be assessed for losses that occur during the production of the record for issuance as well as for losses that occur after its creation. The Department proposes that all activities through the creation or establishment of the master issuance file from which the record for issuance is created be subject to either the negligence provisions or the Quality Control (QC) Incentive System. Therefore, the Department would revise the provision pertaining to active case reviews to specify that such reviews must determine if the household was entitled to receive and did receive the correct allotment by comparing the eligibility data against the amount authorized on the master issuance file. This revision will result in a clear demarcation of certification and issuance functions for all of the various types of State agency certification/issuance systems. In particular, this would clearly define the dividing point between certification and issuance in automated systems which accept and process eligibility data to produce the issuance documentation without intervening staff input. Some State agencies may feel that this procedure could cause the QC error rate to

increase. The Department believes that error rates may not increase from this change since in many cases this procedure is currently in use with the automated systems. (§ 275.10(a))

Reorganizational-Editorial Changes

Duplicate Participation

The Department proposes to move the provisions requiring State agencies to check for duplicate participation. This proposal would move those provisions from § 274.1 to § 272.4. The reason for moving these provisions is that, upon examination, the Department determined that they are not carried out as an issuance function. Rather, they are procedures which must be complied with prior to the certification of households. Therefore, the Department believes these rules are more properly located in Part 272 with other administrative requirements. (§ 272.4)

Authorized Representatives

As part of the effort to organize the rules so that all the rules pertaining to the issuance of coupons are grouped together, the Department proposes to move some of the provisions related to authorized representatives to Part 274. The provisions being moved are those relating to the use of authorized representatives to obtain benefits on behalf of participants, as well as those relating to the use of benefits to purchase food for program participants. By moving these provisions, currently found in § 273.1(f), a certain degree of redundancy will be introduced into the regulations. This is because some provisions, such as those pertaining to the participation of disqualified individuals as authorized representatives, will be found in both § 273.1 and § 274.2. However, the Department believes that the advantage of having all rules regarding issuance grouped together outweighs the disadvantage of repetition. In order to reduce the overall volume of rules so that the rules would be more concise and easier to use, the Department proposes to eliminate these redundant provisions. Further, the provisions currently in the section that are not redundant would be moved to other places in the body of rules.

Return of Coupons

The Food Stamp Act of 1977 eliminated the requirement that program participants pay cash for a portion of their benefits. Because there was a phase-in period for this provision, the rules that were issued to implement it contained provisions explaining how certain qualified households could obtain refunds for the cash requirement they had paid.

The provisions for refunds are currently contained in § 274.11. Since the time for obtaining refunds has long since ended, the Department proposes to eliminate the rules governing them. Thus, the provisions of § 274.11(a) through (d) would be eliminated by this rule. The provision pertaining to the exchange of old-series coupons has been relocated to § 274.7(h) and has been revised to eliminate sole reference to the previously-issued 50-cent coupon, and applicable to any coupon denomination no longer used, now and in the future.

Identification Card Requirements

The proposed section 274.10 contains only a minor change in the current identification (ID) card rules, specifically concerning photographic IDs. The change comes from section 1528 of the Food Security Act of 1985, Pub. L. 99–198. Also, the proposed rulemaking consolidates and restructures current ID card requirements contained in §§ 273.10 (f) and (g), 274.2 (e) and (f) and 274.7(c). Therefore, these sections have been removed from their current locations in the rules, combined, and inserted as § 274.10 of these proposed rules. In the change regarding photographic IDs, Congress is allowing State agencies to permit a member of a household to comply with the FNS photo ID card requirement by presenting a photo ID used to receive benefits under a public welfare or public assistance program. Congress also wants FNS to consider the cost effectiveness in determining where photo IDs must be used. Since the agency currently does this, no regulatory change is required.

Implementation

The Department proposes that these rules, with exceptions noted, be effective 30 days following publication. The new mail issuance reporting and liability assessments would be implemented as of the beginning of the fiscal year following publication of final rules. Any State agency wishing to change to either an administrative unit or Statewide reporting basis would have to submit a Mail Issuance Loss Reporting Plan indicating its choice of reporting by August 15 of that calendar year.

The new liabilities for areas using authorization document systems would be implemented the first of the month beginning 120 days after final publication. Revised FNS–46 forms will be made available for use by that time.

The new provisions on replacement issuances would be implemented the first of the month beginning 120 days after final publication. As of that date, the new limit on replacements would be applied. State agencies would not look at the six-month period prior to that date to determine whether a request for a replacement should be honored. Rather, State agencies shall apply the combined two-in-six-month limit forward from the implementation date.

The new provision prohibiting the locating of issuance agents in retail food stores would be implemented the first of the month beginning 90 days after final publication.

List of Subjects

7 CFR Part 271

Administrative practice and procedure, Food Stamps, Grant programs-social programs.

7 CFR Part 272

Administrative practice and procedure, Aliens, Claims, Food stamps, Fraud, Grant programs-social programs, Penalties, Reporting and recordkeeping requirements, Social security, Students.

7 CFR Part 273

Alaska, Civil rights, Food stamps, Grant programs, Social programs, Reporting and recordkeeping requirements.

7 CFR Part 274

Administrative practice and procedure, Food stamps, Grant programs-social programs, Reporting and recordkeeping requirements.

7 CFR Part 275

Administrative practice and procedure, Food stamps, Reporting and recordkeeping requirements.

7 CFR Part 276

Administrative practice and procedure, Food stamps, Fraud, Grant programs-social programs, Penalties.

Therefore, 7 CFR Parts 271, 272, 273, 274, 275 and 276 are proposed to be amended as follows:

1. The authority citation for Parts 271, 272, 273, 275 and 276 continues to read:

Authority: 91 Stat. 958 (7 U.S.C. 2011–2029), unless otherwise noted.

PART 271—GENERAL INFORMATION AND DEFINITIONS

2. The following changes are made in § 271.2, Definitions:

a. A definition for "Authorization document" is added after the definition of "Application form."

b. A definition for "Claims collection point" is added after the definition for "Bulk storage point."

The additions read as follows:

§ 271.2 Definitions.

* * * * *

"Authorization document" means an intermediary document issued by the State agency which authorizes a specific benefit amount for a household.

* * * * *

"Claims collection point" means any office of the State agency or any person, partnership, corporation, organization, political subdivision or other entity with which a State agency has contracted for, or to which it has assigned responsibility for collection of claims.

* * * * *

PART 272—REQUIREMENTS FOR PARTICIPATING STATE AGENCIES

3. In § 272.2, the seventh sentence of paragraph (a)(2) is revised and a new paragraph (v) is added to paragraph (d)(1). The revision and addition read as follows:

§ 272.2 Plan of Operation.

(a) *General Purpose and Content:*

* * *

(2) *Content.* * * * The Plan's attachments include the Quality Control Sample Plan, the Disaster Plan (currently reserved), the optional Nutrition Education Plan, the plan for the State Income and Eligibility Verification System and the Mail Issuance Loss Reporting Level Plan.* * *

* * * * *

(d) *Planning Documents.* (1) The following planning documents shall be submitted: * * *

(v) Mail Issuance Loss Reporting Level Plan as required by 276.2(b)(3), for the State agency using mail issuance, shall contain the unit level of reporting mail issuance losses for the upcoming fiscal year as elected by the State agency. The initial plan is due to FNS by the 15th of August following publication of this final rule. If a State agency using mail issuance does not advise FNS of its desire to change reporting levels, by submitting the initial Plan, FNS will continue to expect the State agency to report losses at the project area level. In addition, if a State agency does not revise its Plan by the above date for any given year, FNS shall continue to require reporting and assess liabilities at the level last indicated by the State agency. If the State agency has selected the unit provided for in 276.2(b)(3)(ii), a listing of the issuance sites or counties comprising each administrative unit within the State agency shall also be included in the Plan.

* * * * *

4. Section 272.4 is amended by adding paragraph (f) to read as follows:

§ 272.4 Program administration and personnel requirements.

* * * * *

(f) *State monitoring of duplicate participation.* (1) Each State agency shall establish a system to assure that no individual participates more than once in a month in the Food Stamp Program. To identify such individuals, the system shall use names and social security numbers at a minimum, and other identifiers such as birth dates or addresses as appropriate.

(i) Each State agency shall check to assure that no individual receives food stamps in more than one jurisdiction or in more than one household within the State. Checks to detect duplicate participation shall be made at the time of certification, recertification, and whenever a new member is added to the existing household. However, if the State agency can show that these timeframes are incompatible with its system, then the State agency shall check for duplicate benefits at least quarterly.

(ii) If the State agency detects a large number of duplicates, it shall implement other measures, such as more frequent checks or increased emphasis on prevention.

(iii) If the State agency provides assistance in lieu of coupons for SSI recipients or for households participating in cash-out demonstration projects, the State agency shall check to assure that no individual receives both coupons and other benefits provided in lieu of coupons. Checks to detect individuals receiving both food coupons and cash-out benefits shall be made at the time of certification, recertification, and whenever a new member is added to the existing household. However, if the State agency can show that these timeframes are incompatible with its system, then the State agency shall check for duplicate benefits when necessary, but no less often than annually.

(2) Processing standards for duplicate participation checks at certification and recertification.

(i) If the State agency chooses to check at the time of certification and recertification, the check for duplicates shall not delay processing of the application and provision of benefits beyond the normal processing standards in § 273.2(g).

(ii) If a duplicate is found in making such a check, the hit needs to be resolved in accordance with § 273.2(f)(4)(iv) before the application can be processed and benefits provided. Delays in processing caused by this reduction shall be handled in accordance with § 273.2(h).

(3) State agencies shall develop follow-up procedures and corrective action requirements, including timeframes within which action must be taken, to be applied to data obtained from matching for duplicate participation. Follow-up actions shall include, but not be limited to, the adjustment of benefits and eligibility, filing of claims, disqualification hearings, and referrals for prosecution, as appropriate.

(4) FNS reserves that right to review State agencies' use of data obtained from matching for duplicate participation and may require State agencies to take additional specific action to ensure that such data is being used to protect program integrity.

PART 273—CERTIFICATION OF ELIGIBLE HOUSEHOLDS

4. The following changes are made in § 273.1(f):

a. Introductory language is added after the title *"Authorized representatives"*.

b. Introductory paragraph (f)(1) is removed and paragraph (f)(1)(i) is redesignated as paragraph (f)(1).

c. Paragraphs (f)(1)(ii) and (f)(1)(iii) are removed.

d. Paragraphs (f)(1)(i)(A) and (f)(1)(i)(B) are redesignated as paragraphs (f)(1)(i) and (f)(1)(ii) respectively.

e. The last sentence of paragraph (f)(2)(i) is removed.

g. The sixth sentence of paragraph (f)(2)(ii), beginning with: "If the resident applies. . . .", is removed.

The addition reads as follows:

§ 273.1 Household concept.

* * * * *

(f) *Authorized representatives.* The head of household, spouse, or any other responsible member of the household may designate an authorized representative to act on behalf of the household in making application for the program, in obtaining benefits, and/or in using benefits at authorized retail food firms. Rules pertaining to the use of authorized representatives to obtain household benefits or to use household benefits are in § 274.5. Rules pertaining to designating authorized representatives to apply for the program are specified below.

* * * * *

5. In § 273.2, paragraph (f)(1) is revised, paragraph (g)(2) is removed and paragraph (g)(3) is redesignated as paragraph (g)(2). The revision reads as follows:

§ 273.2 Application processing.

* * * * *

(g) *Normal processing standard.*—(1) *Thirty-day processing.* The State agency shall provide eligible households that complete the initial application process an opportunity to participate, as defined in § 274.2(b), as soon as possible, but no later than 30 calendar days following the date the application was filed. An application is filed the day the appropriate food stamp office receives an application containing the applicant's name and address, which is signed by either a responsible member of the household or the household's authorized representative. Households entitled to expedited processing are specified in paragraph (i) of this section.

* * * * *

§ 273.10 [Amended]

6. In § 273.10, paragraph (g)(3) is removed.

§ 273.11 [Amended]

7. In § 273.11, paragraph (i) is removed, and paragraph (j) is redesignated as paragraph (i).

8. In § 273.18, paragraphs (i) (1) and (2) are removed and the second sentence in introductory paragraph (i) is revised to read as follows:

§ 273.18 Claims against households.

* * * (i) The State agency shall destroy any coupons or coupon books which are not returned to inventory in accordance with the procedure outlined in § 274.7(f).

* * * * *

9. Part 274 is revised to read as follows:

PART 274—ISSUANCE AND USE OF COUPONS

Sec.

Authority: 91 Stat. 958 (7 U.S.C. 2011–2029).

§ 274.1 State agency issuance responsibility.

(a) *Basic issuance requirements.* State agencies shall establish issuance and accountability systems which ensure that only authorized households receive benefits; coupons are accepted, stored, and protected after delivery to receiving points within the State; program benefits are timely distributed in the correct amounts; and coupons issuance and reconciliation activities are properly conducted and accurately reported to FNS.

(b) *Contracting or delegating issuance responsibilities.* State agencies may assign to other parties such as banks, savings and loan associations, the Postal Service, community action agencies and migrant service agencies, the responsibility for the issuance and storage of food coupons. State agencies may permit contractors to subcontract assigned issuance responsibilities.

(1) Any assignment of issuance functions shall clearly delineate the responsibilities of both parties. The State agency remains responsible, regardless of any agreements to the contrary, for ensuring that assigned duties are carried out in accordance with these regulations. In addition, the State agency is strictly liable to FNS for all losses of coupons, even if those losses are the result of the performance of issuance, security, or accountability duties by another party.

(2) All issuance contracts shall follow procurement standards set forth in Part 277.

(3) The State agency shall not assign the issuance of any coupons to *any* retail or wholesaler food firm, to *any* entity within the same corporate structure of a retail or wholesaler food firm or to *any* business located within the physical confines of a retail or wholesale food firm.

(4) The State agency may contract with the U.S. Postal Service for the issuance of benefits. The Department and the Postal Service have signed an agreement which governs benefit issuance by the Postal Service. A State agency's contract with the Postal Service does not exempt the State agency from the requirement that it comply with these regulations. However, State agencies may negotiate contracts with the Postal Service on all terms and conditions as long as such provisions do not conflict with these regulations.

(5) In project areas or parts of project areas where FNS has required a photographic identification (photo ID) system to be used, the State agency shall include in any contract or agreement with an issuing agent a provision establishing the agent's liability to the State agency for the face value of coupons issued in any authorization document transaction where the authorization document is found to have been stolen or otherwise not received by the household certified as eligible, if the cashier has not fulfilled the requirements contained in § 274.10. This same provision shall apply to issuance contracts in project areas or parts of project areas where FNS has granted a waiver or waivers of any provision(s) of the photo ID requirements based on determination that State agency alternatives will not compromise the security of the ID system.

(c) *State monitoring of coupon issuers.* The State agency's accountability system shall include procedures for monitoring coupon issuers to assure that the day-to-day operations of all coupon issuers comply with these regulations, to identify and correct deficiencies, and to report violations of the Act or regulations to FNS.

(1) The State agency shall conduct an onsite review of each coupon issuer and bulk storage point at least once every 3 years. All offices or units of a coupon issuer are subject to this review requirement. The State agency shall base each review on the specific activities performed by each coupon issuer or bulk storage point. A physical inventory of coupons shall be taken at each location and that count compared with perpetual inventory records and the monthly reports of the coupon issuer or bulk storage point. This review may be conducted at the offices of subissuers or at each issuance office when a coupon issuer or bulk storage point operates more than one office. Except in unusual circumstances, the Postal Inspection Service will conduct onsite reviews of post office issuance operations.

(2) This review requirement may be fulfilled in part or in total by the performance reporting review system, Part 275. The State agency may delegate this review responsibility to another unit of the State government or contract with an outside firm with expertise in auditing and accounting. State agencies may use the results of reviews of coupon issuers by independent audit or accounting firms so long as the food coupon issuance operations of the coupon issuer are included in the review.

(d) *Changes.* The State agency shall inform FNS whenever a project area, reconciliation point, or coupon shipment receiving point is created, charged,or terminated. The State agency shall report the change at least 30 days prior

to the effective date of the change. Initial notification may be made by telephone but the State agency shall confirm the information in writing as soon as possible.

(e) *Advance planning documentation.* State agencies must comply with the procurement requirements of Part 277 for the acquisition, design, development, or installation of automated data processing (ADP) equipment. With certain exception detailed in Part 277, State agencies must receive prior approval for the design and acquisition of ADP systems through submission of advance planning documents (APD's).

§ 274.2 Providing benefits to participants.

(a) *General.* Each State agency is responsible for the timely and accurate issuance of benefits to eligible households in accordance with these regulations. Those households comprised of elderly or disabled members which have difficulty reaching issuance offices to obtain their regular monthly benefits shall be given assistance in obtaining them. State agencies shall assist these households by arranging for the mail issuance of coupons to them, by assisting them in finding authorized representatives who can act on their behalf, or by using other appropriate means.

(b) *Newly-certified households.* (1) All newly-certified households, except those that are given expedited service, shall be given an opportunity to participate no later than 30 calendar days following the date the application was filed. An opportunity to participate consists of providing households with coupons or authorization documents and having issuance facilities open and available for the households to obtain their benefits. State agencies must mail authorization documents and coupons at least 2 days in advance of the 30th day and, in the case of authorization documents, assure that they can be transacted after they are received but before the 30-day standard expires. A household has not been provided an opportunity to participate within the 30-day standard if the authorization document or benefits is mailed on the 29th or 30th day. Neither has an opportunity to participate been provided if the authorization document is mailed on the 28th day but no issuance facility is open on the 30th day.

(2) Households which apply for benefits during the last 15 days of the month, which fulfill *all* eligibility requirements, and which are issued benefits during this period, must be issued benefits for their first full month of participation by the eighth calendar day of that month; the full month's benefits may be issued in a lump sum or may be divided, with an initial and supplemental issuance; the supplemental issuance cannot provide the households more benefits than the household is entitled to receive.

(3) Newly-certified households that are given expedited service shall have benefits provided as follows:

(i) Zero net income and destitute households shall have their authorization documents or coupons mailed to them or made available for pick-up no later than the close of business on the fifth calendar day following the date the application was filed.

(ii) Residents of drug addiction or alcoholic treatment and rehabilitation centers and residents of group living arrangements shall have their authorization documents or benefits mailed to them or available for pick up no later than the seventh work day following the date the application was filed.

(iii) Households for which verification has been postponed shall *not* be given the first full month's benefits by the eighth calendar day of that month unless the postponed verification is provided, and shall be handled under the provisions contained in § 273.2(i).

(c) *Ongoing households.* All households shall be placed on an issuance schedule so that they receive their benefits on or about the same date each month. The date upon which a household receives its initial allotment after certification need not be the date that the household must receive its subsequent allotments.

(1) State agencies may stagger the issuance of benefits to households throughout the entire month. In doing so, however, State agencies shall not allow more than 40 days to elapse between any two issuances provided to a household. State agencies that use direct mail issuance shall stagger issuances over at least ten days of the issuance month and may stagger issuances over the entire issuance month. No matter what issuance schedule a State agency adopts, it must adhere to the reporting requirements specified in § 274.4.

(2) When a participating household is transferred from one issuance procedure to another, which would result in more than 40 days elapsing between issuances of benefits, the State agency may divide the first issuance under the new procedure into two parts, with one part issued within the 40-day limit, and the second part, or supplemental issuance, issued on the established issuance date of the new procedure; the supplemental issuance cannot provide the household more benefits than the household is entitled to receive.

(3) Notwithstanding the above provisions, in months in which benefits have been suspended under the provisions of § 271.7, State agencies may stagger issuance to certified households following the end of the suspension. In such situations, State agencies may, at their option, stagger issuance from the date issuance resumes through the end of the month or over a five-day period following the resumption of issuance, even if this results in benefits being issued after the end of the month in which the suspension occurred.

(d) *Issuance services.* State agencies are responsible for determining the location and hours of operation of issuance services. In doing so, State agencies shall ensure that the issuance schedules set forth in § 274.2(a) above are met. In addition, issuance authorization documents, such as ATP cards, should be valid only in the geographic area that is encompassed by the reconciliation system through which the issuance will be processed. State agencies may further restrict the validity of these documents to smaller areas or particular issuance sites. In doing so, households should be inconvenienced as little as possible.

(e) *Issuance of coupons to households.* The State agency shall issue coupon books in accordance with a table for coupon-book issuance provided by FNS, except as provided in paragraphs (e)(1), (e)(2), and (e)(3) of this section. The State agency shall issuance the coupon books in consecutive serial number order whenever possible, starting with the lowest serial number in each coupon book denomination. The household member whose name appears on the ID card shall sign the coupon books.

(1) The State agency may deviate from the table if the specified coupon books are unavailable.

(2) Exceptions from the table are authorized for blind and visually-handicapped participants who request that all coupons be of one denomination.

(3) If a household is eligible for an allotment of $1, $3, or $5, the State agency shall adjust those allotments to $2, $4, or $6, respectively.

(4) Residents of shelters for battered women and children, as defined in § 271.2, and which are not authorized by FNS to redeem through wholesalers, may request that all or part of their coupons be of the $1 denomination and State agencies are authorized to grant this request where feasible.

§ 274.3 Issuance Systems.

(a) *System classification.* State agencies may issue benefits to households through any of the following three systems:

(1) An Authorization Document system that uses an authorization document produced for each month's issuance. The authorization document is either distributed on a monthly basis to each household and surrendered by the household to the coupon issuer, or provided monthly to issuers with either single household authorizations or multiple household authorizations on each. For reconciliation and identification purposes, the authorization documents shall contain the following:

(i) Serial number;

(ii) Case name and address;

(iii) Case number;

(iv) Allotment amount;

(v) Expiration date;

(vi) Name of issuing project area; and,

(vii) Space for signature of household member. An additional space for an authorized representative may be included.

(2) A Direct Access System that directly accesses a master issuance file at the time that benefits are issued to households. This system shall use manual card access or an automated access to the master issuance file. Systems of this type include the manual Household Issuance Record (HIR) card system and on-line issuance terminals.

(3) A Mail Issuance System that directly delivers coupons through the mail to households.

(b) *Other systems.* A State agency may develop an issuance system which cannot be readily categorized into one of the three systems described in subsection (a) above. FNS shall prescribe the reporting and reconciliation requirements which apply to that system.

(c) *Alternative Benefit Issuance System.* (1) If the Secretary, in consultation with the Inspector General of the Department, determines that the integrity of the program would be improved by changing the issuance system of a State, the Secretary shall require the State agency to issue or deliver coupons using another method. The alternative method may be one of the methods described in § 274.3, or the Secretary may require a State agency to issue, in lieu of coupons, reusable documents to be used as part of an automated data processing and information retrieval system and to be presented by, and returned to, recipients at retail food firms for the purpose of purchasing food. The determination of which alternative to use will be made by FNS after consultation with the State agency.

(2) The cost of documents or systems which may be required as a result of a permanent alternative issuance system pursuant to this subsection shall not be imposed upon retail food firms participating in the food stamp program.

(d) *System Requirements.* (1) The State agency shall establish a master issuance file which is a composite of the issuance records of all certified food stamp households. The State agency shall establish the master issuance file in a manner compatiable with its system used for maintaining case record information and separate the information on the master issuance file into active and inactive casefile categories. The master issuance file shall contain all the information needed to identify certified household, issue household benefits, record the participation activity for each household and supply all information necessary to fulfill the reporting requirements prescribed in § 274.4 of this Part.

(i) The master issuance file shall be kept current and accurate. It shall be updated and maintained through the use of documents such as notices of change and controls for expired certification periods.

(ii) Before entering a household's data on the master issuance file, the State agency shall review the master issuance file to ensure that the household is not currently participating in, or disqualified from, the program. If an authorization document is issued under the expedited service requirements of §§ 273.2(i) and § 274.2(b), the State agency shall complete as much of the master issuance file review as possible prior to issuing the authorization document. Any uncompleted reviews shall be completed after issuance and appropriate corrective action shall be taken to recover overpayments.

(2) State agencies must divide issuance responsibilities between at least two persons to prevent any single individual from having complete control over the authorization of issuances and the issuances themselves. Responsibilities to be divided include maintenance of inventory records, assembly of benefits and preparation of envelopes for mailing.

(3) State agencies shall establish controls to prevent a household from concurrently receiving benefits through more than one issuance system.

(4) State agencies shall clearly identify issuances in their accountability systems as either initial, supplemental or replacement issuances.

(5) State agencies shall establish a Statewide record of replacement issuances granted to households to prevent a household from receiving more than two countable replacement issuances as defined in § 274.6(b) of this part in a six-month period.

(6) State agencies which issue benefits by mail shall, at a minimum, use first class mail and sturdy nonforwarding envelopes or packages to send benefits to households.

(7) *Validity Periods.* (i) State agencies shall establish validity periods for issuances made in Authorization Document and Direct Access Issuance Systems. Validity periods are periods of time in which households can obtain benefits by coming into the issuance office to pick them up or to transact an authorization document. The validity period begins the day a household is issued its authorization document or the day a household is authorized to pick up its issuance at an issuance office whichever comes first. If such day is before the 25th day of the issuance month, the validity period shall last until the end of that issuance month. If the validity period begins on or after the 25th day of the issuance month, it shall last at least 30 days or until the end of the next issuance month. A household which does not transact its authorization document or pick up its authorized issuance during the issuance's validity period shall lose its entitlement to the benefits and the State agancy shall not issue benefits to such a household for such a period.

(ii) A State agency experiencing excessive issuance losses may develop systems that have authorization documents that expire in shorter timeframes than those set forth in paragraph (d)(7)(i), above. However, such systems shall include methods, perhaps by exchanging an expired authorization document for a current one, that allows households the opportunity to obtain their benefits for the full validity period of a month's issuance.

§ 274.4 Reconciliation and reporting.

(a) *Reconciliation.* State agencies shall account for all issuance through a reconciliation process. The manner in which this is done varies depending on the type of issuance system being used. Below are described the required reconciliation procedures for each type of system.

(1) In all issuance systems coupon issuers shall reconcile their issuances daily using daily tally sheets, cashiers' daily reports, tapes or printouts.

(2) In systems where a record for issuance is used, all issuances authorized for the month shall be

merged into one record for issuance at the end of of each month. All issuances made during the month shall then be posted to the record for issuance. The record for issuance shall then be compared with the master issuance file. Findings from this comparison shall be reported on the Form *FNS–46* as prescribed in § 274.4(b)(2).

(3) In systems where no record for issuance is used, issuances made during each month shall be reconciled to the master issuance file. Findings from this reconciliation shall be reported on the Form FNS–46 as prescribed in § 274.4(b)(2).

(4) In addition to the reconciliation activity prescribed in the paragraphs above, the following steps shall be followed in Authorization Document Systems.

(i) The State agency shall determine and verify the number of transacted authorization documents received from each coupon issuer and the total number and value of authorized coupon issuances.

(ii) Any batches of transacted authorization documents that do not reconcile shall be maintained intact by the State agency until the discrepancy is resolved with the coupon issuer.

(iii) The State agency shall compare all transacted authorization documents with the record for issuance or master issuance file as appropriate. Any documents that do not match with the record for issuance or master issuance file shall be identified and reported as required in § 274.4(b)(2).

(b) *Required Reports.* The State agency shall review and submit the following reports to FNS on a monthly basis:

(1) *Form FNS–250,* Food Coupon Accountability Report.

(i) These reports, executed monthly by coupon issuers and bulk storage points, shall be signed by the coupon issuer or appropriate official, certifying that the information is true and correct to the best of that person's knowledge and belief.

(ii) Coupon issuers and bulk storage points shall submit supporting documentation to the State agency which will allow verification of the monthly report. At a minimum, such documentation shall include documents supporting coupon shipments, transfers, issuances, and destruction.

(iii) In those States using an authorization document issuance system, coupon issuers shall submit transacted authorization documents batched according to each day's activity in accordance with a schedule prescribed by the State agency, but not less often than monthly.

(iv) All mail issuance activity, including the value of mail issuance replacements, shall be reported. Original allotments subsequently recovered by the issuance office during the current month shall be returned to inventory and noted on the mail issuance log. When the original allotment is returned to inventory and the replacement issuance is issued during the current month, the "replacement" shall not be reported.

(v) The *Form FNS–250* shall be reviewed by the State agency for accuracy, completeness and reasonableness. The State agency shall attest to the accuracy of these reports and forward them to FNS by the 45th day after the report month.

(vi) FNS shall review each form, submitted through the State agency, for completeness, accuracy and reasonableness and shall reconcile inventory with shipping records. FNS shall review State agency verification of coupon issuer and bulk storage point monthly reports. FNS may supplement the above review by unannounced spot checks of inventory levels and coupon security arrangements at coupon issuers and at bulk storage points.

(2) *Form FNS–46,* Issuance System Reconciliation Report, shall be submitted by each State agency operating an issuance system. The report shall be prepared at the level of the State agency where the actual reconciliation of the record for issuance and master issuance file occurs.

(i) The State agency shall identify and report the number and value of all issuances which do not reconcile with the record for issuance and/or master issuance file. All unreconciled issuances shall be identified as specified on this reporting document.

(ii) This report shall be submitted to FNS no later than 90 days following the end of the report month.

(3) *Form FNS–259,* Food Stamp Mail Issuance Report.

(i) *Form FNS–259* reports shall be submitted by State agencies for each unit using a mail issuance system as specified in the Mail Issuance Loss Reporting Plan required in § 272.2(d)(i)(iv). The State agency shall submit the Form *FNS–259* reports so that they are received in FNS by the 45th day following the end of each quarter.

(ii) The State agency shall verify the issuance by a comparison with issuance on the appropriate coupon issuer's Form *FNS–250.*

(4) *Form FNS–388,* State Coupon Issuance and Participation Estimates.

(i) State agencies shall telephone the Form *FNS–388,* State Coupon Issuance and Participation Estimates, data and mail the reports to the FNS regional office no later than the 19th day of each month. When the 19th falls on a weekend or holiday, the Form *FNS–388* data shall be reported by telephone and mailed on the first work day after the 19th. The Form *FNS 388* report shall be signed by the person responsible for completing the report or a designated State agency official.

(ii) The Form *FNS–388* report shall provide Statewide estimated totals of issuance and participation for the current month, revised estimates or actual totals for the preceding month, and actual totals for the second preceding month. In addition to the participation totals for the second preceding months of January and July, provided on the March and September reports, non-assistance (NA) and public assistance (PA) household and person participation breakdowns shall be provided. As an attachment to the March and September Form *FNS–388* reports, State agencies shall provide project area breakdowns of the coupon issuance and NA/PA household and person participation data for the second preceding months of January and July.

(iii) State agencies shall submit any proposed changes in their estimation procedures to be used in determining the Form *FNS–388* data to the FNS regional office for review and comment. FNS shall monitor the accuracy of the estimated dollar value of coupons issued as reported on the Form *FNS–388* against the Statewide total dollar value of coupons as reported on the Form *FNS–388* against the Statewide total dollar value of coupons as reported by the issuance agents on the Form *FNS–250,* Food Stamp Accountability Report, for the corresponding month. FNS shall monitor the accuracy of the Statewide estimated number of households and persons participating as reported on the Form *FNS–388* report against the Statewide actual total participation as reported on succeeding Form *FNS–388* reports and against the semiannual project area participation totals attached to the March and September Form *FNS–388* reports. The FNS accuracy standards for the issuance and participation estimates are that estimates for the current month be within (+) or (−) 4 percent and the estimates for the previous month be within (+) or (−) 2 percent of the actual levels. State agencies shall explain any unusual circumstances that cause coupon issuance and/or participation data to not meet these accuracy standards. If a State agency fails to meet these accuracy standards, FNS shall notify the State agency and assist the

State agency in revising its estimating procedures to improve its reporting.

§ 274.5 Authorized representatives.

(a) *Household representation.* The head of household, spouse or any other responsible member of the household may designate an authorized representative to act on behalf of the household in making application for the program in obtaining benefits and/or in using benefits at authorized firms. Rules pertaining to designating authorized representatives to apply for the program on behalf of a household are in § 273.1(f). Rules pertaining to the use of authorized representatives to obtain household benefits or to use household benefits are specified below.

(1) An authorized representative may be designated to obtain coupons. These designations shall be made at the time the application is completed and any authorized representative shall be named on th ID card. The authorized representative shall be named on the ID card. The authorized representative for coupon issuance may be the same individual designated to make application for the household or may be another individual. Even if a household member is able to make application and obtain benefits, the household should be encouraged to name an authorized representative for obtaining coupons in case of illness or other circumstances which might result in an inability to obtain benefits.

(2) The State agency shall ensure that authorized representatives are properly designated. The name of the authorized representative shall be contained in the household's case file. Limits shall not be placed on the number of households an authorized representative may represent. In the event employers, such as those that employ migrant or seasonal farmworkers, are designated as authorized representatives or that a single authorized representative has access to a large number of authorization documents or coupons, the State agency should exercise caution to assure that: The household has freely requested the assistance of the authorized representative; the household's circumstances are correctly represented and the household is receiving the correct amount of benefits; and that the authorized representative is properly using the benefits.

(3) State agency employees who are involved in the eligibility determination and/or issuance processes and retail food firms that are authorized to accept food coupons shall not be authorized representatives unless the State agency determines that no other representative is available.

(4) An individual disqualified for fraud shall not be an authorized representative during the period of disqualification unless the individual is the only adult in the household and the State agency is unable to arrange for another authorized representative. State agencies shall separately determine whether these individuals are needed to apply on behalf of the household, to obtain coupons for the household, and to use the household's coupons to purchase food.

(5) In the event the only adult living with a household is classified as a nonhousehold member as defined in § 273.1(b), that individual may be the authorized representative for the minor household members.

(6) Drug or alcoholic treatment centers shall receive and spend the food stamp benefits for food prepared by and/or served to the residents of the center who are participating in the Food Stamp Program.

(7) The head of a group living arrangement which acts as the authorized representative for the residents, may either receive and spend the residents' benefits for food prepared by and/or served to each eligible resident or allow each resident to spend all or any portion of the benefits on his/her own behalf.

(b) *Emergency representatives for obtaining benefits.* The State agency shall develop a system by which a household may designate an emergency authorized representative to obtain the households's benefits for a particular month. At a minimum, the method developed by the State agency shall require that a household member whose signature is on the households's ID card sign a designation authorizing the particular emergency representative to receive the household's benefits and attesting to the validity of the emergency representatives's signature which must also be on the designation. Households shall not be required to travel to a food stamp office to execute the designation. Additional provisions pertaining to the use of identification cards by emergency authorized representatives are contained in § 274.10(c).

(c) *Authorized representatives for using benefits.* A household may enlist any household member or a nonmember to use its ID card and benefits to purchase food or meals for the household. However, individuals disqualified from the program because of their commission of an international program violation may only act as authorized representatives for households if no other representative can be found.

(d) *Disqualification.* An authorized or emergency representative may be disqualified from representing a household in the program for up to one year if the State agency has obtained evidence that the representative has misrepresented a household's circumstances and has knowingly provided false information pertaining to the household, or has made improper use of coupons. The State agency shall send written notification to the affected houshold and to the representative 30 days prior to the date of disqualification. The notification shall include: the proposed action; the reason for the proposed action; the household's right to request a fair hearing; the telephone number of the office, and, if possible, the name of the person to contact for additional information. This provision is not applicable in the case of drug and alcoholic treatment centers and to the heads of group living arrangements which act as authorized representatives for their residents. However, drug and alcoholic treatment centers and the heads of group living arrangements that act as authorized representatives for their residents, and which intentionally-misrepresent household's circumstances, may be prosecuted under applicable State fraud statutes for their acts.

§ 274.6 Replacement issuances to households.

(a) *Providing replacement issuances.* (1) Subject to the restrictions in paragraph (b), State agencies shall provide replacement issuances to a household when the household reports that:

(i) Its authorization document was not received in the mail or was stolen from the mail; was stolen after receipt; was destroyed in a household disaster; or was improperly manufactured or mutilated;

(ii) Its coupons were not received in the mail, were stolen from the mail, were destroyed in a household disaster, or were improperly manufactured or mutilated;

(iii) Food purchased with food stamps was destroyed in a household disaster; or

(iv) It received a partial coupon allotment.

(2) State agencies shall not provide replacement issuances to a household when coupons are lost, stolen or misplaced after receipt, authorization documents are lost or misplaced after receipt, authorization documents or coupons are totally destroyed after receipt in other than a household disaster, or when coupons sent by registered mail are signed for by someone living with or visiting the

household. In addition, replacement issuances shall not be made if the household or its authorized representative has not signed and returned the household statement required in paragraph (c), where applicable.

(3) Where FNS has issued a disaster declaration and the household is eligible for disaster food stamp benefits under the provisions of Part 280, the household shall not receive both the disaster allotment and a replacement allotment.

(b) *Replacement restrictions.* (1) Replacement issuances shall be provided only if the household timely reports the loss orally or in writing. The report will be considered timely if it is made to the State agency within 10 days of the date the authorization document was stolen from the household or within 10 days of the date the authorization document, coupons, or food purchased with food stamps were destroyed in a household disaster. In all other situations, the report must be made within 10 days of the date receipt is expected.

(2) The number of replacement issuances which a household may receive shall be limited as follows:

(i) State agencies shall limit replacement issuances to a total of two countable replacements in six months for authorization documents or coupons not received in, or stolen from, the mail; authorization documents stolen after receipt; and partial coupon allotments. However, no limit shall be put on the number of replacements of partial allotments if the partial allotments were due to State agency error. Separate limits shall not apply for each of these types of loss.

(ii) State agencies shall limit replacement issuances per household to two countable replacements in six months for authorization documents or coupons reported as destroyed in a household disaster. This limit is in addition to the limit in paragraph (i) above.

(iii) No limit on the number of replacements shall be placed on the replacement of authorization documents or coupons which were improperly manufactured or mutilated or food purchased with food stamp benefits which was destroyed in a household disaster.

(iv) The replacement issuance shall not be considered a *countable replacement* if:

(A) The original issuance is returned or otherwise recouped by the State agency;

(B) The replacement issuance is returned or recouped by the State agency; or

(C) The original authorization document is not transacted;

(D) The replacement authorization document is not transacted; or

(E) The replacement is being issued due to a State agency issuance error.

(3) Replacement issuances shall be provided in the amount of the loss to the household, up to a maximum of one month's allotment, unless the issuance included restored or retroactive benefits. Restored or retroactive benefits shall be replaced up to their full value.

(c) *Household statement of nonreceipt.* (1) Prior to issuing a replacement, the State agency shall obtain from a member of the household a signed statement attesting to the household's loss. This statement shall not be required if the reason for the replacement is that the original authorization documents or coupons were improperly manufactured or mutilated, or if the original issuance has already been returned. The required statement may be mailed to the State agency if the household member is unable to come into the office because of age, handicap or distance from the office and is unable to appoint an authorized representative. In such cases, the State agency shall mail the statement to the household no later than the first working day after the day the loss was reported.

(2) If the signed statement is not received by the State agency within 10 days of the date of report, no replacement shall be made. If the 10th day falls on a weekend or holiday, and the statement is received the day after the weekend or holiday, the State agency shall consider the statement timely received.

(3) The statement shall be retained in the case record. It shall attest to the nonreceipt, theft, loss or destruction of the original issuance and specify the reason for the replacement. It shall also state that the original or replacement issuance will be returned to the State agency if the original issuance is recovered by the household and that the household is aware of the penalties for intentional misrepresentation of the facts, including but not limited to a charge of perjury for a false claim. In addition, the statement shall advise the household that:

(i) The household may request to be placed on an alternate issuance system after one report of nonreceipt;

(ii) After two reports in a six-month period of loss or theft prior to receipt, the household shall be placed on an alternate delivery system;

(iii) After two reports in a six-month period of loss or theft prior to receipt and/or theft of an authorization document after receipt the State agency may delay or deny further replacements for such causes; and

(iv) If the statement of nonreceipt is not signed and returned within 10 days of the date the loss was reported, the State agency shall not replace the coupons or authorization document.

(d) *Time limits for making replacements.* (1) Replacement issuances shall be provided to households within 10 days after report of nondelivery or loss or within 2 working days of receiving the signed household statement required in paragraph (c) of this section, whichever date is later.

(i) Replacement of mutilated coupons shall be delayed until a determination of the value of the coupons can be made in accordance with paragraph (f)(3), below.

(ii) If the household has already been issued the maximum allowable number of countable replacements, subsequent replacements shall be delayed until the agency has verified that the original issuance was returned or the original authorization document was not transacted. In a system using authorization documents, due to the time it takes to post and reconcile all authorization documents, it may not be known at the time of the replacement request whether prior replacements are countable replacements and, therefore, whether the household has reached its limit. In such cases, the allotment shall be restored when the State agency verifies that the limit on countable replacements has not been reached.

(iii) The State agency shall deny or delay replacement issuances in cases in which available documentation indicates that the household's request for replacement appears to be fraudulent.

(2) The household shall be informed of its right to a fair hearing to contest the denial or delay of a replacement issuance. Replacements shall not be made if the denial or delay is appealed.

(e) *Replacing issuances lost in the mail or stolen prior to receipt by the household.* State agencies shall comply with the following procedures in replacing issuances reported lost in the mail or stolen prior to receipt by the household.

(1) Determine if the authorization documents or benefits were validly issued, if they were actually mailed, if sufficient time has elapsed for delivery or if they were returned in the mail. If a delivery of a partial allotment is reported, the State agency shall determine the value of the coupons not delivered and determine whether the report of receipt of a partial allotment is

corroborated by evidence that the coupon loss was due to damage in the mail before delivery or by a discrepancy in the issuance unit's inventory.

(2) Determine, to the extent possible, the validity of the request for a replacement. This includes determining whether the original issuance has been returned to the State agency and, in a system utilizing authorization documents, whether the original authorization document has been transacted and, if so, whether the recipient's signature on the authorization document matches the signature on the ID card. In a photo ID area, the State agency shall determine if the ID serial number annotated on the authorization document matches the serial number on the recipient's ID card.

(3) Issue a replacement in accordance with paragraphs (b), (c) and (d) if the household is eligible.

(4) Place the household on an alternative delivery system, if warranted, in accordance with paragraph (g).

(5) Take other action warranted by the reported nondelivery (such as correcting the address on the master issuance file).

(f) *Replacing issuances after receipt by the household.* Upon receiving a request for replacement of an issuance reported as stolen or destroyed after receipt by the household, the State agency shall determine if the issuance was validly issued. The State agency shall also comply with all applicable provisions in paragraphs (b), (c) and (d) of this subsection, as well as the following procedures for each type of replacement.

(1) Prior to replacing an authorization document which was reported stolen after receipt by the household, the State agency shall determine, to the extent possible, the validity of the request for replacement. For example, the State agency may determine whether the original authorization document has been transacted and, if so, whether the signature on the original authorization document matches that on the household statement. In a photo ID area, the State agency shall determine if the ID serial number annotated on the authorization document matches the serial number on the recipient's ID card. The State agency may require households, on a case-by-case basis, to report the theft to a law enforcement agency and to provide verification of such report.

(2) Prior to replacing destroyed coupons or authorization documents, or destroyed food that was purchased with food stamp benefits, the State agency shall determine that the destruction occurred in a household disaster such as, but not limited to, a fire or flood. This shall be verified through a collateral contract, documentation from a community agency including, but not limited to, the fire department or the Red Cross, or a home visit. The State agencies shall provide replacements of coupons, authorization documents, and/or food in the actual amount of the loss, but not exceeding one month's allotment, unless the exception in paragraph (b)(3) applies.

(3) The State agency shall provide replacements for improperly manufactured or mutilated coupons or authorization documents as follows:

(i) Coupons received by a household but which were subsequently mutilated or found to be improperly manufactured shall be replaced in the amount of the loss to the household. State agencies shall replace mutilated coupons where three-fifths of the coupon is presented by the household. The State agency shall examine the improperly manufactured or mutilated coupons to determine the validity of the claim and the amount of coupons to be replaced. If the State agency can determine the value of the improperly manufactured or mutilated coupons, the State agency shall replace the unusable coupons in a dollar-for-dollar exchange. After exchange, the State agency shall destroy the coupons in accordance with the procedures contained in section 274.7(f). If the State agency cannot determine the value of the improperly manufactured or mutilated coupons, the State agency shall cancel the coupons by writing or stamping "canceled" across the face of the coupons and forwarding the coupons to FNS for a determination of the value by the U.S. Bureau of Engraving and Printing.

(ii) Authorization documents received by a household and subsequently mutilated or found to be improperly manufactured shall be replaced only if they are identifiable. "Identifiable" means that the agency can determine the amount of the issuance and that the authorization document was validly issued to the household within the last 30 days. For example, if the authorization document serial number is legible, the agency can determine from the record for issuance or manual authorization document log what household the authorization document was issued to, the date of issuance, and the amount. Similarly, if the case number and validity period are legible, the State agency may be able to determine to whom the authorization document was issued and the amount. If more than one authorization document was issued to the household and the State agency cannot determine which authorization document was mutilated, the replacement shall be issued in the lesser amount.

(g) *Alternate issuance system.* The State agency may place a household in an alternate issuance system prior to a household experiencing a loss if the State agency determines that the household may not receive its benefits through the normal issance system. Following the first request by a household in any six-month period for a replacement for benefits *not received*, the State agency shall offer the household the option of being placed on an alternate issuance delivery system. Upon the second report in six months of nonreceipt of theft prior to receipt of benefits, the State agency shall issue benefits to that household under an alternate issuance system. The two reports of nonreceipt may be for either an original or a replacement issuance. The household shall remain on the alternate issuance system for a minimum of six months or until its changed circumstances have reduced the risk of loss. The placement of a household on an alternate issuance system and the length of time the household is on this system is not subject to the fair hearing process.

(h) *Documentation and reconciliation of replacement issuances.* (1) The State agency shall document in the household's case record each request for replacement, the date, the reason, and whether or not the replacement was provided. This information may be recorded exclusively on the household statement required in paragraph (c) of this section.

(2) The State agency shall also maintain, in readily-identifiable form, a record of the replacements granted to the household, the reason, the month, and whether the replacement was countable as defined in paragraph (b)(2)(iv). The record may be a case action sheet maintained in the case record, notations on the master issuance file, if readily accessible, or a document maintained solely for this purpose. At a minimum, the system shall be able to identify and differentiate among:

(i) Authorization documents or coupons not received in, or stolen from, the mail, and authorization documents stolen after receipt; and

(ii) Replacement issuances which are not subject to a replacement limit.

(3) Upon completion of reconciliation in a system utilizing authorization documents, the State agency shall update the record required in paragraph (2) of this subsection to indicate whether both the original and replacement

authorization documents were transacted. If both were not transacted, the record shall clearly indicate that the replacement authorization document was not a countable replacement.

(4) When a request for replacement is made late in an issuance month, the replacement will be issued in a month subsequent to the month in which the original authorization document was issued. All replacements shall be posted and reconciled to the month of issuance of the replacement and the month of issuance of the original authorization document so that all duplicate transactions will be identified.

(i) *Further action on replacement issuances.* The State agency shall take the following further actions on replacements.

(1) On at least a monthly basis, the State agency shall report to the appropriate office of the Postal Inspection Service all authorization documents reported as stolen or lost in the mail. The State agency shall assist the Postal Service during any investigation thereof and shall, upon request, supply the Postal Service with facsimiles of the original authorization document, if transacted, and the replacement authorization document, and a copy of the nonreceipt statement. The State agency shall advise the Postal Service if the original authorization document is not transacted.

(2) When a duplicate replacement authorization document is transacted, the State agency shall, at a minimum:

(b) Compare analysis of the handwriting on the authorization documents to documents contained in the household's case record, including the nonreceipt statement;

(ii) Establish a claim in accordance with § 273.18, where it appears that the household has transacted, or caused both authorization documents to be transacted; and

(iii) Refer the matter to the State agency's investigation unit, where indicated.

§ 274.7 Coupon management.

(a) *Coupon inventory management.* State agencies shall establish coupon inventory management systems which ensure that coupons are requisitioned and inventories are maintained in accordance with the requirements of these regulations.

(1) State agencies shall monitor the coupon inventories of coupon issuers and bulk storage points to ensure inventories are at proper levels and are not in excess of the reasonable needs of coupons issuers. In determining the reasonable inventory needs, State agencies shall consider, among other things, the ease and feasibility of resupplying such inventories from bulk storage points within the State as well as from the manufacturer. The inventory levels at coupon issuers and bulk storage points should not exceed a six-month supply, taking into account coupons on hand and on order.

(2) State agencies shall establish accounting systems for monitoring the inventory activities of coupon issuers. State agencies shall review the Form *FNS–250,* from coupon issuers and bulk storage points, to determine the propriety and reasonableness of the inventories. Forms *FNS–261,* Advice of Shipment, Forms *FNS–300,* Advice of Transfer, (or an approved State agency form), and reports of returned mail-issued coupons, reports of replacements of mail-issued coupons, reports of improperly manufactured or mutilated coupons, reports of shortage or overage of food coupon books and physical inventory controls shall be used by State agencies to assure the accuracy of monthly reports, issuers' compliance with required inventory levels, and the accuracy and reasonableness of coupon orders.

(b) *Coupon controls.* State agencies shall establish control and security procedures to safeguard coupons that are similar to those used to protect currency. The exact nature of security arrangements will depend on State agency evaluation of local coupon issuance and storage facilities. These arrangements must permit the timely issuance of coupons while affording a reasonable degree of coupon security. The State agencies, as well as all persons or organizations acting on their behalf, shall:

(1) Safeguard coupons from theft, embezzlement, loss, damage, or destruction;

(2) Avoid unauthorized transfer, negotiation, or use of coupons;

(3) Avoid issuance and transfer of altered or counterfeit coupons; and

(4) Promptly report in writing to FNS any loss, theft, or embezzlement of coupons.

(c) *Coupon requisitioning, shipping and transferring.* (1) State agencies shall arrange for the ordering of coupons on the Form *FNS–260,* Requisition for Food Coupon Books, and the prompt verification and written acceptance of the contents of each coupon shipment. FNS shall be furnished with appropriate delivery hours and the names of the persons authorized to sign delivery acknowledgements.

(2) FNS shall assess the reasonableness and propriety of food stamp requisitions submitted by State agencies based on prior inventory changes and will notify the State agency of any adjustments made to requisitions.

(3) FNS shall ship coupons, in such denominations as it may determine necessary, directly to State agency receiving points approved by FNS. FNS shall promptly advise the State agency in writing when coupons are shipped to receiving points using Form *FNS–261,* Advice of Shipment. Coupons shall be considered delivered to the State agency when FNS or its carrier has a signed receipt.

(4) Once coupons have been accepted by receiving points within the State, any further movement of the coupons between coupon issuers and bulk storage points within the State is at the risk of the State agency. To minimize the risk of loss, coupons should be shipped by armored vehicle or some other method of transportation that affords stringent security.

(5) In every instance when coupons are transported within a State, the person(s) transporting coupons shall:

(i) Acknowledge their receipt, in writing;

(ii) Accord the coupons as much protection as is reasonable;

(iii) Advise issuance supervisors of the routes to be taken, the shipment departure time and the estimated arrival time.

(d) *Specimen coupons.* FNS shall provide nonnegotiable specimen coupons to State agencies and firms upon written request for the purpose of educating and training employees on program operations.

(1) The State agency or firm shall store specimen coupons in secure storage with access limited to authorized personnel. The State agency or firm shall keep a perpetual record of specimen coupon inventory.

(2) Specimen coupons that are mutilated, improperly manufactured, or otherwise unusable, shall be destroyed by the State agency or firm. Such destruction shall be witnessed by two persons and noted on the perpetual inventory record maintained for specimen coupons.

(e) *Improperly manufactured or mutilated allotments.* (1) The State agency shall provide for the issuance of coupon replacement to issuers due to improper manufacture or mutilation as provided below. Replacement provisions pertaining to households are contained in § 274.6.

(i) The State agency shall examine the improperly manufactured or mutilated coupons to determine the validity of the claim and the amount of coupons to be replaced.

(ii) If the State agency can determine the value of the improperly manufactured or mutilated coupons, the State agency shall replace the unusable coupons in a dollar-for-dollar exchange. After the exchange, the State agency shall destroy the unusable, returned coupons in accordance with the procedures contained in § 274.7(f), below.

(iii) If the State agency cannot determine the value of the improperly manufactured or mutilated coupons, the State agency shall cancel the coupons by writing or stamping "canceled" across the face of the coupons and forward the coupons to FNS for a determination of the value by the U.S. Bureau of Engraving and Printing.

(2) The State agency shall void all authorization documents mutilated or otherwise rejected during the preparation process. The voided authorization documents shall either be filed for audit purposes or destroyed, provided destruction is witnessed by at least two persons and the State agency maintains a list of all destroyed authorization documents. Provisions pertaining to the replacement of authorized documents mutilated subsequent to receipt by a household are provided in § 274.6.

(f) *Destruction of unusable coupons.* (1) State agencies shall require coupon issuers, bulk storage points and claims collection points to dispose of unusable coupons within 30 days from the close of the month in which the coupons were received. Disposal shall be by one of the following two methods:

(i) Sending unusable coupons to the State agency for destruction; or

(ii) Holding the unusable coupons in secure storage pending examination and destruction by the State agency at the coupon issuer, bulk storage point, or claims collection point.

(2) Prior to the destruction of unusable coupons or coupon books that were improperly manufactured, mutilated, exchanged or collected from households for claims, State agencies shall:

(i) Verify that the coupons were improperly manufactured or mutilated. If one or more boxes of coupons were improperly manufactured, State agencies shall contact FNS prior to disposition for instructions on the disposition of the coupons.

(ii) If either the coupon issuer, the bulk storage point or the State agency cannot determine whether coupons or coupon books were in fact improperly manufactured or cannot establish the value of the coupons involved, the State agency shall promptly forward a written statement of findings and the canceled coupon(s) or coupon book(s) to FNS for determination.

(3) The State agency shall destroy the coupons and coupon books by burning, shredding, tearing, or cutting so they are not negotiable. Two State agency officials shall witness and certify the destruction and report the destruction information as follows:

(i) The destruction of improperly manufactured, mutilated or exchanged coupons from coupon issuers and bulk storage points shall be reported as provided on the Form *FNS–471*, Coupon Account and Destruction Report, and submitted with the Form *FNS–250* for the appropriate month.

(ii) The destruction of coupons received from claims collection points that are the result of the payment of household claims shall be reported as provided on the Form *FNS–471* and submitted with the Form *FNS–209*, Status of Claims Against Households, for the appropriate months. A State agency may consolidate its monthly Form *FNS–471* for claims collection destruction reporting by providing one completed Form *FNS–471* that reflects the total claims destruction figure for each month. However, the State agency must attach a breakdown which reports the required Form *FNS–471* information for each reporting point. If a State agency chooses to submit a consolidated Form *FNS–471*, any individual Form *FNS–471* must be retained by the State agency for future review and audit purposes.

(g) *Undeliverable or returned benefits.* The State agency shall exercise the following security and controls for authorization documents and coupons that are undeliverable or returned during the valid issuance period.

(1) Coupons shall be returned to inventory and noted as such on the issuance log.

(2) Authorization documents shall be recorded in the control log noting the serial number, household name and case number. They shall be kept in secure storage with limited access. The documents may be voided as long as households which report nondelivery are provided an immediate replacement.

(h) *Old series coupon exchange.* Households which have old-series (no longer issued) coupons shall be entitled to a dollar-for-dollar exchange of old-series coupons for current series coupons. Households in possession of old-series coupons shall submit the coupons and a request for exchange to the State agency. State agencies may make direct exchange to claimants or request FNS to make the exchange.

§274.8 Responsibilities of coupon issuers and bulk storage points.

(a) *Receipt of coupons.* Coupon issuers and bulk storage points shall promptly verify and acknowledge, in writing, the content of each coupon shipment or coupon transfer delivered to them and shall be responsible for the custody, care, control, and storage of coupons.

(b) *Inventory levels.* Coupon issuers and bulk storage points shall maintain a proper level of coupon inventory not in excess of reasonable needs, taking into consideration the ease and feasibility of resupplying such coupon inventories. Such inventory levels should not exceed the 6-month supply provided for in § 274.7(a).

(c) *Monthly reporting.* Coupon issuers and bulk storage points shall report monthly to FNS, through the State agency, using Form *FNS–250*, as provided in § 274.4.

(d) *Supporting documentation.* Coupon issuers and bulk storage points shall submit to the State agency supporting documentation which will allow verification of the monthly report as provided in § 274.4. At a minimum, such documentation shall include documents supporting coupon shipments, transfers, and issuances. In those States using issuance systems with authorization documents, coupon issuers shall submit transacted authorization documents batched according to each day's activity, in accordance with the schedule prescribed by the State agency but, in any case, not less often than monthly.

(e) *Improperly manufactured or mutilated coupons.* Coupon issuers and bulk storage points shall cancel improperly manufactured or mutilated coupons or coupon books by writing or stamping "canceled" across the face of the coupon(s) and coupon book(s). Depending upon State agency policy, the coupon issuer or bulk storage point shall forward the coupons with the appropriate documentation to the State agency, or hold the coupons in secure storage, pending examination and destruction by the State agency at the coupon issuer or bulk storage point location. Additional requirements pertaining to the handling of these types of coupons by the State agency are provided in § 274.7(e).

§ 274.9 Closeout of a coupon issuer.

(a) *Definition of responsibilities.* Whenever the services of a coupon issuer or bulk storage point are terminated, the State agency shall perform the responsibilities described below. If a coupon issuer or bulk storage

point has more than one functioning unit and one of these facilities is terminated, the coupon issuer or bulk storage point shall fulfill the responsibilities described in paragraphs (b) and (c) of this section. The coupon issuer or bulk storage point shall notify the State agency of the pending termination of any of its services prior to the actual termination. The State agency shall promptly notify FNS as provided in § 274.1(d).

(b) *Closeout accountability.* The State agency shall perform a closeout audit of a coupon issuer or bulk storage point within 30 days of termination of the issuance or storage point. The State agency shall report the findings of the audit to FNS immediately upon its completion. If the audit determines that the final *FNS–250* is incorrect, the State agency shall promptly provide a corrected report to FNS.

(c) *Transfer of coupon inventory.* (1) Prior to the transfer of coupon inventory to another coupon issuer or bulk storage point, the State agency shall perform an actual physical count of coupons on hand.

(2) The State agency shall transfer the inventory to another coupon issuer or bulk storage point, preferably within the same project area. The transfer of coupons shall be properly reported and documented by both the point being terminated and the point receiving the inventory.

(d) *Maintenance of participant service.* (1) At least 30 days before actual termination of a coupon issuer, the State agency shall notify project area participants of the impending closure. Notification shall include identification of alternative issuance locations and available public transportation. The State agency shall post notices at the offices of the coupon issuer of the impending closure and may use mass media or notices with allotments to advise participants about the expected closure of the issuance office.

(2) If closure of the issuer will affect a substantial portion of the caseload or a specific geographic area, the State agency shall take whatever action is necessary to maintain participant service without interruption.

(3) If a coupon issuer of bulk storage point is to be closed for noncompliance with contractual requirements and alternative issuance facilities or systems are not readily available, the State agency may continue to use the coupon issuer or bulk storage point for a limited time. In these situations, the State agency shall perform weekly onsite reconciliations of coupon issuance. The State agency shall continue to actively seek other issuance or storage alternatives.

§ 274.10 Identification cards.

(a) *General provisions.* State agencies shall issue an ID card to each certified household as proof of program eligibility. Upon request, the household or the authorized representative, shall present the household's ID card at issuance points, retail food stores or meal services in order to transact the allotment authorization or when exchanging benefits for eligible food. The household member or members whose name(s) appear on the ID card shall sign the coupon books issued to the household.

(1) All ID cards shall be issued in the name of the household member who is authorized to receive the household's issuance. In areas not designated by FNS as requiring photo ID cards, the ID card shall contain space for the name and signature of the household member to whom the coupon allotment is to be issued and for any authorized representatives designated by the household. Section 274.5(b) provides further requirements pertaining to emergency authorized representatives. All persons listed on the ID card shall sign the card prior to its use. If the household does not name an authorized representative, the State agency shall void that area of the ID card to prevent names and signatures being entered at a later date. The ID card may be serially numbered.

(2) The State agency shall limit issuance of ID cards to the time of initial certification, with replacements made only in instances of loss, mutilation, destruction, changes in the person authorized to obtain coupons, or when the State agency determines that new ID cards are needed to keep the photographs up-to-date or is otherwise changing its ID card format or system. Whenever possible, the State agency shall collect the ID card that it is replacing.

(3) The State agency shall place an expiration date on those ID cards issued to households certified for delivered meals for a temporary period and to households eligible for expedited service in accordance with § 274.2.

(4) Specially marked ID cards shall be issued in the following circumstances:

(i) Eligible household members 60 years of age or over or members who are housebound, physically handicapped, or otherwise disabled to the extent that they are unable to adequately prepare all their meals, and their spouses, may use coupons to purchase meals prepared for and delivered to them by a nonprofit meal delivery service authorized by FNS. Any household eligible for and interested in using delivered meal services shall have its ID card marked with the letter "M."

(ii) Eligible household members 60 years of age or over and their spouses, or those receiving SSI and their spouses, may use coupons issued to them to purchase meals prepared especially for them at communal dining facilities authorized by FNS for that purpose. Any household eligible for and interested in using communal dining facilities in those States or project areas where restaurants are authorized to accept food stamps, shall have its ID card marked with the letters "CD". In areas where restaurants are not authorized to accept food stamps, the State or project area may mark such ID's with the letter "CD."

(iii) Eligible households residing in areas of Alaska determined by FNS as areas where access to retail food stores is difficult and which rely substantially on hunting and fishing for subsistence may use all or any part of the coupons issued to purchase hunting and fishing equipment such as nets, hooks, rods, harpoons and knives, but may not use coupons to purchase firearms, ammunition, and other explosives. Any household residing in a remote section of Alaska which has been determined by FNS to be an area in which food coupons may be used to purchase hunting and fishing equipment shall have its ID card marked with the letter "HF."

(5) ID cards delivered to households by mail shall not be mailed in the same envelope with authorization documents or coupons.

(b) *Photo ID cards.* (1) Where Photo ID cards must be used.

(i) Photo ID cards shall be issued in those project areas or portions thereof with 100,000 or more food stamp participants, except for those project areas serviced entirely by mail issuance, or where FNS, in consultation with the Office of the Inspector General (OIG), approves a State agency's request for an exemption. FNS shall respond to a State agency's request for exemption within 30 days of its receipt of the request.

(A) FNS shall evaluate the January participation data reported as an attachment of the March *FNS–388* report. Based on the analysis, FNS shall notify State agencies at the beginning of each fiscal year of any areas that either require or no longer require the use of photo ID cards. In cases where an entire State is a single project area, FNS shall consult with the State agency to determine whether photo IDs should be required in any specific parts of the

project area. At the conclusion of this consultation, FNS shall inform the State agency of whether it is mandating the use of photo IDs in any parts of the State.

(B) In cases where a project area serves between 100,000 and 110,000 participants, FNS shall inform the State agency in which the project area is located that it is prepared to mandate the use of photo IDs in the project area. FNS shall also inform the State agency that it will not mandate use of photo ID's if, within 30 days of being notified by FNS that photo ID's must be used, the State agency demonstrates to FNS that participation in the project areas has fallen below the 100,000 participant level in the recent past or justifies to FNS why participation is likely to fall below that level during the next year.

(ii) FNS may, at any time, in consultation with the OIG, designate project areas or portions thereof with less than 100,000 participants as requiring the use of photo ID cards if, in reviewing such factors as the level of duplicate issuances and results of management evaluation reviews, the Department determines that the issuance of photo ID cards in such areas would be justified.

(iii) A State agency may request that FNS require that photo IDs be mandated throughout either the entire State or specified project areas. FNS shall respond to such requests within 30 days of the request and, if the request is not approved, FNS shall justify its reasons for the disapproval to the State agency.

(2) Mandatory Photo ID Cards Exemptions. In project area where issuance of ID cards is mandatory, the State agency shall issue a photo ID card at the time of certification to each eligible household except those listed in (i)–(v) below. Households exempt from mandated photo ID cards shall be issued ID cards which meet the specifications in paragraph (d) of this section except that in lieu of a photograph, the State agency shall annotate the cards to show an exception was granted to the household and that the ID card is valid. The following households are exempt from the photo ID requirement.

(i) Households certified by out-of-office interviews as specified in § 273.2(e)(2). However, the State agency shall replace the nonphoto ID card issued to such households with a photo ID card when the appropriate household member or authorized representative visits the certification office. The State agency shall not require any member of such a household to visit the office exclusively for the purpose of issuing a photo ID card.

(ii) Household members whose religion does not allow them to be photographed. The State agency shall require such a household to provide a signed statement to the effect that their member's religious beliefs do not allow them to be photographed.

(iii) Households entitled to expedited service if the State agency's photo ID card system is incapable of producing a photo ID card in time for the household to participate as required by § 273.2(i). A photo ID card shall be issued to the household prior to issuance of the household's next allotment.

(iv) Households certified under the SSI-food stamp joint processing rules in § 273.2(k). State agencies shall not require such households to obtain photo IDs as long as they continue to be certified for food stamps at SSA offices. However, a household shall obtain a photo ID if a household member or authorized representative reports to the food stamp office for recertification.

(v) Residents of drug/alcoholic treatment and rehabilitation programs.

(3) Photo ID card requirements.

(i) In addition to the general provisions in § 274.8(a), photo ID cards shall include the photograph of the person who will receive the household's issuance; i.e., who will either transact the household's authorization document or pick up the household's allotment. A photo ID card shall be signed only by the person pictured on the card, be it the household member or authorized representative designated to pick up the household's allotment. Only the person photographed may obtain the household's coupons. All photo ID cards shall be subject to FNS approval.

(ii) Photo ID cards shall be serially numbered and laminated after they are signed by the person whose photograph appears on the card. ID cards shall also include a color photograph of the person designated by the household to obtain coupons and the household's case number or other identifying information.

(iii) A photo ID card used in another program may be adapted for food stamp purposes if it meets the specifications contained in this subsection and can be annotated to indicate food stamp eligibility. A State agency may permit a member of a household to comply with this section by presenting a photo ID card used to receive benefits under a welfare or public assistance program.

(iv) The State agency shall provide households with reasonable opportunity to obtain food stamp photo ID cards in project areas where their use is mandated.

(A) A household required to have a photo ID card shall not participate until such time as a household member or a designated authorized representative obtains such a card. If a designated authorized representative does not obtain the required photo ID, the household may designate a household member or another authorized representative to be photographed.

(B) If the person whose photograph appears on the ID is unable to travel to the issuance point to obtain a particular allotment, the household may use the emergency authorized representative procedures provided in §§ 273.1(f) and 274.5 and in paragraph (c), below.

(v) State agencies which have the capability may develop systems to issue more than one household member a photo ID card. These systems shall ensure that the safeguards provided by photo ID cards are maintained.

(vi) If a mutilated or altered photo ID card is presented at the issuance point, the household shall obtain a replacement photo ID card prior to issuance.

(vii) A household shall be entitled to unobtained benefits, lost as a result of being unable to obtain a particular allotment, if the issuance month elapses between the time the household requested a replacement photo ID card and the delivery of that card to the household.

(viii) FNS may waive one or more of the requirements in this section if a State agency can demonstrate to FNS that its alternate ID card or system will provide adequate safeguards against fraudulent and/or duplicate issuances.

(c) *Emergency Authorized Representative.* State agencies shall develop a method by which a household may designate an emergency authorized representative to obtain the household's allotment when none of the persons specified on the ID is available.

(1) At a minimum, the method developed by the State agency shall require a document with the signature of the emergency authorized representative as well as a place for the household member named on the ID card to sign designating the emergency authorized representative and attesting to the signature of the emergency authorized representative. The designation may be on the ID card or authorization document or a separate form. The household shall not be required to travel to a food stamp office to execute an emergency designation. The emergency authorized representative may present a separate, signed, written statement from the head of the household or his or her spouse, authorizing the issuance of the certified household's food stamps to the authorized representative. The emergency representative shall sign the

written statement from the household and present the statement and the household ID card to obtain the allotment. A separate written designation is required each time an emergency representative is authorized.

(2) In any issuance system, the cashier shall compare the signatures on the issuance document and on the ID card. If they do not match, issuance shall not be made.

(i) If the household is required by these regulations to present a photo ID card, coupons shall be issued only when the person presenting the authorization document or requesting the coupons is pictured on the ID card. The cashier shall write the serial number of the photo ID card on the authorization or issuance document.

(ii) If the photo ID card appears to be mutilated or altered, the issuing agent shall not issue the coupons, but shall require the household to obtain a replacement ID card from the State agency.

§ 274.11 Issuance record retention and forms security

(a) *Availability of issuance records.* The State agency shall maintain issuance records for a period of three years from the month of origin. This period may be extended at the written request of FNS.

(1) Issuance records shall include, at a minimum: notices of change, HIR cards, inventory records, transacted authorizing documents, Forms *FNS–250* and substantiating documents, cashier's daily reports, receptionists' daily tally sheets, the master issuance file and the records for issuance for each month.

(2) In lieu of the records themselves, easily retrievable microfilm, microfiche, or computer tapes which contain such information may be maintained.

(b) *Control of issuance documents.* The State agency shall control all issuance documents which establish household eligibility while the documents are transferred and processed within the State agency. The State agency shall use numbers, batching, inventory control logs, or similar controls from the point of initial receipt through the issuance and reconciliation process. The State agency shall also insure the security and control of authorization documents in transit from the manufacturer to the State agency.

(c) *Accountable documents.* (1) HIR cards, authorization documents, and mandated photo ID cards shall be considered accountable documents. The State agency shall provide the following minimum security and control procedures for these documents:

(i) Preprinted serial numbers;

(ii) Secure storage;

(iii) Access limited to authorized personnel;

(iv) Bulk inventory control records;

(v) Subsequent control records maintained through the point of issuance or use; and

(vi) Periodic review and validation of inventory controls and records by parties not otherwise involved in maintaining control records.

(2) For notices of change which initiate, update or terminate the master issuance file and blank ID cards, the State agency shall, at a minimum, provide secure storage and limit access to authorized personnel.

PART 275—PERFORMANCE REPORTING SYSTEM

Subpart C—Quality Control (QC) Reviews

10. In § 275.10, paragraph (a) is amended by revising the third sentence to read as follows:

§ 275.10 Scope and purpose.

(a) * * * Reviews shall be conducted on active cases to determine if households are eligible and are receiving the benefit amount authorized on the master issuance file. * * *

* * * * *

PART 276—STATE AGENCY LIABILITIES AND FEDERAL SANCTIONS

11. Sections 276.1 and 276.2 are revised and reads as follows:

§ 276.1 Responsibilities and rights.

(a) *Responsibilities.* (1) State agencies shall be responsible for establishing and maintaining secure control over coupons and cash for which the regulations designate them accountable. Except as otherwise provided in these regulations, any shortages or losses of coupons or cash shall be a strict State agency liability and the State agency shall pay to FNS, upon demand, the amount of the lost, stolen or unaccounted coupons or cash regardless of the circumstances.

(2) State agencies shall be responsible for preventing losses or unaccounted shortages of Federal funds in the issuance of benefits to households participating in the Food Stamp Program. FNS shall hold State agencies strictly liable for all losses, thefts or unaccounted shortages that occur during issuance unless otherwise specified. Issuance includes all functions that occur with the State agency's creation of a record for issuance to generate each month's issuances from the master issuance file. Shortages or losses which result from any functions that occur prior to the creation of the record for issuance are subject to either § 276.1(a)(3) below or the Quality Control Sanction and Incentive System, Subpart C, §§ 275.10–275.13.

(3) State agencies shall be responsible for preventing losses of Federal funds in the certification of households for participation in the Food Stamp Program. If FNS makes a determination that there has been negligence or fraud on the part of a State agency in the certification of households for participation in the Food Stamp Program, FNS is authorized to bill the State agency for an amount equal to the amount of coupons issued as a result of the negligence or fraud.

(4) State agencies shall be responsible for efficiently and effectively administering the Program by complying with the provisions of the Act, the regulations issued pursuant to the Act, and the FNS-approved State Plan of Operation. A determination by FNS that a State agency has failed to comply with any of these provisions may result in FNS seeking injunctive relief to compel compliance and/or a suspension or disallowance of the Federal share of the State agency's administrative funds. FNS has the discretion to determine in each instance of noncompliance, whether to seek injunctive relief or to suspend or disallow administrative funds. FNS may seek injunctive relief *and* suspend or disallow funds simultaneously or in a sequence

(b) *Rights.* State agencies may appeal all claims brought against them by FNS and shall be afforded an administrative review by a designee of the Secretary as provided in § 276.7. State agencies may seek judicial review of any final administrative determination made by the Secretary's designee, as provided in § 276.7(j).

§ 276.2 State agency liabilities.

(a) *General Provisions.* Notwithstanding any other provision of this subchapter, State agencies shall be responsible to FNS for any financial losses involved in the acceptance, storage and issuance of coupons. State agencies shall pay to FNS, upon demand, the amount of any such losses.

(b) *Coupon shortages, losses, unauthorized issuances and overissuances.*

(1) State agencies shall be strictly liable for:

(i) Coupon shortages and losses that occur any time after coupons have been accepted by receiving points within the State and that occur during the

movement of coupons between bulk storage points issuers and claims collection points within the State;

(ii) Losses resulting from authorization documents lost in transit from a manufacturer to the State agency and untransacted authorization documents lost in transit from an issuer to the State agency; and

(iii) The value of coupons overissued and coupons issued without authorization, except for those duplicate issuances in the correct amount that are the result of authorized replacement issuances made in accordance with § 274.6. Overissuances and unauthorized issuances that State agencies are liable for include, but are not limited to, the following: single, unmatched issuances; duplicates made that are not in accordance with § 274.6; transacted authorization documents that are altered, counterfeit, or from out-of-State or expired (including those unsigned by the designated household member and/or not date stamped by the issuer).

(2) Coupon shortages and/or losses for which State agencies shall be strictly liable include, but are not limited to, shortages and losses due to the following:

(i) Thefts;

(ii) Embezzlements;

(iii) Cashier errors (e.g., errors by the personnel of issuance offices in the counting of coupon books);

(iv) Coupons lost in natural disasters if a State agency cannot provide reasonable evidence that the coupons were destroyed and not redeemed; and

(v) Unexplained causes.

(3) A State agency shall be held strictly liable for mail issuance losses that are in excess of the tolerance level that corresponds to the preselected reporting unit. Each State agency shall select one of the three following units annually and report the selection as provided in §§ 272.2(a)(2) and (d)(1)(iii).

(i) If a State agency elects to report and have liabilities based on an existing county or project area level of mail issuance, then the State agency shall be strictly liable to FNS for the value of all mail issuance losses in excess of 0.5 percent per quarter of the dollar value of each reporting unit's quarterly mail issuance. This level shall be used if the State agency does not designate one of the three levels herein by the prescribed date. Where reporting units issue less than $300,000 in mail issuance in a quarter, the State agency shall be liable for all losses in excess of $1,500 for the quarter.

(ii) If a State agency elects to report and have liabilities based on an existing administrative level higher than the county or project area provided in § 274.8(b)(3)(i), but lower than the Statewide level of mail issuance provided in § 274.8(b)(3)(iii), then the State agency shall be strictly liable to FNS for the value of all mail issuance losses in excess of 0.35 percent per quarter of the dollar value of each reporting unit's quarterly mail issuance. When reporting units issue less than $300,000 in mail issuance in a quarter, the State agency shall be liable for all losses in excess of $1,500 for the quarter.

(iii) If a State agency elects to report and have liabilities based on a State level of mail issuance, then the State agency shall be held strictly liable to FNS for the value of all mail issuance losses in excess of 0.30 percent per quarter of the dollar value of each State agency's total quarterly mail issuance. When the State issues less than $300,000 in mail issuance in a quarter, the State agency shall be liable for all losses in excess of $1,500 for the quarter.

(iv) FNS reserves the right to make all determinations on reporting requirements and on administrative divisions within the State for the purpose of determining and assessing liability for mail issuance losses. FNS also reserves the right to revise such determinations as necessary. Revisions will be communicated to State agencies by FNS. The liability assessment will based on the revised reporting requirement for the next full fiscal quarter.

(v) For the purpose of this section, "mail issuance" means all original coupon issuances distributed through the mail. "Mail loss" means all replacements of mail issuance except for replacements of returned mail issuances.

(vi) The State agency's liability shall be computed using data from Form *FNS–259*, Mail Issuance Loss Report, or alternative reporting document accepted in advance by FNS and the State agency, which is submitted for the quarter for the particular reporting unit agreed to by FNS and the State agency, as provided in § 272.2(a)(2) and (d)(1)(iii).

(4) State agencies shall be strictly liable for the following overissuances:

(i) The value of overissued coupons issued as a result of a State agency's failure to comply with a directive, issued by FNS in accordance with the provisions of § 271.7, to reduce, suspend or cancel allotments;

(ii) The value of overissued coupons issued by the State agency as a result of a court order or settlement agreement of a courtsuit which was not reported to FNS in accordance with the provisions of § 274.2(e);

(iii) The value of overissued coupons issued as a result of a State agency entering into an out-of-court settlement of a courtsuit the terms of which violate Federal law or regulations.

(5) Coupon shortages and losses shall be determined from the Form *FNS–250*, Food Coupon Accountability Report and its supporting documents and from the *Form FNS–46*, Issuance System Reconciliation Report. Losses of Federal monies resulting from overissuances shall be determined from sources such as audits, Performance Reporting System Reviews, Federal Reviews and investigations.

(c) *Cash losses.* State agencies are liable to FNS for cash losses when money collected by State agencies from participant claims has been lost, stolen, or otherwise not remitted to FNS by the State agency in accordance with the provision of § 273.18(h). The amount of such losses shall be determined from sources such as audits, Performance Reporting System Reviews, or Federal Reviews and investigations.

(d) *State agency payment to FNS.* State agencies shall be billed for the exact amount of losses specified in this section. If a State agency fails to pay the billing, FNS may offset the amount of loss from the State agency's Letter of Credit in accordance with § 277.16(c).

Dated: March 31, 1986.

John W. Bode,

Assistant Secretary for Food and Consumer Services.

[FR Doc. 86–7638 Filed 4–8–86; 8:45 am]

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federal register

Wednesday
April 9, 1986

Part IV

Department of Defense

General Services Administration

National Aeronautics and Space Administration

48 CFR Parts 8, 22, 52, and 53
Federal Acquisition Regulation; Final Rule and Interim Rule

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 8, 22, 52, and 53

[Federal Acquisition Circular 84-14]

Federal Acquisition Regulation

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule and interim rule with request for comment.

SUMMARY: Federal Acquisition Circular (FAC) 84-14, amends the Federal Acquisition Regulation (FAR) with respect to the following: Extension of agency policies and procedures concerning Acquisition of Utility Services, and Flextime. Sections 22.103-1, 22.300, 22.301, 22.302, 22.304, 22.305, 52.222-4, 52.222-5, and 53.213 are adopted as interim.

DATES:

Effective Date: April 7, 1986.

Comment Date: Comments on the interim sections must be received on or before May 27, 1986. Please cite FAC 84-14 in all correspondence on this subject.

ADDRESS: Interested parties should submit written comments to: GSA, Attn: FAR Secretariat, 18th & F Streets NW., Room 4041, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Margaret A. Willis, FAR Secretariat, Telephone (202) 523-4755.

SUPPLEMENTARY INFORMATION:

A. Background

FAC 84-14, Item I, Extension of agency policies and procedures concerning Acquisition of Utility Services (final rule). The Civilian Agency Acquisition Council and the Defense Acquisition Regulatory Council are in the process of revising FAR 8.3, Acquisition of Utility Services. To provide time for public comment on the proposed rule, reconciliation of comments, and issuance of the final rule, FAR 8.300 is amended to extend through September 30, 1986, the period in which agency policies and procedures predating the effective date of the FAR may continue to be used for the acquisition of utility services.

FAC 84-14, Item II, Flextime (interim rule). FAR Parts 22, 52, and 53 are amended to implement Sec. 1241 of Pub. L. 99-145 and Department of Labor regulatory revisions.

The statutory revisions eliminate the Contract Work Hours and Safety Standards Act (CWHSSA) requirement for payment of overtime for work in excess of 8 hours per day, effective January 1, 1986. Overtime will continue to be required under the statute for hours worked in excess of 40 hours per week.

The revised clause at 52.222-4, Contract Work Hours and Safety Standards Act—Overtime Compensation, shall be used in new solicitations, and in existing solicitations if time permits amending them including time for receipt of new offers.

For existing contracts, overtime for hours worked in excess of 8 hours per day may still be required by existing collective bargaining agreements and state or local laws, in addition to the old CWHSSA clause. Contracting officers should not modify existing contracts to substitute the revised clause unless the modification: (a) will result in a reduction of contract cost or price or other consideration, and (b) is agreed to by the contractor.

Other changes revise the clause at 52.222-4 to reflect changes previously adopted by the Department of Labor and clarify the term "laborers or mechanics."

B. Regulatory Flexibility Act

FAC 84-14, Item I, Extension of agency policies and procedures concerning Acquisition of Utility Services. This final rule is not a "significant revision" requiring solicitation of public comment, as defined in FAR 1.501-1 and by the Regulatory Flexibility Act. Since such solicitation is not required, the Regulatory Flexibility Act does not apply.

FAC 84-14, Item II, Flextime. This interim rule is not expected to have a significant economic impact on a substantial number of small entities. The Congressional Budget Office Cost Estimate for Bill No. S. 1105 (Section 1241 of Pub. L. 99-145), which this regulation partially implements, estimated that the statutory change would reduce new contract costs by 0.5 percent and estimated budget authority savings of $455 million in fiscal year 1987. This regulatory change affects only contracts for services, including construction and research and development. Since such contracts accounted for approximately 45 percent of the total value of fiscal year 1985 acquisitions (the most recent fiscal year for which actual data are available), approximately 45 percent of the $455 million savings resulting from the statute can be attributed to this regulatory change. Small businesses were awarded approximately 11 percent of the dollar value of acquisitions in fiscal year 1985. Although there are a large number of small businesses providing services, including construction and research and development, to the Government, the small business portion of the total savings for contracts covered by this regulation will result in an insignificant average impact on each small business.

C. Paperwork Reduction Act

FAC 84-14 does not contain any additional information collection requirements which require the approval of OMB under 44 U.S.C. 3501 et seq.

List of Subjects in 48 CFR Parts 8, 22, 52, and 53

Government procurement.

Dated: April 7, 1986.

Harry S. Rosinski,

Deputy Director, Office of Federal Acquisition and Regulatory Policy.

Unless otherwise specified, all Federal Acquisition Regulation (FAR) and other directive material contained in FAC 84-14 is effective immediately.

Eleanor R. Spector,

Deputy Assistant Secretary of Defense for Procurement.

Paul Trause,

Acting Administrator.

S. J. Evans,

Assistant Administrator for Procurement.

Federal Acquisition Circular (FAC) 84-14 amends the Federal Acquisition Regulation (FAR) as specified below:

Item I—Extension of Agency Policies and Procedures Concerning Acquisition of Utility Services

FAR 8.300 is amended to extend through September 30, 1986, the period in which agency policies and procedures predating the effective date of the FAR (April 1, 1984) may continue to be used for the acquisition of utility services.

Item II—Flextime

FAR Parts 22, 52 and 53 are amended to implement Sec. 1241 of Pub. L. 99-145 and Department of Labor regulatory revisions. Therefore, 48 CFR Parts 8, 22, 52, and 53 are amended as set forth below.

1. The authority citation for 48 CFR Parts 8, 22, 52, and 53 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. Chapter 137; and 42 U.S.C. 2453(c).

PART 8—REQUIRED SOURCES OF SUPPLY

8.300 [Amended]

2. Section 8.300 is amended by removing in the first sentence the words "for 2 years after that date" and inserting in their place the words "through September 30, 1986", and by removing in the second sentence the words "following the 2-year period" and inserting in their place the words "after September 30, 1986".

PART 22—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

3. Section 22.103–1 is amended by revising the definitions of "Normal workweek" and "Overtime" to read as follows:

22.103–1 Definitions.

"Normal workweek," as used in this subpart, means, generally, a workweek of 40 hours. Outside the United States, its possessions, and Puerto Rico, a workweek longer than 40 hours shall be considered normal if: (a) The workweek does not exceed the norm for the area, as determined by local custom, tradition, or law; and (b) the hours worked in excess of 40 in the workweek are not compensated at a premium rate of pay.

"Overtime" means time worked by a contractor's employee in excess of the employee's normal workweek.

* * * * *

4. Section 22.300 is revised to read as follows:

22.300 Scope of subpart.

This subpart prescribes policies and procedures for applying the requirements of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327–333) (the Act) to contracts that may require or involve laborers or mechanics. In this subpart, the term "laborers or mechanics" includes apprentices, trainees, helpers, watchmen, guards, firefighters, fireguards, and workmen who perform services in connection with dredging or rock excavation in rivers or harbors, but does not include any employee employed as a seaman.

22.301 [Amended]

5. Section 22.301 is amended by removing the words "8 hours in any calendar day or".

6. Section 22.302 is revised to read as follows:

22.302 Liquidated damages and overtime pay.

(a) As set forth in the Act, when an overtime computation discloses underpayments, the contractor and any subcontractor responsible therefor shall be liable to the affected employee for the emplolyee's unpaid wages and shall, in addition, be liable to the Government for liquidated damages. Liquidated damages shall be computed for each affected employee in the sum of $10 for each calendar day on which such employee was required or permitted to work in excess of the standard workweek of 40 hours without payment of the overtime wages required by the Act.

(b) In the event of failure or refusal of the contractor or any subcontractor to comply with overtime pay requirements of the Act, if the funds withheld by Federal agencies for labor standards violations are not sufficient to pay fully both the unpaid wages due laborers and mechanics and the liquidated damages due the Government, the available funds shall be used first to compensate the laborers and mechanics for the wages to which they are entitled (or an equitable portion thereof when the funds are not adequate for this purpose); and the balance, if any, shall be used for the payment of liquidated damages.

7. Section 22.304 is revised to read as follows:

22.304 Variations, tolerances, and exemptions.

(a) The Secretary of Labor under 40 U.S.C. 331, upon the Secretary's initiative or at the request of any Federal agency, may provide reasonable limitations and allow variations, tolerances, and exemptions to and from any or all provisions of the Act (see 29 CFR 5.15).

(b) The Secretary of Labor may make variations, tolerances, and exemptions from the regulatory requirements of applicable parts of 29 CFR when the Secretary finds that such action is necessary and proper in the public interest or to prevent injustice and undue hardship (see 29 CFR 5.14).

8. Section 22.305 is revised to read as follows:

22.305 Contract clause.

The contracting officer shall insert the clause at 52.222–4, Contract Work Hours and Safety Standards Act—Overtime Compensation, in solicitations and contracts (including, for this purpose, basic ordering and blanket purchase agreements) when the contract may require or involve the employment of laborers or mechanics. However, the contracting officer shall not include the clause in solicitations and contracts if it is contemplated that the contract will be in one of the following categories:

(a) Construction contracts of $2,000 or less.

(b) Contracts, other than construction contracts, of $2,500 or less. Indefinite quantity or requirements contracts, including basic ordering agreements and blanket purchase agreements are exempt, if it can be determined in advance that the aggregate amount of all orders estimated to be placed thereunder for one year after the effective date of the agreement will not exceed $2,500. A determination shall be made annually thereafter if the contract or agreement is extended and the contract or agreement modified if necessary.

(c) Contracts for supplies, materials, or articles ordinarily available in the open market.

(d) Contracts for transportation by land, air, or water, or for the transmission of intelligence.

(e) Contracts to be performed solely within a foreign country or within a territory under United States jurisdiction other than a State, the District of Columbia, Puerto Rico, the Virgin Islands, Outer Continental Shelf Lands as defined in the Outer Continental Shelf Lands Act (43 U.S.C. 1331), American Samoa, Guam, Wake Island, Eniwetok Atoll, Kwajalein Atoll, and Johnston Island.

(f) Contracts requiring work to be done solely in accordance with the Walsh-Healey Public Contracts Act (see Subpart 22.6).

(g) Contracts (or portions of contracts) for supplies in connection with which any required services are merely incidental to the contract and do not require substantial employment of laborers or mechanics.

(h) Any other contracts exempt under regulations of the Secretary of Labor (29 CFR 5.15).

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

9. Section 52.222–4 is revised to read as follows:

52.222–4 Contract Work Hours and Safety Standards Act—Overtime Compensation.

As prescribed in 22.305, insert the following clause:

Contract Work Hours and Safety Standards Act—Overtime Compensation (Mar. 1986)

(a) *Overtime requirements.* No Contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics (see Federal Acquisition

Regulation (FAR) 22.300) shall require or permit any such laborers or mechanics in any workweek in which the individual is employed on such work to work in excess of 40 hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than 1½ times the basic rate of pay for all hours worked in excess of 40 hours in such workweek.

(b) *Violation; liability for unpaid wages; liquidated damages.* In the event of any violation of the provisions set forth in paragraph (a) of this clause, the Contractor and any subcontractor responsible therefor shall be liable for the unpaid wages. In addition, such Contractor and subcontractor shall be liable to the United States (in the case of work done under contract for the District of Columbia or a territory, to such District or to such territory), for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanics employed in violation of the provisions set forth in paragraph (a) of this clause in the sum of $10 for each calendar day on which such individual was required or permitted to work in excess of the standard workweek of 40 hours without payment of the overtime wages required by provisions set forth in paragraph (a) of this clause.

(c) *Withholding for unpaid wages and liquidated damages.* The Contracting Officer shall upon his or her own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld, from any moneys payable on account of work performed by the Contractor or subcontractor under any such contract or any other Federal contract with the same Prime Contractor, or any other Federally-assisted contract subject to the Contract Work Hours and Safety Standards Act which is held by the same Prime Contractor, such sums as may be determined to be necessary to satisfy any liabilities of such Contractor or subcontractor for unpaid wages and liquidated damages as provided in the provisions set forth in paragraph (b) of this clause.

(d) *Payrolls and basic records.* (1) The Contractor or subcontractor shall maintain payrolls and basic payroll records during the course of contract work and shall preserve them for a period of 3 years from the completion of the contract for all laborers and mechanics working on the contract. Such records shall contain the name and address of each such employee, social security number, correct classifications, hourly rates of wages paid, daily and weekly number of hours worked, deductions made, and actual wages paid. Nothing in this paragraph shall require the duplication of records required to be maintained for construction work by Department of Labor regulations at 29 CFR 5.5(a)(3) implementing the Davis-Bacon Act.

(2) The records to be maintained under paragraph (d)(1) of this clause shall be made available by the Contractor or subcontractor for inspection, copying, or transcription by authorized representatives of the Contracting Officer or the Department of Labor. The Contractor or subcontractor shall permit such representatives to interview employees during working hours on the job.

(e) *Subcontracts.* The Contractor or subcontractor shall insert in any subcontracts the provisions set forth in paragraphs (a) through (e) of this clause and also a clause requiring the subcontractors to include these provisions in any lower tier subcontracts. The Prime Contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with the provisions set forth in paragraphs (a) through (e) of this clause.

(End of clause)

52.222-5 [Removed and Reserved]

10. Section 52.222-5 is removed and reserved.

PART 53—FORMS

11. Section 53.213 is amended by adding in paragraph (e)(4) a sentence to read as follows:

53.213 Small purchase and other simplified purchase procedures (SF's 18, 30, 44, 1165, OF's 347, 348).

* * * * *

(e) * * *

(4) * * * Pending the publication of a new edition of OF 347, the title and the effective date of FAR clause 52.222-4, Contract Work Hours and Safety Standards Act—Overtime Compensation—General (April 1984) in the block titled "Purchase Order Terms and Conditions" are revised to Contract Work Hours and Safety Standards Act—Overtime Compensation (Mar. 1986).

[FR Doc. 86-8035 Filed 4-8-86; 8:45 am]
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Federal Register

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April 9, 1986

Part V

Department of Defense
General Services Administration
National Aeronautics and Space Administration

48 CFR Parts 1 and 31
Federal Acquisition Regulations; Final Rule

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 1 and 31

[Federal Acquisition Circular 84-15]

Federal Acquisition Regulation

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: Federal Acquisition Circular (FAC) 84–15 amends the Federal Acquisition Regulation (FAR) with respect to the following: Corporate Aircraft Costs, Public Relations Costs, Compensation for Personal Services, Company Furnished Automobiles, Nominal Changes to FAR 31.2, Employee Morale, Health, Welfare, Food Service, and Dormitory Costs and Credits, Membership Costs, Executive Lobbying Costs, Costs of Litigation Appeals Aganist the Government, Selling Costs, and Alcoholic Beverage Costs.

EFFECTIVE DATE: April 7, 1986.

FOR FURTHER INFORMATION CONTACT: Margaret A. Willis, FAR Secretariat, Room 4041, GS Building, Washington, D.C. 20405, Telephone (202) 523–4755.

SUPPLEMENTARY INFORMATION:

A. Background

The cost principles revisions in this FAC are based upon the requirements of Title IX, section 911, and Title XV, Section 1534, Pub. L. 99–145. The Statute specifically applies to Department of Defense and Department of Energy covered contracts exceeding $100,000. Because of the practical necessity to establish uniform cost principles, the applicability of the revisions has been extended to all contracts to which the commercial cost principles are applicable, including the contracts of all civilian agencies.

B. Public Comments

Notices of proposed rules were published in the **Federal Register** requesting Government agencies, private firms, associations, and the general public to submit comments to be considered in the formulation of the final rules.

FAC 84–15, Item I, Corporate Aircraft Costs. On March 5, 1985, a notice of proposed rule was published in the **Federal Register** (50 FR 8752). As a result of the notice, 34 comments were received and considered.

FAC 84–15, Item II, Public Relations Costs. On February 21, 1985, a notice of proposed rule was published in the **Federal Register** (50 FR 7199). As a result of the notice, 42 comments were received and considered.

FAC 84–15, Items III through XI

Notices of proposed rules were published in the **Federal Register** on October 9, 1985 (50 FR 41179), December 3, 1985 (50 FR 49662–49664), December 19, 1985 (50 FR 51776–51779), December 24, 1985 (50 FR 52727), and December 27, 1985 (50 FR 53088). The Defense Acquisition Regulatory Council and the Civilian Agency Acquisition Council have considered the public comments solicited.

B. Paperwork Reduction Act

FAC 84–15, Item I, Corporate Aircraft Costs

The information collection requirements contained in this rule have been approved by the Office of Management and Budget as required by 44 U.S.C. 3501, et seq. and have been assigned clearance number 9000–0079 (see FAR 1.105).

FAC 84–15, Items II through XI

The Paperwork Reduction Act does not apply because these final rules do not contain information collection requirements which require the approval of OMB under 44 U.S.C. 3501, et seq.

C. Regulatory Flexibility Act

FAC 84–15, Item I, Corporate Aircraft Costs

The revisions to FAR 31.109 and 31.205–46 will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act of 1985 (5 U.S.C. 601, et seq.) because: (i) The revised rule with respect to commercial airfares does not change existing policy with respect to utilization of the most economical fare suitable to the circumstances. The rule needed to be rewritten and clarified because of the proliferation of airline fare classes from essentially one premium class (i.e., first class) to many different classes; and (ii) the revised rule regarding travel by contractor-owned, -leased, or -chartered aircraft is expected to impact primarily large entities where the use of this means of employee transportation is estimated to be more widespread than among small businesses.

FAC 84–15, Item II, Public Relations Costs

The revisions to FAR 31.109 and 31.205–1 will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601, et seq.) because: (i) They will not impose any additional recordkeeping requirements; (ii) they will not cause additional costs in order to comply; and (iii) the unallowable public relations-type costs treated in these revisions are not the type of costs that are commonly incurred by small businesses in significant amounts.

FAC 84–15, Item III, Compensation for Personal Services

This revision to FAR 31.205–6(b) will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601, et seq.) because: (i) Most supplies and services obtained from small entities are acquired on a competitive fixed-price basis and the cost principles do not apply. For the remainder of supplies and services that are obtained from small entities, the cost principles are primarily used to establish negotiation objectives; (ii) it does not mandate the disallowance of any cost, but merely provides more detailed ground rules for judging the reasonableness of compensation costs; and (iii) no specific comments were received from small entities indicating a significant impact.

FAC 84–15, Item IV, Company-Furnished Automobiles

The revisions to FAR 31.205–6 and 31.205–46 will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601, et seq.) because: (i) Most supplies and services obtained from small entities are acquired on a competitive fixed-price basis and the cost principles do not apply. For the remainder of supplies and services that are obtained from small entities, the cost principles are primarily used to establish negotiation objectives; (ii) the administrative burden of identifying the unallowable cost is not expected to increase because Internal Revenue Service rules already require such identification; and (iii) no specific comments were received from small entities indicating a significant impact.

FAC 84–15, Item V, Nominal Changes to FAR 31.2 and Item IX, Costs of Litigating Appeals Against the Government

The revisions to FAR 31.205–8, 31.205–15, 31.205–33, and 31.205–47 will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601, et seq.) because: (i) Most supplies and services obtained from small entities are acquired on a competitive fixed-price basis and the cost principles do not apply. For the remainder of supplies and services that are obtained from small entities, the cost principles are primarily used to establish negotiation objectives; (ii) the Equal Access to Justice Act will permit small businesses to recover their legal costs under certain circumstances; and (iii) no specific comments were received from small entities indicating a significant impact.

FAC 84–15, Item VI, Employee Morale, Health, Welfare, Food Service, and Dormitory Costs and Credits

This revision to FAR 31.205–13 will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601, et seq.) because: (i) Most supplies and services obtained from small entities are acquired on a competitive fixed-price basis and the cost principles do not apply. For the remainder of supplies and services that are obtained from small entities, the cost principles are primarily used to establish negotiation objectives; (ii) the size and incidence of company-provided cafeterias correlate generally to business size; and (iii) no specific comments were received from small entities indicating a significant impact.

FAC 84–15, Item VIII, Executive Lobbying Costs

The revisions to FAR 31.205–22 and 31.205–50 will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601, et seq.) because: (i) Most supplies and services obtained from small entities are acquired on a competitive fixed-price basis and the cost principles do not apply. For the remainder of supplies and services that are obtained from small entities, the cost principles are primarily used to establish negotiation objectives; (ii) few entities of any size engage in improper executive branch lobbying activities; and (iii) no specific comments were received from small entities indicating a significant impact.

FAC 84–15, Item VII, Membership Costs, Item X, Selling Costs and Item XI, Alcoholic Beverage Costs

The revisions to FAR 31.205–14, 31.205–38, and 31.205–51 will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601, et seq.) because: (i) Most supplies and services obtained from small entities are acquired on a competitive fixed-price basis and the cost principles do not apply. For the remainder of supplies and services that are obtained from small entities, the cost principles are primarily used to establish negotiation objectives; and (ii) no specific comments were received from small entities indicating a significant impact.

List of Subjects in 48 CFR Parts 1 and 31

Government procurement.

Dated: April 7, 1986.

Harry S. Rosinski,

Deputy Director, Office of Federal Acquisition and Regulatory Policy.

Unless otherwise specified, all Federal Acquisition Regulation (FAR) and other directive material contained in FAC 84–15 is effective immediately.

Eleanor R. Spector,

Deputy Assistant Secretary of Defense for Procurement.

Paul Trause,

Acting Administrator.

S.J. Evans,

Assistant Administrator for Procurement.

Federal Acquisition Circular (FAC) 84–15 amends the Federal Acquisition Regulation (FAR) as specified below. The following is a summary of the amendments.

Item I—Corporate Aircraft Costs

FAR 31.109, Advance agreements, is amended in paragraph (h) to include travel via contractor-owned, leased, or chartered aircraft. FAR 31.205–46, Travel costs, is revised to: (1) Redefine unallowable commercial airfare costs, (2) establish revised criteria for allowing corporate aircraft costs, (2) establish revised criteria for allowing corporate aircraft costs, and (3) require that a manifest/log for all flights of corporate aircraft be maintained and made available as a condition for recovery of costs.

Item II—Public Relations Costs

FAR 31.109, Advance agreements, is amended in paragraph (h) to include public relations and advertising costs. FAR 31.205–1, Advertising costs is retitled Public relations and advertising costs, and is revised to add coverage on public relations to the existing coverage on advertising. These changes will provide explicit coverage on public relations in the contract cost principles. The added language defines public relations and provides specific allowability criteria.

Item III—Compensation for Personal Services.

FAR 31.205–6, Compensation for personal services, is amended in paragraph (b) to provide more detailed guidelines for assessing the reasonableness of contractor compensation practices, and for dealing with possible Government challenges to their reasonableness. First, the previous language, which could be read as implying that "total compensation" was the only appropriate object for reasonableness judgments, has been replaced with language making clear that such judgments can be made on any part of a compensation program. Under the new language, the contractor can, however, within certain specified limits, introduce into consideration other, possibly "offsetting," compensation elements when the reasonableness of some part of a compensation program is challenged. Second, the revised language adds several items to the list of criteria that may be considered when judging the reasonableness of compensation, and also makes clearer that this list is not to be read as either all-inclusive or as meaning that passing any one of the specified criteria is sufficient to establish the reasonableness of a compensation practice. Third, the revised language makes clear that contractor compensation practices and their costs enjoy no "presumption of reasonableness" once challenged by the Government.

Item IV—Company Furnished Automobiles

FAR 31.205–6, Compensation for personal services, and 31.205–46, Travel costs, are amended to state that the cost of contractor-owned or -leased automobiles is allowable, if reasonable, to the extent that the automobiles are used for company business. Additional language states that the portion of the cost of company-furnished automobiles that relates to personal use by employees is compensation for personal services and is unallowable. The Government believes it is inappropriate to reimburse contractors for their employees' personal costs.

Item V—Nominal Changes to FAR 31.2

The revised coverage is intended to comply with the provisions of Pub. L. 99–145, which identifies contributions or donations, fines and penalties, and defense of fraud proceedings as costs which "are not allowable under a covered contract." The Statute also authorized amendments to regulations to provide appropriate definitions, exclusions, limitations, and qualifications. FAR 31.205–8, Contributions or donations, is amended to add the words "including cash, property and services, regardless of recipient." FAR 31.205–15, Fines and penalties, is amended to add the word "foreign" before "laws and regulations." FAR 31.205–47, Defense of fraud proceedings, is amended to add the parenthetical phrase "including filing of a false certification" to paragraph (b), and in paragraph (d) to add the phrase "including directly associated costs."

Item VI—Employee Morale, Health, Welfare, Food Service, and Dormitory Costs and Credits

FAR 31.205–13, Employee morale, health, welfare, food service, and dormitory costs and credits, is amended in paragraph (b) to broaden the considerations available to contracting officers when administering the prohibition against allowability of losses on contractor-operated cafeteria and lodging operations. The revision is intended to draw attention to the negative impacts of reductions of cafeteria volume or cessation of operations. When workers eat away from the contractor's property, the result may well be longer lunch periods. When cafeteria operations are closed, many of the fixed occupancy costs do not diminish but are simply absorbed into other indirect cost pools of the contractor's operation. Strict adherence to break-even cafeteria pricing policies can start a slide into lost volume, even higher prices, more lost volume . . ., and finally cafeteria closure. The revision is intended to permit more businesslike evaluations of these operations than would have been permitted by a literal reading of the prior coverage.

Item VII—Membership Costs

FAR 31.205–14, Entertainment costs, is amended to make contractor costs of membership in social, dining, or country clubs unallowable. The newly added language makes such costs unallowable whether or not they are reported as taxable income to the employees enjoying the privilege of membership.

Item VIII—Executive Lobbying Costs

FAR 31.205–50, Executive lobbying costs, is added to disallow costs incurred to improperly influence executive branch officials of the Federal Government to give consideration or to act on a regulatory or contract matter. FAR 31.205–22, Lobbying Costs, is retitled Legislative lobbying costs, to distinguish that subsection's coverage on legislative lobbying from the new cost principle's coverage on executive branch lobbying.

Item IX—Costs of Litigating Appeals Against the Government

FAR 31.205–33, Professional and consultant service costs, is amended in paragraphs (d) and (f) to make unallowable costs which are incurred: (1) In defense against Government claims or appeals, and (2) the prosecution of appeals against the Government, and thereby assure consistent treatment of these costs. Further, a new subparagraph makes unallowable those costs which arise from lawsuits or appeals between contractors arising from either an agreement or contract concerning a teaming arrangement, a joint venture or similar arrangement, or dual sourcing, co-production or similar programs, unless incurred in compliance with the specific terms and conditions of the contract or written instructions from the contracting officer.

Item X—Selling Costs

FAR 31.205–38, Selling costs, is revised in order to comply with the clarification mandate of Pub. L. 99–145. The revised coverage clarifies that elements of selling which are covered elsewhere in the cost principles, such as advertising costs, are governed by those other more specific rules rather than the selling cost principle. Allowable residual selling cost is limited to the cost of efforts to market particular products to particular customers. The coverage is also intended to reduce the negotiable range of selling cost, as well as achieve compatibility with the newly adopted coverage relating to advertising and public relations (see Item II).

Item XI—Alcoholic Beverage Costs

FAR 31.205–51, Costs of alcoholic beverages, is added to make the costs of alcoholic beverages specifically unallowable.

Therefore, 48 CFR Parts 1 and 31 are amended as set forth below.

1. The authority citation for 48 CFR Parts 1 and 31 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. Chapter 137; and 42 U.S.C. 2453(c).

PART 1—FEDERAL ACQUISITION REGULATIONS SYSTEM

2. Section 1.105 is amended by adding, in numerical order, a FAR segment and a corresponding OMB Control Number to read as follows:

1.105 OMB Approval under the Paperwork Reduction Act.

FAR segment	OMB Control No.
* * * * *	
31.205–46	9000–0079
* * * * *	

PART 31—CONTRACT COST PRINCIPLES AND PROCEDURES

3. Section 31.109 is amended by revising subparagraph (h)(8) and by adding subparagraph (h)(16) to read as follows:

31.109 Advance agreements.

* * * * *

(h) * * *

(8) Travel and relocation costs, as related to special or mass personnel movements and, as related to travel via contractor-owned, -leased, or -chartered aircraft;

* * * * *

(16) Costs of public relations and advertising.

4. Section 31.205–1 is revised to read as follows:

31.205–1 Public relations and advertising costs.

(a) "Public relations" means all functions and activities dedicated to—

(1) Maintaining, protecting, and enhancing the image of a concern or its products; or

(2) Maintaining or promoting reciprocal understanding and favorable relations with the public at large, or any segment of the public. The term public relations includes activities associated with areas such as advertising, customer relations, etc.

(b) "Advertising" means the use of media to promote the sale of products or services and to accomplish the activities referred to in paragraph (d) of this subsection, regardless of the medium employed, when the advertiser has control over the form and content of what will appear, the media in which it will appear, and when it will appear. Advertising media include but are not limited to conventions, exhibits, free goods, samples, magazines, newspapers, trade papers, direct mail, dealer cards,

window displays, outdoor advertising, radio, and television.

(c) Public relations and advertising costs include the costs of media time and space, purchased services performed by outside organizations, as well as the applicable portion of salaries, travel, and fringe benefits of employees engaged in the functions and activities identified in paragraphs (a) and (b) of this subsection.

(d) The only advertising costs that are allowable are those specifically required by contract, or that arise from requirements of Government contracts and that are exclusively for—

(1) Recruiting personnel required for performing contractual obligations, when considered in conjunction with all other recruitment costs (but see 31.205–34);

(2) Acquiring scarce items for contract performance; or

(3) Disposing of scrap or surplus materials acquired for contract performance.

Costs of this nature, if incurred for more than one Government contract or both Government work and other work of the contractor, are allowable to the extent that the principles in 31.201–3, 31.201–4, and 31.203 are observed.

(e) Allowable public relations costs include the following:

(1) Costs specifically required by contract.

(2) Costs of—

(i) Responding to inquiries on company policies and activities;

(ii) Communicating with the public, press, stockholders, creditors, and customers; and

(iii) Conducting general liaison with news media and Government public relations officers, to the extent that such activities are limited to communication and liaison necessary to keep the public informed on matters of public concern such as notice of contract awards, plant closings or openings, employee layoffs or rehires, financial information, etc.

(3) Costs of participation in community service activities (e.g., blood bank drives, charity drives, savings bond drives, disaster assistance, etc.).

(4) Costs of plant tours and open houses (but see subparagraph (f)(5) of this subsection).

(5) Costs of keel laying, ship launching, commissioning, and roll-out ceremonies, to the extent specifically provided for by contract.

(f) Unallowable public relations and advertising costs include the following:

(1) All advertising costs other than those specified in paragraph (d) of this subsection.

(2) Costs of air shows and other special events, such as conventions and trade shows, including—

(i) Costs of displays, demonstrations, and exhibits;

(ii) Costs of meeting rooms, hospitality suites, and other special facilities used in conjunction with shows and other special events; and

(iii) Salaries and wages of employees engaged in setting up and displaying exhibits, making demonstrations, and providing briefings.

(3) Costs of sponsoring meetings, symposia, seminars, and other special events when the principal purpose of the event is other than dissemination of technical information or stimulation of production.

(4) Costs of ceremonies such as corporate celebrations and new product announcements.

(5) Costs of promotional material, motion pictures, videotapes, brochures, handouts, magazines, and other media that are designed to call favorable attention to the contractor and its activities (but see 31.205–13(a), Employee morale, health, welfare, food service, and dormitory costs and credits; 31.205–21, Labor relations costs; 31.205–43(c), Trade, business, technical, and professional activity costs; and 31.205–44, Training and educational costs).

(6) Costs of souvenirs, models, imprinted clothing, buttons, and other mementos provided to customers or the public.

(7) Costs of memberships in civic and community organizations.

(8) All public relations costs, other than those specified in paragraph (e) of this subsection, whose primary purpose is to promote the sale of products or services by stimulating interest in a product or product line (except for those costs made allowable under 31.205–38(c)), or by disseminating messages calling favorable attention to the contractor for purposes of enhancing the company image to sell the company's products or services. Nothing in this subparagraph (f)(8) modifies the express unallowability of costs listed in subparagraph (f)(2) through (f)(7). The purpose of this subparagraph is to provide criteria for determining whether costs not specifically identified should be unallowable.

(g) Costs made specifically unallowable under this subsection 31.205–1 are not made allowable under subsections of Subpart 31.2 such as 31.205–13, Employee morale, health, welfare, food service, and dormitory costs and credits; 31.205–22, Legislative lobbying costs; 31.205–34, Recruitment costs; 31.205–38, Selling costs; 31.205–43, Trade, business, technical, and professional activity costs; or 31.205–44, Training and educational costs. Conversely, costs that are specifically unallowable under these and other subsections of Subpart 31.2 are not made allowable under this subsection.

5. Section 31.205–6 is amended by revising paragraphs (b) and (m) to read as follows:

31.205–6 Compensation for personal services.

* * * * *

(b) *Reasonableness.* (1) The compensation for personal services paid or accrued to each employee must be reasonable for the work performed. Compensation will be considered reasonable if each of the allowable elements making up the employee's compensation package is reasonable. In determining the reasonableness of individual elements for particular employees or classes of employees, consideration should be given to all potentially relevant facts. Facts which may be relevant include general conformity with the compensation practices of other firms of the same size, the compensation practices of other firms in the same industry, the compensation practices of other firms in the same geographic area, the compensation practices of firms engaged in predominantly non-Government work, and the cost of comparable services obtainable from outside sources. While all of the above factors, as well as any other relevant ones, should be considered, their relative significance will vary according to circumstances. For example, in the case of secretarial salaries, conformity with the compensation paid by other firms in the same geographic area would likely be a more significant criterion than conformity with the compensation paid by other firms in the same industry wherever located. In administering this principle, it is recognized that not every compensation case need be subjected in detail to the above or other tests. The tests need be applied only when a general review reveals amounts or types of compensation that appear unreasonable or unjustified. Based on an initial review of the facts, contracting officers or their representatives may challenge the reasonableness of any individual element or the sum of the individual elements of compensation paid or accrued to particular employees or classes of employees. In such cases, there is not presumption of reasonableness and, upon challenge, the contractor must demonstrate the reasonableness of the compensation item in question. In doing so, the

contractor may introduce, and the contracting officer will consider, not only any circumstances surrounding the compensation item challenged, but also the magnitude of other compensation elements which may be lower than would be considered reasonable in themselves. For example, a contractor, if challenged on the amount of base salaries for management, could counter by showing lower than normal end-of-year management bonuses. However, the contractor's right to introduce offsetting compensation elements into consideration is subject to the following limitations:

(i) Offsets will be considered only between the allowable elements of an employee's (or a class of employees') compensation package. For example, excessive management salaries cannot be offset against lower than normal secretarial salaries.

(ii) Offsets will be considered only between the allowable portion of the following compensation elements of employees or classes of employees:

(A) Wages and salaries.
(B) Incentive bonuses.
(C) Deferred compensation.
(D) Pension and savings plan benefits.
(E) Health insurance benefits.
(F) Life insurance benefits.
(G) Compensated personal absence benefits.

However, any of the above elements or portions thereof, whose amount is not measurable, shall not be introduced or considered as an offset item.

(iii) In considering offsets, the magnitude of the compensation elements in question must be taken into account. An executive bonus that is excessive by $100,000 is not fully offset by a base salary that is low by only $25,000. In determining the magnitude of compensation elements, the timing of receipt by the employee must be considered. For example, a bonus of $100,000 in the current period will be considered as of greater value than a deferred compensation arrangement to make the same payment in some future period.

(2) Compensation costs under certain conditions give rise to the need for special consideration. Among such conditions are the following:

(i) Compensation to (A) owners of closely held corporations, partners, sole proprietors, or members of their immediate families, or (B) persons who are contractually committed to acquire a substantial financial interest in the contractor's enterprise. Determination should be made that salaries are reasonable for the personal services rendered rather than being a distribution of profits. Compensation in lieu of salary for services rendered by partners and sole proprietors will be allowed to the extent that it is reasonable and does not constitute a distribution of profits. For closely held corporations, compensation costs covered by this subdivision shall not be recognized in amounts exceeding those costs that are deductible as compensation under the Internal Revenue Code and regulations under it.

(ii) Any change in a contractor's compensation policy that results in a substantial increase in the contractor's level of compensation, particularly when it was concurrent with an increase in the ratio of Government contracts to other business, or any change in the treatment of allowability of specific types of compensation due to changes in Government policy. Contracting officers or their representatives should normally challenge increased costs where major revisions of existng compensation plans or new plans are introduced by the contractor, and the contractor—

(A) Has not notified the cognizant ACO of the changes either before their implementation or within a reasonable period after their implementation; and

(B) Has not provided the Government, either before implementation or within a reasonable period after it, an opportunity to review the reasonableness of the changes.

(iii) The contractor's business is such that its compensation levels are not subject to the restraints that normally occur in the conduct of competitive business.

(iv) The contractor incurs costs for compensation in excess of the amounts which are deductible under the Internal Revenue Code and regulations issued under it.

* * * * *

(m) *Fringe benefits.* (1) Fringe benefits are allowances and services provided by the contractor to its employees as compensation in addition to regular wages and salaries. Fringe benefits include, but are not limited to, the cost of vacations, sick leave, holidays, military leave, employee insurance, and supplemental unemployment benefit plans. Except as provided elsewhere in Subpart 31.2, the costs of fringe benefit are allowable to the extent that they are reasonable and are required by law, employer-employee agreement, or an established policy of the contractor.

(2) That portion of the cost of company-furnished automobiles that relates to personal use by employees (including transportation to and from work) is unallowable regardless of whether the cost is reported as taxable income to the employees (see 31.205-46(f)).

6. Section 31.205-8 is revised to read as follows:

31.205-8 Contributions or donations.

Contributions or donations, including cash, property and service, regardless of recipient, are unallowable, except as provided in 31.205-1(e)(3).

7. Section 31.205-13 is amended by revising paragraph (b) to read as follows:

31.205-13 Employee morale, health, welfare, food service, and dormitory costs and credits.

* * * * *

(b) Losses from operating food and dormitory services may be included as costs only if the contractor's objective is to operate such services on a break-even basis. Losses sustained because food services or lodging accommodations are furnished without charge or at prices or rates which obviously would not be conducive to the accomplishment of the above objective are not allowable. A loss may be allowed, however, to the extent that the contractor can demonstrate that unusual circumstances exist (e.g., (1) Where the contractor must provide food or dormitory services at remote locations where adequate commercial facilities are not reasonably available, or (2) where charged but unproductive labor costs would be excessive but for the services provided or where cessation or reduction of food or dormitory operations will not otherwise yield net cost savings) such that even with efficient management, operating the services on a break-even basis would require charging inordinately high prices, or prices or rates higher than those charged by commercial establishments offering the same services in the same geographical areas. Costs of food and dormitory services shall include an allocable share of indirect expenses pertaining to these activities.

* * * * *

8. Section 31.205-14 is revised to read as follows:

31.205-14 Entertainment costs.

Costs of amusement, diversion, social activities, and any directly associated costs such as tickets to shows or sports events, meals, lodging, rentals, transportation, and gratuities are unallowable (but see 31.205-1 and 31.205-13). Costs of membership in social, dining, or country clubs or other organizations having the same purposes are also unallowable, regardless of whether the cost is reported as taxable income to the employees.

9. Section 31.205–15 is revised to read as follows:

31.205–15 Fines and penalties.

Costs of fines and penalties resulting from violations of, or failure of the contractor to comply with, Federal, State, local, or foreign laws and regulations, and unallowable except when incurred as a result of compliance with specific terms and conditions of the contract or written instructions from the contracting officer.

10. Section 31.205–22 is amended by revising the title to read as follows:

31.205–22 Legislative lobbying costs.

11. Section 31.205–33 is amended by revising paragraph (d) and adding paragraph (f) to read as follows:

31.205–33 Professional and consultant service costs.

* * * * *

(d) Costs of legal, accounting, and consultant services and directly associated costs incurred in connection with organization and reorganization (also see 31.205–27), defense of antitrust suits, defense against Government claims or appeals, or the prosecution of claims or appeals against the Government (see 33.201) are unallowable (but see 31.205–47). Such costs incurred in connection with patent infringement litigation are unallowable unless otherwise provided for in the contract.

* * * * *

(f) Costs of legal, accounting, and consultant services and directly associated costs incurred in connection with the defense or prosecution of lawsuits or appeals between contractors arising from either: (1) An agreement or contract concerning a teaming arrangement, a joint venture, or similar arrangement of shared interest; or (2) dual sourcing, co-production, or similar programs, are unallowable, except when: (i) Incurred as a result of compliance with specific terms and conditions of the contract or written instructions from the contracting officer, or (ii) when agreed to in writing by the contracting officer.

12. Section 31.205–38 is revised to read as follows:

31.205–38 Selling costs.

(a) "Selling" is a generic term encompassing all efforts to market the contractor's products or services, some of which are covered specifically in other subsections of 31.205. Selling activity includes the following broad categories:

(1) Advertising.

(2) Corporate image enhancement including broadly-targeted sales efforts, other than advertising.

(3) Bid and proposal costs.

(4) Market planning.

(5) Direct selling.

(b) Advertising costs are defined at 31.205–1(b) and are subject to the allowability provisions of 31.205–1 (d) and (f). Corporate image enhancement activities are included within the definitions of public relations at 31.205–1(a) and entertainment at 31.205–14 and are subject to the allowability provisions at 31.205–1 (e) and (f) and 31.205–14, respectively. Bid and proposal costs are defined at 31.205–18 and have their allowability controlled by that subsection. Market planning involves market research and analysis and generalized management planning concerned with development of the contractor's business. The allowability of long-range market planning costs is controlled by the provisions of 31.205–12. Other market planning costs are allowable to the extent that they are reasonable. Costs of activities which are correctly classified and disallowed under cost principles referenced in this paragraph (b) are not to be reconsidered for reimbursement under any other provision of this subsection.

(c) Direct selling efforts are those acts or actions to induce particular customers to purchase particular products or services of the contractor. Direct selling is characterized by person-to-person contact and includes such activities as familiarizing a potential customer with the contractor's products or services, conditions of sale, service capabilities, etc. It also includes negotiation, liaison between customer and contractor personnel, technical and consulting activities, individual demonstrations, and any other activities having as their purpose the application or adaptation of the contractor's products or services for a particular customer's use. The cost of direct selling efforts is allowable if reasonable in amount.

(d) The costs of any selling efforts other than those addressed in paragraphs (b) or (c) of this subsection are unallowable.

(e) Costs of the type identified in paragraphs (b), (c), and (d) of this subsection are often commingled on the contractor's books in the selling expense account because these activities are performed by the sales departments. However, identification and segregation of unallowable costs is required under the provisions of 31.201–6 and CAS 405, and such costs are not allowable merely because they are incurred in connection with allowable selling activities.

(f) Notwithstanding any other provision of this subsection, selling costs incurred in connection with potential and actual Foreign Military Sales as defined by the Arms Export Control Act, of foreign sales of military products or services are unallowable on U.S. Government contracts for U.S. Government requirements.

(g) Notwithstanding any other provision of this subsection, sellers' or agents' compensation, fees, commissions, percentages, retainer or brokerage fees, whether or not contingent upon the award of contracts, are allowable only when paid to bona fide employees or established commercial or selling agencies maintained by the contractor for the purpose of securing business (see 3.408–2).

13. Section 31.205–46 is amended by revising paragraphs (d) and (e) and by adding paragraph (f) to read as follows:

31.205–46 Travel costs.

* * * * *

(d) Airfare costs in excess of the lowest customary standard, coach, or equivalent airfare offered during normal business hours are unallowable except when such accommodations require circuitous routing, require travel during unreasonable hours, excessively prolong travel, result in increased cost that would offset transportation savings, are not reasonably adequate for the physical or medical needs of the traveler, or are not reasonably available to meet mission requirements. However, in order for airfare costs in excess of the above standard airfare to be allowable, the applicable condition(s) set forth in this paragraph must be documented and justified.

(e)(1) "Cost of travel by contractor-owned, -leased, or -chartered aircraft," as used in this subparagraph, includes the cost of lease, charter, operation (including personnel), maintenance, depreciation, insurance, and other related costs.

(2) The costs of travel by contractor-owned, -leased, or -chartered aircraft are limited to the standard airfare described in paragraph (d) of this subsection for the flight destination unless travel by such aircraft is specifically required by contract specification, term, or condition, or a higher amount is approved by the contracting officer. A higher amount may be agreed to when one or more of the circumstances for justifying higher than standard airfare listed in paragraph (d) of this subsection are applicable, or when an advance agreement under subparagraph (e)(3) of this subsection

has been executed. In all cases, travel by contractor-owned, -leased, or -chartered aircraft must be fully documented and justified. For each contractor-owned, -leased, or -chartered aircraft used for any business purpose which is charged or allocated, directly or indirectly, to a Government contract, the contractor must maintain and make available manifest/logs for all flights on such company aircraft. As a minimum, the manifest/log shall indicate—

(i) Dated, time, and points of departure;

(ii) Destination, date, and time of arrival;

(iii) Name of each passenger and relationship to the contractor;

(iv) Authorization for trip; and

(v) Purpose of trip.

(3) Where an advance agreement is proposed (see 31.109), consideration may be given to the following:

(i) Whether scheduled commercial airlines or other suitable, less costly, travel facilities are available at reasonable times, with reasonable frequency, and serve the required destinations conveniently.

(ii) Whether increased flexibility in scheduling results in time savings and more effective use of personnel that would outweigh additional travel costs.

(f) Costs of contractor-owned or -leased automobiles, as used in this paragraph, include the costs of lease, operation (including personnel), maintenance, depreciation, insurance, etc. These costs are allowable, if reasonable, to the extent that the automobiles are used for company business. That portion of the cost of company-furnished automobiles that relates to personal use by employees (including transportation to and from work) is compensation for personal services and is unallowable as stated in 31.205–6(m)(2).

14. Section 31.205–47 is amended by revising paragraphs (b) and (d) to read as follows:

31.205–47 Defense of fraud proceedings.

* * * * *

(b) Costs incurred in connection with defense of any: (1) Criminal or civil investigation, grand jury proceeding, or prosecution; (2) civil litigation; or (3) administrative proceedings such as suspension or debarment, or any combination of the foregoing, brought by the Government against a contractor, its agents or employees, are unallowable when the charges, which are the subject of the investigation, proceedings, or prosecution, involve fraud or similar offenses (including filing of a false certification) on the part of the contractor, its agents or employees, and result in conviction (including conviction entered on a plea of nolo contendere), judgment against the contractor, its agents or employees, or decision to debar or suspend, or are resolved by consent or compromise.

* * * * *

(d) Costs which may be unallowable under 31.205-47, including directly associated costs, shall be differentiated and accounted for by the contractor so as to be separately identifiable. During the pendency of any proceeding or investigation covered by paragraph (b) of this subsection, the contracting officer should generally withhold payment of such costs. However, the contracting officer may in appropriate circumstances provide for conditional payment upon provision of adequate security, or other adequate assurance, and agreements by the contractor to repay all unallowable costs, plus interest, if a conviction or judgment is rendered against it.

15. Section 31.205–50 is added to read as follows:

31.205–50 Executive lobbying costs.

Costs incurred in attempting to improperly influence (see FAR 3.401), either directly or indirectly, an employee or officer of the executive branch of the Federal Government to give consideration or to act regarding a regulatory or contract matter are unallowable.

16. Section 31.205–51 is added to read as follows:

31.205–51 Costs of alcoholic beverages.

Costs of alcoholic beverages are unallowable.

[FR Doc. 86–8036 Filed 4–8–86; 8:45 am]

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Federal Register

Vol. 51, No. 68

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INFORMATION AND ASSISTANCE

SUBSCRIPTIONS AND ORDERS

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Public laws (Slip laws)	275-3030

PUBLICATIONS AND SERVICES

Daily Federal Register

General information, index, and finding aids	523-5227
Public inspection desk	523-5215
Corrections	523-5237
Document drafting information	523-5237
Legal staff	523-4534
Machine readable documents, specifications	523-3408

Code of Federal Regulations

General information, index, and finding aids	523-5227
Printing schedules and pricing information	523-3419

Laws 523-5230

Presidential Documents

Executive orders and proclamations	523-5230
Public Papers of the President	523-5230
Weekly Compilation of Presidential Documents	523-5230

United States Government Manual 523-5230

Other Services

Library	523-4986
Privacy Act Compilation	523-4534
TDD for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, APRIL

11007-11284.....1
11285-11418.....2
11419-11538.....3
11539-11702.....4
11703-11894.....7
11895-12116.....8
12117-12302.....9

CFR PARTS AFFECTED DURING APRIL

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

1 CFR
Proposed Rules:
Ch. III.....11928

3 CFR
Administrative Orders:
Presidential Determinations:
No. 86-8 of March 25, 1986.....12117
Proclamations:
4707 (Superseded in part by Proc. 5452).....11539
4768 (Superseded in part by Proc. 5452).....11539
5365 (Superseded in part by Proc. 5452).....11539
(Superseded in part by Proc. 5453).....11545
5452.....11539
5453.....11545
5454.....12119

5 CFR
530.....11007
950.....11668
Proposed Rules:
530.....11043

7 CFR
247.....11008
272.....11009
273.....11009
371.....11703
400.....11704
418.....11285
436.....11285
444.....11286
445.....11291
449.....11895
713.....11419
770.....11419
795.....11419
796.....11419
907.....11419
908.....11419
916.....11900
917.....11900
1006.....11551
1094.....11552
1106.....11297
1230.....11553
1260.....11557
1421.....11419
1425.....11419
1427.....11419
1430.....11526
1944.....11298
1951.....11562
1965.....11562
Proposed Rules:
1.....11930
52.....11043, 11744
271.....12268
272.....12268
273.....12268
274.....12268
275.....12268
276.....12268
652.....11053
729.....11274
907.....11931
908.....11931
982.....11932
999.....11932
1032.....11452
1040.....11053
1094.....11452
1106.....11453
1240.....11313
1493.....11744

9 CFR
51.....11299
91.....12121
94.....11902
Proposed Rules:
93.....11316
381.....12161

10 CFR
Proposed Rules:
Ch. I.....12162

12 CFR
201.....11903
226.....11422
564.....12122
Proposed Rules:
620.....11745

13 CFR
121.....11705

14 CFR
39.....11300, 11301, 11704-11714, 12123
71.....11426, 11564, 11715, 11886
97.....11564
Proposed Rules:
Ch. I.....12163
21.....11933
23.....11933
39.....11321, 11322, 11748-11750
71.....11454, 11455, 11585, 11752
91.....11942

15 CFR
806.....11012

16 CFR
13.....11904

17 CFR
33.....11905
239.....11907
240.....11907, 12124
249.....11907
259.....11907
269.....11907
274.....11907
Proposed Rules:
30.....12104

18 CFR
2.....11566, 11716

3 12137
157 ..... 11566–11569, 11716
284 ..... 11566–11569, 11716
389 11716

19 CFR
18 11012
24 11012
101 11013
112 11012
113 11012
141 11012
144 11012
146 11012
178 11012
191 11012

20 CFR
404 ..... 11717, 11910
416 11717

Proposed Rules:
655 11942

21 CFR
5 ..... 11427, 11429
73 ..... 11430, 11432, 11435
74 11014
82 11014
145 11433
160 11434
173 11719
193 11437
430 11571
436 11571
441 11571
510 11437–11439
520 11439
522 11437
529 ..... 11438, 11440
555 11441
558 ..... 11014, 11438, 11439, 12137
561 12138
720 11441
882 12100

Proposed Rules:
74 11054
150 11054
172 12163
175 12163
176 12163
177 12163
179 12163
181 12163
501 11456
812 11266
868 11516

22 CFR
501 11014
503 11014
504 11016
505 11016
506 11014
511 11014
516 11014
525 11014

23 CFR
140 11576
1325 11445

Proposed Rules:
645 11055

24 CFR
115 11577
200 11198
215 11198
235 11198
236 11198
247 11198
812 11198
880 11198
881 11198
882 11198
883 11198
884 11198
886 11198
912 11198

26 CFR
1 ..... 11016, 11302
35a 11447
602 11016

Proposed Rules:
1 ..... 11323, 11324, 11753, 12022
3 12022
5f 12022
6a 12022
25 12022
514 12022

27 CFR
9 11912

Proposed Rules:
4 11944
9 11753

28 CFR
2 11017

29 CFR
4 12264
5 12264
1602 11017
2201 11578

Proposed Rules:
1926 11945

30 CFR
870 11720
917 ..... 11579, 12138
935 12141

Proposed Rules:
Ch. II 12163
7 11586
250 11324
918 11586
935 ..... 11055, 11588, 11589
944 12166

31 CFR

Proposed Rules:
51 11056

32 CFR
552 11722
701 11018
706 ..... 11303–11305, 12142–1244

33 CFR
3 11914
66 11447
110 11726
146 11580
165 ..... 11019, 11448, 11727
175 11580
181 11580

Proposed Rule:
100 11590
166 11755

39 CFR

Proposed Rule:
111 11324

40 CFR
51 11414
52 ..... 11019, 11305
60 ..... 11021, 11727, 12144
61 ..... 11021, 12144
131 11580
141 11396
142 11396
143 11396
166 11306
180 ..... 11306–11308, 11448, 12145, 12146
261 12148
799 11728

Proposed Rules:
50 11058
52 11756
180 12168
721 11591
763 11947
799 11756

41 CFR
50–201 12264
101–20 11022
101–38 11684
101–39 11022

42 CFR
57 11029
400 11581
405 ..... 11142, 11582

43 CFR

Proposed Rules:
4 12168

44 CFR
64 12152
65 ..... 12153, 12154
67 12155

Proposed Rules:
67 12175

45 CFR

Proposed Rules:
1178 11597

46 CFR

Proposed Rules:
381 12176
383 12176

47 CFR
0 12157
1 12157
43 12157
73 ..... 12159, 12160
65 11033
67 11035
73 ..... 11037–11040, 11583, 11914–11917

Proposed Rules:
64 11948
69 11328
73 ..... 11058, 11072, 11598–11600, 11950–11956, 12176–12179
76 11073
90 11075
97 11759

48 CFR
1 12296
8 12292
22 12292
31 12296
52 12292
53 12292
706 11449
716 11449
725 11449
752 11449

Proposed Rules:
203 11760
209 11602
252 ..... 11602, 11760
904 11457
952 11457
970 ..... 11457, 11701
1401 11075
1405 11075
1406 11075
1408 11075
1414 11075
1415 11075
1419 11075
1420 11075
1428 11075
1437 11075
1452 11075
1453 11075

49 CFR
541 11919
565 11309
571 ..... 11309, 11310

Proposed Rules:
571 11957
1312 11536

50 CFR
228 11737
619 11921
642 ..... 11041, 11310
650 ..... 11041, 11927
655 ..... 11451, 11742
671 11041

Proposed Rules:
17 ..... 11761, 11874, 11880, 12180, 12184
23 11328

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Last List April 1, 1986.

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H.R. 2453/Pub. L. 99–269

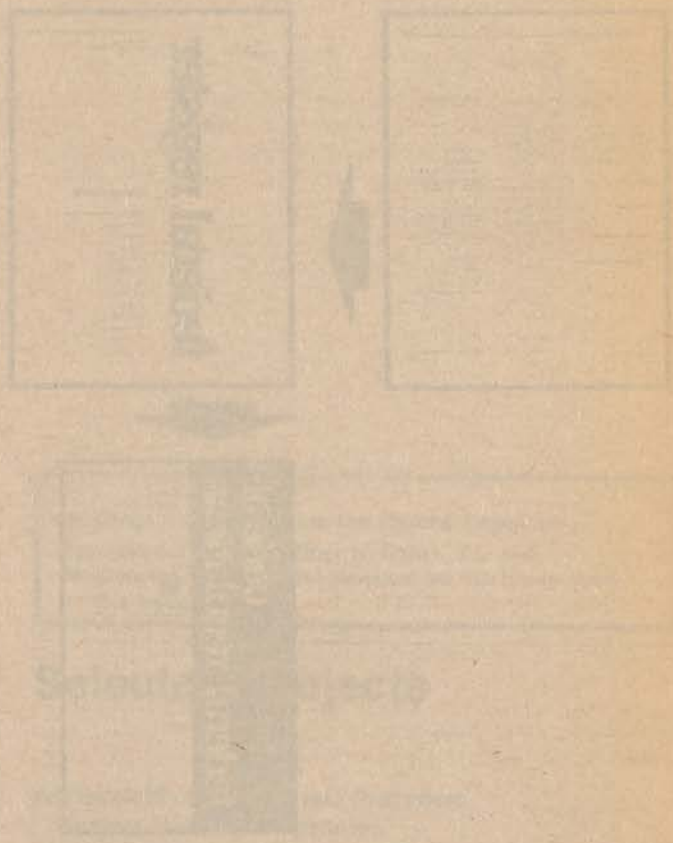
Older Americans Act Amendments of 1986. (Apr. 1, 1986; 100 Stat. 78; 2 pages) Price $1.00

H.J. Res. 583/Pub. L. 99–270

Making a repayable advance to the Hazardous Substance Response Trust Fund. (Apr. 1, 1986; 100 Stat. 80; 1 page) Price $1.00

S.J. Res. 262/Pub. L. 99–271

To authorize and request the President to issue a proclamation designating June 2 through June 8, 1986, as "National Fishing Week." (Apr. 1, 1986; 100 Stat. 81; 1 page) Price $1.00



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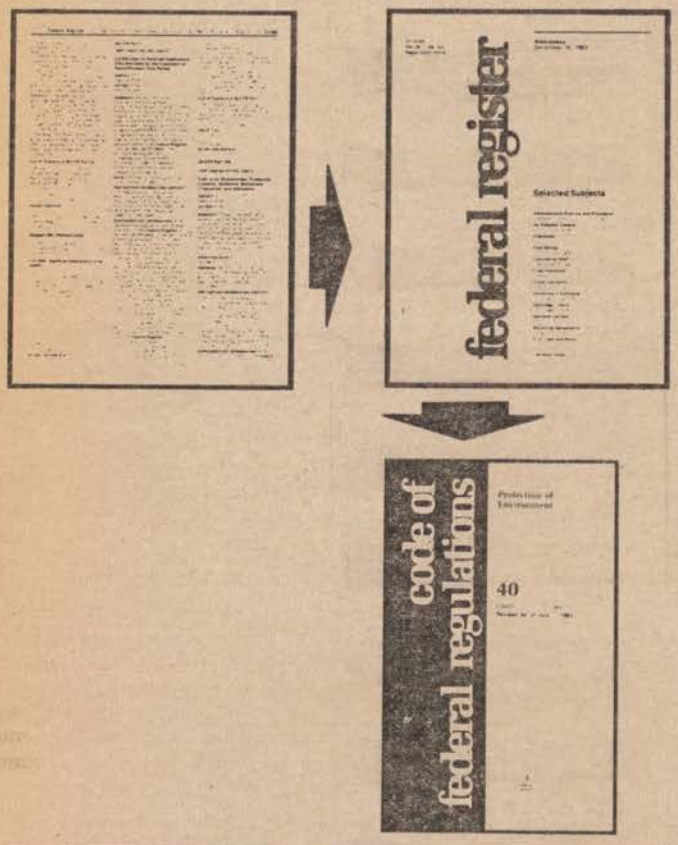

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